



# Employee Handbook

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Fourth Edition (amended)  
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Dear Fellow Millcreeker,

Welcome to one of Utah's newest cities and a career in public service for an amazing community! Millcreek's motto is "Connected by Nature," and our natural beauty flows from the Wasatch Mountains west to the Jordan River. But you'll also find a close-knit community and city employees working hard to facilitate connections and make this a great place to live, work, and play.

Having just incorporated a few short years ago, we've been fortunate to hand-pick a "Dream Team" from scratch-including YOU! Millcreek needs your energy, talents, and positive attitude to help build a truly magical municipal organization. I'm glad you are here to enhance our entrepreneurial vibe.

Here we encourage each other to "Play to Win," and we expect big things. Our culture is fast-moving, nimble, and responsive. But we also expect hard work, dedication, and excellent customer service. We put a lot of trust in our team, and if you are fair with Millcreek, Millcreek will always be fair with you.

The policies in this handbook are here to help you do your job effectively and efficiently. Please take time to read and understand them and refer back to this book often. Any questions along the way? I'm here for you and so is your Department Head, and also Human Resources. We can't wait to help you thrive and soar at Millcreek!

All the best,

A handwritten signature in blue ink that reads "Mike Winder".

Mike Winder  
City Manager

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## DISCLAIMER

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

### Handbook Amendment History

Resolution 25-XX – September 22, 2025 – 1<sup>st</sup> Amendment to Employee Handbook – Fourth Edition



## SECTION 1: INTRODUCTION

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### MILLCREEK GOVERNMENT

Millcreek ("City") is a city of the Third Class. It is governed by a five-member Council comprised of five (5) elected Council Members, one (1) of which is the Mayor. As authorized by City ordinance, a City Manager is hired by the City Council to manage all day-to-day operations of the City. The City Manager is the City's Chief Administrative Officer (CAO) and reports directly to the Mayor and City Council. All City employees report directly or indirectly to the City Manager.

### POLICY IMPLEMENTATION

The information contained in this Handbook is intended to help employees better understand their responsibilities and obligations as employees of the City. Employees are required to read, understand, and comply with all provisions of the Handbook.

1. The City reserves the right to revise, supplement, or rescind any policy or portion of a policy from time to time as deemed necessary by the City Manager. A complete copy of the Handbook is located on the City's M Drive and is available to all employees. Every employee is responsible for becoming informed of policy changes as they occur.
2. In addition to the policies and procedures in this manual, employees are responsible for understanding and abiding by the policies and procedures of their respective Departments.
3. The City Manager or designee shall be the final interpreter of the provisions of the Handbook as applied to all City employees.

## MILLCREEK VISION STATEMENT

The City is a diverse community where residents and businesses are empowered to respectfully engage and interact with each other in governance and volunteerism to maintain a fiscally responsible, environmentally sustainable city that provides a “welcome home” feeling to everyone – past, present, and future.

## MILLCREEK MISSION STATEMENT

Millcreek provides superior, responsive municipal governance and services in a fiscally conservative and responsible manner, sustaining and improving the City's residents' and stakeholders' quality of life.

## EMPLOYEE SERVICE VALUES

- Listen to Understand
- Be Respectful to All
- Be Innovative and Invested
- Do What You Say You'll Do
- Play to Win and Have Fun!



**At Millcreek, we believe in treating others as we would like to be treated, facilitating a culture of continuing improvement, and providing optimum customer service.**



## SECTION 2: EMPLOYMENT PRACTICES

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### 2-01 RECRUITMENT

1. **General Policies**—The City intends to fill all positions with the most suitable applicant and to consider qualified in-house applicants when appropriate.
2. **Nepotism** – The City complies with Utah Code §52-3-1 et seq., “Prohibiting Employment of Relatives,” which provides that a public officer may not employ, appoint, vote for, or recommend the appointment of an appointee when the appointee will be either directly or indirectly supervised in the same supervisory hierarchy by a relative or household member.
  - Household member means a person who resides in the same residence as the public officer, or a person compensated by public funds. Relative means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
  - The City defines relative to include foster children, step-relationships of the preceding degrees of family relationships, or any of their spouses.
  - The City defines direct and indirect supervision as a working relationship in which an employee manages another employee’s job duties or decisions. This includes assigning work, approving schedules or time off, giving performance feedback, and being involved in decisions like hiring, promotions, or discipline, where an employee is in the direct line of authority of another employee or the formal chain of command of such employee. Volunteers providing services to the City are excluded from this provision.
3. **Employment of Minors** – It is the policy of the City that no one under the age of 18 shall be hired as a regular full-time or regular part-time employee. Persons aged 16 through 17 may be hired as a

non-benefited employee, provided such employment complies with applicable laws. No one under the age of 16 shall be hired for any position.

**4. Equal Employment Opportunity** – The City is an Equal Opportunity Employer and selects, hires, promotes, and compensates employees without regard to race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law.

- The City evaluates applicants for employment or candidates for promotion based on their knowledge, skills, experience, education, and potential for job performance that is consistent with the position's needs.
- The City complies with the prohibitions on using certain submissions, training, and discriminatory practices as set forth in Utah Code Ann. §67-27-101 et seq.

**5. Disability Accommodations** - The City is committed to providing all current and prospective employees equal employment opportunities. As part of that commitment, the City seeks to implement all applicable provisions of the Americans with Disabilities Act (ADA), as amended, which includes recognizing that some individuals with disabilities may require a reasonable accommodation to perform their job duties.

- Employees who are disabled or become disabled and require reasonable accommodation may request accommodation from their Department Head or Human Resources.
- The City will make reasonable accommodations for qualified individuals with a disability unless doing so would impose an undue hardship on the City.
- The City may request documentation of a disability if an accommodation is requested.
- The ADA defines a disability as a physical or mental impairment that substantially limits one (1) or more major life activities or any record of such impairment or is regarded by the employer as having such impairment.
- This policy governs all aspects of employment, including recruitment, selection, job assignment, compensation, discipline, termination, and access to benefits and training.

**6. Other Accommodations**

- The City will not compel an employee to engage in religiously objectionable expression that the employee reasonably believes would burden or offend the employee's sincerely held religious beliefs unless accommodating the employee would cause an undue burden to the City by

substantially interfering with the City's core mission or the City's ability to conduct business in an effective or financially reasonable manner; or ability to provide training and safety instruction for the job as set forth in Utah Code Ann. §34A-5-101 et seq.

- The City complies with Utah Code Ann. §67-27-106 and may not deny an employee's reasonable request to be relieved from performing a certain task if:
  - performing the task would conflict with the employee's sincerely held religious beliefs or conscience;
  - the employee has complied with the requirements of Utah Code Ann. §67-27-106 (3); and
  - relieving the employee from the task would not impose an undue hardship on the City.

The City is not required to grant an employee's request if:

- the request is to be relieved from performing a task that is part of training or safety instructions directly related to the employee's employment;
- granting the request would result in a deficit in the amount of work for which the employee is compensated;
- granting the request would create a conflict with an existing legal obligation, and the City cannot avoid the conflict if the City grants the employee's request; or
- the employee's asserted religious beliefs or conscience is being asserted for an improper purpose.

The City may grant relief from performing the objectionable task identified in this section by complying with the requirements as set forth in Utah Code Ann. §67-27-1059 (3).

7. **Job Postings** – When a Department Head requests to fill a new or vacant position and has been approved by the City Manager and the HR/Finance Director, Human Resources will take the necessary steps to advertise and recruit for the authorized position. All full-time and part-time employment opportunities will be posted in accordance with this section. At the City Manager's discretion, vacant appointed positions, as defined by Utah Code §10-3-1303, "Municipal Officers' and Employees' Ethics Act," may or may not be advertised and are not subject to the minimum posting time requirements as stated below.



Keep an eye out for email notifications containing job opportunities within the City.

Human Resources shall review or prepare a job description defining a vacant position's essential functions and conduct a market compensation study before the vacancy is advertised.

Job postings identified for open recruitment will be advertised for at least three (3) calendar days. For the purposes of this policy, open recruitment means employment opportunities that are available to both internal and external applicants.

The City reserves the right to limit recruitment to internal applicants for some vacancies. Internal job postings shall be advertised for at least three (3) calendar days and include City email notifications to current employees and posted at appropriate City locations.

Open recruitment job opportunities may be posted in the following locations:

- Employment agencies
- Professional staffing services
- Professional association websites
- City website
- Department of Workforce Services
- Online job boards
- Social media

Other advertising sources may be used to fill open positions in the City's best interest.

To the extent authorized by State law, the City shall only post new or vacant positions. The City does not need to post a job if positions are reassigned, duties are reclassified, a job title is modified, or a department is restructured.

**8. Application Requirements** – In general, the following application process is followed for all job postings. City employees are encouraged to apply for any posted position.

- All applicants for employment with the City must comply with the specific application process for each position. The applicant must submit all application materials to Human Resources by the closing date and time of the posted position.
- The City accepts applications from all interested parties and evaluates applicants based on job-related criteria.
- Falsifying any information required in the application process is grounds for immediate disqualification.

- Applications will be retained according to the City’s retention schedule.

## 9. Selection Procedures

- Skill-based Testing – Job applicants may be required to take tests the City deems necessary for a specific position.
- Veterans Preference – In accordance with Utah Code Ann. §71A-1-101 et seq., veterans eligible for a preference and their spouses shall be given preference in the hiring process as provided therein.
- Pre-employment Screenings—Once an applicant is selected and has signed a written conditional offer, the applicant must submit to drug testing, a criminal background check, a sex and kidnapper offender background check at both the national and state level, if the position requires, and a driver’s license check, if needed. The City Manager or designee shall approve the conditional offer. If an applicant does not pass the drug screening, background, or sex offender checks, the conditional employment offer will be rescinded.

**10. Youth Protection** – If a programed event that is sponsored by the City is determined to be a youth service organization, the City shall not employ a “youth worker” or allow an individual to volunteer as a “youth worker” unless the City has completed a registered sex offender check for the individual.

- A “youth worker” is defined as an individual who is 18 years old or older, is employed or volunteers with a youth services organization, and whose responsibilities as an employee or volunteer with the youth services organization give the individual regular and repeated care, supervision, guidance, or control of a child or children.

If an individual is registered on the state's Sex and Kidnap Offender Registry or the National Sex Offender Public Website, the City may not employ the individual as a youth worker or allow the individual to volunteer as a youth worker, as defined and as set forth in Utah Code Ann. § 80-8-101 et seq.

**11. Criminal Background Checks** – Because the City must protect the safety, health, and security of its citizens, employees, and property, past behavior may disqualify a job applicant (“applicant”) from certain positions within the City. While this policy provides some guidelines for making employment decisions, the City Attorney or designee will ultimately determine the relevancy e of past criminal conduct to a position; any evidence of rehabilitation will be considered on a case-by-case basis.

- When offered employment with the City, applicants aged 18 years or older must obtain and submit their criminal background check report from the Utah Bureau of Criminal Identification to Human Resources.
- Criminal background checks will not be used to discriminate based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law.
- The City shall consider the following factors, related to past criminal conduct, when making a hiring decision:
  - the nature and gravity of the offense or conduct;
  - the time passed since the offense, conduct, and completion of the sentence; and
  - the nature of the job sought.
- If the contents found on a criminal background check are deemed unsatisfactory for employment, the City shall notify the applicant of its decision to withdraw the job offer. If the applicant believes a mistake has been reported on the criminal background check, it is that person's responsibility to contact the reporting agency to resolve any issues. The City is not responsible for errors or omissions that may be reported on criminal background checks.
- Applicants who refuse to obtain a criminal background check are not eligible for employment with the City.
- The City will reimburse any fees charged to applicants for criminal background checks.

## 2-02 EMPLOYMENT CLASSIFICATIONS

### 1. Employment Status –

- **Regular full-time employee** means a person who is not appointed statutory or a department head and is hired for an indefinite period. Regular full-time employees:
  - are eligible for all City-provided employee benefits, including Utah Retirement Systems (URS);
  - are generally scheduled to work 40 hours a week;
  - may not be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration except as provided in Utah Code Ann. §10-3-1106. This limitation does not apply to an employee who is discharged or involuntarily

transferred to a position with less remuneration if the discharge or involuntary transfer results from a reduction in force (RIF) or reorganization; and,

- are exempt from Social Security payroll taxes.
- **Appointed Statutory position and Department Head** means an employee appointed to a position by the Mayor with consent from the City Council or is a department head. An employee appointed by the Mayor with the consent of the City Council includes the City Engineer, City Recorder, City Treasurer, City Attorney, and Director of Finance. Appointed statutory and department head full-time employees:
  - are eligible for all City-provided employee benefits, including URS;
  - are generally scheduled to work 40 hours a week;
  - are considered at-will, meaning the employee may be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration with or without cause and without satisfying the requirement of Utah Code Ann. §10-3-1106;
  - are exempt from Social Security payroll taxes.
- **Regular part-time employee** means a person hired for an indefinite period and is generally scheduled to work at least 20 hours a week but less than 30 hours. Regular part-time employees:
  - are eligible for some City-provided employee benefits, including URS;
  - are eligible to receive prorated personal time off (PTO), annual birthday PTO, holiday leave, caregiver leave, bereavement/funeral leave, and jury duty leave;
  - may be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration with or without cause and without the protection of Utah Code Ann. §10-3-1106; and
  - are exempt from Social Security payroll taxes.
  - The City classifies elected officials as regular part-time employees. Depending on the benefits provider's criteria, elected officials may be eligible for some benefits.
- **Non-benefited employee** means a seasonal or temporary employee or intern hired in a position for a limited period. A copy of the Non-benefited Handbook can be found on the City's M Drive. Non-benefited employees:
  - are not eligible for City-provided employee benefits;

- may be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration with or without cause and without the protection of Utah Code Ann. §10-3-1106;
  - are subject to Social Security payroll taxes; and,
  - may not exceed ACA limitations of the number of hours worked in a specific time frame.
  - Non-benefited employees do not have a probationary period, performance appraisals, and are not eligible for merit increases.
- **Volunteer and unpaid interns** means anyone who, without compensation or expectation of compensation, beyond reimbursement of expenses, performs a task at the direction of and on behalf of the City. A copy of the Volunteer Handbook can be found on the City's website.
    - Volunteers are subject to the same applicable rules and regulations as City employees.
    - Prior to accepting or performing any volunteer services, the volunteer shall sign the following forms, including but not limited to the "Volunteer Agreement," "Consent, Media Release & Liability Waiver," "Volunteer Conflict-of-Interest Disclosure Statement," and "Consent for Sex Offender Background Check," if applicable, all of which are located on the City's website.
    - A volunteer shall be provided the same protections as a City employee for Worker's Compensation benefits (for compensable injuries sustained by the volunteer while acting in the scope of voluntary assignment) and liability insurance coverage.
    - Volunteers shall not operate City-owned vehicles or equipment unless authorized in writing by the City Manager.
    - A City employee may volunteer to perform other services for the City or the City's benefit if such services are not the same type of service the employee is employed to perform for the City.
      - For this subsection, the phrase "same type of service" means similar or identical services determined by the City Manager. The decision of the City Manager may not be appealed.

**2. Probation**—All newly hired or rehired regular full-time or part-time employees must complete a probationary period, during which the City evaluates their performance. Employees will receive a performance evaluation at the end of their probationary period.

- Regular full-time and regular part-time employees are subject to a six (6) month probationary period beginning on the date of hire.
- Appointed statutory or department head employees are not entitled to a six (6) month probationary period.
- During probation, such employees may be terminated at any time, with or without cause and without satisfying the requirements of Utah Code Ann. §10-3-1106.
- Current employees who are promoted or assume a new position that requires new job qualifications or skills may be required to complete a new probationary period at the City Manager's discretion.
- Employees reclassified from regular part-time to regular full-time status are not required to complete a new probationary period unless the City Manager determines otherwise.



The probationary period for all regular full-time and part-time employees is 6 months beginning on your hire date.

**3. Performance Evaluations** – Supervisors of all benefited employees shall complete performance evaluations as determined by the City Manager.

