



# ***EMPLOYMENT HANDBOOK***

***Revision - Jan 2011***

**Garland City**  
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**A Family Community**



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## **SECTION 1 - GENERAL PROVISIONS**

The information contained in this handbook was prepared to give employees a better understanding of the responsibilities and obligations of employment with the City. Employees should read, understand, and comply with all provisions of this manual. This handbook is not intended to and does not provide an exhaustive listing of every employment policy and procedure.

### **1-01 Administration**

1-01 (1) The policies and procedures contained in this manual, which supersede all prior policies and procedures, may, and likely will, be changed from time to time as the City deems appropriate. As such, Garland City reserves the right to revise, supplement, or rescind any policy or portion of a policy.

1-01 (2) A current and complete copy of the Employee Handbook is available to all employees on the City's Server in digital format, and is also available for review in hard copy, in the City Office.

1-01 (3) No one, other than the Mayor, has the authority to enter into any agreement, oral or written, with any individual, for employment of any specified period of time. Any such agreements with the Mayor must be an individual agreement in writing and signed by the Mayor.

1-01 (4) Garland City encourages and enforces fair employment practices by protecting the civil rights of all employees.

1-01 (5) All references to the Human Resource Department shall refer to the Mayor and/or the City Council.

1-01 (6) Garland City is defined as a City of the Fifth Class in the Utah State statutes.

1-01 (7) Departments may implement policies and procedures in addition to the policies and procedures in this handbook that will be followed and adhered to respectively. However, should there be a conflict, the Employment Handbook will govern.

### **1-02 Policies And Procedures Do Not Constitute A Contract**

1-02 (1) The policies and procedures stated in this manual and in other personnel statements or materials issued by the City do not create a binding,



expressed or implied contract, agreement, or other obligation or liability on the part of the City.

1-02 (2) All Garland City employees are employed on an at-will basis unless they are expressly and specifically granted another employment status by law or separate written documents.

## **SECTION 2 – JOB CLASSIFICATION**

### **2-01 Classification**

All market research is conducted under the direction of the Human Resource Department. The data from this research is used to establish job descriptions, occupational classification, hiring practices, and salary ranges.

### **2-02 Job Descriptions**

2-02 (1) 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 level of 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.

2-02 (2) Under the direction of the Human Resource Department, job descriptions are reviewed periodically as part of the City's Classification and Compensation Plan and may be revised as needed.

## **SECTION 3 - RECRUITMENT**

Garland City desires to fill all positions with applicants that best match the position requirements and the needs of the City. Further, it is the intent of the City to consider qualified in-house applicants when appropriate.

### **3-01 Equal Opportunity**

3-01 (1) Garland City is an "Equal Opportunity Employer" and selects, hires, promotes, and compensates employees without regard to race, religion, age, disability, gender, color, national origin, or any other protected status. The City evaluates applicants for employment or candidates for promotion based upon



their knowledge, skills, experience, education, and potential for job performance consistent with the needs of the position.

3-01 (2) Garland City complies with state laws prohibiting nepotism, or the inappropriate employment of relatives.

## **3-02 Job Postings**

3-02 (1) In general, notices of all job openings are posted, although Garland City reserves its discretionary right to not post a particular opening. Job openings may be posted in the following locations:

- The City's Website
- Employment Agencies
- Professional staffing services, trade journals
- Newspapers
- Internet
- Bulletin boards

Other recruiting sources may be used which meet the needs of the organization.

3-02 (2) The hiring of employees and filling of positions within the City is achieved by the posting procedures established by the Human Resource Department.

3-02 (3) All job postings are coordinated between the Human Resource and the Mayor.

3-02 (4) Internal job postings are posted throughout the Garland City organization for a period of not less than five (5) working days. Postings for open recruitment will be posted internally and externally concurrently for a period of ten (10) working days or more. Approval must be granted by the Human Resource Department for shorter recruitment periods.

3-02 (5) Hiring rosters for a specified period of time may be established with approval from the Human Resource Department.

## **3-03 Application Requirements**

3-03 (1) In general the following application process is followed for job postings. City employees are encouraged to apply for any posted position.

- a. All applicants for employment with Garland City are required to thoroughly complete all sections of the City Employment Application including all initials and signatures. Garland City will not make any assumptions regarding a person's knowledge, skill, or ability.



- b. Incomplete applications may be disqualified outright.
- c. Applicants are required to comply with the specific application instructions, requirements, and procedures as outlined in the Position Announcement.
- d. All Employment Applications must be submitted to the Mayor and or the City Council by the closing date and time of the job posting. Supporting documentation not submitted by the closing date and time may not be accepted.
- e. The City accepts applications from all interested parties and evaluates applicants based upon job related criteria.
- f. Falsification of any information required in the application process is grounds for immediate disqualification.
- g. Individuals seeking employment with the City may complete Job Interest Cards when the desired position is not available.
- h. The City may conduct a background examination of applicants being considered for employment, including an evaluation of the applicant's personal and professional background and educational experience. The City may also conduct a police record check of potential new employees.
- i. The City may require applicants take a pre-employment drug test subsequent to an offer of employment to screen for use of illegal drugs. The City may disqualify any applicant whose drug test indicates the presence of illegal drugs, controlled or psych toxic substances (except as legally prescribed and when taken in accordance with the issuing physician's prescription), substance adulterants, masking agents and other attempts to conceal substance use.
- j. A job offer may be conditioned on the satisfactory result of a post-offer "fitness for duty" medical examination or inquiry.

3-03 (2) A current City employee is not eligible to make application for posted positions if they are on:

- a. Disciplinary probation;
- b. Suspension.

## **3-04 Selection Procedures**



3-04 (1) Applications are received by the Human Resource Department and a database of applicants is developed.

3-04 (2) The Mayor or his/her designee reviews applications for qualified applicants.

3-04 (3) Interviews are scheduled by Human Resource Department.

3-04 (4) Assessment of applicants is based upon criteria for selection. All examinations, if required, are impartial, fair, practical, and designed to test the relative qualifications and fitness of applicants to discharge duties of the particular position they seek to fill. All assessments are conducted under the direction of the Human Resource Department.

3-04 (5) The Mayor and the Human Resource Department conduct appropriate reference checks and background investigations.

## **SECTION 4 – CONDITIONS OF EMPLOYMENT**

### **4-01 Hiring Status**

4-01 (1) Hiring may be made on a temporary, emergency, or regular basis.

4-01 (2) employees may be hired on an emergency or temporary basis, with the approval of the Human Resource Department. Emergencies are defined on a case by case basis and may not be used to avoid the normal recruitment procedures.

4-01 (3) Supervisors, or their designees have the discretion to assign employees in their departments to any work or service within the classification to which they have been hired or promoted, and may change such assignments from time to time. Any work or service performed out of classification for more than two (2) weeks requires approval from the Human Resource Department.

4-01 (4) Work schedules and job requirements may vary and can be unpredictable. Garland City will make reasonable efforts to accommodate work schedules and employee availability and may require employees to work overtime, weekends, different shifts, or other arrangements.



## **4-02 Employment Status**

All Garland City employees are employed on an at-will basis unless they are expressly and specifically granted another employment status by law or separate written documents. Both the City and the employee have the right to terminate the employment relationship at any time for any lawful reason and nothing in this handbook alters or limits that right. Garland City employees are classified as outlined below:

4-02 (1) Appointed Employee: An Appointed Employee includes Department Heads, Assistants to Department Heads, and others as outlined per state law. Appointed Employees are subject to City policy guidelines and serve at the pleasure of the Mayor.

- a. The Library Director is appointed and removed by the Mayor and City Council. (City Code 6.-2-1)
- b. The Justice Court Judge is appointed per the Judicial Code and rules of the State of Utah.

4-02 (2) Introductory Probationary Employee: An Introductory Probationary Employee is any employee with less than one (1) full year of employment with the City. Introductory Probationary Employees are employed at-will and may be terminated without cause and do not have appeal rights as provided to Regular Employees.

4-02 (3) Regular Employees: A Regular Employee is classified in one of the following classifications.

- a. Full-time Employee: A Full-time Employee is an employee in a City Council-authorized position who is required to work up to 40 hours per week and has successfully completed the Introductory Probationary period.
- b. Year-Round Non-Benefited Employee: A Year-Round Non-Benefited Employee is an employee that is typically hired for ongoing, continuing work within a specified department, generally working less than 40 hours per week and are not eligible for benefits.

4-02 (4) Temporary/Seasonal Employee: A Temporary/Seasonal Employee is an employee that is typically hired for work during a specified season or period of intermittent need. Employees in this classification are not eligible for benefits.



## **4-03 Nepotism**

4-03 (1) Garland City complies with state laws prohibiting nepotism, or the inappropriate employment of relatives. Except as allowed by state law, the City prohibits City employees from employing, appointing, voting for the appointment of, directly supervising, or being directly supervised by their father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

4-03 (2) Garland City prohibits a husband and wife working in the same department. When such a union has occurred it is necessary that one of the partners apply for a transfer to another position, if a position is available, or resign their employment with Garland City.

- a. Departments will comply with this policy within a 120 day period unless an exception or extension is arranged with the Mayor and City Council.
- b. Circumstances which may violate this policy at the time of adoption of the policy may be considered for exception.

## **4-04 Introductory Probationary Period**

The following policy shall govern Appointed, and Regular, employees.

4-04 (1) New Hire Introductory Probationary Period: The New Hire Introductory Probationary Period is generally the first full year of employment with the City. The introductory period is regarded as a working test period and is an integral part of the hiring and promotion process. During the Introductory Period, the employee is trained, observed, and evaluated on their ability to perform the essential duties of the position they are hired for.

- a. Appointed or hired employees are required to successfully complete a one (1) year New Hire Introductory Probationary Period. The New Hire Introductory Probationary Period may be extended in thirty (30) day increments for a maximum of ninety (90) days, if required for further performance evaluation.
- b. Upon satisfactory completion of the New Hire Introductory Probationary Period, a new employee may receive an increase in salary dependent upon available funding and current pay practices at that time.
- c. Employees are not eligible for merit pay adjustments until they complete their New Hire Introductory Probationary Period.



d. An employee may be terminated at any time during the New Hire Introductory Probationary Period, after consultation with the Human Resource Department and the City Attorney's Office.

e. Upon successful completion of a New Hire Introductory Probationary Period an Introductory Probationary Employee becomes a Regular Employee.

4-04 (2) Promotion/Transfer Introductory Period: The Promotion/Transfer Introductory Period is regarded as an integral part of the promotion/transfer process. During the Promotion/Transfer Introductory Period, the employee is trained, observed, and evaluated on their ability to perform the essential duties of the position.

a. Promoted or transferred employees are required to successfully complete a six (6) month Promotion/Transfer Introductory Period. This introductory period may be extended in thirty (30) day increments for a maximum of 90 days, if required for further performance evaluation.

b. During the Promotion/Transfer Introductory Period employees are eligible for merit pay adjustments, in accordance with established practices, if the employee has completed a minimum of one (1) year employment.

