

# LEHI CITY EMPLOYEE POLICY MANUAL

*January 1, 2013*



# Lehi City Corporation Employee Policy Manual

Effective Date:

Date Revised:

## Section I: Introduction

### Subject: Table of Contents

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(Click on the Section or Subject below to jump directly to the associated policy.)

#### **Section I: Introduction**

Subject: Welcome to Lehi City

#### **Section II: Employment Policies**

Subject: Equal Employment Opportunity (EEO)

Subject: Employee Hiring

Subject: Employment of Volunteers

Subject: Disciplinary Action

Subject: Termination of Employment

Subject: Record Keeping

#### **Section III: Compensation Policies**

Subject: Performance Evaluations

Subject: Employment Classifications/Compensation

Subject: Salary Planning

Subject: Tuition Reimbursement

Subject: Training and Travel

Subject: Personal Vehicle Allowance

Subject: Cell Phone Allowance

Subject: Payroll Administration

#### **Section IV: Leave**

Subject: Family and Medical Leave Act

Subject: Leaves of Absence

#### **Section V: Employer Benefits**

Subject: Benefits

#### **Section VI: Employee Conduct**

Subject: Code of Conduct

Subject: Protection from Loss and Liability (Indemnity)

Subject: Alcohol, Drug and Smoke Free Workplace

Subject: Sexual/Gender Harassment

Subject: Grievance Procedures

Subject: General Safety

Subject: UOSHA Requirements

Subject: Confined Space Entry

Subject: Electronic Communications Usage

# Lehi City Corporation Employee Policy Manual

Effective Date:

Date Revised:

## Section I: Introduction

### Subject: Welcome to Lehi City

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An interesting and challenging experience awaits you as an employee of Lehi City. To answer some of the questions you may have concerning the City and its policies, we have prepared this employee policy manual. Please read it thoroughly and retain it for future reference. Employees are expected to be familiar, and comply, with the policies and procedures described in this manual. These policies are applicable organization-wide. As such, this manual supersedes and replaces all department-specific policies in the event of a current or future conflict.

The policies and procedures expressed in this book, as well as those in any other personnel materials which may be issued from time to time, do not create a binding contract. The City disclaims any construction of this manual as, or implication of, an employment contract.

This policy manual should not be construed to limit the City's right to discharge employees or to create any other obligation or liability on the City. The City reserves the right to unilaterally change, or make exceptions to the policies and procedures stated in the manual at any time, for any reason. For additional guidance on the City's personnel policies and procedures, please contact the Human Resource Office.

Please understand that no supervisor, manager, or representative of the City other than the Mayor or City Administrator, has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the foregoing. Any actual employment agreement must be in writing and signed by the Mayor or City Administrator.

We wish you the best of luck and success in your position and hope that your employment relationship with the City will be a rewarding experience.

For your convenience, the following table contains the phone numbers that are referenced in this manual, along with other numbers you might find helpful:

Office / Organization	Phone Number
Human Resources	801-768-7100 ext. 2265
Risk Management	801-768-7100 ext. 2268
Fleet Manager	801-768-4833 ext. 2719
City Administration Office	801-768-7100 ext. 1
Select Health	800-538-5038
Dental Select	800-999-9789
Full Court Financial	801-263-9797
Utah Retirement System	800-365-8772
Employee Assistance Program	800-832-7733
ICMA Retirement Corporation	800-669-7400

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Equal Employment Opportunity (EEO)

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#### Policy Purpose Statement

It is the policy of Lehi City to comply with Equal Employment Opportunity (EEO) standards in all phases of personnel administration and to hire individuals solely on the basis of their qualifications and ability to do the job to be filled.

#### Authorization

The City Administrator or designee has the authority to carry out this policy.

#### Policy Guidelines

EEO standards shall apply related to: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc., without unlawful regard to race, color, religion, gender, sexual orientation, age, physical or mental disability, national origin or veteran's status. Unless otherwise provided in Utah State Code, employment with the Lehi City is considered to be at-will, so that either party may terminate the relationship at any time and for any lawful reason.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: February 2012

## Section II: Employment Policies

### Subject: Employee Hiring

---

#### Policy Guidelines and Procedures

1. Hiring of full-time Employees and Residency and Response Time Requirements.
  - A. The mayor shall, in his capacity as executive officer of the City, have charge of all full-time City employees. The mayor or designee shall hire such personnel from time to time as the need arises and, in so doing, shall follow such rules, regulations and laws established for such hiring.
  - B. Individuals hired into the positions listed in this policy shall be required to reside within the corporate boundaries of the City within 12 months of being hired unless i) upon a showing of good cause, an exception is authorized by the Mayor and approved by the City Council, or ii) an extension is authorized by the Mayor and approved by the City Council. Such extension shall not exceed an additional 12 month period. Additional extensions may be granted at the discretion of the Mayor and City Council upon a showing of hardship by the employee. The positions are as follows:
    - i. City Administrator
    - ii. Police Chief
    - iii. Fire Chief
  - C. The following positions shall be required to reside within a 20-minute response time of the City Administrative Offices as determined by the City's G.I.S. calculations:
    - i. Assistant City Administrator
    - ii. City Engineer
    - iii. Public Works Director
    - iv. Director of Finance and Administrative Services
    - v. Planning Director
    - vi. Power Director

In addition, several City departments have essential employee positions that require prompt response in the event of emergencies or service outage occurrences. These departments are the Police Department, Fire Department, Public Works Department and the Power Department. Department Directors of each of these departments will specify, in department policies, such essential positions. Employees occupying these specified positions will be required to reside within a 20-minute response time of the City Administrative Offices as determined by the City's G.I.S. calculations.
  - D. There are no residency or response time requirements for all other employees not identified in paragraphs B and C above.
  - E. City department directors may establish, by department policy, residency and/or response time requirements more restrictive than the policies described in paragraph 3 above by identifying the essential employee position and the corresponding response time requirement.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: February 2012

## Section II: Employment Policies

### Subject: Employee Hiring

---

However, those policies must be related to the preservation of the health, safety or welfare of the residents of the City and approved by the City Council.