- Regular full-time and part-time employees shall receive an annual performance evaluation.
  - Approved copies of performance evaluations are placed in the employee's personnel file kept by the City. Employees will receive a copy of their performance evaluation.
- Non-benefited positions do not receive an annual performance evaluation.

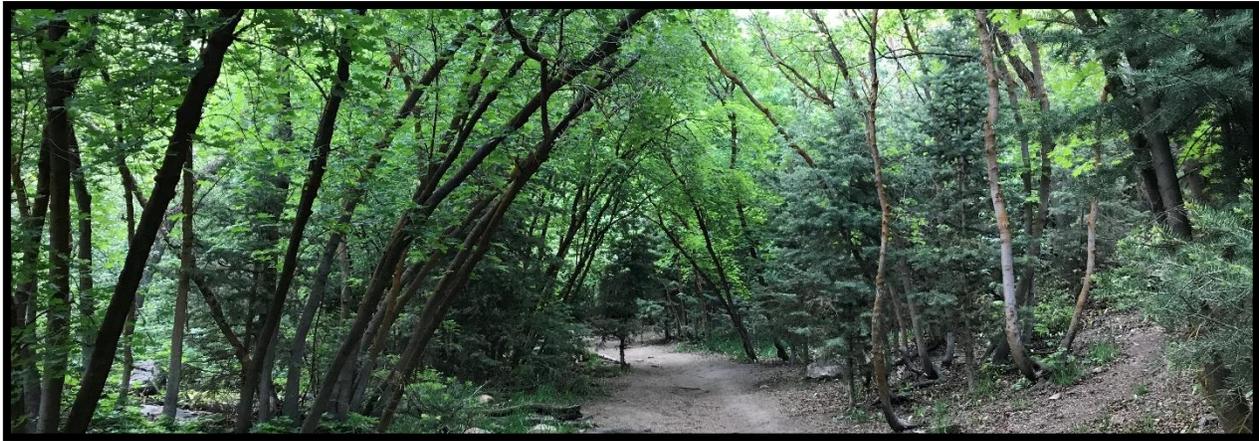
**4. Employment Classification for Purposes of FLSA**—

- In accordance with the Fair Labor Standards Act (FLSA), employees are classified as either exempt or non-exempt regarding eligibility for overtime pay.
- Exempt employees are those in executive, administrative, or professional positions as prescribed by the FLSA and, therefore, do not receive overtime pay for more than 40 hours worked in a workweek.
- All other FLSA-covered employees are classified as non-exempt and are compensated for time worked in excess of 40 hours in a workweek.

- Non-benefited employees are not eligible to earn compensatory time; time worked in excess of 40 hours in a workweek will be paid at time and a half.
- Non-benefited employees are not eligible for Personal Time Off (PTO) or paid holiday time.

### **2-03 EMPLOYEE REDUCTION IN FORCE POLICY (RIF)**

The City Manager may determine that an employee RIF is necessary due to budgetary restrictions, workload reductions, or reorganizations. When this happens, the employee(s) in the positions to be eliminated shall, when possible, be notified in writing at least two (2) weeks before the planned reduction in force. Seniority may govern the selection of employees subject to a RIF.



## SECTION 3: COMPENSATION, LEAVES, AND BENEFITS

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### 3-01 COMPENSATION

1. **Work Hours** —Department Heads or immediate supervisors will establish work schedules for all employees. Employee work hours may be changed as determined to be in the City's best interest.
  - For all employees, the City's work week begins at 12:00 p.m. on Friday and ends at 11:59 a.m. the following Friday.
  - Employees are responsible for accurately recording and reporting time worked and leave used on their time records.
  - Supervisors are responsible for reviewing and approving time records in a timely manner.
  - The City Manager or designee may allow employees to go home early with pay under certain circumstances. Early dismissal is a discretionary decision, not a basis for additional compensation.
2. **Meal Periods** — Meal periods are generally unpaid. Department Heads and/or immediate supervisors determine meal periods for their department.
  - Employees requesting to work through meal periods must have prior authorization from their Department Head.
  - Employees under the age of 18 are required to take one (1) paid 10-minute break for every three (3) consecutive hours worked and one (1) unpaid meal period of at least 30 minutes for every five (5) hours worked.
3. **Pay Grade Assignment**—The City assigns each position a classification pay grade and salary range, as established by its pay scale. The pay scale reflects internal and external equities based on

assigned duties, responsibilities, and market compensation studies. Human Resources conducts market compensation studies as it deems appropriate.

**4. Payroll** - All employees are paid bi-weekly. Each payment includes earnings for all work performed through the end of the previous payroll period.

- Employees may voluntarily authorize payroll deductions to cover the costs of participating in City-approved programs. They should review any discrepancies in payroll deductions with the HR/Finance Department.
- Upon receiving a valid garnishment, the City deducts wages from an employee's pay. The City continues to withhold the garnishment wages until a court order indicates satisfaction of the indebtedness or until the City is ordered to surrender the monies to the court or its agent.
- Employees and the City are jointly responsible for ensuring correct payments for wages and deductions. Payroll errors may be corrected retroactively, but only for up to 26 pay periods.



Payments are issued by direct deposit bi-weekly on Thursdays except for when a holiday falls on a Thursday, pay will be issued on the preceding Wednesday.

**5. Merit Increases** — Appointed full-time, regular full-time, and regular part-time employees may receive merit increases based on performance evaluations or other established criteria according to the available funds appropriated by the City Council through the budget process. Non-benefited employees are not eligible for merit increases.

**6. Cost-of-living adjustments (COLA) or Market Adjustments**— Appointed full-time, regular full-time, and regular part-time employees may receive a COLA or market adjustment as determined appropriate and according to the availability of funds appropriated by the City Council through the budget process. Non-benefited employees are not eligible for a COLA.

**7. Non-Benefited Employee Rates of Pay**— Hourly wages are based on factors such as market compensation studies and the availability of funds appropriated by the City Council through the budget process.

**8. Incentive Policy** - The City values its employees' hard work and dedication and is committed to recognizing outstanding performance. All incentives must be awarded in accordance with this policy to ensure transparency, fairness, consistency, and adherence to budgetary guidelines.

- Eligibility and Approval Process - Department Heads may propose incentives to recognize employees who demonstrate outstanding performance, innovation, or significant contributions to the department and/or City. All incentive proposals must be submitted in writing to the City Manager and Human Resources for approval before being awarded.
- Incentive Types - All incentives may be considered taxable compensation. Incentives may be awarded in the following forms:
  - Monetary Incentives - Cash awards to recognize exceptional performance or achievement.
  - Non-Monetary Incentives - Other rewards include additional personal time off (PTO), free lunches, or other appropriate recognition items.
- Approval Procedure
  - For any monetary incentives, the respective Department Head must submit a written justification to the City Manager and Human Resources detailing the employee's exceptional performance and the proposed incentive.
  - The City Manager and Human Resources will review the submission to ensure it aligns with city goals and fair employee recognition practices. Incentives will only be awarded once approval is granted.
- Budget Considerations
  - All proposed incentives must be considered within the scope of the department's budget. Department Heads must ensure that any incentive awards are covered within their allocated salary or operating budgets.
  - If an incentive exceeds available budgeted funds, additional approval will be required through the HR/Finance Department for adjustments.
- Seasonal Service Incentive Pay
  - Certain non-benefited employees may be eligible to receive service incentive pay at the end of each season to recognize their commitment to the City and to improve retention, subject to the availability of funds appropriated by the City Council through the budget process. Employees must complete the entire season to be eligible for service incentive pay.

**9. Overtime Provisions**—The City’s general policy is not to require employees to work overtime. However, employees may be required to work overtime as deemed necessary and pre-authorized by their Department Head.

- Overtime is payment received for time worked in excess of 40 hours a work week for non-exempt employees.
- Overtime is paid consistent with FLSA requirements at the rate of one and one-half times the regular rate of pay, except as otherwise provided in this section.
- Overtime is calculated based on actual time worked.
  - Time worked includes the hours an employee works, as well as emergency pay, jury duty, and witness duty.
  - Time worked does not include PTO, holiday leave, caregiver leave, bereavement/funeral leave, paid or unpaid administrative leave, paid military leave, compensatory time, or on-call compensation.
- Funding from federal and state grants, external donations or sponsorships, or third-party fee schedule payments paid through City payroll stipulated for time and a half compensation will be paid as such.
- In situations where the Mayor has declared a “Local State of Emergency,” FLSA non-exempt employees whose work assists the response during the designated emergency will be paid time and a half for any emergency hours worked outside of their regularly assigned work schedule. .

**10. Compensatory Time Provisions** – When it is in the City's best interest, the City reserves the right to grant compensatory time (“comp time”) in lieu of overtime wages to FLSA non-exempt employees. An employee’s Department Head must pre-authorize the use of comp time.

- Comp time is calculated the same as overtime, as described in Section 3-01-9.
- Employees with a balance of earned comp time who request use of the time will be permitted to use it within a reasonable period after making the request if it does not unduly disrupt the operations of the City or the employee’s respective department.
- The City may require employees to use earned comp time.
- The maximum amount of comp time employees may carry is 80 hours.
- Any earned comp time of employees moving to FLSA-exempt status shall be used or compensated prior to such action.



Employees can store up to 80 hours of comp time. Once this limit has been met, all hours over 40 during the work week will be paid at the employee’s overtime rate.

**11. Exempt Employees**— Exempt employees are paid in accordance with the following principles.

- Employees classified as exempt will receive a salary intended to compensate them for all hours they work for the City. This salary will be established at the time of hire or when classified as exempt.
- Exempt employees work 40 hours a week. The City Manager or designee determines each exempt employee's daily working hours.
- Acceptance of an exempt position with the City constitutes acknowledgment that job responsibilities may require a work week in excess of 40 hours. Exempt employees are not paid hourly and are not eligible for overtime or comp time, except in exceptional circumstances such as federal or state grants, external donations or sponsorships, or third-party fee schedule payments paid through City payroll.
- In any work week in which the exempt employee performed any work, salary will not be reduced for the following reasons:
  - partial day absences for personal reasons, sickness, or disability;
  - an absence because the City has decided to suspend operations on a scheduled workday temporarily;
  - absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
  - any other deductions prohibited by state or federal law.
- Exempt employees are responsible for maintaining and submitting accurate records of paid leave usage.
- Exempt employees may be placed on leave without pay for absences during any work week in which no work was performed when accrued leave has been exhausted, permission for leave use has not been sought or is sought but is denied, or the employee requests and is granted leave without pay.
- Exempt employees may be disciplined for violations of the Handbook. Suspensions for workplace conduct rules must be imposed in full-day increments, and performance-related suspensions must be imposed in work week increments.

**12. On-Call Notification** - Certain departments may require employees to be available to return to work during off-duty hours to respond to unforeseen, unplanned emergencies.

- Employees must be available and able to respond within one (1) hour and in compliance with the City's Drug/Alcohol Policy.

**13. On-Call Compensation** - Non-exempt employees officially assigned to on-call duties are eligible for on-call compensation.

- On-call compensation is issued at a flat rate of \$300 a week or \$42.86 a day during the assigned on-call duration.
- On-call compensation is not counted as hours worked to calculate overtime.

**14. Incidental Phone Calls**

- The time it takes to respond to incidental phone calls received while assigned on-call is anticipated and included in the on-call compensation rates described above.
- Time to respond to incidental phone calls received during off-duty hours is considered part of the normal work week and shall be counted as additional time worked.

**15. Call-Back Compensation**

- Non-exempt employees called back to work after scheduled work hours have ended and before the next regularly scheduled work time are eligible to receive call-back compensation.
- Upon call-back, travel time to and from a City work site is considered time worked.
- Call-back compensation shall be at least two (2) hours for each incident (including travel time) and calculated at the employee's overtime pay rate.
- Call-back compensation may be taken as paid overtime or added to the employee's comp time bank.

**16. Travel Time** – Whether work-related travel time is compensable, "time worked" depends on the kind of travel involved. Situations not covered below should be resolved in consultation with the City Manager, designee, or Human Resources.

- Commuting travel time from home before the regular workday and returning home after the regular workday is not time worked. This includes any assignment to a different work location within 50 miles of City Hall for an entire workday.
- Travel time to a work location 50 miles or more from City Hall for an entire workday is time worked, after excluding the time the employee would normally commute to the regular work site.



The current mileage reimbursement rate as determined by the IRS can be found at [www.irs.gov](http://www.irs.gov).

- Time spent in travel as part of the employee's assigned duties after arriving at the employee's work location shall be considered time worked.
- Time spent in travel due to a call-back request is time worked.
- Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is time worked when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 9:00 a.m. to 5:00 p.m. Monday through Friday, the travel time during these hours is time worked on Saturday and Sunday. Travel outside regular working hours on public transportation is not time worked.
- If an employee is offered public transportation but requests permission to drive his vehicle, the employer may count as hours worked, either the time spent driving or the time he would have had to count as hours worked during working hours if the employee had used public transportation.
- Travel time as an automobile driver, assistant, or helper outside regular working hours is time worked.
- Any work an employee must perform while traveling is time worked.

### 3-02 LEAVES

1. **Personal Time Off (PTO)**—PTO is time off with pay available to eligible employees to provide opportunities for rest, recovery from illness, accidents, medical procedures, relaxation, and personal pursuits. PTO is accrued biweekly with the regular payroll cycle. Employees will stop accruing PTO hours when the maximum accrual limit has been met and until PTO hours have been reduced unless the City Manager or designee has granted an extension.
  - PTO shall be requested from and pre-approved by the employee's supervisor.
  - Employees who wish to exhaust accrued PTO immediately preceding the last day worked before retirement, resignation, or termination may do so if approved by the City Manager, but they are not eligible for leave-on-leave accrual.
  - Employees do not accrue PTO while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave.
  - Except during the first 12 months of employment, deficit balances in an employee's PTO account are prohibited except for extraordinary circumstances acceptable to the City Manager.
  - PTO may be used for any City approved FMLA leave.

- Regular part-time employees are eligible for prorated PTO.
- Non-benefited employees are not eligible for PTO.
- PTO accrues based on the following schedule for full-time employees:

Years Of Service	Annual Accrual	Accrual Rate Per Pay Period (26 Pay Periods)	Maximum Accrual Of Hours
0 to 5	160	6.15	320
6 to 9	200	7.69	320
10 and over	240	9.23	320

**2. Holiday Leave** – The City recognizes the following holidays for purposes of paid holiday leave:

New Year’s Day_____	January 1 <sup>st</sup>
Dr. Martin Luther King, Jr. Day_____	3 <sup>rd</sup> Monday in January
President’s Day_____	3 <sup>rd</sup> Monday in February
Memorial Day_____	Last Monday in May
Juneteenth_____	June 19 <sup>th</sup>
Independence Day_____	July 4 <sup>th</sup>
Pioneer Day_____	July 24 <sup>th</sup>
Labor Day_____	1 <sup>st</sup> Monday in September
Veteran’s Day_____	November 11 <sup>th</sup>
Thanksgiving Day_____	4 <sup>th</sup> Thursday in November
Day after Thanksgiving_____	Friday after Thanksgiving
Christmas Day_____	December 25 <sup>th</sup>
Floating Holiday_____	Determined by City Manager

- If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday, it shall be observed the following Monday or as designated by the City Manager.
- Employees who are not normally scheduled to work on a holiday shall be allowed to use accrued holiday hours on a floating basis within two (2) pay periods of when the holiday falls. Holiday leave used on a floating basis shall be requested and pre-approved by the employee’s supervisor.
- Employees scheduled to work on a holiday shall be allowed to use accrued holiday hours on a floating basis within two (2) pay periods of when the holiday falls. Holiday leave used on a floating basis shall be requested and pre-approved by the employee’s supervisor.

- Employees do not receive holiday leave when taking leave without pay.
- Regular part-time employees are eligible for prorated holiday leave.
- Non-benefited employees are not eligible for holiday leave.