4-04 (3) Time spent for an unpaid leave of absence is not considered part of an Introductory Probationary Period.

4-04 (4) Supervisors evaluate employees during an introductory period by formal performance evaluation every six (6) months or as needed. At least ten (10) days before the completion of an employee's introductory period, the supervisor shall complete a performance evaluation of the employee and submit the results, in writing, to the Human Resource Department. If the employee's performance during an introductory period is unsatisfactory, the employee's introductory period may be extended as mentioned above, or he or she may be terminated and will be notified of such termination in writing.

## **4-05 Anniversary Date**

4-05 (1) For each employee hired to fill an approved and budgeted position, the date the employee begins employment with the City as a benefited employee is the employee's anniversary date.



## **4-06 Re-Employment**

4-06 (1) Former City employees forfeit all rights to be automatically re-employed at termination and must go through the normal application process for employment with the City. A rehired employee does not retain claim to previous rank, service, or salary held prior to termination or resignation.

4-06 (2) Temporary/Seasonal employees may be reinstated in accordance with City Temporary/Seasonal re-employment requirements.

4-06 (3) Employees who are terminated for cause, including but not limited to violations of the City's Standards of Conduct as outlined in Section 5, failure to follow established policies and procedures, misconduct as outlined in Section 7, etc., or are allowed to resign in lieu of termination for cause, are not eligible for re-hire.

## **4-07 Performance Evaluations**

4-07 (1) At Least annually, The Mayor or his designee conducts Employee Performance Evaluations to assist employees in performing their responsibilities. These evaluations provide the basis for annual merit pay increases. The Human Resource Department assists in developing a performance evaluation process that best meets the needs of the City.

## **4-08 Transfers**

4-08 (1) A transfer occurs when an employee is moved from one position to another within the City. An employee may be transferred temporarily or permanently to receive additional training, due to a shortage of funds, as part of a department's reorganization, or when it is in the best interest of the employee or the City.

4-08 (2) An employee may initiate a request to the Human Resource Department for a transfer.

4-08 (3) Employees may not be transferred from one department to another without the review and knowledge of the Human Resource Department.

## **4-09 Promotion, Reclassification, or Demotion**

The City recognizes that employees may be promoted, reclassified, or demoted periodically as positions are changed and jobs restructured.

4-09 (1) Promotion: In the event an employee is promoted to a position of greater demand or of elevated responsibility, the employee may:



- a. Receive a salary increase of up to five (5) percent. If the five percent increase does not bring the employee's salary up to the entry level salary for the new position, the employee receives the entry level salary for the new position. Any increase exceeding the first quartile of the new position must have mayoral approval.
- b. Receive an appropriate change in job title.
- c. Serve a six (6) month Promotion/Transfer Introductory Period with no further salary adjustment.

4-09 (2) Reclassification: When the needs of the City or the job duties change substantially for an individual position or job class, the Human Resource Department conducts a reclassification study.

- a. If the new job duties and requirements are significantly greater than those of the previous position, then the employee's salary may be increased to reflect the additional responsibilities.
- b. If the new job duties and requirements are considerably less than those of the previous position, the employee's salary may be reduced to reflect the decreased responsibilities.

4-09 (3) Demotion: The City may demote an employee if the employee's work is unsatisfactory.

- a. The new salary is determined by the employee's relative salary position before the demotion and the market rate being paid for the new position.
- b. The employee's anniversary date continues to be the first full day of work as a benefited City employee.

## **4-10 Reduction in Force (RIF)**

4-10 (1) As a general rule, Garland City will RIF Temporary employees and employees who are on their New Hire Introductory Probationary Period before Regular employees. The procedure for a Reduction in Force is as follows:

- a. The Mayor makes a request for a RIF based upon the needs of the City.
- b. The Mayor, through consultation with the City Attorney's Office, identifies categories of work or positions to be reduced.



- c. The City assesses and ranks employees by skill and by considering the employee's two previous performance evaluations as well as a current evaluation. The City will also consider any documentation that it has regarding the employee's work performance and employment history. Skills may include, but are not limited to, certifications, education, and other qualifications applicable to the position.
- d. The City will then precede to RIF the employee(s) with the lowest ranking first.
- e. When employee ranking is equal, seniority governs the RIF's selection and the employee(s) with the least seniority will be terminated first.
- f. In lieu of a RIF, returning an employee to a position formerly held by that employee is at the sole discretion of the City.

## ***4-11 Voluntary Termination***

4-11 (1) In order to terminate in good standing, employees who are voluntarily terminating their employment should give the City two (2) weeks advance, written notice.

4-11 (2) Departing employees are encouraged to complete an Exit Interview with Human Resources upon termination of employment.

4-11 (3) Terminated employees receive compensation for hours worked, accrued Personal Leave, Comp Time, and Overtime in accordance with State and Federal Payroll Laws.

4-11 (4) Employees who desire to retire from the City are encouraged to notify the City, in writing, as early as possible so that normal retirement and vacancy notices can be followed.

## ***4-12 Abandonment***

4-12 (1) It is the employee's responsibility to call their immediate supervisor if they are going to be absent or late for work. If their supervisor is not available, employees must contact the Mayor or City Office.

4-12 (2) In cases of emergency where an employee is physically unable to call, another person may contact the City on their behalf.



4-12 (3) An employee who is absent from work for three (3) consecutive days without knowledge, approval, or consent of their immediate supervisor or the Mayor shall be deemed to have abandoned their position. The City considers abandonment as voluntary termination. Employees terminated for abandonment shall be notified in writing.

## **SECTION 5 – STANDARDS OF CONDUCT**

Garland City is committed to providing a work environment that is free of discrimination. The City has further adopted a zero tolerance policy regarding harassment and discrimination including but limited to any actions, words, jokes, or inappropriate comments based on an individual's sex, race, ethnicity, age, religion, disability, or any other legally protected status.

Employees with questions or concerns regarding working conditions or standards of conduct should follow the chain of command as described below:

- a. An employee with questions or concerns should first contact his or her immediate supervisor.
- b. If unable to resolve those questions or concerns with their immediate supervisor, an employee should contact the Mayor or at least two members of the City Council.

### **5-01 Standards of Conduct**

5-01 (1) City employees must exemplify the highest ideals of honesty and integrity in order to merit the respect and confidence of the public, elected and administrative officials, and other City employees.

5-01 (2) City employees must conduct themselves in a way that will bring credit to them and the City. To this end, employees must be courteous and cooperative with the citizens of the City, other City employees, their supervisors, and others who may contact the City.

5-01 (3) Employees must be honest in word and conduct. They must never use their position to privately benefit themselves or another party through the disclosure of confidential information, award of work, procurement of supplies, or use of City facilities, equipment, or resources.



- a. Employees will not allow unauthorized persons access to City property without management supervision or approval.
- b. Employees will not use, duplicate, or possess keys to City buildings or other property without authorization.
- c. Employees must report questionable behavior and business practices through their proper chain of command.

5-01 (4) Employees must conduct themselves in a professional and competent manner, appropriate to their position.

5-01 (5) In order to maintain a professional atmosphere and appearance, all employees, including those who do wear uniforms, are expected to 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 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. Employees who do not meet these guidelines will receive verbal instructions from their Supervisor regarding appropriate appearance. Subsequent violations of a similar nature are cause for disciplinary action as outlined in Section 9.

## **5-02 Political Activities**

5-02 (1) City employees may not engage in the distribution or publication of political materials during working or office hours. Employees may not engage in the solicitation of money while on the job for the purpose of aiding or defeating the election of any candidate for any public office.

- a. Employees may not use their office or position with the city for the political enhancement of any individual or group.



b. Employees may not use city resources such as copiers, computer or communications systems, or facilities, etc., for the political enhancement of any individual or group.

c. Employees may not become candidates for general election to the office of Mayor or Council Member, unless the employee takes a leave of absence in accordance with the leave policy or resigns from City employment effective the day after the primary election.

d. While in City uniform or while on the job, employees may not wear campaign buttons, signs, or articles of clothing, or otherwise actively or passively campaign for candidates for political office.

5-02 (2) It is not the intent of the City to interfere with the right of employees to be members of political clubs or organizations, attend political meetings, express opinions, contribute freely to political causes, or enjoy freedom from interference in voting.

## **5-03 Secondary Employment**

All benefited positions with Garland City are considered to be “primary” employment and as such must meet the standards of conduct established in these policies. When an employee decides to seek or accept a second job that may conflict in any way with this definition of “primary” employment, the following policies apply:

5-03 (1) Before accepting “secondary” employment, employees must submit a written request to the Mayor for approval of the secondary employment. Such requests should be updated on an annual basis.

5-03 (2) The City reserves the right to withdraw its approval for secondary employment when deemed to be in the best interest of the City.

5-03 (3) City equipment, facilities, or resources may not be used in connection with secondary employment.

5-03 (4) Employees who engage in secondary employment without approval may be subject to termination. Approval is contingent upon, but not limited to, the following terms and conditions:

a. Secondary employment must not interfere with the employee’s ability to meet the City’s work schedules, including reasonable callback and standby assignments.

b. Secondary employment should not be directly connected with nor contingent upon a representation that the employee is in any way representing the City, either directly or indirectly.



c. Secondary employment should not cause an employee to violate the City's policy on Standards of Conduct as outlined in Section 5.

d. City employees may not solicit or engage in secondary employment during working or office hours.

## **5-04 Dual City Employment**

5-04 (1) Employees may not be employed concurrently in more than one (1) City position except as needed on a temporary, short-term basis. Approval to do so must be obtained from both departments involved and the Human Resource Department.

5-04 (2) An employee's primary position will be considered the position of employment through which any eligible benefits are paid. Benefits can only be paid through one (1) position.

## **5-05 Code of Ethics (Conflict Of Interest)**

5-05 (1) Garland City adopts the Municipal Officers' and Employees' Ethics Act, Section 10-3-1301, *et seq.*, Utah Code Annotated 1953, as amended, which establishes standards of conduct for employees to disclose actual or potential conflicts of interest between public and personal duties or activities. Employees are responsible for complying with the disclosure requirements for personal interest and restrictions as it relates to the acceptance of gifts as provided in the Act.

5-05 (2) Disclosure provision rules and forms for disclosure compliance are available from the City Recorder.

5-05 (3) The following actions are prohibited:

a. Disclosure of confidential information acquired by reason of an official position or using such information to secure special privileges or exemptions for the employee or others.

b. Use or attempt to use any city position to secure special privileges or the employment of others.

c. Knowingly receive or accept any gift or loan if the gift or loan would influence the employee in the discharge of official duties.

d. This section does not apply to the following:

1. Any occasional non-pecuniary (non-cash equivalent) gifts with a value less than \$50.00.



2. Publicly presented awards.
3. Bona fide loans made in the ordinary course of business.
4. Political campaign contributions actually used in a political campaign.