- F. All current employees who hold positions with residency or response time requirements as identified in paragraphs B and C above and who do not currently meet those requirements are grandfathered in their current positions and are therefore not required to comply with the residency or response time requirements so long as they hold their current positions. Should such employees accept another position which has such requirements, compliance will be required. However, this grandfathering provision does not apply if residency or response time was a condition of employment imposed by the department when the employee was hired.

#### 2. Recruitment

- A. Internal Promotions. It is Lehi City's policy to attract a diverse pool of qualified applicants. Therefore, external recruitment methods shall be used in conjunction with internal recruitments for all full-time employment positions—with the exception of Public Safety or other career service positions where three or more ( $\geq 3$ ) internal candidates apply for an advancement opening. For the purposes of this policy, a position upgrade directly related to an external certification and testing process will not be considered a "promotion".

- B. External Advertising.

- i. Only the City Administrator, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
- ii. Each Job Opening Notice should contain a statement indicating that Lehi City is an equal opportunity employer.
- iii. Job Opening Notices must be advertised in the appropriate media and through any other channels the City Administrator deems appropriate.
- iv. All job posting notices must specify where applications can be obtained and the deadline for filing an application. All applications must be returned to the Human Resources Office. Advertisements may state that job applicants residing in Lehi City or the surrounding area will be given hiring preference

#### 3. Selection.

- A. Nepotism. It is the policy of Lehi City to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.
- B. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all other applications. The City Administrator, or designee, will review the former employee's personnel records and the circumstances surrounding termination of previous employment with Lehi City.
  - i. Former employees who have been terminated for cause are not eligible for rehire.
  - ii. Applicants who are rehired shall be required to serve a one-year probationary period.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: February 2012

## Section II: Employment Policies

### Subject: Employee Hiring

---

- C. Job Applications. All interested job applicants shall complete a Job Application.
- i. All applications and resumes received for the job opening will be forwarded to the City Administrator, or designee. Upon receipt, each application and resume will be marked with the date it was received.
  - ii. Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant may be required to provide a copy of a certified educational transcript either with the application or upon hire.
- D. Ability Tests. Job Applicants may be required to take ability tests that Lehi City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics, keypunch, and/or timed typing tests. When Lehi City uses ability tests, Lehi City shall make reasonable accommodations for disabled applicants, as may be requested, and does not create an undue hardship on the City.
- E. Job Applicant Disqualification. An application may be rejected if the job applicant:
- i. Does not meet the minimum qualifications established for the position.
  - ii. Is physically or mentally unable to perform the essential duties and responsibilities of the position with reasonable accommodation(s) (determined only after a conditional offer of employment has been extended to a job applicant, pending the results of a medical examination, when required).
  - iii. Has falsified a material fact or failed to complete the application.
  - iv. Has failed to timely file the application.
  - v. Has an unsatisfactory employment history or poor work references.
  - vi. Has failed to attain a passing score, if an examination is required.
- F. Interviewing.
- i. The City Administrator, or designee, will select applicants to interview from those who have passed the preliminary screening job application and ability tests. Job related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided may be verified.
  - ii. Individuals conducting job interviews shall only ask questions that pertain to the job position. Questions should be submitted to the Human Resources Office in advance of interviews for approval.
- G. Reference Checks. In order to facilitate reference checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form.
- H. Lehi City may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: February 2012

## Section II: Employment Policies

### Subject: Employee Hiring

---

#### 4. Full-Time Placement.

- A. Rejection Letters. Within ten (10) working days after the job offer has been accepted, rejected job applicants shall be notified. The City Administrator, or designee, will send a Job Rejection Letter to each job applicant who was not selected for a job opening.
- B. Job Offers. After a job applicant is approved by Lehi City, the City Administrator shall notify the successful job applicant of their selection through a written Job Offer Letter. Job Offer Letters do not constitute an employment contract. The written Job Offer Letter shall summarize the job duties, salary conditions, and any provisional conditions of employment. The Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written Job Offer Letter and returns it to Lehi City by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee. Written Job Offer Letters should include the following:
  - i. A summary of job duties and responsibilities.
  - ii. The employee's starting yearly salary and pay grade.
  - iii. The employee's job title.
  - iv. The employee's department.
  - v. Any relocation commitments, if applicable.
  - vi. The employee's starting date.
  - vii. The length of the employee's probationary period (one year minimum).
  - viii. Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.
- C. Medical Examinations. Once Lehi City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by Lehi City to determine a job applicant's ability to fulfill essential job related requirements necessary for job classification. Only the City Administrator or designee may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by Lehi City. The prospective employee must sign a written release of this information to Lehi City.
- D. Reinstatements. Employees who are reinstated into Lehi City may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
  - i. Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Lehi City within one year after date of termination.
  - ii. Voluntary resignations. Employees who voluntarily terminate their employment with Lehi City may maintain their original anniversary date, subject to City Administrator or designee approval, if they are re-employed by Lehi City within six months after date of termination.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: February 2012

## Section II: Employment Policies

### Subject: Employee Hiring

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#### E. Hiring New Employees.

- i. Required for All Employees: The City Administrator, or designee, is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on Lehi City's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours during the employee's first day of work.
- ii. Additional Requirement for Contract, Part Time, Temporary, and Seasonal Employees Only: If applicable, the City Administrator, or designee, is responsible for filling out an Employment Agreement.
- iii. It is the policy of Lehi City that no one under the age of sixteen (16) shall be hired for any position, with the exception of youth recreation and swimming programs during the summer—or other exceptions as provided below where 14 and 15 year-olds can be used prudently within federal and state government guidelines.
  - a. All states have child labor laws and compulsory school attendance laws.
  - b. Unless otherwise exempt, a minor employee must be paid according to the statutory minimum wage and overtime (currently one and one half (1 and ½) times the employee's regular wage after forty (40) hours worked in a work week) provisions of the Fair Labor Standards Act of 1938, as amended.
  - c. Employees fourteen (14) and (15) years old may not be employed:
    - I. During school hours, except as provided for in work experience and career exploration programs.
    - II. Before 7 a.m. or after 7 p.m., except 9 p.m. from June 1 through Labor Day (time depends on local standards).
    - III. More than three (3) hours a day on school days, including Fridays.
    - IV. More than eighteen (18) hours a week, in school weeks.
    - V. More than eight (8) hours a day, on non-school days.
    - VI. More than forty (40) hours a week, in non-school weeks.
    - VII. In any occupations found and declared to be hazardous.
    - VIII. In the operation or tending of hoisting apparatus.
    - IX. In the operation or tending of any power-driven machinery.
    - X. Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.
  - d. Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of Labor "shall find and by order declare to be particularly hazardous or detrimental to their health and well-being" as set forth in
  - e. WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupations.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: February 2012