**3. Caregiver Leave** - Full-time employees may request a maximum of 80 hours of paid caregiver leave each rolling year for situations related to certain caregiving reasons, such as:

- To care for the employee's child after birth or through adoption or foster care.
- To care for an employee's immediate family member with a serious health condition such as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
  - Treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. It does not include routine physical, eye, or dental examinations. Continuing treatment by a health care provider includes conditions with short-term, chronic, long-term, or permanent periods of incapacity.
  - Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.
  - Immediate family means the following relatives of the employee (including in-laws or step-relatives) unless otherwise approved by the City Manager: spouse, parents, siblings, children, grandparents, and grandchildren.
- Employees should request caregiver leave in writing to their Department Head and Human Resources at least 30 days before foreseeable events or as soon as practical for unforeseeable events.
- The City will request documentation to verify the need for caregiver leave.
- Caregiver leave may be taken intermittently.
- Caregiver leave may be taken during an employee's probationary period; however, the probationary period shall be extended by the amount of time equivalent to the amount of caregiver leave taken.
- Caregiver leave is not charged against accrued PTO.
- Regular part-time employees are eligible for prorated caregiver leave.
- Non-benefited employees are not eligible for caregiver leave.

- The purpose of caregiver leave is for situations related to certain immediate family caregiving reasons. Employees who abuse this benefit may be subject to discipline up to and including termination.

**4. Bereavement/Funeral Leave**— Bereavement/Funeral Leave is a type of leave granted to employees following the death of a loved one, allowing them time to grieve, attend funerals, and manage related responsibilities. Employees shall receive up to three (3) working days of bereavement/funeral leave each occurrence with pay following the death of a member of the employee’s immediate family.

- Immediate family means the following relatives of the employee or spouse (including in-laws or step-relatives): spouse, parents, siblings, children (including stillborn or miscarriage, Utah Code Ann. §10-3-1103), all levels of grandparents, or all levels of grandchildren.
- The employee’s supervisor may grant up to five (5) hours of bereavement/funeral leave for non-immediate family members.
- Bereavement/funeral leave does not need to be taken consecutively; however, the requested leave should be taken within a reasonable timeframe. The City may request documentation verifying the need for bereavement/funeral leave.
- Bereavement/funeral leave is not charged against accrued PTO.
- Regular part-time employees are eligible for prorated bereavement/funeral leave.
- Non-benefited employees are not eligible for bereavement/funeral leave.

**5. Military Leave** – A military leave is paid time off granted to eligible employees for military duty.

- An employee on official military orders is entitled to paid military leave, which shall not exceed 80 hours a calendar year, to complete military duty. Unused paid military leave may not be carried over from one year to the next.
- Employees shall notify their immediate supervisor, Human Resources, and the City Manager or designee of their military orders in writing as soon as possible. The written notification will include the estimated leave date, the intended return date, and any required payroll deduction decisions.

**6. Active Duty**

- An employee ordered to active duty shall be eligible to use the paid military leave upon commencement of the active duty only if such leave has not been previously used during the calendar year.

- An employee ordered to active duty may use accrued paid and/or leave without pay for the remainder of the active duty period.
  - Contribution payments by the City and the employee may be required during active duty to continue accruing years of service. The City and employee shall follow the process outlined by Utah Retirement Systems (URS).
  - Employees on active duty who elect to continue payroll deductions shall notify the City Manager or designee in writing and coordinate with Human Resources.
  - Employees on active duty will be reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
  - In accordance with USERRA, the City will maintain health and other benefits for the first 30 days of military leave as if the employee were actively employed. After this initial 30-day period, employees on military leave may continue benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for up to 24 months. The employee must pay the required premiums to keep the benefits active.
  - Any City employee in the Uniformed Services who is called up to active military duty by the Federal Government for longer than 30 consecutive days shall be allowed full pay equal to the difference between military pay and City pay when military pay is less than City pay. This pay adjustment shall not continue beyond 12 consecutive months and is subject to available funding.
7. **Jury or Witness Duty**—The City recognizes the duty of every employee to serve as a jury or witness in court on behalf of another party.
- Employees must show the jury or witness duty summons to their supervisor as soon as possible after receiving it so the supervisor can make arrangements to accommodate any absences.
  - The City pays an employee's regular salary when the employee is absent during a scheduled shift, except for court appearances on their own behalf as a defendant or plaintiff. The employee must remit any such jury or witness fee(s) and jury or witness duty summons received to Human Resources.
  - An employee may retain mileage reimbursement paid by the court.
8. **FMLA Leave Provisions** – The Family and Medical Leave Act (FMLA) grants eligible employees the statutory right to take up to 12 weeks of unpaid job-protected leave for specified family and

medical reasons. The City will designate FMLA leave for an employee whenever it knows that the employee may qualify.

- An employee is eligible under the FMLA if the employee has been employed with the City for a minimum of 12 months and has worked a minimum of 1,250 hours in the 12 months immediately preceding the request.
- Eligible employees may request up to 12 weeks of unpaid leave for situations related to certain family and medical reasons, such as:
  - To care for the employee's child after birth or through adoption or foster care.
  - To care for the employee's child, spouse, or parent (but not in-law) 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.
  - For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more essential functions of the employee's job.
  - For any qualifying exigency caused by a family member who belongs to the regular Armed Forces being called for deployment to a foreign country, or a member of the reserves or National Guard being called to active-duty deployment to a foreign country, or to care for a spouse, child, parent, or next of kin who is a service member and is injured or becomes seriously ill while on active duty or within five (5) years of leaving the Armed Forces.
- Eligible employees should request FMLA leave from Human Resources and notify supervisors in writing at least 30 days before the foreseeable event(s) and as soon as practical for the unforeseeable event(s).
- In an emergency, employees must contact their supervisor within 48 hours or as soon as practical.
- An eligible employee may take leave consecutively or intermittently for qualifying conditions. If intermittent or reduced leave is needed, employees are strongly encouraged to schedule it, so it does not unduly disrupt City operations.



**The City uses the rolling year calculation (look-back) method to determine employee FMLA leave entitlement.**

- All employees requesting leave under this policy must complete the applicable Certification of Health Care Provider form and return it to Human Resources within 15 working days.
- Human Resources will process the certification and provide the employee with the Notice of Eligibility, Rights & Responsibilities form, and Designation Notice. Employees on designated FMLA leave will have all absences related to that qualifying event count toward the total eligible 12 weeks of FMLA leave.
- While on FMLA leave, employees may supplement pay with accrued PTO, comp time, caregiver leave, and short-term disability insurance.
- Employees must exhaust all accrued PTO or comp time before going on leave without pay status. Supervisors will be responsible for submitting the employee's timecard, including FMLA use, to Human Resources while an employee is on FMLA leave if the employee cannot do so.
- Subject to the terms, conditions, and limitations of the applicable health insurance plans, the City will continue to contribute to premiums in accordance with established policy during an employee's approved FMLA leave; however, seniority and other benefits will not accrue during unpaid time off. The employee must continue to pay any portion of the premiums that the employee would typically pay if not on leave, either through payroll deduction or in person.
- The City has the right to recover health insurance premiums if it advances them on behalf of the employee or if the employee does not return from FMLA leave unless the failure to return to work is due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.
- If the employee is returning from leave due to his or her own serious health condition, the City may request a fitness-for-duty report from the health provider before the employee can return.
- Upon return from FMLA leave, an employee will return to their original or an equivalent position.
- Employees shall not work secondary employment during regularly scheduled working hours while on FMLA leave. Other secondary employment must be consistent with the qualifying medical condition or any restrictions medically imposed related to the FMLA leave.

**9. Administrative Leave** – The City Manager or designee shall approve administrative leave with pay.

- An employee shall not engage in secondary employment during the actual hours designated as administrative leave. The City may also modify the employee’s work hours or restrict secondary employment outside these hours. At its discretion, the City may also restrict an employee's activities on administrative leave with pay. For example, the employee must remain readily available and immediately able to respond to phone calls or return to work.
- After a criminal charge(s) and review by the City Attorney and the authorization of the City Manager, an employee charged with a job-related felony or class A misdemeanor may be placed on administrative leave without pay.

#### 10. Job Abandonment –

- Employees who are absent from work for three (3) consecutive scheduled shifts and are capable of providing proper notification to their supervisor but do not shall be deemed a no-call/no-show and have abandoned their jobs.
- Employees absent from work without notifying the City of the first scheduled shift after exhausting all accrued paid leave, FMLA leave, or any authorized leave shall be deemed to have abandoned their job.
- The City considers job abandonment as a voluntary termination.



**Always be sure to notify your supervisor as soon as possible if you are going to be absent or late for your shift.**

#### 11. Pregnancy

- The City supports pregnant employees and complies with all legal requirements regarding pregnancy. If an employee becomes pregnant and has physical limitations that prohibit her from performing the functions of her regularly assigned position, she shall notify her supervisor and Human Resources as soon as practicable.
- Human Resources will notify the pregnant employee of potential eligibility for FMLA and complete the process outlined in Section 3-02-8.
- Human Resources will review the Certification of Health Provider or doctor’s notes for the pregnant employee to determine FMLA eligibility. This may cause Human Resources to facilitate an interactive meeting with the employee and supervisor to determine if a reasonable accommodation is needed and available.

- The City will not refuse to hire, promote, discharge, demote, or terminate a person or retaliate against, harass, or discriminate in matters of compensation, terms, privileges, and conditions of employment against a person otherwise qualified due to pregnancy.

**12. Lactation Breaks** – The City supports breastfeeding and complies with the requirements of Utah Code Ann. §34-49-201 et seq., including:

- Providing reasonable breaks to accommodate breastfeeding and milk expression for at least one (1) year after the birth of the employee’s child.
- Consulting the employee about the frequency and duration of the breaks shall, to the extent possible, run concurrently with any other break period otherwise provided to employees.
- Provide an appropriate, non-restroom location near the employee’s work area and access to a clean and well-maintained refrigerator or a non-electric insulated container for breast milk storage.
- The City will not refuse to hire, promote, discharge, demote, or terminate a person or retaliate against, harass, or discriminate in matters of compensation, terms, privileges, and conditions of employment against a person otherwise qualified because the person breastfeeds or expresses milk in the workplace.
- Complaints alleging discrimination under this policy will be handled in a manner consistent with Section 4-02 of this Handbook.

**13. Infants in the Workplace** - The City supports a family-friendly work environment and recognizes that the early months of an infant’s life are important for bonding. Subject to Department Head approval, employees may temporarily bring their baby to work until the child becomes mobile or reaches six (6) months, whichever comes first. Requests must be submitted in writing to the employee’s Department Head and Human Resources.

Approval is subject to the following considerations:

- the type of work performed and whether it allows for the presence of an infant;
- how often the infant will be brought to work;
- safety risks or hazards present in the workplace;
- potential for disruption or distraction from the employee’s duties and performance;
- impact on co-workers and the overall work environment; and
- liability or insurance concerns related to the presence of a child in the workplace

Employee Expectations – Employees approved to bring their infant to work must:

- maintain full responsibility for the infant at all times;
- ensure that the infant does not interfere with the performance of their duties;
- provide all necessary care items and make arrangements for feeding, changing, and soothing without relying on coworkers;
- be prepared to leave work or make alternative childcare arrangements if the infant becomes consistently disruptive; and,
- maintain a clean and safe workspace that accommodates the infant without affecting others.

Approved arrangements may be modified or revoked at any time. This privilege is intended as a temporary support option and shall not compromise the City’s ability to serve the public or fulfill its operational responsibilities.

### 3-03 EMPLOYEE BENEFITS

The City offers various benefits to employees working 30 or more hours a week, such as medical, dental, vision, health savings accounts (HSA), flexible spending accounts (FSA), basic life insurance, accidental death and dismemberment insurance, and disability coverage. Elected officials’ eligibility is determined by their Utah Retirement Systems (URS) classification. Employees working less than 30 hours are not eligible for these benefits.

Employees are eligible for healthcare benefits from the date of hire to the date of termination. Benefit enrollment is not automatic.

Employees must enroll within 60 days of eligibility. Thereafter, changes in benefits can only be made during open enrollment, mid-year qualifying events, or special enrollment required by the Health Insurance Portability and Accountability Act (HIPAA). Detailed information regarding benefits is provided in the Millcreek Benefit Employee Guide at the time of hire and annually during open enrollment. Any questions regarding benefits should be directed to Human Resources.



**Benefits, except for life insurance, AD&D coverage, and short-term disability, start the date of hire and terminate the date of separation.**

1. **Medical Insurance Opt-Out Program Policy:** Eligible employees can opt out of the City’s medical insurance coverage and receive a bi-weekly stipend as an alternative.
  - To be eligible to opt out of medical insurance and receive the bi-weekly stipend, an employee must be:

- A regular full-time, appointed statutory, or department head employee (regularly scheduled to work 30 or more hours a week); and
- certified by other health insurance coverage.

Employees shall provide proof of alternate coverage before the stipend is approved at the time of hire and each successive open enrollment.

- Employees may only elect to opt out of health insurance coverage:
  - during the new hire eligibility period and annually thereafter;
  - during the open enrollment period; or
  - as a result of a mid-year qualifying event where the life event is consistent with a change in health insurance that allows the employee to cancel health insurance completely.
- Opt-Out Payment - The stipend is calculated at 85% of the premium for single-employee coverage under the traditional plan option. Additionally, the stipend:
  - will be paid on a bi-weekly basis in accordance with the City's payroll schedule;
  - is taxed as part of the employee's income at the W-4 requested withholding status;
  - is listed as a Stipend under the Earnings category on the employee's pay stub; and
  - is not a URS-eligible retirement wage.

If there is any overpayment or underpayment concerning the stipend or health insurance deductions, the City will adjust payment accordingly.

**2. HSA Employer Contributions Policy**—Employees who enroll in a City-approved high-deductible health plan may be eligible for an employer contribution to their HSA. Contribution amounts vary depending on the tier of coverage selected by the employee (e.g., single, double, or family coverage) and the availability of funds allocated by the City Council through the annual budget process.

- Contributions are frontloaded annually at the beginning of the fiscal year and will be pro-rated when necessary.
- Contributions made by the City to an employee's HSA are excluded from the employee's income and are not subject to federal income tax, Social Security, or Medicare taxes.
- City and employee contributions are combined and count toward the HSA's annual contribution limits. For more information, refer to IRS Publication 969.
- HSA contributions do not expire and are nonforfeitable.

- Employee Contributions-
  - Eligible employees may elect to contribute more to their HSA through the bi-weekly payroll process. A copy of the “Employee Elected HSA Deduction Form” is located on the City’s M Drive.
  - Employees are responsible for ensuring their elected HSA contributions and changes comply with federal regulations and HSA limit requirements, including any contributions the City has made.

### 3. Retirement

- Utah Retirement Systems (URS) covers all appointed statutory, department head, regular full-time, and regular part-time employees unless exempted by Utah state law.
- For purposes of URS, the City classifies elected officials as regular part-time employees. Tier 1 designated elected officials may be eligible for pension benefits based on the minimum salary requirement set by URS. Tier 2 designated elected officials are classified as regular part-time and do not qualify for URS benefits.



Employees and the City both contribute the “in lieu” of social security rate of 6.2%, making it a total of 12.4% biweekly into your designated savings account at URS.

### 4. FICA (Federal Insurance Contributions Act) –The City participates in the Federal Medicare System and the Federal Social Security Program as described below.

- All employees are required to participate in Medicare by contributing 1.45% of gross earnings each pay period, which the City matches.
- In lieu of Social Security coverage, appointed statutory, department head, regular full-time, and regular part-time employees contribute 6.2% of gross earnings each pay period to an approved retirement plan managed by URS. The City matches this contribution.
- The City participates in Social Security for its non-benefited employees. Non-benefited employees are subject to Social Security taxes.

### 5. Cell Phone Allowance – Employees authorized to use personal phones while conducting City business will receive a bi-weekly payroll stipend as approved by the City Manager or designee.

- The employee is solely responsible for purchasing and maintaining personal cell phone equipment, accessories, and cellular service.

- The City is not responsible for personal cell phones that are damaged, lost, or stolen, even if the incident occurs on City property. These are not reimbursable expenses.
- Employees must comply with all applicable laws and City policies regarding cell phones, including, but not limited to, using cell phones while driving.
- All devices under this policy may be subject to the Government Records Access Management Act (GRAMA) and/or legal/judicial actions. Any device used to conduct City business may contain a record subject to GRAMA.
- The bi-weekly stipend is an IRS non-accountable plan and is not a URS eligible retirement wage.