## **SECTION 6 – COMPENSATION**

### **6-01 Payroll Administration**

6-01 (1) In the event there is an error in the amount of pay, including any overpayments made to the employee, the employee should promptly bring the discrepancy to the attention of their supervisor, the payroll office, or the Human Resource Department so that corrections can be made as quickly as possible.

6-01 (2) Garland City reserves the right to make any and all payroll corrections as deemed necessary and appropriate.

6-01 (3) Federal and State laws require Garland City to keep accurate payroll records, including but not limited to, actual time worked, Personal Leave, Holiday, Comp Time earned, Overtime, etc.

- a. Time worked is all time actually spent on the job performing assigned duties. Time worked does not include lunch or meal periods, personal appointments etc. and may be different than what was originally or normally scheduled. Only hours worked, not scheduled hours, may be reported as time worked.
- b. Employees are required to accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They are also required to record the beginning and ending time of any split shift or departure from work for personal reasons.
- c. Time worked will not be “averaged” or carried over from one day or pay period to the next. All hours worked must be reported on the date and in the pay period in which they were actually performed.
- d. Altering, falsifying, or tampering with time records, or recording time on another employee’s time record may result in disciplinary action, up to and including termination of employment.



e. It is the employee's responsibility to sign their time records and to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing.

f. If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the change.

6-01 (4) All employees are paid bi-weekly. Absent extenuating circumstances, employees are asked to receive compensation via direct account deposit. Special arrangements must be made with the City office to receive payments other than through direct deposit. Each compensation will include earnings for all work performed through the end of the previous payroll period.

a. In the event that a regularly scheduled payday falls on a holiday, employees will be paid in accordance with state and federal guidelines.

b. Pay statements or checks will not be released to anyone other than the employee unless written authorization is given in advance by the employee.

6-01 (5) Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the payroll office.

6-01 (6) Garland City prohibits improper pay deductions to Fair Labor Standards Act (FLSA) Exempt employees. If an employee in an FLSA Exempt position feels that improper pay deductions have been made in their wage they should contact Human Resources immediately.

## **6-02 Wage and Salary**

6-02 (1) Individuals are typically hired or appointed within the first (1st) quartile of an approved salary range based on, but not limited to, the applicant's qualifications, skills, abilities, and work experience, etc.

6-02 (2) Appointment or hiring above the first (1st) quartile will require written justification and must be approved by the Mayor and or the City Council and is typically based on, but not limited to, supply and demand conditions in the market for that particular occupation at the time of hiring.

6-02 (3) Regular Employees receive merit pay increases based on Performance Evaluations and according to availability of funds as allocated by the City Council through the budget process.



6-02 (4) Employees on disciplinary probation, such as a Corrective Action Plan, are not eligible for merit pay raises.

6-02 (4) Introductory Period Employees are not eligible for merit pay raises.

6-02 (5) Introductory Period Employees who successfully complete the New Hire Introductory Period may receive an increase in salary dependent upon available funding and current pay practices at that time.

## **6-03 Overtime and Compensatory (Comp) Time**

6-03 (1) Employees may be required to work Overtime as deemed necessary by the Supervisor, or their designee. Further, Garland City reserves the right to manage Overtime and Comp time and determine work schedules (including all hours worked) and compensation paid to employees.

6-03 (2) Hours worked in excess of 40 hours per week will be added to the employees comp time account.

6-03 (3) Comp time is leave time accrued for time worked in excess of 40 hours per week. Comp time shall be accrued and used per the following rules:

- a. Comp time is accrued at one and one-half (1½) times the hours worked.
- b. Comp time is calculated based on actual time worked. The calculation of Comp time does not include Personal Leave, Comp time, Holiday or any other non-worked hours.
- c. Maximum comp time allowed to be accrued is 80 hours for Regular employees.
- d. Departments may establish a lower allowable comp time accrual as deemed necessary and appropriate based on their respective staffing levels, operations, budgets, etc.
- e. Time in excess of allowable accrued Comp time will be paid as Overtime. Exceptions shall require the pre-approval of the Human Resource Department and the Mayor.
- f. The use, scheduling, and payout of Comp time is solely within the City's discretion. As such, departments may require employees to use, or be paid for, accrued comp time in a manner that they deem appropriate given their respective budgets, workloads, seasonal work demands, etc.

6-03 (4) Overtime is paid time worked in excess of 40 hours per week

- a. Overtime is paid at one and one-half (1½) times the hourly rate.



b. Overtime is calculated based on actual time worked. The calculation of Overtime does not include Personal Leave, Comp time, Holiday or any other non-worked hours.

c. Overtime must be approved in advance by the employee's Supervisor, or their designee.

d. Unauthorized work that creates Overtime will be paid, but disciplinary action, up to and including termination, may result.

6-03 (5) All Overtime and Comp time must be reported during the pay period in which it is earned, using the approved time record currently in use by Garland City and/or department.

6-03 (6) Employees who are not covered by, or who are exempt from, the Fair Labor Standards Act (FLSA) are not allowed to earn or accrue overtime or comp time except as outline in this section.

6-03 (7) Overtime and Comp time in excess of eight (8) hours per day may be paid, to both FLSA non-exempt and FLSA exempt employees, in the event that the Emergency Operations Center is activated or if the Mayor declares an event as a disaster.

## **6-04 Stand-By**

6-04 (1) An employee is considered to be on Stand-By when restricted to a specified location waiting to be engaged to work.

a. Stand-By participation may be required at the discretion of the City.

b. Employees on Stand-By shall be paid at either their regular rate of pay or overtime pay as dictated by the Fair Labor Standards Act (FLSA).

## **6-05 Garnishments or Levies**

6-05 (1) Upon receipt of valid garnishments or levies, the City shall withhold wages from an employee's pay in compliance with the instructions of the court order or as outlined in State law.

## **6-06 Worker's Compensation**

City employees injured during the performance of their job duties are covered by Worker's Compensation Insurance, as required by state law.

6-06 (1) When injured while on duty, an employee must:

a. Immediately obtain necessary treatment, if needed.



- b. Immediately report the injury to their Supervisor
- c. As soon as practical, the employee must also fill out a First Report of Injury Form and submit it to their immediate supervisor who will forward it to the City office for filing.
- d. If medical treatment is obtained, the employee will be required to furnish their immediate supervisor a Fitness for Duty Certificate, from the treating physician, prior to being allowed to return to work.
- e. If the Fitness for Duty Certificate recommends modified duty, the immediate supervisor, in consultation with Human Resources, will then determine if work is available that meets the restrictions.
- f. A copy of the Fitness for Duty Certificate and all other related documents must be forwarded to the City Office for handling & filing.
- g. When an employee suffers a lost-time Worker's Compensation injury or illness, the missed time will ordinarily be designated concurrently as Family and Medical Leave Act (FMLA) time.

6-06 (2) If a claim is determined to be covered by Worker's Compensation Insurance:

- a. Benefit payments will be calculated based on State law.
- b. Employees may supplement Worker's Compensation benefit payments with accrued leave up to his or her regular base wage.

6-06 (3) Employees who are injured on the job, and receive medical treatment other than First Aid, may be required to submit to a post-accident drug screen, in accordance with the Garland City's Substance Abuse and Drug Testing Policy as outlined in Section 17.

6-06 (4) Worker's Compensation claims that fail to meet required reporting procedures and other statutory guidelines may be denied under State Worker's Compensation laws. Failure to follow Garland City's required reporting policy may also result in disciplinary action.

## **6-07 Travel Reimbursement**

All mileage and travel expenses must be approved by an employee's Supervisor and be in accordance with the City's travel guidelines and procedures.



6-07 (1) Employees not participating in the City's Vehicle Allowance Program and not provided a city vehicle are reimbursed for mileage incurred on City business according to the Garland City Travel Policy

6-07 (2) The City reimburses employees for out-of-state or overnight travel taken in the course of their employment, including travel to conferences, seminars, meetings, and workshops according to the current Garland City Travel Policy.

6-07 (3) The City may provide certain City personnel with a vehicle allowance for business purposes.

## SECTION 7 - LEAVE

The City recognizes an employee's need for time away from work for relaxation and to meet their needs or when ill. To that end, Garland City has adopted the following leave policies. The City reserves the right to amend these policies at its discretion.

### 7-01 Personal Leave (PL)

7-01 (1) Personal Leave with pay is available to eligible employees to provide opportunities for rest, recreation, and personal pursuits.

7-01 (2) Full-time Benefitted Employees are eligible to earn and use Personal Leave as described in this policy.

7-01 (3) Personal Leave will accrue per the following schedule based on the employees years of service.

<u>Years Service</u>	<u>Days/ Year</u>	<u>OR</u>	<u>Hours/ Month</u>	<u>Max Carryover</u>
1-5	14		9.33	80 Hrs
6-10	17		11.33	80 Hrs
11-15	20		13.00	120 Hrs
16 plus	25		16.66	120 Hrs

a. Personal Leave will begin accruing with the first month of employment.

b. Leaves of Absence in excess of six (6) months may affect an employee's Personal Leave allocation.

c. The Mayor may grant additional Personal Leave as deemed appropriate.



d. Exceptions to the maximum Personal Leave accrual and carryover will require approval from the supervisor and the Human Resource Director and should be based on business necessity.

7-01 (4) Eligible employees are required to request approval to use Personal Leave in advance from their supervisors

a. FLSA (Fair Labor Standards Act) exempt and non-exempt employees may use Personal Leave in minimum increments of one quarter (1/4) hour.

d. Employees who are unable to report to work due to illness, injury, or the need for personal time off must notify their direct supervisor, or the City Office before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence. Requests for Personal Leave that pose an undue hardship on the City may not be granted.

7-01 (5) Personal Leave is paid at the employee's base rate.

7-01 (6) Personal Leave hours used are not considered hours worked and do not contribute to the calculation of overtime or comp time.

7-01 (7) Official leave records will be maintained by the City Office and will be posted at least once per month. Personal leave accrual will also appear on the employee's paystub.

7-01 (8) A limited number of personal leave hours may be carried over to the next calendar year (refer to chart in section 7-01(3)). Any personal leave hours unused at the end of the calendar year in excess of the maximum carryover amount shall be paid to the employee at the employee's base rate.

7-01 (9) An employee's accrued Personal Leave hours will be paid to the employee when terminating employment.



## 7-02 Holidays

7-02 (1) Garland City will grant holiday time off to all eligible employees on the holidays listed below. (Note: The holidays for Library personnel are set forth separately by the Mayor and City Council and thus are not reflected in the following table.)

- New Year's Day (January 1<sup>st</sup>)
- Civil Rights Day (Third Monday in January)
- President's Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4<sup>th</sup>)
- Pioneer Day (July 24<sup>th</sup>)
- Labor Day (First Monday in September)
- Columbus Day (Second Monday in October)
- Veteran's Day (November 11<sup>th</sup>)
- Thanksgiving Day (Fourth Thursday in November)
- Day after Thanksgiving (Fourth Friday in November)
- Christmas Day (December 25<sup>th</sup>)

7-02 (2) In addition to the above recognized twelve (12) holidays, the Mayor of Garland may designate any other day as a holiday at his/her discretion.