## Section II: Employment Policies

### Subject: Employee Hiring

---

- F. Orientation. Newly-hired employees shall complete all required paperwork and receive orientation as a new employee of Lehi City on or before their first day of work.
  - i. In accordance with the Immigration Reform and Control Act, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form and providing two original unexpired government ID's. The employee must sign under penalty of perjury that they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
  - ii. All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
  
- G. Probationary Period.
  - i. All new employees shall be subject to a one-year probationary period. During this period, probationary employees may be terminated with or without any right to due process, notice, explanation, or appeal in connection with said termination.
  - ii. A probationary period begins on the first day of employment and continues for one-year or longer if extended in writing for performance-related reasons. The City Administrator or designee will provide guidance to probationary employees so they understand work requirements.
  - iii. Probationary employees shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Employment of Volunteers

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#### Definitions

Volunteer – Any person who donates services to the City without compensation, except for pre-approved, incidental expenses relevant to their volunteer work.

#### Policy Guidelines and Procedures

1. City officials and departments who recruit volunteers to perform services of benefit to the public will provide appropriate training and supervision.
2. A volunteer shall be deemed an employee of Lehi City only for the purpose of:
  - A. Medical benefits under Worker's Compensation for any injury sustained by him/her while engaged in the performance of any City service as required by state law.
  - B. Indemnification protection normally afforded salaried employees or as otherwise provided by state law.
3. Volunteers receive liability protection as provided by state law.
4. Volunteer service experience may be recognized for determining qualifications for employment with Lehi City.
5. Court-ordered community service volunteer labor may, at the direction of the City Administrator or designee, be accepted if appropriate work is available.
6. Volunteers are subject to the same standards of performance as regular employees and are required to sign a Volunteer Code of Conduct and provide a copy of a current driver's license, or other proof of authorization to work in the United States.
7. Volunteers are subject to drug tests and background checks.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Employment of Volunteers

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## Lehi City Volunteer Code of Conduct

As a volunteer, I will perform only those assigned tasks that are within my physical capability and will not undertake any tasks that are beyond my physical capability or ability. I will not undertake to use any equipment or tools that I am unfamiliar with or have not been trained to operate properly and safely. As a volunteer I will strictly observe all safety rules and use care in the performance of my assigned tasks.

As a volunteer I will treat everyone with respect, loyalty, patience, integrity, courtesy, dignity and consideration. While volunteering I will not use profanity, or make humiliating, ridiculing, threatening, or degrading statements.

## Volunteer Acknowledgements and Waivers

Many volunteer positions with the City involve working with children or in other safety sensitive positions. To help safeguard the public, the City reserves the right to perform a background check on all volunteers.

As a condition of volunteering, I give the City of Lehi permission to conduct a thorough background check on me, and I will provide proof of authorization to work in the United States such as a driver's license, birth certificate, or green card. The background check may include a review of sex offender registries, criminal history records, driving records and federal FBI records. I understand that any volunteer position may be contingent upon an acceptable background check.

I understand that volunteer positions are charitable contributions to the City of Lehi without anticipation of compensation of any kind or consideration of future employment.

As a volunteer I agree to be subject to the policies and procedures of the City of Lehi.

Volunteer employment may be terminated at any time by the employer or employee for any reason or for no reason.

Your signature below indicates that you have read each of the above items and you agree to be bound by them. If you are under the age of eighteen, your parent or guardian must also review these items and sign below.

\_\_\_\_\_  
Volunteer Signature

\_\_\_\_\_  
Date

I, \_\_\_\_\_, am the parent or legal guardian of

\_\_\_\_\_, and I agree to allow him/her to be bound by the conditions represented above.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Disciplinary Action

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#### Policy Purpose Statement

It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of the Lehi City government. Administrative procedures have been established for the handling of disciplinary measures when required.

Disciplinary action, up to and including termination, may be imposed by following the provisions of this section.

Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

Employees to which Utah Code Section 10-3-1105 does not apply may be disciplined, up to and including termination, by the City Administrator, or designee, without cause and without following the due process proceedings hereinafter set forth in this section.

#### Policy Guidelines and Procedures

##### 1. Types of Disciplinary Action.

- A. Verbal Warning. Whenever grounds for disciplinary action exist, and the City Administrator, or designee, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
- B. Written Reprimand.
  - i. The City Administrator, or designee, may reprimand an employee for cause. The City Administrator, or designee, shall furnish the employee with an Employee Written Reprimand Notification setting forth the reason(s).
  - ii. A copy of the Employee Written Reprimand Notification, signed by the City Administrator and the employee, shall be permanently placed in the employee's personnel file. An employee's signature verifies receipt of the Written Reprimand Notification, and is in no way to be construed as an admission of cause. If the employee refuses to sign the form; the City Administrator, or designee, will so state.
- C. Suspension.
  - i. The City Administrator, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
  - ii. When suspending an employee for more than two (2) days, the City Administrator, or designee, shall follow the due process proceedings hereinafter set forth in the section entitled, "Imposing Disciplinary Action".

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Disciplinary Action

---

- iii. An employee on suspension without pay shall be responsible for making full contributions to their portion of the employee medical insurance benefits.
- iv. Employees exempt from the overtime requirements of the FLSA must be suspended for at least one complete work day.

#### D. Demotion.

- i. The City Administrator, or designee, may demote, or reduce in grade, an employee for cause.
- ii. When demoting an employee, the City Administrator, or designee, shall follow the due process proceedings hereinafter set forth in the section entitled "Imposing Disciplinary Action".