**6. Workplace Pets** –The City promotes a positive employment experience by allowing appropriate pets in the office while securing the health and safety of all employees. An appropriate pet is a dog or cat with acceptable health and behavior that does not adversely affect City operations.

- Employees who wish to bring a pet to City Hall during work hours must first obtain authorization from their respective Department Heads.
- Employees may not bring more than one (1) pet to work at a time.
- Visiting pets must be:
  - up to date on vaccinations required by state law;
  - free of communicable infections or parasites (i.e., fleas, parvovirus, etc.);
  - house trained with good general hygiene and socially well-adjusted; and
  - covered under the employee’s homeowners/renter’s insurance policy, which must cover dog bites.
- Pets must be supervised at all times while visiting City Hall. Employees are entirely responsible and accountable for their pet’s behavior and any injury or damage it may cause.
- The City Manager or designee may temporarily or permanently prohibit a pet from City Hall for aggressive or disruptive behavior.
- Employees shall provide their pets with items to ensure their safety and wellness (e.g., food, waste bags, crates, gates to keep the pet securely in the employee’s work area, etc.).
- Employees are responsible for cleaning up after their pets both indoors and outdoors. If their pet has an accident, employees must clean up after it immediately.
- The City shall not be liable for loss of, or injury to, any pet brought to City Hall.

Service Animals - The City supports employees with physical or mental disabilities by permitting the use of service animals as a reasonable accommodation. The request process for reasonable accommodation is outlined under Disability Accommodations in Section 2-01-5.

7. **Training** – Employees are encouraged to obtain training through attendance at job-related seminars, conferences, classes, certification courses, etc., subject to available funding adopted by the City Council.
  - The employee’s supervisor must pre-approve all training attendance and payment of associated costs.
  - When training is approved, the time involved will be treated as time worked, consistent with City policy and FLSA regulations.
  
8. **Tuition Assistance**—Employees are encouraged to pursue continuing education opportunities to enhance their job skills and their ability to be promoted. Subject to available funding adopted by the City Council and priorities established by the City Manager, employees may be eligible to receive partial tuition assistance.
  - To be eligible for tuition assistance, an employee must satisfy all the following conditions:
    - be an appointed statutory, department head, regular full-time, or regular part-time employee;
    - have completed new hire probation (if applicable); and
    - be an employee in good standing (not be subject to a current “Corrective Action Plan” with regard to disciplinary action).
  - A written request for tuition assistance must be submitted to the employee’s Department Head, the City Manager, and Human Resources prior to enrollment. The request must outline the type of degree or education the employee is seeking, the name of the educational institution providing the education, the cost of the program, the expected program completion date, and how the City will benefit from the employee’s completion of the program.
  - The City Manager or designee must approve all requests for tuition assistance.
  - Employees who are approved for tuition assistance will be required to enter into a “Millcreek Tuition Assistance Agreement,” which includes the following:
    - An anticipated date for completion of the program or degree for which tuition assistance is being requested;

- A grade point average of at least a “B” each semester or a passing grade in a pass/fail course.
- A continued employment obligation based on the following:
  - 6 months for every semester the employee receives tuition assistance, or
  - 3 months for every term the employee receives tuition assistance, or
  - 1 month for every credit hour the employee receives tuition assistance
- The tuition assistance program includes a repayment provision stating that if an employee separates from the City for any reason prior to completing the continued employment obligation, the employee shall repay the reimbursement for which the employment obligation has not been satisfied.
- Payment of tuition reimbursement will be made according to the following:
  - The employee must provide acceptable written evidence of satisfactory course completion and proof of payment.
  - Payment requests must be received within 30 calendar days after the educational institution supplies grades.
  - The maximum payment will be no more than 50% of the amount paid by the employee for tuition, books, and mandatory fees, not to exceed the IRS limit of \$5,250 for tax-free reimbursement. Regular part-time employees will receive pro-rated assistance based on their normal work schedule.
  - All payments for continuing education will be reported on a calendar year basis through payroll and treated as taxable or excludable, consistent with IRS regulations.
- Employees will attend classes, travel to or from them, and study on their own time. Department Heads may authorize irregular work schedules to accommodate course scheduling.
- The total number of employees approved for tuition assistance will be subject to available funding based on annual appropriations adopted by the City Council, which are allocated on a first-come, first-served basis.



**The employment obligation period begins the date of the diploma/certificate or the check date of the final tuition reimbursement.**

## 9. Employee Discounts

- City Recreation Activities – Employees can recreate for free year-round at Millcreek Common by showing the Adventure Hub their City ID badge upon arrival.
- Room Rentals – Employees receive a discount for room rentals as set forth in the consolidated fee schedule.
  - Fringe benefits will be taxable in accordance with the Internal Revenue Code (IRC).
- Other Discounts for Recreation Activities
  - Employees receive 20% off the cost of any lessons, camps, or classes coordinated by the Community Life Department.
- Admission to City-Sponsored Events
  - Employees and their friends and family members accompanying them can attend City-sponsored events for free by showing their City ID badge upon arrival.
  - Admission and equipment rental only is free; no discounts will be given for extras.



## **SECTION 4: CODE OF CONDUCT AND ETHICAL BEHAVIOR**

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### **4-01 CODE OF CONDUCT**

1. **Professionalism** – The City is a public entity whose purpose, among others, is to provide municipal services to its residents. City employees must adhere to high standards of public service that emphasize professionalism and courtesy. City employees shall conduct themselves in a way that will bring trust and respect to themselves and the City. Employees are expected to treat the public, visitors, and fellow employees with respect at all times.
  
2. **Conflict of Interest** – The purposes of this section are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.
  - General - All municipal officers and employees shall comply with the Municipal Officers' and Employees' Ethics Act (Utah Code Ann. §10-3-1301 et seq.)
  - Use of Office for Personal Benefit - All municipal officers and employees shall comply with Utah Code Ann. §10-3-1304.
  - Compensation for Assistance in Transaction Involving Municipality - All municipal officers and employees shall comply with Utah Code Ann. §10-3-1305.
  - Interest in Business Entity Regulated by Municipality - All municipal officers and employees who are officers, directors, agents, or employees or the owners of a substantial interest in a business entity that is subject to the regulation of the City in which the officer or municipal employee is elected, appointed, or employed, shall comply with Utah Code Ann. §10-3-1306.
  - Interest in Business Entity Doing Business with the City - All municipal officers and employees who are officers, directors, agents, or employees or the owners of a substantial

interest in a business entity that does or anticipates doing business with the City shall comply with Utah Code Ann. §10-3-1307.

- Investments Creating Conflict of Interest - All municipal officers and employees who have a personal interest or investment that creates a conflict between the officer's or municipal employee's personal interests and the officer's or municipal employee's public duties shall comply with Utah Code Ann. §10-3-1309.
  - Officer/Employee Conflict-of-Interest Disclosure Statement - All municipal officers and employees shall file an "Officer/Employee Conflict-of-Interest Disclosure Statement" with Human Resources at the time of hire and thereafter as required. The "Officer/Employee Conflict-of-Interest Disclosure Statement" can be accessed on the City's M Drive.
    - City elected officers must complete an additional conflict-of-interest form, the "Elected Officer Annual Conflict-of-Interest Disclosure Statement," in January each year, as set forth in Utah Code Ann. §10-3-1313.
- 3. Annual Ethics Pledge** - All municipal officers and employees of Millcreek, before commencing the duties of their respective offices and annually thereafter, shall read, sign, and file the "Annual Ethics Pledge" in a form provided by the City.
- The "Annual Ethics Pledge" form can be accessed on the City's M Drive.
- 4. Reporting Fraud, Waste, and Abuse**--The City recognizes the need to establish a reporting and investigation process for suspected fraud, waste, or abuse by City employees, vendors, or the public.
- Employees are responsible to report fraud, waste, abuse, and other irregularities.
  - Suspected fraud, waste, or abuse should be reported immediately. To aid in the investigation, provide as much information as possible, including the names of individuals involved, details about the issue, and the date, time, and place of the occurrence.
  - The Utah Protection of Public Employees Act protects employees who report suspected fraud. (Utah Code Ann. §67-21-1 et seq.)
  - Types of behavior that should be reported:
    - Gross mismanagement
    - Abuse of authority
    - Unethical conduct
    - Undisclosed conflicts of interest

- Physical or emotional abuse
- Child molestation or sexual abuse
- Using City assets for personal benefit
- Timecard violations
- Wasteful or fraudulent purchases
- Theft
- Forgery
- Other irregularities
- Employees may file a report directly through one of the following means:
  - Email [fraudhotline@millcreekut.gov](mailto:fraudhotline@millcreekut.gov)
  - Immediate Supervisor
  - Any Department Head
  - Human Resources Manager or HR/Finance Director
  - Assistant City Manager
  - City Manager
  - City Attorney
  - Mayor or member of the City Council
  - State Auditors Fraud Hotline (801) 538-9777
- Employees shall not knowingly file a false, frivolous, or malicious report.
- Employees shall not alert suspected individuals whether they are the subject of or part of a fraud, waste, or abuse report. If a supervisor is suspected of being involved in the reported activity, the employee should choose a reporting avenue that does not include that supervisor.
- Employees shall not attempt to personally conduct investigations, interviews, or interrogations related to any suspected inappropriate activity. The employee making the report should not contact the suspected individual to determine the facts or demand restitution.
- The proper management level or an independent third party will thoroughly investigate reported fraud, waste, or abuse.

- Fraudulent, wasteful, or abusive behavior may result in disciplinary action up to and including termination of employment.
5. **Confidentiality** – City employees shall not disclose, or willfully allow to be disclosed, any information gained by reason of their position for any reason other than its official or authorized purpose. Employees will comply with the confidentiality requirements of state law and the City Code, including restrictions against disclosing or using private, protected, or controlled information acquired by reason of a person’s official position for the employee’s or another’s personal benefit.
6. **Gifts and Gratuities** – City employees are prohibited from knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly, any gift, gratuity, loan, favor, or bribe for items of monetary value or of substantial economic benefit that would tend to improperly influence a reasonable person in the person’s position to depart from the faithful and impartial discharge of the person’s public duties. This section does not apply to:
- an occasional non-pecuniary (not cash) gift having a value of less than \$50;
  - an award publicly presented;
  - any bona fide loan made in the ordinary course of business; or
  - any political campaign contributions if the contribution is used in a political campaign.
7. **Attendance** – All employees shall meet attendance and punctuality requirements in accordance with department and supervisory guidelines.
8. **Appearance** – In order to maintain a professional atmosphere and appearance, all employees shall maintain the following minimum standards:
- Employees must maintain a high standard of personal hygiene. They must appear neat and clean and have no offensive odors. Employees' hair must be clean and groomed.
  - Employees’ dress and appearance must be appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.



With your Department Head’s approval, City branded apparel is available to order through the Facilities Director.

- Employees may be required by their Department Head to wear uniforms or apparel imprinted with a City logo or approved marks/emblems.
- Employees must wear clean, neat clothing that is not torn or frayed. They must also avoid unduly revealing, immodest, or otherwise inappropriate attire for a professional office or other work environment.
- Tattoos, brandings, or piercings that are deemed unsafe, or contain content offensive to modesty, decency, propriety, or professionalism must be covered or removed while at work.
- The City's dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other class protected by law.

**9. Personal Use of City Property**—The City recognizes there will be times when employees use City-owned property for incidental or de minimus personal use in addition to the primary use of fulfilling the employee's duties.

- Employees are authorized to use or possess any City-owned property issued to them for any incidental personal use, so long as the property is used in a lawful manner and the employee does not obtain or exercise unauthorized control over the City's property with the purpose to deprive the City of the City's property." as contemplated in Utah Code Ann. §76-6-404.
- City-owned property is issued to an employee and held in that employee's possession for the primary purpose of fulfilling that employee's job-related duties as a public servant.
- Incidental personal use of City-owned property includes but is not limited to use that does not interfere with the employee's job performance, does not substantially diminish the value of the City-owned property, is for training or skill development, does not incur substantial cost to the City, or has been implicitly authorized by an adopted budget so long as the property is used in a lawful manner.
- By way of illustration and not limitation, incidental personal use means:
  - use or consumption of office, first aid, and lunchroom supplies;
  - use of a take-home vehicle to do personal errands, including transporting family members as passengers on the way to work or on the way home; or

- use of City electronic communication to check on the status of a family member, make or confirm appointments, check on the status of a delivery, read news articles, access bank accounts, check/respond to personal e-mails, or check/view social media.
- This policy is enacted to satisfy the written policy requirements to eliminate criminal exposure for an employee's use of City-owned property under Utah Code Ann. §76-8-402.

## 10. Electronic Communication Devices

### Personal Electronic Communication Devices

- Personal electronic communication devices, including, but not limited to, radios, satellite phones, cellular phones, computers, and tablets, shall not unreasonably interfere with the performance of the employee's duties or with City business operations.
- The City Manager or designee may restrict or prohibit the use and/or possession of personal electronic communication devices for safety or other operational reasons.

### City Electronic Communication Devices

- City electronic communication devices and all content are the property of the City, and there is no expectation of privacy for any employee. These devices are primarily provided to facilitate the effective and efficient completion of job duties.
- Use is only permitted by the employee and other authorized employees.
- Employees shall not use the City's electronic communication devices to violate the City's harassment, discrimination, or other policies.
- Employees shall not use City electronic communication devices to download, view, print, share, or store any sexually explicit content (including but not limited to photos, emails, or texts) except as necessarily required by the employee's official job duties. Inadvertent exposure shall be immediately reported to the employee's supervisor.
- Employees shall not use City electronic communication devices for online video games, including gambling, criminal activity, or prohibited social media platforms.
- Employees shall not download or store unlicensed or unapproved media or software on City electronic communication devices.
- Employees shall not install non-City licensed or unapproved software on networked City electronic communication devices without the approval of the City Manager or designee. Accounts for non-network applications are required to be in the name of the employee or an approved City account authorized by the City Manager.

- Employees shall not store, copy, or transfer unauthorized City records, electronic content, software, or computer code on their City electronic communication devices.
- The City retains the right to monitor, deny access to, or copy City and non-City content at any time, including communications made on a third-party server, regardless of authorized use.

**11. City Social Media Policy** – While the City recognizes that social media has changed the way people communicate with each other and that the use of social media can enhance communication between City government and residents, the City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites (e.g., Facebook, Instagram, X, YouTube, blogs, wikis, etc.) and the content that is attributed to the City and its officials. This policy provides guidelines for the establishment and use by employees of social media sites to convey information to the public.

- The City Manager or designee shall have full authority over establishing the City's official website and social media accounts and will provide guidance/direction for content posted on behalf of the City.
- All City social media sites shall utilize authorized City contact information for account set-up, monitoring, and access.
- The City reserves the right to terminate any City social media site at any time, with or without prior notice.
- The City reserves the right to remove any content posted by the City or any employee or agent of the City on its social media sites when deemed necessary by the City Manager or designee.
- The City reserves the right to deny access to City social media sites to any individual who violates this policy at any time, with or without prior notice.
- The City Manager or designee will maintain a list of City social media platforms and sites approved for employees' use, including login and password information.
- All City social media platforms and sites will be opened and maintained on behalf of the City and are not the personal property of any employee.
- Employees will inform the City Manager or designee of any administrative access changes to existing platforms and sites.
- The City Manager or designee will ensure that logins and passwords are changed when employees with access leave their position or City employment.

- All use of City social media will be made in compliance with GRAMA provisions of state law.
- City social media may be branded with City-owned symbols (including but not limited to logos, shields, and emblems).

Authorized Use - The City Manager or designee is responsible for determining who is authorized to use and maintain social media accounts on behalf of the City.

- Any employee authorized to post items on any of the City's social media shall review, be familiar with, and comply with the social media site's use policies, terms, and conditions.
- Authorized employees must always act as representatives of the City and in accordance with all applicable City policies and procedures.
- City social media sites shall be used only to communicate City-related information and shall not be used for personal purposes.