7-02 (3) Holidays will be paid at the regular rate of pay.

7-02 (4) A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

7-02 (5) Employees who are required to work on a holiday will be compensated according to the following:

- a. They will receive compensation at the rate of one and one-half times (1½) their regular rate of pay or Comp time for actual hours worked.
- b. They will have their regular Holiday hours converted to Personal Leave or may be paid straight time at the discretion of the Mayor.



7-02 (6) Holiday hours are not considered hours worked and do not contribute to the calculation of overtime.

## **7-03 Time Off to Vote**

7-03 (1) Garland City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City will grant up to one (1) hour of unpaid time off to vote.

7-03 (2) If needed, Employees should request time off to vote from their supervisor with enough advance notice so as not to create a disruption to the normal work schedule.

## **7-04 Bereavement Leave**

Full-time employees may take up to three (3) days Bereavement Leave annually per calendar year due to the death or hospitalization of a terminally ill immediate family member.

7-04 (1) Employees should notify their supervisor immediately to request permission to take time off and to insure adequate shift coverage.

7-04 (2) Bereavement Leave will normally be granted unless doing so would impose an undue hardship on the organization.

7-04 (3) Garland City defines “immediate family” as the employee’s spouse, parent, child, sibling, grandparent, grandchild, step-parent, step-child, stepsibling, step-grandparent, or step-grandchild. Garland City further defines “immediate family” to also include the spouse’s parent, child, sibling, grandparent, grandchild, step-parent, stepchild, step-sibling, step-grandparent, or step-grandchild.

7-04 (4) Bereavement Leave pay is calculated using the employee’s base rate and will not include any special forms of compensation.

7-04 (5) Employees may use accrued Personal Leave or Comp time for additional time off if necessary with approval from the Mayor.

## **7-05 Jury or Witness Duty**

7-05 (1) The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party.



5-06 (2) The City pays an employee's full salary when the employee is absent during a regularly scheduled shift, but requires the employee to remit any jury or witness fee(s) received to the City.

7-05 (3) Any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom may be retained by the employee.

7-05 (4) Payments do not apply to court appearances falling upon the employee's personal time, or court appearances when the individual is appearing in court on their own behalf.

7-05 (5) An employee must show the Jury or Witness Duty summons to their supervisor as soon as possible so the supervisor may make arrangements to accommodate their absence.

## **7-06 Family And Medical Leave (FMLA)**

7-06 (1) The Family and Medical Leave Act of 1993 (FMLA) grants eligible employees the statutory right to take up to twelve (12) weeks of unpaid leave per year under specified circumstances related to family health care, childbirth, and active military duty.

7-06 (2) Employees requesting leave under the Family and Medical Leave Act must be employed with the City for a minimum of twelve (12) months, and have worked a minimum of 1250 hours in the twelve (12) month period immediately preceding the request.

7-06 (3) Eligible employees may request leave for situations related to personal and family medical circumstances such as:

a. Obligations related directly to childbirth, adoption, or placement of a foster child.

b. Caring for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

c. A serious health condition that makes the employee unable to perform his or her job.

d. When an immediate family member (spouse, child, or parent) is a reservist or National Guard member called to active duty to help them prepare. This is called FMLA Exigency Leave.



e. When an employee is providing care to an immediate family member (spouse, child, or parent) as well as to the nearest blood relative, who is wounded while serving in the US Military. When FMLA is taken for this qualifying event, the unpaid leave can be up to twenty six (26) weeks and can only be taken once during their employment. This is called FMLA Military Caregiver Leave.

7-06 (4) Eligible employees should make requests for Family and Medical Leave to their supervisors, in writing, at least thirty (30) days in advance of foreseeable event(s) and as soon as practical for unforeseeable event(s).

a. In an emergency, when the need for leave was not previously known, the employee must contact his or her supervisor within 48 hours or as soon as practical.

b. A written request for FMLA leave must follow a verbal request as soon as possible.

c. Eligible employees may request up to a maximum of twelve (12) weeks of Family and Medical Leave within any twelve (12) month period. Any combination of Family and Medical Leave may not exceed the maximum limit. If this initial period of absence proves insufficient, consideration may be given following a written request for an extension.

7-06 (5) Employees requesting Family and Medical Leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for Family and Medical Leave, its beginning and expected ending dates, and the estimated time required.

7-06 (6) The City requires that accrued Personal Leave and Comp time be used for Family and Medical Leave absence(s) as follows.

a. For FMLA Leave related to a personal injury or illness an employee may use Personal Leave or Comp time.

b. For FMLA Leave not related to the employee's own personal injury or illness an employee may use Personal Leave or Comp time.

c. Subject to the terms, conditions, and limitations of the applicable plans, Garland City will continue to contribute to health insurance benefits in accordance with established policy during an employee's approved Family and Medical Leave.



d. When an employee suffers a lost-time worker's compensation injury or illness, the missed time will ordinarily be designated concurrently as FMLA.

7-06 (7) Employees on Family and Medical Leave must give advance notice of the date they intend to return to work and are subject to the following conditions:

a. When an employee is ready to return from leave, as long as they have not exceeded the 12 week FMLA maximum, they may be reinstated to an equivalent position with equal pay, benefits, and terms and conditions of employment (such as work schedule, eligibility for promotions, bonuses, etc.)

b. Employees not returning to work at the end of Family and Medical Leave(s) period may be required to reimburse the City for any and all benefits paid for by the City during their absence.

c. If an employee fails to report to work promptly at the end of the approved leave period, Garland City will assume that the employee has resigned and the employee will be terminated.

d. The City reserves the right to designate certain employees as "key employees" pursuant to the Family and Medical Leave Act of 1993. Under certain circumstances, "key employees" may not be entitled to return to work following leave.

e. When an employee is on FMLA leave for their own serious illness, and that illness affects one or more of the employee's essential job duties/functions, the employee may be required to provide a fitness-for-duty certification indicating that the employee is able to resume work.

f. Any additional conditions and requirements as set forth in the City's response to a request for FMLA Leave.

7-06 (8) The application of this policy and any inconsistencies, conflicts, or issues that arise are governed by the provisions of the Family and Medical Leave Act of 1993 and the applicable federal regulations that interpret the Act.

## **7-07 Leave Of Absence**

7-07 (1) Under special circumstances, employees may find it necessary to request leave without pay for a reason other than family or medical leave.

7-07 (2) Full-time Benefitted Employees who have successfully completed their New Hire Introductory Period are eligible to request leave for up to twelve (12) months as described in this policy.



7-07 (3) Eligible employees interested in a leave of absence must submit a written request to the Mayor detailing the nature of the leave.

a. Requests for leave of absence will be considered based on the nature of the request, the impact to the organization, and the benefit to the employee and/or the City, etc. The City does not grant a leave of absence without pay unless it is believed the employee will return to City employment at the end of the leave.

b. Approval may be granted by the Mayor and City Council.

7-07 (4) During an approved Leave of Absence an employee may be required to use any available Personal Leave or Comp time.

a. Personal Leave, Holiday leave, and other City benefits will not continue to accrue during the approved Leave of Absence period unless provided for under State and Federal guidelines.

b. Employees on a Leave of Absence are eligible for Market Adjustments if they fall below the minimum of the pay range, but are not eligible for merit pay raises.

c. At the completion of a Leave of Absence, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified, or in accordance with any leave agreement(s). However, Garland City cannot guarantee reinstatement in all cases.

d. If an employee fails to report to work promptly at the expiration of the approved leave period, Garland City will assume the employee has resigned and may be terminated.

## **7-08 Military Leave**

7-08 (1) A Military Leave of Absence is time-off granted to eligible employees who are members of the National Guard or any reserve branch of the United States Armed Forces.

a. An employee on official military orders is entitled to paid military leave up to ten (10) working days per year to attend annual training. (Funding is contingent upon approval by the Council during the budget process.)

b. Employees on active military leave which exceed ten (10) days per year must comply with reinstatement provisions in accordance with all applicable state and federal laws.



c. Additional unpaid military leave may be granted based on, but not limited to, the following:

1. Official military orders.
2. Leave will not create an un-due hardship on the department.
3. Approval by the Mayor.

d. An employee who enters non-discretionary, long-term active service in any branch of the Armed Forces of the State or the United States shall be granted unpaid leave of absence during that service.

e. Military leave may not be carried over from one year to the next.

7-08 (2) An employee must furnish their supervisor and the Human Resource department a copy of their military orders as soon as possible.

5-09 (3) Employees on annual military leave are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time based on location of training.

7-08 (4) Employees who enter military service are reinstated to their pre-service position, or to a comparable position for which they qualify to include accruals of leave of which they would have been allocated, at the end of the military service.

## **7-09 Medical Leave Pool**

A Medical Leave Pool is a pool wherein City employees may voluntarily donate accrued Personal Leave and Comp time hours for the benefit of another employee's own personal illness.

7-09 (1) To be eligible to receive benefit from a Medical Leave Pool, employees must meet all eligibility requirements for Family and Medical Leave (FMLA) and must have exhausted all of their own Personal Leave and Comp Time.

7-09 (2) Employees who meet the eligibility requirements may request the establishment of a Medical Leave Pool, in anticipation of the need for additional leave by submitting a written request to the Human Resource Department.

7-09 (3) Upon receipt of a written request, the Human Resource Department will open a Medical Leave Pool, and provide an opportunity for other City employees to donate leave to the pool.

7-09 (4) An employee receiving donated leave through a Medical Leave Pool may not use the donated leave to exceed their eligible FMLA leave.



7-09 (5) At the completion of the medical leave, any unused hours remaining in the Medical Leave Pool will be returned to contributing employees on a prorated basis.

## **SECTION 8 - EMPLOYEE BENEFITS**

Garland City is a member of the Utah State Retirement System. Participation in the System is mandatory for all employees who meet the eligibility requirements as established by the Utah State Retirement System. For details concerning the State Retirement System, benefits derived under the System, and retirement options, employees should contact the Human Resource Department, consult written literature describing the system, or contact the Utah State Retirement System directly.

### **8-01 Retirement**

8-01(1) Employees in the following classifications are excluded from participation in the Utah Retirement system and are not otherwise eligible for benefits paid to Regular Employees:

- Year-round Non-benefited
- Temporary Seasonal
- Temporary Agency
- Intern
- Independent Contractors

8-01(2) The City allows for employees to voluntarily enroll in the Utah State Retirement System 401K or 457 plans. The City may or may not match all or a portion of employee contributions to these plans depending on available funding.

8-01(3) The City may initiate other retirement programs at their discretion.

8-01(4) Garland City does not have a mandatory retirement age.

### **8-02 Fire Department Retirement**

8-02(1) Fire Department members who retire, are placed in honorary status, or remain an active member after the age of 65 will be eligible for the following retirement benefits at the age of 65 and after having served continuously for 20 years.