#### E. Involuntary Transfer.

- i. The City Administrator, or designee, may involuntarily transfer an employee to a position with less remuneration (with the exception of a probationary employee) for cause.
- ii. When involuntarily transferring an employee to a position with less remuneration, the City Administrator, or designee, shall follow the due process proceedings hereinafter set forth in the section entitled "Imposing Disciplinary Action".

#### F. Termination.

- i. The City Administrator, or designee, may terminate an employee for cause. However, three or more ( $\geq 3$ ) terminations of Department Heads within a twelve (12) month period must include the advice and consent of the Mayor and Council following the decision to terminate but prior to the implementation of the decision. Consultation with the Mayor and Council should include the impact such a decision would have on the organization's ability to maintain uninterrupted City services as well as the overall institutional knowledge base.
- ii. When terminating an employee for cause, the City Administrator, or designee, shall follow the due process proceedings hereinafter set forth in this section, entitled, "Imposing Disciplinary Action".

### 2. Causes for Disciplinary Action.

- A. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:
  - i. Violation of local, state or federal law, other than minor traffic offenses.
  - ii. Violation of the Code of Conduct as defined herein.
  - iii. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
  - iv. Unjustified interference with work of other Lehi City employees.
  - v. Misconduct.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Disciplinary Action

---

- vi. Malfeasance. Action taken to injure the public's interests, violate public trust; or act contrary to law.
- vii. Misfeasance. Wrongful use of a normally lawful act or authority.
- viii. Nonfeasance. Neglect; purposeful non-action.
- ix. Incompetence.
- x. Negligence.
- xi. Insubordination.
- xii. Failure to maintain skills.
- xiii. Inadequate performance of duties.
- xiv. Unauthorized absence.
- xv. Falsification or unauthorized alteration of records.
- xvi. Violation of Lehi City policies.
- xvii. Falsification of employment application.
- xviii. Discrimination in hiring, assignment, or promotion.
- xix. Sexual or other harassment.
- xx. Violation of the Personnel Policies and Procedures.
- xxi. Use of alcohol, drugs, or medication, even if prescribed by a physician, which affects job performance.
- xxii. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
- xxiii. Unauthorized possession of firearms, weapons, or explosives on Lehi City owned property.
- xxiv. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
- xxv. Theft or removal of any Lehi City property or property of any employee from the work area premises without proper authorization.
- xxvi. Gambling or engaging in a lottery at any Lehi City work area.
- xxvii. Misusing, destroying, or damaging any Lehi City property or the property of any employees.
- xxviii. Deliberately restricting output.
- xxix. Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs, alcohol, or medication that affects job performance during the workday.
- xxx. Sleeping during working hours, with the obvious exception of fireman employees.
- xxxi. Fighting (verbal or physical) on Lehi City premises.
- xxxii. Bringing firearms or weapons onto Lehi City premises, with the obvious exception of police officer employees.
- xxxiii. Any act which might endanger the safety or lives of others.
- xxxiv. Fraternalization with an employee working in same department.
- xxxv. Violating the Utah Municipal Officers' and Employees' Ethics Act.

### 3. Imposing Disciplinary Action.

- A. The City Administrator shall conduct disciplinary action in a consistent manner.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Disciplinary Action

---

- B. The City Administrator, or designee, shall conduct an investigation into the allegations which form the grounds for disciplinary action.
  - C. During an investigation to determine the facts upon which disciplinary action may be imposed, the City Administrator, or designee, may place an employee on paid administrative leave until a due process hearing is conducted.
4. If after the investigation is conducted the City Administrator, or designee, concludes that disciplinary action should be imposed, the following shall apply:
- A. The employee shall receive five (5) calendar days' written notice of a due process hearing. The notice shall contain an overview of the allegations and potential disciplinary action.
  - B. At the due process hearing, the employee shall have the opportunity to respond to the allegations before the City Administrator, or designee. The employee's written response, if any, and other related documents shall be placed in the employee's personnel file.
  - C. In determining the type and severity of the disciplinary action, the City Administrator, or designee, shall consider aggravating and mitigating circumstances such as: the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on Lehi City operations; damage to the public's perception of Lehi City Corporation, and/or the potential of the misconduct to harm person(s) or property.
  - D. For disciplinary action other than a verbal warning or written reprimand, the City Administrator, or designee, shall notify the employee, in writing, of the final decision of the due process hearing. The final decision shall include:
    - i. The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.
    - ii. Any prior disciplinary action imposed.
    - iii. The disciplinary action to be imposed.
    - iv. The effective date and duration of the disciplinary action.
    - v. The corrective action necessary for the employee to avoid further disciplinary action.
  - E. A copy of the final decision, signed by the City Administrator, or designee, and the employee, shall be permanently placed in the employee's personnel file. An employee's signature verifies receipt of the final decision, and is in no way to be construed as an admission of cause. If the employee refuses to sign the final decision; the City Administrator, or designee, will so state.
  - F. Suspension, demotion, involuntary transfer to a position with less remuneration, or termination of an employee shall require the approval of the City Administrator, through a Personnel Action Form.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Disciplinary Action

---

5. Appeal Procedures.
  - A. Employees have no right to appeal a verbal warning.
  - B. Employees have no right to appeal a written reprimand.
  - C. Upon written receipt of a final decision, employees to which Utah State Code 10-3-1105 applies have the right to appeal the final decision of the City Administrator, or designee as follows:
    - i. An employee must submit a written notice of appeal to the Lehi City Recorder within ten (10) calendar days after the employee has received notice of the final decision or an employee will be deemed to have waived all appeal rights.
    - ii. The City Recorder shall refer a copy of a properly filed appeal to the City Administrator who shall appoint a Hearing Officer for the purpose of conducting a hearing and ruling on the appeal. The Hearing Officer shall be a person with experience in law, human resources, mediation or arbitration. The cost and expense of the hearing and any fees paid to the Hearing Officer shall be the responsibility of the City. The Hearing Officer, upon receipt of the assignment from the City Administrator, shall, within ten (10) calendar days, commence a review of the record and schedule a hearing within thirty (30) days to take and receive evidence and fully hear and determine the matter which relates to the cause for the discharge, suspension, or transfer. The employee who is subject of the discharge, suspension, or transfer shall receive written notice of the date and time of the hearing, may appear in person and be represented by counsel, may confront the witnesses whose testimony is to be considered, and may examine the evidence to be considered by the Hearing Officer. The Hearing Officer shall uphold the final decision of the City Administrator, or designee, if the Hearing Officer finds substantial evidence (more than a scintilla but less than a preponderance) that violations of the City's personnel policies and procedures occurred that justify the disciplinary action imposed.
    - iii. If the Hearing Officer overturns the Employee Disciplinary Action:
      - a. The Hearing Officer shall award any loss of pay associated with the Employee Disciplinary Action.
      - b. The City Administrator, or designee, shall remove the record of the disciplinary action from the employee's personnel file.
    - iv. If the Hearing Officer upholds the Employee Disciplinary Action, the employee may then appeal to the Court of Appeals pursuant to the provisions of Utah Code Section 10-3-1106(6)