Authorized Content - Only content appropriate for public release that conforms to all City policies shall be posted. The following is a non-exclusive list of examples of appropriate content:

- Announcements for City-related events and activities
- Tips and information related to crime prevention
- Requests for information
- Community engagement information
- Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information
- Traffic information
- Media releases
- Recruitment of personnel
- Approved collaborations with other entities

#### Content Guidelines

- The content of City social media sites shall only pertain to City-sponsored or City-endorsed programs, services, and events.
- All content on the City's social media sites must be provided to the City Manager or designee for review, approval, and subsequent posting to the social media site.

- Wherever possible, content posted on the City's social media sites should link back to the City's official websites, which provide forms, documents, online services, and other necessary information to conduct business with the City.
- Posts should be accurate, and employees should be mindful of spelling, punctuation, and grammar.
- Posts should contain information that is freely available to the public.
- Confidential information as defined by City policy, state law, or federal law, is prohibited from social media posts.
- Content posted to City websites thereafter becomes the property of the City. This includes original wording, all posted images taken with a smartphone, and other such content. Photography or wording with prior and/or documented copyright or ownership will be removed.

#### Prohibited Content

- Personal information, except for the names of employees whose job duties include being available for contact by the public;
- Comments that are not related to the topic of a particular post being commented on;
- Comments in support of, or opposition to, political campaigns, candidates, or ballot measures;
- Profane language, sexual content, pornography, obscenity, or links to any such content;
- Content that promotes, fosters, or perpetuates discrimination based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other legally protected status;
- Medical or health information that violates HIPAA regulations;
- Conduct in violation of any federal, state, or local law and encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Comments on actual or potential legal claims, lawsuits, or other legal issues;
- Defamatory or personal attacks;

- Comments that may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents, and the safety of police staff and officers;
- Content that violates the legal ownership interest of any other party.

Prohibited Platforms—Employees may not download or use the TikTok application or visit any TikTok website on any City-owned electronic device.

**12. Employee Obligations and Restrictions in Personal Use of Social Media**— The City respects its employees’ private rights to use social media sites (e.g., Facebook, Instagram, X, YouTube, blogs, wikis, etc.) in their personal lives during non-work hours. However, personal use of social media must not violate laws and rules of employment designed to protect and maintain the stability and integrity of the workplace and confidential information and adhere to the rules of ethics, public records laws, and open meeting law requirements, among other compelling governmental interests. The purpose of this policy is to provide guidelines for City employees when they communicate on social media sites as a private party when doing so may be considered a violation of their rights to free speech.



**When using your personal social media account to comment on City business, always use a disclaimer to establish your comments represent your own opinions.**

E.g., “These are my own opinions and do not necessarily represent those of the City”.

Guidelines

- If/when commenting on City business in their personal capacity, employees must use a disclaimer establishing that their comments represent their own opinions and do not represent those of the City.
- Employees are discouraged from identifying themselves as City employees or using their City titles when responding to or commenting on blogs or other social media sites with personal opinions or views.
- Employees shall not disclose non-public information unless authorized by law. Unauthorized disclosures can include, but are not limited to, the unauthorized dissemination of private, controlled, protected, and other restricted records.
- The City expects its employees to be truthful, courteous, and respectful toward supervisors, subordinates, co-workers, residents, customers, and other persons or entities associated with or doing business with the City. When a person can be identified as a City employee, those employees must not engage in name-calling,

personal attacks, or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the City. This section and its limitations apply when the employee's action adversely affects their work, job duties, or ability to function in the employee's position or creates a hostile work environment.

- Employees must not use their City email account or password in conjunction with a personal social networking site.
- Social media account names for personal or private business ventures must not be tied, linked, associated, or connected with the City (e.g., 'Millcreek City Misfits' would not be an appropriate personal account name).
- Employees shall not use the City brand, logo, marks, emblems, or other City identifiers on their sites unless approved by the City Manager or designee.
- Employees' personal social media sites are not forums for venting grievances, discipline matters, or personal complaints about supervisors, subordinates, coworkers, or the City.
- The City may use social media (such as reviewing an applicant's or employee's post) to evaluate applicants for jobs, promotions, etc. Posting distasteful, immature, or offensive conduct may affect employment decisions.
- Personal or non-official use of social media that is incidental and occasional is permitted during work hours, provided it is very limited in duration and does not have a detrimental effect on employee productivity.

Causes for Disciplinary Action - Personal use of social media (even off-duty or using the employee's equipment) may affect or impact the workplace and become the basis for employee discipline. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- Cyber-bullying, stalking, or harassment
- Release of confidential or private data
- Misuse of City-owned social media
- Inappropriate use of the City's name, logo, or the employee's position or title
- Using City-owned equipment or City-time for extensive personal social media use
- Violation of law, whether federal, state, local or a City policy

Because the laws in this area are evolving, employees are encouraged to discuss activities that might result in discipline with the City Manager or designee prior to engaging in such social media activities. Each situation will be evaluated on a case-by-case basis.

Reporting Violations - The City encourages employees to report potential violations of this policy to their Department Head or Human Resources.

- 13. Artificial Intelligence (AI) Use Policy** – This AI use policy applies to all City employees (as outlined in Section 2-02-1 of this Handbook) who use AI tools in any capacity while conducting City business. The purpose of this policy is to protect proprietary, confidential, and sensitive information while ensuring compliance with applicable law and City policy.

Prohibited Use of AI - Employees must not use AI to collect, store, or analyze City data without proper authorization and security measures. Additionally, employees must not input, upload, or share any proprietary, confidential, or sensitive information into AI tools, including but not limited to:

- Protected, private, and controlled information
- Personally Identifiable Information (PII)
- Protected Health Information (PHI)
- Financial, legal, or contractual data
- Internal government communications
- Security protocols or system details
- Any other non-public information related to City operations

Approved Use of AI

- Employees may use AI tools for general research, drafting public-facing content, and brainstorming, but only when no proprietary or sensitive data is involved.
- The City Manager or designee must review and verify the accuracy of any AI-generated content before it is used in official City communications.
- AI tools must not be used to make final decisions or determinations without the approval of the City Manager or designee.

Compliance and Security

- When using AI tools, employees must adhere to all applicable laws, regulations, and cybersecurity best practices.

- The City Manager or designee shall review and approve any AI tools intended for City use.
- Employees should report any suspected AI-related data breaches or misuse as outlined in section 4-01-3 of this Handbook.
- This policy will be reviewed periodically and updated as AI technology and regulations evolve.
- Failure to comply with this policy may result in disciplinary action up to and including termination.

AI tools do not understand the truth or always interpret context correctly. These tools generate output based on patterns in data and can provide false or misleading results. AI tools should not be relied on for legal, medical, forensic, or mental health decisions, and human oversight should be a critical part of working with AI.

#### **14. Reporting of Child Pornography**

- All City computer technicians will comply with the mandatory reporting requirements of Utah Code Ann. §76-5b-206.
  - A computer technician means an individual who in the course and scope of the individual's employment for compensation installs, maintains, troubleshoots, upgrades, or repairs computer hardware, software, personal computer networks, or peripheral equipment.
- If a computer technician, during City employment, views an image on an electronic device that appears to be child pornography, the employee shall immediately notify the finding of the image to the City Manager or designee.
- The City Manager shall immediately report the finding to a state or local law enforcement agency or the Cyber Tip Line at the National Center for Missing and Exploited Children and document the same.

**15. Privacy Space Compliance Plan** – All employees shall comply with the City's Privacy Space Compliance Plan, which can be accessed on the City's website.

**16. Outside Activities** – City employees shall not use City-owned property or work time to support outside interests and activities except as provided in the Personal Use of City Property outlined in Section 4-01-8.

17. **Political Activity** – City employees shall not use City-owned property, work time, or position influence over other employees while engaging in any political activity.

18. **Secondary Employment**

- Full-time employment with the City shall be an employee’s primary employment. However, City employees are permitted to engage in secondary employment upon written approval from the employee’s Department Head and the City Manager or designee.
- Secondary employment includes working for another employer, any sole proprietorship, partnership, or self-employment.
- The “Full-Time Employee Secondary Employment Disclosure” form is located on the City M Drive.
- Consistent with other sections of the Handbook and applicable law, the City may restrict or limit secondary employment during administrative leave, sick leave, worker’s compensation, transitional duty, FMLA leave, leave without pay, or as a disciplinary action.

19. **Prohibition on Recording Other Employees**

- No employee may record, by any means, a conversation with another employee unless the following requirements are met:
  - the recording device is in plain view; and
  - the employee being recorded consents to being recorded.
- Exceptions: the operation of authorized City general recording practices, such as law enforcement investigations and oversight, the recording of meetings, and the conduct of authorized City investigations.

**4-02 HARASSMENT, DISCRIMINATION, AND RETALIATION**

1. **General Policy** – The City is committed to providing a work environment that is free of harassment or any other type of discrimination with regard to race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, and any other classification or status protected by law.



Harassment comes in many forms. Examples include, but are not limited to, name-calling, staring, touching, intimidation, playing pranks, and sending inappropriate email or text messages.

Misconduct identified in this policy is unacceptable and prohibited. The City will make reasonable efforts to prevent harassment and promptly investigate all complaints. A violation of this policy, whether legally constituting sexual harassment, discrimination, or retaliation, will result in disciplinary action, up to and including termination.

**2. Prohibited Conduct** – The City prohibits conduct that includes, but is not limited to:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - Submission to such conduct is made either explicitly or implicitly a term of the condition of an individual’s employment;
  - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
  - 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.
- Other inappropriate conduct, such as:
  - Derogatory comments, insults, suggestive remarks, or jokes involving sexual activity, or a person’s race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related condition, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law;
  - Display of photographs, drawings, cartoons, written material, objects, or use of electronic communication devices that would offend a reasonable person;
  - Inappropriate physical contact, such as patting or pinching;
  - Intentionally brushing against another person’s body;
  - Stating, implying, or joking that an individual’s job performance is attributable to that person’s race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law;
  - Giving of unsolicited or inappropriate gifts of a personal and private nature;
  - Sexual assault of any kind;

- Pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive conduct towards another person based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related condition, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law that:
  - creates an intimidating, hostile, or offensive work environment;
  - unreasonably interferes with a person's work performance; or
  - otherwise adversely and unreasonably affects an employee's employment.
- Retaliation against any employee for reporting, filing a complaint, or assisting the City in investigating a complaint under this policy, even if such underlying complaint is deemed unfounded. Retaliation may be considered a separate violation of this policy and may subject the perpetrator to disciplinary action up to and including termination. Examples of retaliation include:
  - imposing disciplinary action in bad faith;
  - unwarrantedly changing the terms of an employee's employment;
  - spreading rumors about the employee;
  - encouraging hostility toward that employee from a co-worker, escalating the harassment; or
  - disclosing confidential information regarding an investigation being conducted under this policy, including revealing that there is an investigation and/or any details of an investigation with any City employee except those conducting the investigation.

**3. Personal Employee Relationships** - The City strives to maintain a work environment where employees maintain clear boundaries between their personal and business interactions. The development of friendships, dating, and/or sexual relationships between colleagues is not prohibited; however, the City reserves the right to take appropriate action if such relationships adversely impact the work environment, productivity, other employees, members of the public, or for any other reason as determined by the City Manager or designee and Human Resources.

- A City employee in a non-spousal romantic, dating, and/or sexual relationship with another City employee must promptly notify the City Manager or designee and Human Resources when the relationship begins or ends or if it results in marriage.
- Romantic, dating, and/or sexual relationships between supervisors and subordinates who fall within the supervisor's scope of influence are prohibited.

- The scope of influence includes the ability to affect salary, promotional status, performance evaluation content, work assignments, and other related matters. Any questions regarding the scope of influence should be directed to the City Manager or designee, and Human Resources.

**4. Reporting Violations of this Policy** – Employees must report, in good faith, all incidents that they reasonably believe to be violations of the City’s Harassment, Discrimination, & Retaliation Policy. These reports shall be made when employees first believe they or someone else has been harassed, subjected to inappropriate conduct, discriminated against, or retaliated against. Employees must make such a report with one of the following: a supervisor, Department Head, City Manager or designee, Human Resources, Mayor or member of the City Council, or the City Attorney.

Any supervisor who reasonably becomes aware of potential discrimination, harassment, or retaliation shall immediately advise one of the following: a Department Head, City Manager or designee, Human Resources, Mayor or member of the City Council, or the City Attorney. Any supervisor who knew or should have known of a potential offense and did not report the matter shall be subject to disciplinary action up to and including termination.

**5. Investigation**—The City Manager or designee shall ensure that all written or verbal complaints are investigated as expeditiously and professionally as possible. The confidentiality of the complaint will be maintained to the extent it is practical, but it cannot be guaranteed.

- Two (2) of the following will coordinate the investigation: the City Manager or designee, the City Attorney, or Human Resources.
- The assigned investigator(s) will ensure that the allegations and findings are adequately documented.
- The assigned investigator(s) are responsible for moving the investigation forward and making recommendations.
- Employees are obligated to fully cooperate in any investigation of an alleged violation of this policy, including the obligation to provide truthful and complete evidence and testimony in any investigation or proceeding.
- Documentation of disciplinary action placed in any personnel file will not include the name of any victim.
- Records of an investigation determined to be unfounded will not be placed in any individual’s personnel file but will be retained as an investigative file. Access will be limited to the City Manager or designee, the City Attorney, and Human Resources.

- Appeals about the conclusions of the investigation will be handled as follows:
  - Disciplinary actions arising from the investigation will be handled according to the Employee Discipline section of this chapter and may be appealed by that section.
- An employee may appeal the conclusion of an investigation. However, the basis of an appeal is limited to the employee’s concerns with the investigation's adequacy, such as the investigators’ failure to interview a key witness or consider a crucial piece of evidence. Employees cannot appeal solely based on their disagreement with the outcome of the investigation.
- An appeal will begin directly at Step 2 (Section 4-07-2) of the Employee Grievance Procedure (Appeal to City Manager).
- Maintaining Investigative Files:
  - Information related to any harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential complaint file. This information shall not be placed or maintained in an employee’s personnel file.
  - Information contained in the harassment investigative files shall be released only to other agencies or individuals with a legal and legitimate reason to the files pursuant to a court order, GRAMA, or upon the advice of the City Attorney and written notice to the victim.
  - Participants in any harassment proceeding and/or investigation shall treat all information related to that proceeding and/or investigation as confidential.

#### 4-03 ALCOHOL/DRUG-FREE WORKPLACE

1. **Federal Drug-Free Workplace Requirement** – The City complies with the Federal Drug-Free Workplace Act of 1988.
2. **Drug-Free Awareness Program**—The City’s Drug-Free Awareness program will be posted in a conspicuous area at City Hall and the Adventure Hub. It can also be accessed digitally on the City’s M Drive. Additionally, all employees will receive information about the City’s Employee Assistance Program (EAP) during new hire orientation and on an as-needed basis from Human Resources.



The City’s EAP is available to all employees through Intermountain Healthcare. You can reach a crisis counselor 24/7 by calling 800-832-7733.

### 3. Employee Responsibilities

- No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.
- Employees convicted under any criminal drug statute shall notify their supervisor within five (5) calendar days after the conviction.
- Employees shall not consume alcoholic beverages during work hours, breaks, or meal periods or at least eight (8) hours before coming to work.
- Employees shall not be impaired by alcohol, medication, or illegal drugs or have any detectable trace of illicit drugs or a blood-alcohol level of .04 or higher in their system during work hours or while representing the City in an official capacity.

### 4. Additional Responsibilities of “Safety-Sensitive” Employees – For purposes of this policy, the City designates jobs requiring a Commercial Driver’s License (CDL) as safety-sensitive positions.

- Employees in safety-sensitive positions will timely report the use of any medication that could reasonably be expected to impair their ability to perform their duties prior to or upon reporting for duty on a “City Disclosure of Prescription Drugs” form completed by the employee and their health care provider. Forms shall be submitted to Human Resources or the designee, who will advise the employee’s supervisor of any relevant medical information.
- If medication is changed, the dosage is significantly changed, or the medication is discontinued, the employee must timely submit an updated “City Disclosure of Prescription Drugs” form.
- Employees in safety-sensitive positions who are cited, arrested, or charged with any criminal drug—or alcohol-related offense must notify their supervisor within 24 hours.
- The “City Disclosure of Prescription Drugs” form can be accessed on the City’s M Drive.