8-02(2) Members who reside within Garland City limits after serving continuously for 20 years, will be eligible to receive 1 year free base water rate for each 2 years of Fire Department service up to a maximum of 30 years of Fire Department service at which time all benefit accruals will end. If a member dies after becoming eligible for benefits those will automatically be transferred to his or her surviving spouse. Those benefits will remain in force until one of the following:

1. Surviving spouse re-marries
2. Surviving spouse moves out of the Garland City limits
3. Benefit accruals end as specified above

8-02(3) Members who reside outside of the Garland City limits After serving continuously for 20 years, members will be eligible to receive \$10.00 for each year of completed Fire Department service up to a maximum of 30 years of service at which time all benefit accruals will end. . If a member dies after becoming eligible for benefits those will automatically be transferred to his or her surviving spouse

8-02(4) If a member is killed or dies due to injury sustained in the line of duty, their accrued benefits based on the formula will be awarded to their surviving spouse based on the number of years of service, even if less than 20 years of continuous service.

8-02(5) The base rate water service benefits apply only as long as the recipient's residence remains within the Garland City limits.

## **8-03 Early Retirement**

8-03 (1) Employees eligible to apply for participation in the early retirement program are those employees have at least 25 years of service with Utah State Retirement System and who retire prior to age 65, and who meet one of the following age and service requirements:

- 65 with 4 years of service.
- 62 with 10 years of service.
- 60 with 20 years of service.
- Any age with 30 years of service.

Public Service employees qualify for a monthly retirement benefit if they are:

- 65 with 4 years of service.
- 60 with 10 years of service.
- Any age with 20 years of service.



Participation in the early retirement incentives program is neither an entitlement nor a right automatically available to all persons who meet the eligibility criteria. Garland City reserves the right to limit the total number of participants in the program in order to preserve the integrity of its financial resources.

8-03 (2) The following employees are not eligible for participation in the early retirement incentives program:

Any employee who has received a written notice of termination.

Any employee who is retiring under the disability provisions of the Utah State Retirement Act.

8-03 (3) Employees should consult with qualified attorneys, accountants, or financial advisors of their own choosing before making retirement decisions.

8-03 (4) Retirees who receive approval to participate in the early retirement program may receive a stipend of up to ten percent of their annual salary per year for four consecutive years. This will be at the discretion of the Mayor and City Council and may be based on the financial condition of the City at that time. Retirees may arrange payment of each year's stipend in either November or February; whichever is most advantageous for their personal financial considerations.

8-03 (5) Approved employees may voluntarily authorize Garland City to purchase additional salary service credit for them in Utah Retirement Systems by applying some or all of their eligible stipends on a one-time lump sum basis. If the retiree dies, the amount remaining to be paid under the Stipend section of this policy shall be terminated.

## **8-04 Employee Utility Benefit**

8-04 (1) Permanent and Part Time Employees (does not include Fire Department Members) will receive free water service as long as they are an employee of Garland City and reside within the Garland City water service area. Upon termination of employment for any reason this benefit is terminated.

8-04 (2) Garland City Elected Officials (Mayor and City Council) Elected Officials will receive free water service during their terms of office.

Upon leaving office Elected Officials will be compensated with free water service based on 1 year free water for every two years of elected service. The free water service benefit applies only as long as the recipient's residence remains within the Garland City limits.



8-04 (3) In the event of a death after becoming eligible for the benefits defined those benefits will automatically be transferred to his or her surviving spouse. Those benefits will remain in force until one of the following:

- a. Surviving spouse re-marries.
- b. Surviving spouse moves out of the Garland City limits.
- c. Benefit accruals end as specified above.

8-04 (4) Planning and Zoning Commission may receive free water service as long as they are an appointed member of the Garland City Planning and Zoning Commission and reside within the Garland City water service area.

8-04 (5) Permanent and Part Time Employees, Mayor and City Council (does not include Fire Department Members) will receive a reduced rate on sewer service as long as they are an employee of Garland City and reside within the Garland City sewer service area. Upon termination of employment for any reason this benefit is terminated. The reduced rate for sewer will be charged at the amount set by the Tremonton/Garland Sewer Treatment Plant that is required to be paid to Tremonton City per sewer connection on a monthly basis.

## **8-05 Medical Insurance**

8-05 (1) The City offers group medical insurance benefits to eligible employees. Employees may enroll in or change group benefit plans once each year during "Open Enrollment" or during times specified as a "life event" per federal regulations.

8-05 (2) New employees shall enroll in group benefit plans on or before the first day of employment. Enrollment cards, detailed benefits schedules, and other information concerning medical insurance benefits are available from the Human Resource Department.

8-05 (3) Other dental, vision, life insurance, etc. plans that may be available to employees may be opted for through payroll deduction.

## **8-06 Training**

Garland City may assist employees in the pursuit of voluntary job related training and goals by considering a flexible schedule and/or by reimbursing training expenses if the training is directly related to the employee's position or is determined to provide a benefit to the City.

8-06 (1) All written requests for voluntary training expenses must be approved by the Mayor.

8-06 (2) The City pays 100% of the costs for training, conferences, seminars, conventions, etc. that employees are required by the City to attend.



## **SECTION 9 - DISCIPLINE**

### **9-01 Disciplinary Responsibility**

9-01 (1) Basic responsibility for discipline lies with the Mayor and City Council. The City may discipline employees for any conduct or action determined to be detrimental to the City.

### **9-02 Grounds for Discipline**

9-02 (1) The following are examples of grounds for disciplinary action. This list is not intended to be all-inclusive. Situations not expressly covered below will be handled at the discretion of the employee's immediate supervisor and the Mayor.

a. Misconduct may include, but is not limited to:

1. Violation of the laws of the United States, The State of Utah, or ordinances of Garland City.
2. Conduct on or off the job that discredits the City or affects the employee's ability to perform effectively, such as the commission of an act or acts offensive to public morals or decency.
3. Any behavior by an employee deemed inappropriate or disruptive to the work environment which may affect the ability of other employees to perform effectively.
4. The commission of any act, alone or with others, for the purpose of causing an employee, outside agency, client, or citizen to be either unfairly or dishonestly affected.
5. Violation of the policies of the City, including the policies contained in this manual and Executive Orders, or failure to properly observe the rules and regulations of the City or department.
6. Being under the influence of or use of alcohol, drugs, or unlawful use of controlled substances while working, operating city owned equipment, or representing the City in a work related capacity.
7. A poor driving record in situations where driving is a required job responsibility.
8. Reprehensible or indecent language or conduct bringing discredit upon the City or Department.



9. Inappropriate use or abuse of City equipment, resources or services.
10. Violation of City Standards of Conduct (refer to Section 5).
11. Unauthorized removal, falsification, or alteration of City records or intentional release of confidential information.
12. Failure to obtain approval for any overtime or comp time.
13. Sexual harassment or illegal discrimination.
14. Theft, dishonesty, deceit or fraud.
15. Inappropriate use of City cell phones, computer or network resources, including excessive personal use, text messaging and Internet usage, etc.

b. Insubordination may include, but is not limited to:

1. Blatant disregard or refusal to follow appropriate supervisory direction.
2. Disregard for chain of command (except with regards to allegations of unlawful harassment by a supervisor).

c. Incompetency may include, but is not limited to:

1. Failure to maintain an acceptable level of performance.
2. Inability to perform the essential functions of the position, with or without reasonable accommodation.
3. Failure to perform those duties required by law.
4. Unexplained absences or habitual tardiness.
6. Conduct subversive of good order or disregard for outlined corrective action.
7. Failure to be courteous or cooperative with the public or fellow employees.

d. Nonperformance/Noncompliance may include, but is not limited to

1. Failure to maintain essential or required job qualifications, education, certifications, accreditation, professional licenses, driver's licenses, etc.
2. Deliberately restricting output or failure to maintain production or performance standards



3. Unauthorized sleeping on the job during work hours or leaving the site early without permission
4. Disregard for or not following safety rules and standard safety practices.

## **9-03 Disciplinary Measures**

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.

9-03 (1) Employees whose conduct constitutes grounds for disciplinary action are subject to one or more of the following depending on the severity and/or frequency of the violation.

### **Informal Discipline**

Informal Discipline will include one of the following actions:

- a. **Verbal Warning.** A verbal warning given to an employee wherein the employee is counseled or reminded of a specific policy, standard, expectation, etc. and is documented in a supervisor's day planner, daily work journal, performance evaluation program, personnel tracking system, etc.
- b. **Written Warning.** A disciplinary letter given to an employee wherein the employee is warned in writing. The letter is kept in the department records and may be added to the employees personnel file at a later date.

### **Formal Discipline**

Formal Disciplinary actions will be documented, notices of the action delivered to the employee being disciplined, and a copy of the notice and all associated records placed in the employees confidential personnel file in the Human Resources Department. Each Formal Disciplinary action and accompanying notice must inform the employee of their right to appeal the action as allowed by state code.

Formal Discipline will result in one of the following actions:

- a. **Letter of Reprimand.** A disciplinary letter given to an employee wherein the employee is reprimanded in writing. The letter is placed in the employee's personnel file in the Human Resource Department.
- b. **Letter of Reprimand and Suspension.** A disciplinary letter will be given to an employee wherein an employee is reprimanded and suspended



without pay for a specific number of days. Suspension without pay for periods of three (3) days or longer requires prior approval from the Mayor.

c. Corrective Action Plan (CAP): A process wherein an employee is placed on disciplinary probation for a period of time lasting anywhere from several weeks to several months during which time the employee is required to establish an improvement plan that will correct their inappropriate or substandard work performance. All Corrective Action Plans require prior approval from the Mayor and the Human Resource Department. While on a CAP an employee is not eligible to make application for posted positions within the City and they are not eligible for merit pay raises due to the disciplinary probation.

d. Demotion: Disciplinary action wherein an employee is demoted to a position of lesser responsibility or pay. All demotions will require prior approval from the Mayor before being made as outlined in Section 3 regarding demotions.

e. Involuntary Termination: Disciplinary action wherein an employee is terminated. All involuntary terminations will require prior approval from the Mayor and the Human Resource Department before being made.

1. Terminated employees receive compensation for hours worked including accrued Personal Leave, Comp time, and Overtime in accordance with State and Federal Payroll Laws.
2. Terminated employees must return all City property and satisfy any debt owed to the City.
3. Where permitted by state and federal law, the City may withhold any debt owed to the City from the employee's final paycheck.
4. Employees who are terminated for cause are not eligible for rehire.

## ***SECTION 10 - DISCIPLINARY APPEALS***

Garland City recognizes the need for an equitable opportunity for all disciplinary action to be reviewed and appealed. This section provides guidelines for the Grievance and Disciplinary Appeals process.

For grievances related to sexual harassment see Sexual Harassment policy.



## **10-01 Structure & Duties of Appeals Board**

10-01 (1) The Appeals Board is an independent board established by the City to hear employee appeals.