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Termination of Employment

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#### Policy Purpose Statement

Terminations should be handled consistently pursuant to the guidelines that follow. Before proceeding with any termination action, the City Administrator, or designee, should review all appropriate policy statements and consult with the Human Resource Office. Any resignation in lieu of involuntary termination of an employee should be put in writing in a separation agreement and reviewed with the City Attorney or outside legal counsel before a separation agreement is executed.

#### Policy Guidelines and Procedures

##### 1. Types of Termination.

- A. Retirement. Retirement is acceptable as long as it is voluntary. The purpose of Lehi City's retirement program is to provide employees with income benefits upon completion of successful careers.
- B. Voluntary Resignation: When an employee wishes to leave Lehi City, they will complete a Notice of Voluntary Resignation Form and present it to the City Administrator or designee.
- C. Resignation, in Lieu of an Involuntary Termination. If Involuntary Termination proceedings have begun, but have not been completed, and an employee suggests that they would like to resign, the City Administrator, or designee, may allow the employee to resign in lieu of an involuntary termination by executing a separation agreement. The Human Resource Office, in consultation with the City Attorney, will prepare a written separation agreement to be signed by the employee before a final check will be issued.
- D. Involuntary Termination. The City Administrator, or designee, may conclude that an employee to which Utah Code Section 10-3-1105 does not apply should be involuntarily terminated. At the discretion of the City Administrator, or designee, such an employee may be allowed to resign in lieu of an involuntary termination.
- E. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in Lehi City because of lack of work, lack of funds, or the elimination of certain positions through restructuring, Lehi City may attempt to minimize layoffs by readjustment of personnel through reassignment of duty in other work areas.
- F. Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an "otherwise qualified individual with a disability." An employee may not be terminated for a medical disability unless he/she is unable to perform the duties of their job description with reasonable accommodation. Consultation with the Human Resource Office and the City Attorney is required.
- G. Death. If an employee of Lehi City dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time and/or annual leave) as of the date of death.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Termination of Employment

---

#### 2. Required Notice Prior to Termination.

- A. All employees must notify the City Administrator or designee at least three months before retiring or two weeks before voluntarily resigning to be eligible:
  - i. To receive pay for unused, accrued vacation leave (if applicable).
  - ii. For rehire.
- B. When the City Administrator or designee involuntarily terminates an employee, the City Administrator or designee will determine whether any pay for unused, accrued vacation leave (if applicable) or other pay will be paid to the terminated employee.
- C. Unused, accrued vacation leave (if applicable) will always be paid for terminations of employment involving Reductions in Force/Layoffs, Medical, and Deaths.

#### 3. Other Termination Procedures.

- A. The following steps should be taken for Voluntary Retirements:
  - i. Employees who desire retirement must also notify the Human Resource Office three months in advance.
  - ii. The Human Resource Office will communicate the status of each employee's retirement benefits. Upon request for retirement benefits, The Human Resource Office will notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
  - iii. The Human Resource Office will carefully explain to the employee what the benefit options are (such as Cobra and Retirement Plan Options).
  - iv. The Human Resource Office will give the employee ample time to review the retirement plan.
  - v. The Human Resource Office will have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.
- B. The following steps shall be taken for Reductions in Force/Layoffs:
  - i. Determine whether Lehi City is required to follow statutory guidelines related to the reduction in force/layoff. If Lehi City is required to follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.
  - ii. If Lehi City is facing a possible reduction in labor force, Lehi City shall explain the situation to its employees, advising them of the possibility that reductions in force/layoffs may become an economic necessity for Lehi City.
  - iii. In the selection of employees for Lehi City's reduction in force/layoff, the following guidelines shall be considered:
    - a. Selection shall be based upon the employee's ability to perform the work assignments within the affected department.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Termination of Employment

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- b. Seniority shall govern the selection when the history of work performance is equal.
        - c. Seasonal, temporary, and probationary employees shall be laid off first.
        - d. Before any reduction in force/layoff, Lehi City shall determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
        - e. If Lehi City cannot give advanced notice of a reduction in force/layoff to an employee, two weeks' severance pay shall be given in lieu of notice for a bona fide reduction in force/layoff.
      - iv. Written reductions in force/layoffs notices shall contain the following information:
        - a. Statement of reason for layoff.
        - b. Anticipated date of layoff.
        - c. Lehi City's option regarding employee placement in another position.
  - C. Outstanding Pay.
    - i. Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable).
    - ii. Under Utah State law, the required timing of the final payment at termination is:
      - a. A Voluntary Resignation. Final paycheck will be available on the next regular payroll cycle
      - b. An Involuntary Termination/Separation for Cause. Within twenty-four (24) hours of the last day worked, unless that day falls on a weekend or Holiday and in such case, final payment shall be made on the next business day.
  - D. The terminating employee will return any supplies or equipment, which are the property of Lehi City, to Lehi City at termination, before final pay is issued.
  - E. All voluntary terminating employees should complete an Exit Interview with the City Administrator, or designee. The Exit Interview Form should be signed by the employee and the City Administrator, or designee.
4. COBRA. Any employee that is separated from Lehi City is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA plan as stated in the Lehi City's COBRA Notification.
  - A. Federal Public Law 99-272 (which became effective July 1, 1986 and is known as COBRA) requires that all employers of 20 or more full-time employees offer a continuation of group insurance coverage to individuals who fall under one of the following "qualifying events":
    - i. Termination of employment (other than for gross misconduct), for a maximum continuation period of eighteen (18) months.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section II: Employment Policies