### 5. Drug Testing Policy – All employees and prospective employees must comply with drug testing requirements as provided herein as a condition of hire or continued employment. Failing or refusing to comply with this policy shall be deemed a violation. The City shall determine the types of drugs, metabolites, and cut-off levels, except as mandated or limited by federal regulations.

### 6. Pre-Employment Drug Testing

- All job applicants shall be informed of the policy during conditional job offers. A copy of this policy is available on the City’s website.

- All prospective employees shall be tested for drug usage.
- The City will exclude from employment any job applicant who refuses to abide by this policy.
- The City will not process an employment application from a job applicant who has a confirmed positive drug test result for one (1) year from the date of such result.

**7. Medical Cannabis** - In accordance with Utah Code §26-61a and Utah Code §58-37-3.7, the City shall treat a prospective employee's use of medical cannabis in the same way the City treats the use of any prescribed controlled substance except when the employee's position requires federal funding, federal security clearance, or any other federal background determination necessary for the employee's position.

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

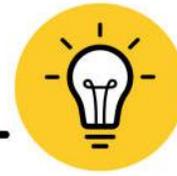
- Employees may be required to submit to a drug and/or alcohol test when reasonable suspicion arises, and the employee's supervisor and a City designee concur that reasonable suspicion of substance abuse exists. Suspicion must be based upon specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, or body odors. Reasonable suspicion testing may include re-tests or follow-up tests as necessary to protect the integrity of the testing protocols, such as newly discovered evidence that the employee tampered with a previous drug test.
- All employees who hold a CDL as a job requirement shall fall under the Federal Motor Carrier Safety Administration's (FMCSA) reasonable suspicion guidelines Part 382.
- The City designee chosen to identify reasonable suspicion must be approved by the City Manager or designee and recognized on a list maintained on the City's M Drive.
- Once it has been determined that reasonable suspicion exists, the employee shall be brought to Human Resources immediately. Human Resources will contact the testing facility, and testing shall be done as soon as it is practical.
- If an employee is sent to the City's medical provider for a reasonable suspicion test, a supervisor or designee shall drive them to the facility.
- A written record of observations leading to an alcohol or controlled substances reasonable suspicion test shall be made and signed by the City's designee within 24 hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier.
- The written record must be retained.

- Employees shall be placed on paid administrative leave until the test results are available.
- The supervisor shall make arrangements or help the employee get home without the employee driving.

**9. Rehabilitation Testing** – If the City allows employees to work after they have enrolled in a rehabilitation program for drug or alcohol abuse and have successfully completed the rehabilitation program, such employees may be obligated to a series of unannounced drug and alcohol testing for a predetermined period of time as outlined by the rehabilitation program.

**10. Post-Incident Testing** – Post-incident testing will be conducted on employees involved in the following incidents:

- treatment for a worker’s compensation injury at a medical facility (either out-patient or in-patient);
- any traffic accident; or
- any event or incident that involves property damage or loss.



**You must notify your supervisor as soon as possible if you are involved in any type of accident or incident while on the clock.**

- When post-incident testing is required, the involved employee shall be immediately brought to Human Resources.
- Human Resources will contact the testing facility, and testing shall be done as soon as it is practical.
- If an employee -is sent to the City’s medical provider for a reasonable suspicion test, the employee shall be driven to the facility by a supervisor or designee.
- The supervisor shall make arrangements or help the employee get home without the employee driving.
- Employees shall be placed on paid administrative leave until the test results are available. After the test results are available, employees may return to work based on the results.

**11. Random Testing**—All employees who hold a CDL as a job requirement shall be subject to the FMCSA’s random testing guidelines in Part 382.

**12. Testing Protocols**

- All drug testing will comply with Utah Code Ann. §34- 41-101 et seq or the FMCSA’s Part 382.

- Any required drug or alcohol testing shall be deemed time worked for purposes of compensation and benefits.
- The City shall pay all costs of testing and transportation associated with all required tests.
- For both non-Department of Transportation (DOT) and DOT tests, if the Medical Review Officer (MRO) informs the City that a negative test was diluted, the result will be accepted as a negative if the creatinine concentration is 5 mg/dL or greater.
- For a DOT test, if the MRO directs that a re-collection must take place under direct observation (i.e., because the creatinine concentration was equal to or greater than 2mg/dL but less than or equal to 5 mg/dL), the City will contact the donor immediately. Failure of the donor to submit for this re-collection will be classified as a refusal to test.
- For a non-DOT test, the City will contact the donor immediately if the MRO directs that a re-collection must occur (i.e. because the creatinine concentration was equal or greater than 2mg/dL, but less than or equal to 5 mg/dL). Failure of the donor to submit for this re-collection will be classified as a refusal to test.
- Refusal to test will be considered a positive result.

### **13. Drug Testing Information**

- The information received from drug testing shall be the property of the City.
- Human Resources or designee shall promptly notify the employee of the test results.

**14. Employees Required to Hold a CDL** - Those employees required by their employment at the City to hold a CDL shall be tested as required by federal law.

**15. Disciplinary Action** – Because of the serious nature of the illegal use or abuse of alcohol, illicit drugs, or medication, appropriate employee disciplinary action will be taken, which may include termination. At its discretion in disciplinary action, the City may require an employee to participate in the City’s provided EAP at the City’s expense and/or a rehabilitation program and mandatory drug and/or alcohol testing at the employee’s expense as a condition of continuing employment. Attendance in a rehab program or EAP is not considered time worked for compensation purposes.

**16. Voluntary Substance Abuse Counseling & Rehabilitation** - The City encourages employees who think they may have substance abuse problems to enroll in a counseling or rehabilitation program voluntarily.

**17. Employee Questions About This Policy** – Questions about this policy may be directed to Human Resources.

#### 4-04 TOBACCO-FREE WORKPLACE

1. **General Policy** – The City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthy work environment.
2. **Employee Responsibility**—All employees are prohibited from using tobacco products (including chewing tobacco and e-cigarettes) in the workplace, including all City buildings, plazas, parks, vehicles, and equipment.

#### 4-05 VIOLENCE-FREE WORKPLACE

1. **General Policy** - The City is committed to maintaining a safe and efficient working environment in which employees and the public are free from the threat of workplace violence.
2. **Employee Obligations**
  - Employees shall not engage in behavior that carries the potential for violence, including, but not limited to, assault, fighting, or using foul, abusive, or threatening language or gestures.
  - Possessing firearms or other weapons on City property, including City vehicles, or while conducting City business shall comply with federal, state, and the City Code.
  - Employees who witness violations of this policy must immediately report all incidents to their supervisor or Human Resources.

#### 4-06 EMPLOYEE DISCIPLINE

1. **General Policy** – It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of city government. Administrative procedures have been established for the handling of disciplinary measures when required.
2. **Causes for Disciplinary Action** – Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:
  - Violation of the laws of the United States, the State of Utah, City ordinances, or any other jurisdiction determined to be job-related.
  - A conviction (including a plea in abeyance or no contest) for violating any criminal law shall be prima facie evidence (accepted as valid) in any City hearing process.
    - If a job applicant with a pending criminal case is hired, continued employment with the City will be reviewed upon disposition of the case.
  - Violation of the code of conduct.

- Conduct that endangers the peace and safety of others or threatens the public interest.
- Any behavior by an employee deemed inappropriate or disruptive to the work environment that affects or may affect the ability of other employees to perform effectively.
- Misconduct.
- Malfeasance (the performance of an act that is legally unjustified or conflicts with the law or City policy).
- Misfeasance (the wrongful performance of a normally lawful act).
- Nonfeasance (the omission of some act which ought to have been performed).
- Incompetence.
- Negligence.
- Insubordination.
- Failure to maintain skills.
- Inadequate performance of duties.
- Unauthorized or excessive absence or tardiness.
- Falsification or unauthorized alteration of records.
- Violation of City or department policies.
- Falsification of employment application.
- Harassment, discrimination, and retaliation.
- Misrepresentation (making false statements or knowingly allowing false statements or impressions to be accepted as valid in the employee's job-related duties).
- Theft or removal of any City property or the property of any employee from the work premises without proper authorization.
- Gambling or engaging in a lottery on City property.
- Inability to perform essential job duties, with or without reasonable accommodation.
- Interference with any type of City investigation, including discussing any aspect of the inquiry or the mere existence of an investigation with any other City employee.
- Unwillingness and inability to work harmoniously with supervisor, the public, and/or other employees.

- Spreading rumors about fellow employees, co-workers, or colleagues or encouraging hostilities towards fellow employees, co-workers, or colleagues.
  - Any other action or behavior contrary to the best interests of the City.
3. **Disciplinary Action** – Disciplinary records are those official notices, letters, warnings, and other records provided to an employee informing the employee of disciplinary action up to and including termination. All disciplinary actions, up to and including termination, must be pre-approved by the City Manager or designee before being imposed on the employee to ensure that the discipline is appropriate to the offense and consistent with similar incidents. All disciplinary action conversations should be conducted in the presence of at least two (2) of the following individuals: the City Manager or designee, Department Head, immediate supervisor, and Human Resources to ensure consistency, fairness, and proper documentation. Human Resources shall maintain documentation related to employee discipline in the employee’s personnel file. The following are not to be deemed a progressive disciplinary scheme or system:
- Verbal Warning – A verbal warning to an employee by a supervisor for a work performance deficiency.
    - The “Documentation of Verbal Warning” form can be requested from Human Resources.
  - Written Reprimand – A formal notice to an employee by a supervisor for disciplinary purposes that outlines work performance deficiencies and may require a corrective action plan.
    - The “Written Reprimand” form can be requested from Human Resources.
  - Suspension—The City Manager or designee may suspend an employee from work without pay for up to 30 days (240 hours) and may place the employee on a corrective action plan. For any suspension lasting more than two (2) regular working days, the City shall first conduct a pre-disciplinary hearing, except for an employee described in Utah Code Ann. §10-3-1105(2).
  - Demotion—The City Manager or designee may demote an employee to a lower-grade position with or without a pay reduction and may place the employee on a corrective action plan. If the demotion is also an involuntary transfer to a position with less remuneration for disciplinary reasons, the City shall first conduct a pre-disciplinary hearing as outlined herein, except for an employee described in Utah Code Ann. §10-3-1105(2).
  - Transfer—The City Manager or designee may approve an employee's transfer to another position in a different department within the City and may place the employee on a corrective action plan. If the transfer is involuntary to a position with less remuneration for

disciplinary reasons, the City shall first conduct a pre-disciplinary hearing as outlined herein, except for an employee described in Utah Code Ann. §10-3-1105(2).

- Termination—The City Manager or designee may terminate an employee after consulting with the City Attorney. The City shall first conduct a pre-disciplinary hearing as outlined, except for positions in which pre-disciplinary hearings are not required.

Employees whose conduct constitutes grounds for discipline may be subject to one (1) or more of the foregoing disciplinary actions, up to and including termination, depending on the severity of the improper conduct. The City reserves the right to impose disciplinary action, up to and including termination, on a first offense, depending on the nature and severity of the improper conduct.

**4. Pre-Disciplinary Hearing**—Whenever a regular full-time employee is subject to possible suspension without pay for more than two (2) regular working days, demotion, involuntary transfer from one position to another with less remuneration, or termination (except as a result of a RIF or reorganization), a pre-disciplinary hearing shall be held prior to imposing disciplinary action.

- The employee shall be given written notice of the hearing prior to the hearing. The notice will include an explanation of the charges against the employee and notice that discipline, up to and including termination, will be considered.
- The City Manager or designee shall conduct the pre-disciplinary hearing, allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
- A decision as to the disciplinary action to be taken, if any, shall be made by the City Manager or designee, and the employee shall be notified in writing within five (5) working days after the hearing. This written notification shall include:
  - The grounds for disciplinary action.
  - Any proposed disciplinary action.
  - The effective date and duration of the disciplinary action.
  - Any required corrective action is necessary for the employee to avoid further disciplinary action.
  - Notice and a copy of the post-disciplinary hearing process if the imposed disciplinary action is termination, a suspension of more than two (2) regular working days, or demotion or involuntary transfer from one position to another with less remuneration.

5. **Waiver of Pre-Disciplinary Hearing**—Employees may waive their right to a pre-disciplinary hearing and to appeal to the Appeal Board. Such a waiver must be in writing, signed by the employee, and include an acknowledgment that the employee has received a copy, read the requirements for a pre-disciplinary hearing, and accepted the proposed discipline.

6. **Appeal Board (Utah Code Ann. §10-3-1106)**

- A regular full-time employee may appeal their discipline using the post-disciplinary hearing process. Written appeals shall be filed with the City Recorder within ten (10) calendar days of receipt of the notice of the imposition of qualifying discipline (suspension of more than two (2) regular working days, demotion, or involuntary transfer from one position to another with less remuneration, or termination, except if the action is the result of a RIF or reorganization).
- The Appeal Board shall consist of one (1) member, who shall be appointed by the Mayor with the advice and consent of the City Council.

7. **Appeal Board Designation**—The City designates the Appeal Board as the only internal post-disciplinary appeal procedure for terminations, suspensions without pay for more than two (2) regular working days, demotions, or involuntarily transferred positions with less remuneration.

8. **Appeal Hearing Process**

- The employee shall be entitled to appear in person before the Appeal Board and to be represented by counsel (at the employee's expense). The employee shall be able to confront the witnesses whose testimony is to be considered and examine the evidence to be considered by the Appeal Board.
- An employee or the City may request the hearing be open to the public.
- The Appeal Board determines the admissibility of evidence and its use. Further, the Appeal Board is not bound by the rules of evidence and may consider any evidence relevant to the matter.
- The City Recorder records and takes minutes of each session, except for the Appeal Board's deliberations.
- The City Attorney or designee represents the City's interests.
- The standard of review is substantial evidence. The City has the burden of establishing the factual basis and reasonableness of the disciplinary decision. The appellant challenging an action has the burden of demonstrating the disciplinary action's impropriety.

- The Appeal Board may establish hearing procedures consistent with Utah Code Ann. §10-3-1106 and modify those procedures at the hearing in a way that is equitable and conducive to the issues.

## **9. Decision of Appeal Board Hearing**

- Each decision of the Appeal Board shall be in writing.
- Each decision of the Appeal Board shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held; however, for good cause, the Appeal Board may extend the 15 days to a maximum of 60 calendar days, if the employee and the City both consent.
- A decision is issued when it is signed and dated by the member of the Appeal Board and certified by the City Recorder. The City Recorder distributes the certified decision to the employee, the City Manager, the City Attorney, and Human Resources.
- If the Appeal Board does not uphold the suspension, demotion, or termination, it shall provide in its order:
  - the employee's salary for the period of time during which the employee was discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or
  - the employee is paid any salary deficiency for the period during which the employee was demoted or involuntarily transferred to a lower remuneration position.
- Any final action or order of the Appeal Board may be submitted for review by either the employee or the City to the Utah Court of Appeals by filing a petition for review no later than 30 days from the date of the issuance of the final action or order of the Appeals Board by filing with that court a petition for review.

## **10. Requests to Purge Disciplinary Records – An employee may submit a written request to the City Manager or designee to have prior disciplinary records purged.**

- The employee must wait at least two (2) years after the incident before a request is considered. Requests will only be considered if there have been no intervening disciplinary actions.
- The City Manager or designee shall consider the request within ten (10) working days of receipt.
- All decisions shall be at the City Manager's or designee's sole discretion.