- a. Three (3) of the members shall be chosen by popular ballot by City employees who are not statutory officers, or administrative assistants.
- b. Two (2) members shall be appointed by the Mayor and may include any statutory officer, or administrative assistant.
- c. Two (2) alternates will also be selected, one (1) appointed by the Mayor and one (1) elected by employees.
- d. Board members will serve a two-year (2-year) term. Elections are held each year to replace those members whose terms have expired.
- e. The duties of the appeals board shall be to review, on appeal, the suspension of over two (2) days without pay, involuntary transfer to a position of less remuneration, or termination of city officers or employees pursuant to the provisions of Utah Code Annotated 10-3-1105 and 10-3-1106.

## **10-02 Appeal Process**

10-02 (1) In accordance with State Law, employees shall have the appeal rights as outlined in section 10-3-1106 of the Utah Code.

10-02 (2) As stated in Utah Code Section 10-3-1105, the appeal process does not apply to:

- a. an officer appointed by the Mayor or other person or body exercising executive power in the municipality;
- b. a Police Chief of the municipality;
- c. a Deputy Police Chief of the municipality;
- d. a Fire Chief of the municipality;
- e. a Deputy or Assistant Fire Chief of the municipality;
- f. a Head of a municipal department;
- g. a Deputy Head of a municipal department;
- h. a Probationary Employee of the municipality (New Hire Introductory Period);



- i. a Part-time Employee of the municipality; or
- j. a Seasonal Employee of the municipality.

10-02 (3) Employee appeals must be in writing and must contain the following:

- a. Must be addressed to the Mayor, City Council, or Appeals Board.
- b. The employee must also sign and date the appeal and specify a return mailing address for further communication.
- c. The employee must describe in detail the reasons and basis for their appeal.

10-02 (4) Employee appeals must be in accordance with the following process for all disciplinary actions except terminations and transfers. This process begins with submission of a grievance which if not resolved will proceed as an appeal to the Appeals Board:

- a. The employee must present his or her grievance in writing to their supervisor within five (5) days of the date of receiving the disciplinary notice. The supervisor must respond to the employee in writing within five (5) days after discussing the issue with the employee.
- b. If the grievance is not resolved to the employee's satisfaction at the supervisor level, the employee may present the grievance in writing to the Mayor within five (5) days of the date of receiving a response from the employee's supervisor. The Mayor must respond to the employee in writing within five (5) days after discussing the issue with the employee.
- c. If the grievance is not resolved to the satisfaction of the employee after review by the Mayor, the employee may appeal in writing to the Appeals Board within five (5) days of receipt of the response from the Human Resource Department.

1. Written appeals addressed to the Appeals Board must be submitted to the City Recorder.
2. Upon receipt of a written appeal, the City Recorder will provide a copy of the appeal to the Human Resource Department, the Mayor, the City Attorney, and members of the Appeals Board.
3. After receipt of a written appeal, the City Recorder will contact the employee and members of the Appeals Board to set a hearing date.



10-02 (5) Appeals regarding a termination or a transfer must be in accordance with the following process:

- a. The employee may appeal in writing to the Appeals Board within fifteen (15) days of the date of receiving a notice of termination or transfer.
  1. Written requests of appeal must be addressed to the Appeals Board and must be submitted to the City Recorder.
  2. Upon receipt of a written appeal, the City Recorder will provide a copy of the appeal to the Human Resource Department, the Mayor, the City Attorney, and members of the Appeals Board.
  3. After receipt of a written appeal, the City Recorder will contact the employee and members of the Appeals Board to set a hearing date.

## ***10-03 Appeals Board Hearing Provisions***

10-03 (1) The employee shall be entitled to appear in person before the Appeals Board and to be represented by counsel, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeals Board.

10-03 (2) The Appeals Board determines the admissibility of evidence and its use. Further, the Board is not bound by the rules of evidence and may hear any evidence it determines relevant to the matter.

10-03 (3) The City Recorder takes minutes of each session.

10-03 (4) The Mayor and/or the City Attorney represent the City's interests.

10-03 (5) The burden of proof is on the employee to prove, by a preponderance of the evidence, that disciplinary measures were not in accordance with established policy.

10-03 (6) The Appeals Board decision is by secret ballot and certified to the City Recorder within ten (10) working days of the date the appeal is heard by the Board.

10-03 (7) The City Recorder will provide written report and notice of the Appeals Board decision to the appealing employee, Human Resource Department, the Mayor, the City Attorney, and members of the Appeals Board.



## **SECTION 11 - ACCIDENTS AND SAFETY**

11-01(1) City employees shall comply with all applicable safety laws, rules, regulations and policies and shall exercise due care while on the job. Employees are expected to work safely for the protection of themselves, their co-workers and the public. Failure to do so will result in appropriate disciplinary action, up to and including termination.

11-01(2) Employees shall immediately report to their supervisor any accident, incident, unsafe condition, or hazard that may pose a danger or cause liability for the City, for City officials, or employees. A formal written report shall also be submitted as described below:

- a. The employee or his/her supervisor shall immediately notify the Mayor of any accident or injury. Within one business day of any accident, injury or occurrence, each employee involved shall submit a written report to the Mayor or City office.
- b. The City may require any employee involved in an accident, injury or other occurrence to submit to a drug test to determine if the use of alcohol or controlled substances (prescribed or otherwise) may have been a factor in the accident, injury or occurrence. Testing positive for the presence of alcohol or a controlled substance shall be grounds for disciplinary action, up to and including termination.

11-01(3) All claims and lawsuits against the City will be handled by the City Attorney.

- a. Employees shall not admit liability or responsibility for any accident or claim nor shall an employee sign any statement of liability or accept any offer of settlement without prior approval of the City Attorney or his designee.
- b. The Mayor or the City Attorney is the only persons authorized to admit or sign statements of liability or to accept any settlement offer on behalf of the City.

## **SECTION 12 - INFORMATION TECHNOLOGY**

City computers and other hardware peripherals, computer files, e-mail system, phones, radios, communications systems, and provided software are Garland City's property and are intended for business use only. To ensure compliance with this policy,



computers, phones, radios, communications systems, software, and e-mail usage may be monitored, observed, and put under surveillance by the City.

12-01 (1) Employees should have no expectation of privacy regarding their use of City-owned computers, networks, phones, e-mail, internet access and usage, cell phones, text messaging, or any other City owned electronic equipment.

- a. All computer and information assets are to be used by authorized individuals for the sole purpose of City authorized business and may not be used for private business or personal gain.
- b. Any personal use of the City's computer and/or information assets will require prior approval from the Mayor. Any approved personal use will be on the employee's personal time and may not adversely interfere with any work-related activity, hard disk space, or network bandwidth.
- c. All messages sent and received on the City's e-mail system are City property, are not confidential, and do not belong to the employees.
- d. Garland City computers, hardware peripherals, and information assets may only be used for legal purposes.
- e. Employees may NOT use another person's password or access files and information that has not been created by or intended for their use. Employees may not retrieve any stored data without authorization.
- f. Important business related e-mails must be archived, preserved, and not be deleted or purged from the system.
- g. The City prohibits recordings and photography (such as camera phones, digital recording devices, etc.) in the workplace unless approved by the Mayor or while in the commission of normal work related duties as outlined in the position Job Description such as police investigations, administrative and legal review, etc.

12-01 (2) To insure compatibility with current City standards as well as compatibility with City networks and other information systems, the purchase, maintenance, and repair of all hardware and software must be coordinated and approved through the Mayor's office regardless of the cost or source of funds.

12-01 (3) The City prohibits the use of computers and the e-mail system in ways that are disruptive or offensive to others.

- a. Garland City prohibits the creation, display, forwarding, or transmission of sexually explicit images, including but not limited to, jokes, messages, cartoons, audio, video, etc.



b. Any other misuse which may be construed as harassment or showing disrespect for others is not allowed. This includes, but is not limited to, race, color, religion, gender, national origin, ancestry, marital status, age, disability, sexual orientation, political affiliation, or any other protected status. Examples of possible harassment and disrespect include but are not limited to jokes, innuendos, personal opinions of others or the employee, etc.

c. Where it is appropriate to respond, when inappropriate e-mails are received by accident or without prior knowledge, employees should immediately reply to the sending party and request that the sending party stop sending these types of e-mails and that they not be forwarded to them in the future.

12-01 (4) Employees are responsible for the content of all e-mail created or forwarded to others by them. It is therefore recommended that employees thoroughly read all e-mail correspondence prior to forwarding it to anyone, both within Garland City and to outside sources, to insure that it is in compliance with all City computer and e-mail usage policies and procedures.

a. E-mail may not be used to solicit others for commercial ventures, religious, or political causes.

b. Unsolicited e-mail should not be sent to large groups of people, especially the group “*everyone*” that does not have a business purpose. This can be an annoyance and a productivity drain. Examples include, but are not limited to, using the e-mail system as a bulletin board to sell personal items, a public forum to propagate personal agendas, thoughts, ideas, etc.

12-01 (5) Information assets are considered confidential. Employees may NOT attempt to gain access to another employee’s personal files, e-mail, or other information, without the employee’s express permission.

a. All computer and information assets, including data in any format, are the property of Garland City.

b. The City Administration reserves the right to access and disclose all information assets whenever there is a business need to do so.

c. Each user must have a unique User ID and password (with the exception of special authorized group access accounts) which will be assigned by the Information Technology Department.



d. Employees are responsible to ensure that access to information assets are only used for official City business and that no one else uses their User ID or password.

e. Employees must create passwords (preferably using both letters and numbers) so that they are difficult to duplicate by others and are not easily guessed. Passwords should be changed on a regular basis. Use of common words, such as those found in any dictionary, must be avoided as they are easily “cracked” and discoverable using hacking software developed for this purpose.

f. Employees must close or sign off of their computer session, or use an active screen saver with password protection, if they will be leaving their workstation unattended for an extended period of time.

g. Employees are responsible to ensure that all physical security measures are taken when leaving offices where hardware and storage, computer networks, hardcopy documents, etc. are located. Examples include, but are not limited to disks, tapes, storage media and devices, files, etc.

12-01 (6) Employees will only be assigned and authorized to access computer and information assets as needed to fulfill job responsibilities. Any access to information outside an employee’s department, work area, or normal work responsibilities requires express authorization from the Mayor.

12-01 (7) Information assets may only be used for authorized purposes. Examples of unauthorized uses include, but are not limited to:

- a. Destruction or damage to networks, hardware, software, documents, programs, files, or data belonging to the City or to other employees.
- b. Disruption of or unauthorized monitoring of electronic communications.
- c. Unauthorized use or copying of copyright-protected material.
- d. Violation of software license agreements.
- e. Access to “live feed” internet-based programs that are not business related and that take up valuable network bandwidth, including but not limited to, radio and music broadcasts, news reports, weather broadcasts, etc. are prohibited unless approved by the Mayor.
- f. Access to internet-based “Social Networking” sites, including but not limited to YouTube, MySpace, Facebook, etc. are prohibited unless



specifically authorized for conducting clearly defined and documented Garland City business.