### Subject: Termination of Employment

---

- ii. Reduction of work hours below eligibility requirement, for a maximum continuation period of eighteen (18) months.
  - iii. Dependent coverage terminated due to death of employee, for a maximum continuation period of thirty six (36) months.
  - iv. Divorce or legal separation from employee, for a maximum continuation period of thirty six (36) months.
  - v. Spouse or dependent of Medicare eligible employee, for a maximum continuation period of thirty six (36) months.
  - vi. Dependent child who ceases to be a dependent under the generally applicable requirements of the group plan, for a maximum continuation period of thirty six (36) months.
- B. Under the Act, a qualifying individual is entitled to continued group insurance coverage identical to that which is provided to similarly situated beneficiaries to whom a qualifying event has not occurred. Individuals who are entitled to continued benefits under COBRA guidelines are required to pay the entire premium required under the policy during the entire period of the continued coverage. The premium a qualifying individual will be required to pay may not exceed one hundred and two percent (102 %) of the applicable premium, for any period of continued coverage. Failure to pay the monthly premium will result in a cancellation of the insurance.
- C. The insurance benefits offered under the COBRA guidelines will be terminated if and when any of the following occur:
- i. A qualifying individual fails to pay the premium at the time it is required.
  - ii. A qualifying individual becomes eligible for coverage under any other group insurance plan due to employment or remarriage.
  - iii. At the expiration of a qualifying individual's maximum continuation period.
- D. The offer of continued insurance coverage under COBRA is made independent of any other offer to continue insurance that may be required under any applicable state law.
- E. A qualifying individual has sixty (60) days from the termination date of their current coverage to decide whether to continue their insurance coverage under this plan. If they decide to apply for the continued coverage, all due and owing premiums must be paid before coverage will be granted. If they fail to apply for coverage within the sixty (60) days, they will have waived their rights to continuation of coverage under the COBRA guidelines. They are not required to apply for or accept coverage under COBRA.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section II: Employment Policies

### Subject: Record Keeping

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#### Policy Purpose Statement

Federal and state law requires employers to keep detailed data about their employees.

#### Policy Guidelines and Procedures

1. Confidentiality. Employee records are maintained in compliance with the law.
  - A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
  - B. Lehi City's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
  - C. Employees have the opportunity to review their own files in the presence of the City Administrator, or designee, on Lehi City premises during regular business hours. It is recommended that an appointment be scheduled if possible.
2. Personnel Files Requirements.
  - A. General.
    - i. Personnel files are maintained on each employee and kept by the City Administrator, or designee. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
    - ii. Personnel files may consist of original paper documents, scanned copies of original documents stored digitally, and/or documents originally produced electronically (e.g. PDFs).
    - iii. No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the City Administrator, or their designated representative.
    - iv. Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Lehi City. When a Supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the City Administrator, or designee.
  - B. Contents.
    - i. An employment record; including the employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate (Form W-4), etc.
    - ii. A signed copy of the employee's acknowledgment of receiving access to a copy of the Personnel Policies and Procedures Manual and a copy of the job description for the position the employee currently occupies.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section II: Employment Policies

### Subject: Record Keeping

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- iii. Election form to disclose or keep confidential, the employee's home address and home telephone number.
  - iv. All personnel action forms, including:
    - a. Performance evaluations.
    - b. Promotions or transfers.
    - c. Salary rate changes.
    - d. Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form; the City Administrator, or designee, will so state.
  - v. Any information related to an employee's response to a personnel action.
  - vi. Records of citations for excellence or awards for good performance.
  - vii. Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and of leave usage are kept for employees by the City Administrator, or designee. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the City Administrator, or designee, to obtain information regarding their current leave usage.
  - viii. Record of any other pertinent information having a bearing on the employee's status.
- C. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, beneficiaries, etc.) should be kept updated by notifying the Human Resource Office.
- D. Giving References. Lehi City limits information given in a reference to the following:
- i. Verification that the employee worked, full- or part- time, for Lehi City during a stated period.
  - ii. A description of the position held.
  - iii. Beginning and ending dates.
- E. Other Requirements. Records related to the items listed below should be kept for a period of at least two (2) years. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.
- i. Job applications.
  - ii. Test papers completed by job applicants or candidates for any position.
  - iii. Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years.
  - iv. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section II: Employment Policies

### Subject: Record Keeping

---

- F. Utah Municipal Records Retention Schedule. Lehi City should keep the following data on all employees for a period of at least sixty-five (65) years or three (3) years after retirement or death:
  - i. Employee's gender;
  - ii. Time and day workweek begins;
  - iii. Hours worked each day and total hours worked each week;
  - iv. Total daily or weekly straight-time earnings;
  - v. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions;
  - vi. Date of payment and pay period covered; and
  - vii. Total overtime above regular compensation for work week.
  - viii. Personnel Action Forms to reflect the promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.
3. Other Requirements. There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:
  - A. FLSA minimum wage requirements.
  - B. OSHA record of injuries.
  - C. ERISA record of pensions.
  - D. IRCA requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Performance Evaluations

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#### Policy Purpose Statement

It is the policy of Lehi City that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance in a confidential manner. The performance based pay system is designed to support and promote organizational effectiveness through improved performance at the individual and department level, and reward employees for their performance. It provides a way for assessing achievements, building relationships, and seeks to incorporate principles and strategies that encourage success.

#### Authorization

The City Administrator or designee has the authority to carry out this policy.

#### Responsibility

Department heads, division managers, and supervisors are responsible for assisting in carrying out this policy within their respective span of supervision. With the approval of the City Administrator or designee, it is the responsibility of the department heads, division managers, and supervisors to ensure that the employee appraisal process takes place throughout the year (culminating in the annual review period), and otherwise complies with the requirements of this policy.

#### Definitions

**Supervisor** – For the purposes of this policy, supervisors are those full-time benefited employees who supervise or manage other benefited employees and shall follow the chain-of-command as designated in the City's organizational chart, as approved by the City Administrator.