## 4-07 EMPLOYEE GRIEVANCE PROCEDURES

1. **General Policy** – A grievance is a complaint made by an employee regarding a decision or action taken by the City that affects an employee’s working conditions, except disciplinary actions. A grievance may be filed regarding such decisions or actions such as a performance evaluation, a job or task reassignment, a change in schedule, or a health/safety concern. All employees have the right to file a grievance.
2. **Grievance Process** --The following process shall be followed in processing grievances made by City employees. If the City fails to respond within the allotted time period at Step 1, such failure shall constitute a denial, and the employee may move to Step 2 in the process.
  - Step 1 – Employees wishing to grieve an incident or action must submit the grievance in writing to their immediate supervisor or Department Head within 10 business days of the decision or action being grieved. The written grievance should include, at a minimum, the date, a description of the decision or action in question, and the remedy sought. The employee’s immediate supervisor or Department Head shall respond to the employee’s grievance in writing, detailing the decision and including a copy of this policy, within 10 business days of receipt of the grievance.
  - Step 2 – If the employee is not satisfied with the response provided from Step 1, the employee may submit a written grievance to the City Manager or designee within 10 business days of receipt of the immediate supervisor’s or Department Head’s response.
    - The City Manager or designee shall respond to the employee’s grievance in writing, detailing the decision, within 10 business days of receipt of the grievance.
    - The decision of the City Manager or designee is final and not appealable.
3. **Representation** – An employee may not be represented at a Step 1 grievance discussion with the immediate supervisor or Department Head. Legal counsel may represent the employee at a Step 2 discussion, subject to any conditions imposed by the City Manager or designee.
4. **Documentation**—Upon receipt or issuance, copies of all grievances and responses shall be forwarded to Human Resources.



## SECTION 5: FINANCIAL POLICIES AND PROCEDURES

### 5-01 PURCHASING POLICY

1. **General Policy** - Employees shall comply with all applicable federal and state laws, regulations, City ordinances, resolutions, and this manual regarding procuring goods, services, and contracts. A complete copy of the City's Purchasing Policy is located on the City's M Drive.

Transparent Procurement – All procurement must be arm's length, and related party transactions must be avoided.

- Arm's length transactions assert that both parties act in their own self-interest and are not subject to pressure or any undue influence from the other party.
- A related party transaction means deals or arrangements between two parties affiliated by a pre-existing business relationship or common interest.
- Related-party transactions often lead to conflicts of interest and cannot be assumed to be "arm's length transactions."
- Failure to comply with the guidelines established for transparent procurement may result in disciplinary action, up to and including termination.

Reimbursements - Employees may request reimbursement for City-related expenses made using personal funds. Employees shall provide the following information to the HR/Finance Department in order to be reimbursed for any City related expenses:

- A completed "Expense Reimbursement Form," including supervisor approval, which is located on the City's M Drive; and,
- An itemized receipt of the purchase. If an itemized receipt is unavailable, the original receipt completed by the vendor is acceptable as long as a "Missing Receipt" form accompanies it.

- If a receipt is not available (i.e. lost, never received, etc.), employees shall complete and submit to the HR/Finance Department a “Missing Receipt” form, located on the City’s M Drive. The form must include:
  - details of the expense;
  - the reason for the missing receipt;
  - proper coding; and,
  - supervisor approval.

**2. City-issued Purchase Card Policy**—The City has established a Purchase Card Policy. The purpose of purchasing cards (“P-Cards”) is to facilitate the acquisition of goods and services for the City. Employees with a P-Card shall acknowledge that they have read and understood this policy and procedures. P-Card purchases are subject to individual cardholder limits and City code thresholds. This program does not impact the employee’s credit rating.

- P-Card Requests – Department Heads can request P-Cards for employees in writing to the HR/Finance Director. Approval may be granted or denied.
- P-Card holder Limits
  - City employees and officials may be P-Card holders in accordance with this policy.
  - Each P-Card holder has been provided a maximum dollar amount for each purchase and a total for all purchases made with the P-Card within a monthly billing cycle. The billing cycle limit shall not exceed the P-Card holder’s assigned limit.
  - If the P-Card holder finds that the limit is too low to accommodate the monthly requirements, the employee’s Department Head may request in writing to the HR/Finance Director with justification for the change in limits. Approval may be granted or denied at the HR Finance Director’s discretion.
- Use of City P-Cards
  - Employees approved as P-Card holders must complete a “P-Card User Agreement” form located on the City’s M Drive and forward it to the HR/Finance Department.
  - P-Card holders shall provide vendors with the City sales tax exemption number and are responsible for ensuring that sales tax is not charged.
  - P-Cards are to be used for City purchases only, and all purchases must be approved within the approved departmental budget.
  - The P-Card holder shall sign the back of the P-Card, and no person other than the P-Card

holder is authorized to use the card.

- Purchases made using the P-Card must be sent to a City-approved address in the P-Card holder's name.
- The HR/Finance Department must approve gift card purchases to ensure proper inventory tracking of the purchased gift cards.
- P-Cards may be used at any business establishment that accepts purchasing cards for payment.
- The P-Card holder must be prepared to justify that using the P-Card was necessary for official City business purposes.
- The P-Card holder shall take all necessary precautions to keep the card and card number in a secure location.
- Questions regarding P-Card accounts and procedures should be directed to the HR/Finance Department.
- Telephone and Online Orders
  - All telephone or online orders must be documented and reconciled like any other purchase.
  - The vendor shall not save P-Card numbers for future or recurring purchases.
- Documentation
  - P-Card holders shall obtain an itemized receipt for all purchases and upload documentation to the Visa Spend Clarity platform.
  - The Visa Spend Clarity platform retains electronic documentation submitted by the P-Card holder. The HR/Finance Department will use the electronic documentation to verify and reconcile the purchases.
  - When meals are purchased using a P-Card, the receipt shall include the names of the persons entertained and the purpose of the meal.
  - If, for any reason, the P-Card holder does not have documentation for a transaction, the P-Card holder must make every attempt to obtain a copy from the vendor. If the P-Card holder cannot obtain documentation, a "Missing Receipt" form located on the City's M



**In the event a receipt is not given or has been misplaced, fill out a missing receipt form and turn it into the HR/Finance Department.**

Drive must be completed and uploaded to the Visa Spend Clarity platform.

- Copies of all necessary forms are located on the City's M Drive in the Finance folder.
- P-Card Restrictions – The following uses of P-Cards are prohibited:
  - Cash advances;
  - Alcoholic beverages;
  - Personal purchases (If an accidental purchase is made on the card, the purchaser must notify the HR/Finance Department and provide a copy of the receipt. The P-Card holder shall reimburse the City for the purchase by cash, check, or personal credit card, or it may be deducted from the P-Card holder's paycheck. The P-Card holder hereby consents to and authorizes the deduction from their paycheck by signing the P-Card application and using the P-Card;
  - Professional or consulting services, contract labor, or entertainment providers;
  - Payment on any contract or any vendor invoice;
  - Acquisition of capital assets;
  - Fuel purchases, unless otherwise approved by the City Manager or designee;
  - Fines or fees for parking citations or traffic violations;
  - Subdividing a purchase to remain under single purchase limits; or,
  - Any other applicable departmental restrictions on usage.

A P-Card holder may not violate any established procurement requirements regarding obtaining quotes when using a P-Card. The City may block, if necessary, certain suppliers' Merchant Category Codes. If the city chooses to block a merchant, the P-Card will be declined. P-Card holders shall contact the HR/Finance Department regarding issues with a possible blocked card.

- Reconciliation and Payment
  - At the close of each billing cycle, the HR/Finance Department will reconcile the P-Card statement against the receipts provided by the P-Card holders for accuracy.
  - Each department is responsible for verifying all purchases are posted to the correct departmental budget.
  - If necessary, the HR/Finance Department may ask the P-Card holder about transactions for clarification. Any findings of misuse of a P-Card will be reported to the City Manager or designee.

- Payments to the P-Card provider shall be completed after reconciliation and within the following Accounts Payable cycle.
- If sales tax has been paid, the P-Card holder shall contact the vendor to adjust the sales tax paid. If the vendor cannot complete an adjustment, the P-Card holder will provide documentation to the HR/Finance Department explaining why the sales tax was paid.
- Each P-Card holder is entitled to a copy of the monthly statement identifying purchases made during the previous billing cycle.
- If purchased goods need to be returned, the value of the return shall be credited to the same P-Card used for the original purchase. Documentation for all returns must be uploaded to the Visa Spend Clarity Platform.
- P-Card holders are responsible for resolving disputes or billing errors with vendors. If the dispute or billing error is not satisfactorily resolved, they shall notify the HR/Finance Department and document the reason for the unresolved issue.
- Disputes – A disputed item could result from numerous circumstances, including defective purchases and unauthorized use. The following steps should be taken when an item is being disputed:
  - Return the item(s) to the vendor for replacement or credit whenever possible.
  - If a vendor refuses to replace the item(s) or credit the account, the P-Card holder shall complete a “Statement of Disputed Item” form, located on the City’s M Drive, and upload it to the Visa Spend Clarity platform for documentation.
  - The HR/Finance Department will review P-Card statements for inappropriate use and/or fraudulent charges.
- Lost or Stolen Cards – Should any P-Card holder lose, suspect of having lost, or have a P-Card stolen, it is the P-Card holder’s responsibility to call the P-Card issuer at the number listed on the back of the card and notify the HR/Finance Department of the loss.
- Terminating/Resigning Employees
  - The HR/Finance Department will make all efforts to obtain the P-Card, any receipts, and other related forms when a P-Card holder employee is terminated or resigns.
  - If the P-Card cannot be collected, the HR/Finance Department must complete a “P-Card Maintenance” form to ensure the card is canceled.
- Policy Violations—Failure to comply with these program guidelines may result in loss or suspension of card privileges, repayment of funds, or disciplinary action, up to and including

termination.

## 5-02 TRAVEL POLICY

1. **General Policy** - The City authorizes travel for the performance of City business. The employee's supervisor must pre-authorize all overnight travel.
  - Use of City Vehicles
    - Only City employees (or volunteers authorized by the City Manager or designee) may drive City vehicles.
    - A reservation is required to secure a City vehicle before using. Reservations shall be made on a first-come, first-serve basis. Instructions on how to reserve a City vehicle can be found on the City's M Drive.
    - Overnight use of a City vehicle for travel purposes shall be subject to prior approval by the employee's supervisor.
    - Employees shall immediately report any unsatisfactory vehicle conditions, including repairs that may be needed, to their supervisor.
    - If travel is outside the range of the City's approved repair shop, the employee may pay for necessary repairs with a P-Card (if designated as a P-Card holder) or with personal funds and will be reimbursed after providing appropriate receipts showing that the employee has expended personal funds for such purposes.
    - Employees are personally liable for all fines or fees for parking citations or traffic violations incurred while operating a City vehicle without reimbursement.
    - Personal use of City vehicles is prohibited unless the use meets the requirements outlined under the Personal Use of City Property in Section 4-01-8.
  - Use of Personal Vehicles
    - Employees are discouraged from using their vehicles to conduct City business (City-owned vehicles should be used for City business whenever practical).
    - Employees who use their personal vehicle for City business must have pre-authorization by their Department Head and will be reimbursed for mileage in accordance with the following:
      - The employee must keep a mileage log detailing the reason for the trip and the number of miles driven to and from the destination.

- Mileage reimbursement requests must be signed by the employee’s Department Head and submitted to the HR/Finance Department for processing. The “Mileage Reimbursement Form” is on the City’s M Drive.
- Mileage will be reimbursed at the rate currently authorized by the Internal Revenue Service (IRS).
- All fuel, maintenance, and depreciation expenses are considered to be included in the standard mileage rate.
- Parking charges, tolls, and other related expenses will be reimbursed upon presentation of receipts if incurred for City business travel.
- If an employee chooses to drive rather than fly for out-of-state travel, the City will reimburse the employee based on the least expensive flight rather than actual mileage.



Expense forms can be found on the M Drive under Human Resources ► Personnel Administration ► Employee Resources ► Travel

- Employee Responsibilities
  - Employees are accountable for responsibly operating City vehicles, personal vehicles, or rentals when traveling for City Business. They must complete and abide by the policies outlined on the “Driver Responsibility Acknowledgment” form, which can be found on the City’s M Drive.
  - Upon hire, employees who will be driving City vehicles will be required to participate in virtual defensive driving training. The video and accompanying quiz link can be found on the City’s M Drive.

**2. Travel–Related Expenses**—Travel-related costs include travel to and from the business destination, transportation costs at the business destination, and lodging, meals, or other incidental expenses. All expenses must be in accordance with departmental budgets.

- Transportation
  - Airfare or other travel arrangements for overnight trips should be made and paid for in advance via City P-Card or Accounts Payable.
    - P-Card holders must use the City-issued P-Card for fares and travel expenses.
  - If advance payment is not possible, the City will reimburse the employee for the travel expenses after receiving appropriate receipts showing that the employee has expended personal funds.

- Ground Transportation
  - Miscellaneous transportation costs related to City-business such as taxis, buses, rideshares, subways, metros, and ferries, are reimbursable upon presentation of receipts.
  - Employees may obtain a rental car with pre-authorized approval from their Department Head. Groups of employees at the same location shall share rental vehicles where practical.
    - Employees who rent vehicles for City use are required to purchase the full liability insurance offered by the car rental company.
- Lodging
  - Employees traveling overnight for City business must have pre-authorization from their Department Head before making overnight accommodations.
    - The City will cover the actual lodging costs involved in the approved travel.
    - P-Card holders must use the City-issued P-Card for lodging expenses.
  - If the employee chooses to extend their stay for personal reasons, the employee is responsible for the additional nights of lodging.
- Per Diem
  - Employees traveling for overnight City business shall be paid per diem in accordance with the U.S. General Services Administration (GSA) per diem rates. The GSA rates can be found at [gsa.gov](https://www.gsa.gov). Per diem expenses must be requested on a "Travel Expenses Form," found on the City's M Drive, and submitted to the HR/Finance Department within 10 business days of the travel date to ensure timely processing.
  - P-Card holders who receive per diem shall not use the P-Card to pay for the costs represented by the per diem.
  - If a meal is included in the registration cost, provided by the hotel, or hosted by a professional organization in conjunction with the travel, no per diem will be given for that particular meal.
  - Personal expenses, including entertainment or alcohol, are not reimbursable.
  - No reimbursement will be paid for expenses relating to spouses or other non-employee



**Per Diem payments are prepared in advance, so please notify the HR/Finance Department with trip details as soon as possible to secure proper and timely processing.**

travelers unless approved by the City Manager or designee.

- If an employee receives a per diem allowance and cannot travel or attend the function or is provided additional meals not known in advance of the travel, the employee must return the funds attributable to such events to the City.
- Fees
  - All conference registration fees should be paid in advance via P-Card or Accounts Payable.
  - If advance payment is not possible, employees will be reimbursed for personal expenses, registration fees, etc., upon presentation of receipts.

## 5-03 CASH HANDLING POLICY

1. **General Policy** - The Utah State Code requires proper accounting and documentation of all cash receipts. Cash handling requires adequate internal controls when receiving, safeguarding, depositing, and accounting for public funds. The term “public funds” applies to currency, coins, checks, money orders, credit/debit cards, electronic funds, and other negotiable instruments (such as letters of credit) payable in money to the City.

This policy applies to all City employees who handle cash receipts or accept payment on behalf of the City. The following controls are designed to safeguard employees against the mishandling of funds by defining their responsibilities and providing clear accountability in the cash handling process to ensure the funds are deposited promptly and to maintain public trust. The scope of these procedures outlines the responsibilities of departments and cash handlers City-wide. As outlined by the State of Utah’s Money Management Act, this policy establishes procedures that all public funds received by the City be deposited daily, whenever practicable, but not later than once every three (3) banking days after receipt of funds. All public funds must be submitted daily to the HR/Finance Department.

- Employee Responsibilities—This policy provides clear, written procedures for handling and controlling the collection of public funds. Employees with assigned cash handling responsibilities must sign a “City Cash Handling Policy Acknowledgment” form to be placed in their personnel file.
- General Cash Controls – The stewardship of financial assets for the City is shared by authorized employees across departments. Various departments within the City receive public funds for fees or services and are responsible for recording and transmitting monies to the HR/Finance Department for bank deposits. All cash handlers are expected to adhere to the following controls:

- Public funds received shall be guarded and kept in a secure, locked location. Funds must not be left unattended under any circumstances.
- Detailed, itemized receipts must be prepared for every payment type and created immediately upon receiving the money. Receipts must be provided to the customer, where applicable.
- To reconcile the daily transaction totals, receipts/transaction records must be appropriately labeled as “cash,” “check,” “credit/debit card,” or “recreation passes.”
- Receipting software shall generate receipt numbers that can be easily identified for future reference.
- Receipt records shall be maintained on the City’s M Drive and accounting system.
- All payments received shall be recorded through the City’s accounting system.
- Mail shall be processed daily to expedite the processing of payments received.
- All special events shall coordinate a cash collection process with the HR/Finance Department before the event occurs.
- All requests to establish or terminate cash funds must be made to the HR Finance Director.
- Internal Control Procedures - Duties relating to handling cash transactions, including collections, deposits, purchases, disbursements, bank reconciliations, approvals, and recording of transactions, must be adequately segregated so that no single person will handle a cash transaction from beginning to end. Separation of Duties is an essential component of the internal control environment and serves as a deterrent to fraud or concealment of errors. Internal controls are designed to protect one person from being solely responsible for handling a transaction involving public funds. Where separation of duties is impracticable, the City shall arrange alternate compensating controls through the HR/Finance Department. Such controls may include additional managerial review, unannounced audits, periodic reassignment of duties, or verification by other staff.