12-01 (8) Garland City purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation.

a. No software, program, or media of any kind, from any outside source, shall be used on any City owned computer without prior approval from the Mayor's Office. This includes, but is not limited to both manual and internet downloads and installations.

b. In accordance with licensing agreements, the City strictly prohibits the illegal duplication of software and its related documentation.

c. Supervisors must promptly inform the computer system administrator when an employee is terminated or transferred to another department so that user accounts can either be deactivated or reassigned to the new department.

12-01 (9) Employees must notify their immediate supervisor and the computer system manager upon learning of violations of this policy.

12-01 (10) Employees who violate this policy will be subject to disciplinary measures up to and including termination.

## ***SECTION 13 - EMPLOYEE USE OF CITY OWNED VEHICLES***

The purpose of this policy is to ensure the security, protection and well-being of personnel and property of Garland City. This policy applies to all city-owned vehicles.

13-01 (1) Only City employees may drive city-owned vehicles. All drivers shall comply with the following:

a. Drivers shall possess a valid Utah Operator's License for the appropriate class of the vehicle being operated.

b. City vehicles may only be used for conducting City business and may not be used for personal or private use.

c. Employees shall comply with all driving laws and regulations relating to the operation of motor vehicles.



- d. Employees are prohibited from operating City-owned vehicles or conducting City business while under the influence of alcohol or illegal substances. See Section 17 “Substance Abuse and Drug Testing” for additional policies on substance use.
- e. Employees shall also notify their supervisor if they are taking any prescription or other medication that may impair their ability to safely and properly drive or operate vehicles or equipment.
- f. Employees must pay, without reimbursement, all fines or fees for parking citations or traffic violations that are incurred while operating a city-owned vehicle.
- g. Employees shall immediately report any unsatisfactory vehicle conditions, including repairs that may be needed, to their supervisor. Vehicles or equipment with unsafe conditions will not be operated until repairs are completed.
- h. Employees may permit persons that are not City employees to be passengers in City vehicles only if it is necessary to conduct City business.
- i. Employees operating city-owned vehicles have a responsibility to maintain assigned vehicles. This includes, but is not limited to, checking of fluid levels and cleaning and maintaining the vehicle’s interior and exterior when needed.
- j. Employees shall do a thorough walk-around inspection before backing any City-owned vehicle, and shall secure the help of a “Spotter” if another City employee is present.
- k. Employees shall not place unauthorized bumper stickers or unauthorized equipment in or on city-owned vehicles.
- l. Supervisors shall supervise the actions of all authorized drivers and shall institute proper disciplinary actions for violations of this policy.

13-01 (2) Garland City provides liability coverage for all city owned vehicles. An employee is responsible for any damage to any real or personal property owned by the employee while using a city-owned vehicle.

13-01 (3) All City employees shall wear properly fastened safety belts when operating city-owned vehicles. Drivers of city-owned vehicles shall require all passengers to use seat belts.



13-01 (4) All accidents or damage incurred or caused while operating city-owned vehicles or equipment must be immediately reported to the local law enforcement authority, to the employee's supervisor and to the Mayor's office. Employees must also do the following:

- a. Complete and submit to immediate supervisor or the City Office a written accident report.
- b. Employees shall not make any statements or admissions concerning fault or responsibility for the accident.
- c. Employees shall not agree to make payments for the accident or suggest that Garland City will do so.

13-01 (5) When operating a City vehicle, employees shall give their full attention to the safe operation of the vehicle.

- a. Any action which distracts the employee from the safe operation of the vehicle is forbidden. This includes, but is not limited to, making or answering a cell phone call, text messaging, looking at documents or other technical instruments such as computers, etc.
- b. If employees want to receive or make a call, or perform any actions described above, they must pull to the side of the road and stop where it is safe to do so or have a passenger make and receive the call in a manner that does not distract the driver.

13-01 (6) Any City employee who operates a city-owned vehicle must notify their supervisor of any change in the employee's physical condition, such as a heart problem, diabetes or a significant deterioration of hearing or eye sight which may be a factor in operating a vehicle safely. Employees shall also notify their supervisor if they are taking any prescription or other medication that may impair their ability to safely and properly drive or operate vehicles or equipment.

- a. With the exception of employees in positions that do not require a valid Utah Operator's License, all City employees must immediately notify their supervisor any time their license is denied, suspended or revoked, or any other administrative proceeding with the division or agency that regulates driving records.
- b. The City may conduct driving record checks for employees who drive City-owned vehicles or where the position requires a valid Operator's License.



c. Driving privileges of City vehicles shall be suspended for any City employee whose driving record reflects a denied, suspended, invalid or revoked driver's license.

d. Supervisors may impose disciplinary actions for work-related driving accidents or violations and for off duty driving violations and records.

e. Supervisors, while considering the nature of both on and off the job violations and individual circumstances surrounding an employee's driving record, accidents, violations of this policy, etc., may impose disciplinary action, up to and including requiring the employee to attend defensive driving (or similar) classes, revocation of City driving privileges, reassignment or transfer to another position, reprimand and suspension, termination of employment, or any other action deemed appropriate and necessary.

13-01 (7) Departments may have internal policies that are more specific than the guidelines outlined in this general City policy. Operators of vehicles assigned to these departments are also required to comply with all regulations and guidelines established within their Department.

## **SECTION 14 - LIABILITY, LAWSUITS AND INDEMINIFICATION**

### **14-01 Liability**

14-01 (1) An employee who witnesses or becomes aware of an occurrence which may pose a liability to the City, shall give notice to their immediate supervisor as soon as possible and contact the Mayor's office

a. Employees should report questionable behavior and business practices through their proper chain of command.

14-01 (2) An employee who is involved in an accident or other incident which may pose a liability to the City, shall give notice to their immediate supervisor as soon as possible and file a report with the Mayor's office

a. Employees who fail to report an occurrence which may pose a liability to the City may be subject to disciplinary action.

### **14-02 Lawsuits and Indemnification**



14-02 (1) Subject to the conditions, limits and requirements of applicable statutes, ordinances and policies (including Section 63G - 7-902 of the Utah Governmental Immunity Act), the City shall defend any action brought against an official or employee arising from an act or omission occurring:

- a. During the performance of the employee's duties;
- b. Within the scope of the employee's employment; or
- c. Under color of authority.

14-02 (2) Before the City may defend the employee against a claim or action, the employee shall make a written request to the City to defend the employee, provided:

- a. The request must be made within the time period specified in Utah Code Section 63G-7-902(2)(a), and
  - b. If the employee fails to make a request, or fails to reasonably cooperate in the defense, including the making of an offer of judgment under Rule 68, Utah Rules of Civil Procedure, Offers of Judgment, the City need not defend or continue to defend the employee, nor pay any judgment, compromise, or settlement against the employee in respect to the claim.
- c. The governmental entity may decline to defend, or, subject to any court rule or order, decline to continue to defend, an action against an employee if it determines:

(1) That the act or omission in question did not occur:

- (i) During the performance of the employee's duties;
- (ii) Within the scope of the employee's employment; or
- (iii) Under color of authority; or

(2) That the injury or damage on which the claim was based resulted from conditions set forth in Subsection 63G-7-202(3)(c), Utah Code.

d. Within ten (10) days of receiving a written request to defend an employee, the City shall inform the employee whether or not it shall provide a defense, and, if it refuses to provide a defense, the basis for its refusal.

e. If the City conducts the defense of an employee, the City shall pay any judgment based upon the claim unless the City has conducted the defense of the employee under a reservation of rights under which the City has reserved the right not to pay a judgment.



## **SECTION 15 - SEXUAL AND UNLAWFUL HARASSMENT**

Garland City is committed to providing a work environment that is free of sexual and unlawful harassment. The City has adopted a zero tolerance policy towards any form of sexual and unlawful harassment by any employee while employed by Garland City. Unlawful Harassment includes, but is not limited to, Gender, Race, Age, Religion, Marital Status, or any other protected status.

### **15-01 Policy Provisions**

15-01 (1) The City bases its policy on the Equal Employment Opportunity Commission's definition of sexual harassment which is:

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

15-01 (2) 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. Any verbal or physical conduct of a sexual nature that has the purpose or effect of substantially interfering with the employee's ability to do his or her job.
- e. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- f. An employee having a romantic relationship with any person he/she supervises or has authority over.
- g. Dating relationships between adult (over 21) employees and employees under the age of eighteen (18).
- h. Other sexually harassing conduct committed by supervisors or non-supervisory personnel, whether physical or verbal. This conduct may include, but is not limited to:
  - 1. Commentary about an individual's body.
  - 2. The use of sexually degrading words to describe an individual.
  - 3. Offensive comments.
  - 4. Off-color language or jokes.
  - 5. Innuendos.
  - 6. Sexually suggestive objects, books, magazines, photographs, cartoons, pictures, or other visual material.

15-01 (3) The City prohibits any supervisor or person of authority from participating in any conduct prohibited by this policy in or out of the work environment.

## ***15-02 Reporting Process and Responsibility***

15-02 (1) Employees who have complaints of sexual or unlawful harassment by anyone in the work-place, including supervisors, co-workers, or visitors, are urged to report such conduct.

- a. If the complaint does not involve an employee's supervisor or someone in the direct line of supervision, the employee should notify their immediate supervisor who will notify the Human Resource Director or City Attorney immediately.
- b. If the complaint does involve an employee's supervisor or someone in the direct line of supervision, the employee should report directly to the Mayor or the City Attorney.
- c. If sexual or unlawful harassment should occur when the above mentioned reporting guidelines are not possible (on a non 8:00 a.m. - 5:00 p.m. work-shift, weekend, swing shift, etc.) the employee should



immediately report the occurrence directly to the Mayor or the City Attorney.

15-02 (2) Individuals who feel they are being subjected to sexual or unlawful harassment should do the following:

- a. Continue to report to work.
- b. Verbalize disapproval of the action to the perpetrator and demand that it cease.
- c. Document the occurrence.
- d. Identify a witness.

15-02 (3) Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must promptly advise the Mayor or the City Attorney.

15-02 (4) In an effort to protect City employees who are required to interface with the public at the job site or remote locations, the City requires employees to inform the City of any known or potential incidents or circumstances which may lead to or be considered unlawful harassment.

15-02 (5) Any employee may raise concerns and make reports without fear of reprisal.

## **15-03 Investigation**

15-03 (1) The City endeavors to investigate all complaints as expeditiously and professionally as possible. The City requires cooperation by employees during the investigation process.

15-03 (2) The City makes every attempt to keep confidential the information provided in the complaint and investigation process, to the fullest extent permitted by circumstances.

15-03 (3) Retaliation against employees for reporting any unlawful 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 the following:

- a. Refusing to recommend the employee for a benefit for which he or she qualifies.
- b. Spreading rumors about the employee.
- c. Encouraging hostility from co-workers.
- d. Escalating the harassment.
- e. Disclosing confidential information with regards to a sexual harassment investigation.



15-03 (4) When investigations confirm allegations of sexual harassment, the City will take appropriate disciplinary measures up to and including termination.