**Employee** – All benefited employees.

#### Policy Guidelines and Procedures

1. General.
  - A. Performance evaluations will consist of a review between the supervisor and the employee using Lehi City's Employee Performance Appraisal System. In general, the Employee Performance Appraisal System shall consist of the following:
    - i. Review Job Description
    - ii. Evaluate Employee Performance
    - iii. Produce Employee Work Plan
    - iv. Employee Comments and Signatures
    - v. Return to Human Resource Office
  - B. Review Job Description. The first step in the appraisal process is for the supervisor to review and recommend any necessary changes or updates on the job description to the Human Resource Office. The final job description should be shared with and understood by the employee. Since the job description outlines the essential or primary duties, responsibilities, and details of the position, the employee should be informed of any modifications to the job description.
  - C. Evaluate Employee Performance. Supervisors will evaluate the performance of their employees based upon a set of factors, as determined by the City Administrator, or

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Performance Evaluations

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designee. The performance factors are intended to provide a road map so employees understand the knowledge, skills, and abilities necessary for appropriate performance that have been identified as being critical to the success of the organization. Although factors may be changed from year to year, they may include factors such as the following:

- i. Attitude and Professionalism
- ii. Innovation, Change, and Initiative
- iii. Job Knowledge, Technical Skills, and Quantity of Work
- iv. Decision Making and Problem Solving
- v. Planning, Organizing, and Time Management Skills
- vi. Dependability and Reliability
- vii. Communication
- viii. Interpersonal Skills and Teamwork
- ix. Supervision and Leadership

Each supervisor will objectively consider the employee's performance and select the rating level in each area that most accurately describes how well the employee accomplished or did not accomplish a given factor. The supervisor will provide written justifications and performance examples for any ratings given which are considered outside of the ordinary. Prior to sharing the completed performance ratings with the employee during a formal review meeting, each supervisor will submit the completed performance ratings to the City Administrator or designee, in order to ensure organizational equity and conformance to applicable budget constraints.

- D. Produce Employee Work Plan. After a preliminary review of the performance ratings has been completed, the supervisor and the employee will meet to discuss the evaluation, progress made in performance since the last evaluation, and any areas that need improvement. During this meeting, the supervisor will review the evaluation and facilitate an open exchange concerning expectations and results. The supervisor should be open and make every effort to respond in a positive and encouraging manner. The supervisor and employee will focus on creating goals to improve job performance according to departmental and organizational objectives. The Employee Work Plan should focus on no more than two or three main performance goals. Other short-term goals should be discussed, set, and met throughout the year. The Employee Work Plan will also include an action plan to help the employee reach those goals, along with reasonable deadlines to complete them.
- E. Employee Comments and Signatures. An opportunity will also be given for employees to record remarks and give feedback on the performance evaluation process. Both the supervisor and employee must sign the appraisal form. If the employee refuses to sign the appraisal document, the supervisor will indicate this on the signature line along with the date and time, indicating that the employee refused to sign. If the Department Head is not the supervisor of the employee being appraised, the Department Head should also review the appraisals and insert their initial next to the supervisor's signature before forwarding the appraisal packet to the Human Resource Office. Similarly, if other managers exist in a department's chain-of-command between the Department Head and the direct supervisor, the Department Head may also have additional reviews and associated initials included next to the supervisor's signature.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Performance Evaluations

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- F. Return to Human Resource Office. Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file. As a private and confidential personnel file, the performance evaluation scores are not to be shared with employees outside of the evaluation, review and approval process of the employee evaluated. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.
2. Performance Periods.
- A. Probationary Period.
    - i. Employees working in the probationary period shall have a performance evaluation at the end of the designated probationary period.
    - ii. The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
    - iii. Probationary employees should understand that their performance evaluations and the results of such evaluations shall not obligate Lehi City to a particular course of action relative to probationary employees, nor shall it create any property/due process rights for probationary employees relative to their jobs/positions.
  - B. Annual.
    - i. The employee appraisal process takes place throughout the year, culminating in the official Employee Performance Appraisal System process, which will take place annually during the last 2-3 months of the fiscal year.
    - ii. Although a salary adjustment never automatically follows the completion of the Employee Performance Appraisal System, the process documentation will be included as a component of any future compensation increase.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Employment Classifications/Compensation

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#### Policy Purpose Statement

Lehi City will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Lehi City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

#### Policy Guidelines and Procedures

1. Employment Classifications. There are five classifications of employees within Lehi City:
  - A. Full-Time. An employee hired for an indefinite period in a position for which the normal work schedule is forty (40) hours per week. Full-time employees qualify for specific Lehi City benefits. There are two categories of full-time employees: 1) salaried employees exempt from the requirements of FLSA, and 2) hourly employees subject to the requirements of FLSA.
  - B. Part-Time. An employee hired in a position for which the normal work schedule is less than or equal to twenty-five ( $\leq 25$ ) average hours per week in a calendar year. Part-time employees do not qualify for any Lehi City paid benefits.
  - C. Part-Time Benefited. Employees not previously designated under this classification prior to November 13<sup>th</sup>, 2012, are no longer eligible to be classified as such. Alternatively, for the purpose of identifying those employees designated under this employment classification prior to November 13<sup>th</sup>, 2012, the following had previously been set forth:
    - i. An employee hired for an indefinite period in a position for which the normal work schedule is at least twenty-five (25) hours per week but less than thirty (30) on an average calculated over a three year period may receive limited benefits beginning the fourth year. The position must be pre-approved and meet City classification standards, which include a normal work schedule that maintains a work week of twenty five (25) but less than thirty (30) average hours per week. Benefits include: retirement, holiday pay, vacation, and sick leave - on a 75% basis of a Regular Full-Time employee's benefit. There are no dental or health benefits offered.
  - D. Part-time Elected Official. An employee who has been elected or appointed as a City Council Member or Mayor for a predetermined term of office. Elected officials are considered part-time employees but qualify for health, dental, and retirement benefits (subject to Utah Retirement Systems eligibility standards).
  - E. Part-time Board Appointee. An employee who is appointed to a Board or Commission for a predetermined term of appointment. Appointed employees do not qualify for any Lehi City paid benefits.
2. Employment Status. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or non-exempt, with respect to eligibility for overtime payment. They shall be defined as:

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Employment Classifications/Compensation