**Always keep public funds you receive in a secure location until it can be brought to the HR/Finance Department for processing.**

The process is separated into three (3) functions:

1. Collecting Public Funds – Various City Departments

- Handle payments and create receipts for transactions.
  - Prepare a detailed record to accompany the monies to the HR/Finance Department at the time of submission to verify that deposits are accurate.
  - If a department has cash, every effort should be made to ensure the deposit is made on the same day. If this is not possible (e.g., events outside of regular business hours, weekend events, etc.), the monies shall be kept in a secure, locked location, subject to HR/Finance Department approval, until a deposit can be made.
2. Depositing and Recording – HR/Finance Department
- Verify balances match the receipt records, and that payment is legitimate and accurate.
  - Prepare a bank deposit in the accounting system within three (3) banking days of receiving payment, regardless of the amount or form of payment.
  - Review applicable revenue codes in the accounting system to ensure that the monies collected are correctly recorded.
  - Prepare deposit slip and electronically deposit or transport collected monies to the City’s financial institution.
  - Collect and file bank deposit slips with corresponding deposit records.
  - The deposit date recorded by the City’s financial institution shall be the same day whenever practicable but no more than three (3) banking days after the corresponding department’s daily deposit record date.
3. Control Activity – HR/Finance Department
- Monthly bank reconciliation of department collections and deposits to the general ledger.
  - Unannounced audits of cash tills, managerial review, periodic reassignment of duties, or verification by other staff.
- Types of Payments Received
    - Cash Payments
      - All cash shall be double-counted to test for accuracy.
      - Large bills (\$100 or above) or any questionable bills shall be closely inspected for counterfeiting with a counterfeit detection marker.

- The City reserves the right to accept exact cash for services when change is unavailable.

#### Adventure Hub Cash Management

- Only recreation managers and the HR/Finance Department shall have access to the combination of the locked safe.
- The recreation manager on duty shall be responsible for preparing the daily till bag.
- The recreation manager on duty and the assigned employee shall each count the till's opening and closing contents and prepare the daily cash counting worksheet.
- Change due shall only be made from the same till where the transaction occurs.
- Customer tips are not to be accepted.
- Check Payments
  - Checks must be payable to Millcreek and appropriately signed. If they do not meet these requirements, they will be returned to the payor and not processed.
  - The numerical amount of the check must always be verified against the written amount.
  - Before acceptance, checks shall be reviewed to ensure they are not stale-dated.
  - The City shall not accept post-dated checks, and if received, they will be returned.
  - Two-party checks are not permitted.
  - Cashing customer or employee checks is prohibited.
  - Checks in excess of the transaction amount shall not be accepted.
  - No change will be given for payments made by check.
  - Return check
- Credit/Debit Card Payments
  - The Payment Card Industry Data Security Standards (PCI DSS) rules and procedures (see Appendix B) shall be followed to properly handle credit/debit card transactions, cardholder information, and system requirements for

processing credit/debit cards. Credit card and cardholder information may not be recorded or stored for any purpose.

- The City accepts MasterCard, Visa, American Express, Discover, and contactless payment methods.
  - Credit/debit card payments made by telephone must be processed while the customer is on the phone.
  - Credit/debit cards may only be charged for the exact amounts billed for City services.
  - Credit/debit card numbers shall never be written down or copied.
- Refunds shall only be issued for permissible or authorized reasons. The requesting department must make eligible refund requests in writing and send to the HR/Finance Department for processing within five (5) business days of notification.
    - Generally, refunds will be issued using the same method with which payment was accepted.
  - All refunds and voided cash transactions should be supported by documentation stating the reason for the refund or void. Voided receipts, and other corresponding documentation must be noted as such by labeling “VOID” on all copies.
  - The following transactions, activities, events, and/or processes using a cash register, change funds, petty cash, etc., are prohibited:
    - Cashing of personal, payroll, or expense checks
    - Payment to employees for awards, etc.
    - Personal borrowing or making change for larger denominations of personal currency
    - Personally making, refunding, or exchanging your purchase
    - Balancing shortages/overages with personal funds
    - Any similar expense or activity

Review and Enforcement—The HR/Finance Department and external auditors have the authority to review and measure the effectiveness of cash controls. Surprise audits may be initiated in a cash handling area with minimal or no notice. Departments are responsible for responding to findings and implementing changes as appropriate. Any employee found to have violated these procedures will be subject to disciplinary action, up to and including termination.



## SECTION 6: RISK MANAGEMENT

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### 6-01 RISK MANAGEMENT PHILOSOPHY

1. **General Policy**—The City's philosophy is to reduce the potential for loss from exposures through risk management practices in all City, department, and individual employee activities. Subject to budgetary constraints, the City shall consider the safety of its employees and the public when providing City services.
2. **Risk Management and Safety** – Each employee is responsible for complying with risk management programs required by the City's insurance carriers, the Risk Committee, and the City Manager or designee. The City will:
  - Develop and maintain policies and practices designed to meet the particular risk management needs of the City; and,
  - Implement all applicable City insurance carrier's risk reduction policies or programs.
    - On an ongoing basis, the City's insurance carrier may conduct driving record checks for all employees who operate a vehicle for City business.
3. **Individual Responsibility for Risk Management and Safety** –Employees shall take responsibility for their own safety and the safety of other employees, citizens, and property.
  - Employees shall abide by reasonable safety precautions and exercise due care while on the job.
  - To create a safe working environment, the department should utilize adequate training, appropriate supervision, reasonable scheduling, proper equipment, and other management tools and follow them by every employee.

- Employees are responsible for immediately reporting to their supervisor any potential hazards likely to cause an accident.
  - Employees shall identify and report safety concerns to their supervisor, the Department Head, the Emergency/Risk Manager, Human Resources, and/or the City Manager or designee.
- 4. Risk Committee** –The City Manager may create a Risk Committee (“Committee”). The Committee formulates and implements formal risk management and safety policies and philosophy.
- The City Manager shall act as Chair of the Risk Committee and appoint other members.
  - The Committee shall perform the following general duties:
    - Develop objectives for risk management in the City and implement those objectives; and,
    - Receive reports, findings, and recommendations of the Incident Review Committee.
  - The Committee typically meets quarterly. The City Manager or designee is responsible for preparing the agendas and keeping minutes of all Committee meetings.

## 6-02 INCIDENT REVIEW COMMITTEE

- 1. General Policy** – To ensure that all incidents are investigated and evaluated fairly, impartially, and consistently and to encourage further and implement safe work practices, each incident shall be reviewed by the Incident Review Committee (“Committee”).
- 2. Incident Review Committee Process**
  - The Committee shall include the Emergency/Risk Manager, an HR representative, and other members appointed by the City Manager or designee.
  - The Committee shall receive all information relevant to the incident. The Committee shall analyze each incident and determine, at minimum, the following:
    - whether the incident was reasonably preventable;
    - whether an employee and/or a department was at fault;
    - whether the department provided adequate training; and,
    - what action should be taken to prevent similar incidents in the future.
  - Records – Minutes of all Committee meetings shall be kept. Such minutes shall include, at minimum, the following:
    - the date and time of the meeting;

- the names of the members of the Committee at each meeting;
- the name of any person appearing before the Committee;
- a summary of the facts of each incident, as found by the Committee; and
- the findings of the Committee, the extent to which a department or an employee was at fault, and how similar incidents can be avoided in the future.

### **3. Discipline/Counseling**

- Whenever the Committee finds that an employee is at fault, the Committee may recommend to the employee’s supervisor discipline/counseling. In determining the appropriate discipline/counseling, the Committee shall consider, at minimum, the following:
  - cost to the City as a result of the incident;
  - employee attitude regarding the incident;
  - history and corrective action taken on prior incidents;
  - whether the incident was preventable and the extent of fault on the part of the employee; and,
  - what action will be the most beneficial to the City and/or most educational to the employee involved.
- The disciplinary records shall be kept in the employee’s personnel file pursuant to City policy.

## **6-03 WORKERS’ COMPENSATION AND OTHER BENEFITS**

### **1. Workers’ Compensation Program Overview**

- Program Oversight and Administration – City employees injured while performing their job duties are covered by the City’s workers’ compensation program (the “Program”), which provides medical reimbursement and indemnity benefits, as state law requires. The City Manager or designee oversees the Program. Claims administration is provided by a contract workers’ compensation program administrator (the “Program Administrator”). The City Manager or designee coordinates transitional duty.
- Designated Medical Care Provider – By contract, the City designates a medical care provider (“Medical Provider”) to treat employees with work-related injuries. Except for life- or limb-threatening injuries, the City does not pay other medical providers or facilities for treating workers’ compensation injuries, even if the injury is work-related unless the Medical Provider refers the employee and the Program Administrator approves the referral before the treatment.

- Intermountain WorkMed is the City's Medical Provider. Additional information is available on the City's M Drive under the Human Resources tab, in the employee breakroom inside City Hall, and other work locations.
- Employee Discipline – Failure by an employee to follow program reporting protocol, treatment policies, transitional duty requirements, or any other law, policy, or procedure related to the program in a timely and complete manner may result in employee disciplinary action up to and including termination.

## 2. Treating and Reporting an Injury

- Medical Treatment – When injured, an employee shall immediately obtain medical treatment from the Medical Provider. If the condition requires urgent or emergent treatment, the employee should go to the nearest urgent care facility or emergency room. If the condition warrants, 911 should be called. Once initial emergency medical care is given, the employee shall follow the Program Administrator's treatment plan.
- Reporting an Injury – Immediately, or as soon thereafter as practicable, following any minor injury or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor. As soon as possible, the employee or the employee's supervisor must complete and submit a First Report of Injury form, located on the City's M Drive, to Human Resources.
  - If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall ensure that the required reporting is completed.

## 3. Return to Work - The City has an aggressive return to work policy. The following are the responsibilities of the injured employee:

- provide all return-to-work notices and coordinate return-to-work dates with the employee's supervisor and Human Resources,
- provide a complete and accurate description of the employee's job description to the Medical Provider or specialist to enable such provider or specialist to determine whether the employee will return to full-duty or light-duty work; and,
- attend all follow-up appointments and adhere to the treatment plan outlined by the Medical Provider.

4. **Full Duty Work Allowed by Medical Provider** – If the Medical Care Provider directs an employee to return to full-duty work, the employee shall obtain a written return to work release before returning to work.
5. **Light-Duty Work Allowed by Medical Provider** – The City may accommodate suitable light-duty work. An injured employee shall be required to return to light-duty work immediately upon release by the Medical Provider if light-duty work is practicable.
  - An injured employee offered light-duty work must accept the light-duty work assignment or risk losing their workers’ compensation disability compensation.
  - Employees and supervisors shall follow any restrictions outlined on the work release order.
6. **Secondary Employment**—An employee on workers’ compensation leave or light duty assignment may not engage in secondary employment except as first authorized by the City Manager or designee.

#### 6-04 USE OF PERSONAL VEHICLES FOR CITY BUSINESS

- Employees are discouraged from using their personal vehicles to conduct City business (City-owned vehicles should be used for City business whenever practical). Employees using personal vehicles to conduct City business must receive prior authorization from their Department Head if requesting mileage reimbursement.
- When using a personal vehicle for City business, all relevant City policies and ordinances apply, such as training, idling, accident reporting, and compliance with legal requirements.
- Mileage reimbursement is available at the current IRS rate for authorized personal vehicle use upon submission of the appropriate form.
- Employees using personal vehicles for City business are subject to post-accident testing.



**Check to see if a City vehicle is available before using your personal vehicle to conduct any City-related business.**

#### 6-05 GENERAL LIABILITY PROVISIONS

1. **Use of Personal Vehicles for City Business**
  - The owner shall insure personal vehicles.
  - As part of the hiring process, all employees will certify their acknowledgment on the “Driver Responsibility Acknowledgment” form for any personal vehicle they may be authorized to drive on City business. A copy of this form can be found on the City’s M Drive.

- Employees are encouraged to review the merits of additional “business use” or higher liability coverage with their insurer.
  - Any injury to City employees will be handled as a worker’s compensation claim.
  - Employees are responsible for all deductibles and all claims.
2. **Rental Vehicles**—Employees who rent vehicles for City use are required to purchase the full liability insurance offered by the car rental company.
  3. **Limitation of Liability** – The City reserves the right to limit insurance coverage and/or worker’s compensation as provided by law, such as actions “outside the scope of an employee’s employment.”



## APPENDIX

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### A. ACRONYMS

- ADA – Americans with Disabilities Act
- AI – Artificial Intelligence
- CAO – Chief Administrative Officer
- CDE – Cardholder Data Environment
- CDL – Commercial Driver’s License
- COBRA – Consolidated Omnibus Budget Reconciliation Act
- COLA – Cost of Living Adjustment
- DOT – Department of Transportation
- EAP – Employee Assistance Program
- FICA – Federal Insurance Contributions Act
- FLSA – Fair Labor Standards Act
- FMCSA – Federal Motor Carrier Safety Administration
- FMLA – Family Medical Leave Act
- FSA – Flexible Spending Account
- GRAMA – Government Records Access and Management Act
- HIPAA – Health Insurance Portability and Accountability Act
- HSA – Health Savings Account
- IRC – Internal Revenue Code

- IRS – Internal Revenue Service
- MFA – Multi-factor Authentication
- MRO – Medical Review Officer
- PAN – Primary Account Number
- PCI DSS – Payment Card Industry Data Security Standards
- PHI – Protected Health Information
- PII – Personally Identifiable Information
- PTO – Personal Time Off
- RIF – Reduction in Force
- URS – Utah Retirement Systems
- USERRA – Uniformed Services Employment and Reemployment Rights Act
- WC – Workers Compensation

## **B. PAYMENT CARD INDUSTRY DATA SECURITY STANDARDS (PCI DSS) COMPLIANCE REQUIREMENTS**

The Payment Card Industry Data Security Standard (PCI DSS) is a global standard designed to protect cardholder data and ensure the secure handling of payment card information. Effective April 1, 2025, all employees involved in payment processing, data management, or systems administration must comply with the following updated PCI DSS v4.0 requirements.

1. Protect Cardholder Data
  - Encrypt stored cardholder data using strong encryption methods.
  - Mask Primary Account Numbers (PANs) when displayed; only personnel with a legitimate business need may see full PANs.
2. Maintain a Secure Network and Systems
  - Install and maintain a firewall configuration to protect cardholder data.
  - Avoid the use of vendor-supplied defaults for system passwords and other security parameters.
3. Implement Strong Access Control Measures
  - Restrict access to cardholder data by business need-to-know.
  - Use multi-factor authentication (MFA) for all access into the cardholder data environment (CDE), including administrative access to systems.
4. Monitor and Test Networks
  - Track and monitor all access to network resources and cardholder data.

- Regularly test security systems and processes through vulnerability scans and penetration testing.
5. Maintain an Information Security Policy
    - Develop, publish, maintain, and disseminate a security policy that addresses information security for all employees.
    - Conduct annual security awareness training for all personnel.
  6. Support Continuous Compliance
    - Perform regular risk assessments to identify and manage security threats.
    - Ensure that service providers meet compliance requirements with written agreements and documented responsibility assignments.

Non-compliance with PCI DSS policies may result in disciplinary action, up to and including termination, and may subject the City to legal and financial penalties. A complete copy of the PCI DSS requirements and testing procedures is located on the City's M Drive.