15-03 (5) If after investigating any complaint of harassment the City learns that an employee provided false information regarding the complaint, the City may take disciplinary measures against the employee.

## **SECTION 16 - TOBACCO-FREE ENVIRONMENT**

Garland City is committed to providing a safe and healthy work environment.

16-01 (1) The use of tobacco, including cigarettes, pipes, smokeless and chewing tobacco, etc., is prohibited throughout the work-place including all City buildings, vehicles, and equipment.

16-01 (2) In accordance with Utah Administrative Code Rule 392-510-9 the City prohibits smoking within 25 feet of any entrance way, exit, open window, or “air intake” of all City buildings and facilities.

16-01 (3) This policy applies equally to all employees, customers, and visitors.

16-01 (4) Departments may have additional policies that further restrict the use of tobacco while performing work related job duties.

## **SECTION 17 - SUBSTANCE ABUSE & TESTING**

### **17-01 Substance Abuse**

17-01 (1) While on City premises and while conducting business related activities of the City, no employee may use, possess, distribute, manufacture, sell, or be under the influence of alcohol or illegal drugs.

a. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee’s ability to perform the essential functions of the job effectively and in a safe manner and does not endanger other individuals in the work-place.

b. Further, the legal use of prescribed drugs is permitted on the job only when being used in accordance with a doctor’s prescription.

17-01 (2) Violations of this policy may lead to disciplinary action, up to and including termination of employment, and may require participation in a substance abuse rehabilitation or treatment program.



17-01 (3) Employees with drug or alcohol problems that have not resulted in and are not the immediate subject of disciplinary action, may request approval to take leave to participate in a rehabilitation or treatment program. Leave taken will conform to the City's leave policy.

17-01 (5) Any employee arrested or convicted of any violation involving drugs or controlled substances is required to report this information to the Human Resource Department and the Mayor's office within 48 hours. Failure to do so may result in disciplinary measures up to and including termination.

16-01 (6) Any employee whose position requires them to possess a valid driver's license and is convicted of Driving Under the Influence may be terminated.

## **17-02 Drug Testing Procedures**

17-02 (1) The City may require a drug test of applicants subsequent to an offer of employment to determine the use of illegal drugs.

17-02 (2) The City may require random drug testing of safety sensitive positions and those possessing a commercial driver's license (CDL). The City may also require a post-accident drug test for reasonable suspicion or probable cause.

- a. Any employee who has tested positive once and has returned to his or her position, with or without treatment, will be subject to periodic testing at the City's discretion. This process will be monitored by the Mayor, and City Attorney.
- b. An employee who has tested positive on a drug test and is allowed to return to work and who receives a positive result on any subsequent drug test may be terminated.
- c. An employee who refuses to submit to a drug test may be terminated.

## **SECTION 18 - WORK-PLACE MONITORING**

18-01 (1) Work-place monitoring may be conducted by Garland City to ensure quality control, employee safety, customer satisfaction, etc.

19-01 (2) Employees should have no expectation of privacy regarding their use of City-owned computers, networks, phones, e-mail systems, internet access and usage, cell phones, text messaging, or any other City owned electronic equipment.

18-01 (3) City owned areas that may be monitored include, but is not limited to, buildings, offices, cubicles, desks, file cabinets, closets, lockers, vehicles, etc.



18-01 (4) The work-place also includes, but is not limited to, City owned property, parks, open spaces, or any other place where work is conducted.

## **SECTION 19 - WORK-PLACE VIOLENCE**

Garland City is committed to maintain a safe, healthy, and efficient working environment where employees and customers are free from the threat of work-place violence.

19-01 (1) Garland City maintains zero tolerance towards work-place violence and prohibits any employee from engaging in any act or acts of violence either on City premises (buildings, vehicles, equipment, work-sites, parking lots, etc.) or during the performance of work related duties. Prohibited behaviors include but are not limited to the following:

- a. Threatening the safety of an employee or customer.
- b. Behavior negatively affecting the health, life, or well-being of an employee or customer.
- c. Behavior which results in damage to City, employee, or customer property.
- d. Threatening, intimidating, coercing, harassing, or assaulting an employee or customer.
- e. Unlawfully harassing an employee or customer.
- f. Possessing or displaying firearms or weapons of any kind, including but not limited to, jack knives, etc., in the work environment or on City property, except as outlined in the individual's job description such as a Police Officer or otherwise allowed by state law. Any exceptions must have approval from the Mayor and the City Attorney.
- g. Stealing or attempting to steal property of the City, an employee, or customer.
- h. Damaging or attempting to damage property of the City, an employee, or customer.

19-01 (2) The prevention of potential work-place violence is a responsibility shared by all employees and incidents of workplace violence must be immediately reported to the Mayor.



- a. Any employee (including a supervisor or manager) who has been threatened, is a victim of a violent act, witnesses any threats or violent acts, or learns of any threats or violent acts, is obliged to immediately report such activity to the Mayor who will then contact the Human Resource Department or City Attorney's Office.
- b. Each report will be promptly evaluated and investigated by the City Attorney's Office, under the direction of the Mayor, to determine what disciplinary or legal actions may be required.
- c. Information about an incident or threat will be disclosed on a need-to-know basis only, so a fair and thorough investigation can be conducted and appropriate corrective action can be taken. Additionally, the City will make every effort to ensure the safety and privacy of all individuals involved.
- d. An employee who has engaged in prohibited conduct will be subject to appropriate disciplinary action up to and including termination of employment.
- e. It is the employee's responsibility to take due care to protect themselves and co-workers from any threat or act of violence.

## ***SECTION 20 - AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)***

The Age Discrimination in Employment Act (ADEA) of 1967 prohibits employers with at least 20 employees from considering age in employment decisions for persons aged 40 or older. Under the provisions of the ADEA, employers may not consider age in making decisions affecting hiring, compensation, benefits, promotions, and training unless a specific exception to the law applies.

20-01 (1) Garland City complies with the Age Discrimination in Employment Act and all subsequent amendments to the act.

## ***SECTION 21 - AMERICANS WITH DISABILITIES ACT (ADA)***

The American's with Disabilities Act (ADA) prohibits employers (with 15 or more employees) from discriminating against qualified individuals based upon a disability. Qualified individuals are those with appropriate educational training and job experience,



who are able to perform the essential functions of the job, with or without reasonable accommodation. The ADA defines a “disability” as a physical or mental impairment (or the person is regarded as having such) that substantially limits one or more major life activities.

21-01 (1) Garland City complies with the Americans with Disabilities Act (ADA) and all subsequent amendments to the act.

21-01 (2) A “Reasonable Accommodation” is a modification to a job which will allow an individual with a disability to perform the essential functions of the position.

- a. A reasonable accommodation does not include lower production and quality standards.
- b. In addition, the employer need not provide an accommodation that would impose an “undue hardship” on the business.
- c. A reasonable accommodation may include, but is not limited to the following:
  1. Making facilities used by employees readily accessible and usable by persons with disabilities.
  2. Job restructuring.
  3. Modifying work schedules.
  4. Reassignment to a vacant position.
  5. Acquiring or modifying equipment or devices.
  6. Adjusting or modifying examinations, training materials, or policies.
  7. Providing qualified sign language interpreters.

## ***SECTION 22 - CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)***

The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, mandates that employers with twenty (21) or more employees on fifty (50%) percent of the business days of the previous year offer continuation group health care coverage to plan participants and certain family members for 18 or 36 months, at group rates, where coverage might otherwise end, such as with a voluntary or involuntary termination of employment, a reduction of hours worked, the death of an employee, or a divorce. Further legislation, as well as regulations interpreting and enforcing parts of COBRA were implemented in 1987 and again in 1989. The act mandates the length of time employees have to elect COBRA benefits, response time for employers, and what notices must be provided.



22-01 (1) Garland City complies with the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 and all subsequent amendments to the act.

22-01 (2) All employees covered by a plan, including spouses and children, are eligible for COBRA.

- a. The employee pays health care continuation coverage premiums in full.
- b. The premiums charged an employee may include a two (2%) percent administrative fee.

## ***SECTION 23 - FAIR LABOR STANDARDS ACT (FLSA)***

The FLSA provides federal guidelines on employment status, child labor, minimum wage, overtime pay, and record-keeping requirements.

23-01 (1) Garland City complies with the Fair Labor Standards Act (FLSA) and all subsequent amendments to the act.

a. The FLSA establishes guidelines by which positions may be determined to be non-exempt from the Act and which are exempt and are determined by the Human Resource Department.

b. The FLSA establishes age and time requirements when minors can work.

c. The FLSA sets the minimum wage that must be paid and mandates when overtime must be paid.

1. Employees covered by FLSA must be paid at least one and one half (1½) times their regular rate for all hours worked in excess of 40 hours in a week (seven consecutive days).

2. The regular rate of pay must be determined to calculate overtime pay, and it includes the base rate, bonuses, commission, piece rates, incentives, shift differentials, and training pay.

3. Personal Leave, Holidays, and etc. will be paid at the regular rate of pay.

4. The regular rate of pay excludes contributions to pension and insurance plans, discretionary bonuses and longevity pay.

23-01 (2) The FLSA defines hours worked as all time spent in an employee's principal duties and all essential ancillary activities must be counted. Work time is



compensable if expended for the employer's benefit, if controlled by the employer, or if allowed by the employer.

- a. Activities which occur before or after an employee's principal duties need not be counted as work time.

Examples are:

1. Changing or washing work clothes.
2. Traveling to or from work.
3. Meal periods or breaks.
4. Non-mandatory training time.

23-01 (3) The FLSA requires specific records to be kept which include the following:

- a. Name, address, and date of birth if under 19 years of age.
- b. Day and hour on which workweek begins.
- c. Number of hours worked (as opposed to "scheduled") each day and total number of hours worked each week.
- d. Inclusions and exclusions from regular rate of pay.
- e. Total daily or weekly straight time earnings.
- f. Total overtime earnings.
- g. Total deductions from earnings.
- h. Total wage each period.
- i. Date of payment, amount, and period included in payment.

## ***SECTION 24 - HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)***

Federal privacy requirements under the Health Insurance Portability and Accountability Act (HIPAA) are designed to restrict access to, use, and disclosure of individually identifiable health information.

24-01 (1) Garland City complies with the Health Insurance Portability and Accountability Act (HIPAA) and all subsequent amendments to the act.



## **SECTION 25 - IMMIGRATION REFORM AND CONTROL ACT (IRCA)**

The Immigration Reform and Control Act (IRCA) prohibits the employment of individuals who are not legally authorized to work in the United States or in an employment classification that they are not authorized to fill. The IRCA also prohibits discrimination in employment related matters based on national origin or citizenship.

25-01 (1) Garland City complies with the Immigration Reform and Control Act (IRCA) and all subsequent amendments to the act.

25-01 (2) The IRCA requires employers to certify, within three (3) days of employment, the identity and eligibility to work of all employees hired. Certification is satisfied by the completion of an I-9 form.

25-01 (3) I-9 forms are retained for three (3) years following employment or one (1) year following termination, whichever is later.