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- A. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
  - B. Non-exempt. Positions of a clerical, technical, or service nature—as defined by Federal and State Labor Statutes—which are covered by provisions for minimum wage and mandatory overtime payment regulations.
3. Job Descriptions. Job descriptions serve to define the duties and responsibilities of all positions with the City. Job descriptions also provide the basis for performance evaluation and subsequent wage/salary review. A copy of each job description shall also be maintained by the Human Resource Office in the Job Descriptions Manual. Job descriptions will be updated when significant job function changes take place. Each employee is responsible for carefully reviewing his or her specific job description, understanding what is required of the job, and agreeing to do the job as outlined. Employees who feel that their job description needs to be updated should speak with their Supervisor. Each organizational unit is responsible for providing updated job descriptions to the Human Resource Office.
4. Work Week.
- A. Begins on Sunday at 12:01 a.m.
  - B. Ends on Saturday at 12:00 midnight.
  - C. Employees engaged in public safety activities, such as Police and Fire Departments: As directed by the City Administrator, or designee.
5. Breaks and Lunch Periods.
- A. Full-time:
    - i. Breaks: Two (2) optional fifteen (15) minute paid breaks may be taken during a standard workday. Breaks cannot be used to extend the lunch period or shorten an employee's work hours.
    - ii. Lunch period: One (1) hour unpaid lunch period during a standard workday.
  - B. Part-time: As directed by the City Administrator, or designee.
  - C. Employee breaks and lunch periods will be taken at the discretion of the City Administrator, or their supervisor, to ensure continuity in the flow of work.
  - D. Unless special permission is granted, employees may not work through their chosen lunch period, but must be totally relieved from all work responsibilities, which lunch period may be taken on or off City premises. Lunch breaks must be over 20 minutes in length and no longer than one hour. If given special permission, employees may work

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Employment Classifications/Compensation

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through their lunch period as needed to accommodate an earlier quitting time. Such circumstances will be given case-by-case consideration. Employees engaged in public safety activities, such as Police and Fire Departments: As directed by the City Administrator, or designee.

#### 6. Compensation Time.

- A. Compensation time may be given in lieu of overtime at Lehi City's discretion. The employee's immediate supervisor will schedule when an employee's compensation time will be used. Written employee requests, to use their accumulated compensation time during specific dates and times, must be approved by the immediate supervisor.
- B. The law requires that after certain types of employees have accumulated specific maximum amounts of compensatory time during any work period, overtime must be paid.
  - i. For employees engaged in public safety activities, such as Police and Fire Departments; not more than eighty (80) hours of compensatory time may accrue.
  - ii. For employees not engaged in public safety activities; not more than eighty hours (80) of compensatory time may accrue.
- C. Compensation time will be accumulated at the regular hourly rate of one (1) hour for every hour worked, during regular, non-overtime hours worked
- D. Compensation time will be accumulated at the overtime rate of one and one-half (1 and ½) hours for every hour worked, for all overtime hours worked.

7. Overtime Pay. Overtime is defined as any hours worked in excess of forty (40) hours per week for those employees who normally work (40) hours per week. Some public safety employees work more than 40 hour weeks and overtime for these employees is calculated within the limits of the FLSA of 1938 as amended (see table below). As a rule, overtime is not paid unless more than 40 hours are physically worked in a work-week. However, some variance is required in order to comply with provisions of the FLSA related to carrying pagers, emergency phones or working on nights and weekends to solve problems in weeks where scheduled time off would otherwise preclude the payment of overtime.

<b>Employee Class</b>	<b>Work Period</b>	<b>Hours Physically Worked Before Overtime</b>
<i>Firefighters</i>	24 days	182
<i>Police</i>	14 days	85.5
<i>General Employees</i>	7 days (Sun. 12:01 a.m. to Sat. 12:00 midnight)	40

8. Daily Logs or Time Sheets. Each non-exempt employee is required to maintain and sign, as verification of accuracy, daily logs or time sheets showing all hours worked, including overtime, and to submit the daily logs or time sheets to their immediate supervisor for examination.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Employment Classifications/Compensation

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9. Personal Leave. City employees that are exempt as defined in Section XII, part 3 will receive 40 hours of personal leave every calendar year. City employees that qualify for personal leave are responsible for reporting personal leave use to payroll. Unused personal leave hours will not be carried over to the next calendar year. There will be no compensation for unused personal leave, including when an employee leaves employment with Lehi City.
  
10. Disaster Emergencies: In situations where the Mayor has formally declared a "Local Disaster Emergency," employees (including all contract employees) will be required to report to work as soon as possible unless they are medically unable to do so. Lehi City will collaborate with the Red Cross and make every effort to provide services for every employee's family. In the event of a personal situation wherein an employee is unable to report for work, failure to contact their supervisor may result in disciplinary action up to and including termination. Employees who are required to work outside of, or in addition to, their normal work schedule during the designated disaster may be paid at time and one-half for any emergency hours worked. Hours worked under those conditions may be used as comp time.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Salary Planning

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#### Policy Purpose Statement

It is the policy of Lehi City that a uniform and equitable pay plan be developed and maintained for the City's employees.

#### Authorization

The City Administrator shall be responsible for carrying out this policy.

#### Policy Guidelines and Procedures

1. Appointment of Starting Pay.
  - A. The City Administrator shall not authorize hiring above the midpoint of a pay range unless otherwise justified by an employee's prior years of experience.
2. Merit Increase.
  - A. The City Administrator shall adopt merit increase guidelines effective July 1 of each year subject to the approval of funding by the City Council in the adopted budget.
  - B. Regular full-time and benefited part-time employees are eligible to receive a merit increase.
  - C. Temporary, seasonal, or probationary employees at or above the pay range maximum and employees whose performance is rated less than successful, shall not be eligible to receive a merit increase.
  - D. The City Administrator, or designee, must complete an employee's performance evaluation within thirty (30) days preceding the effective date of a merit increase.
3. Selective Salary Adjustment.
  - A. The City Administrator may recommend a selective salary adjustment in order to mitigate an inequity caused by a merit increase freeze or other circumstances.
  - B. The City Administrator shall submit a written rationale supporting the recommendation to the Mayor.
  - C. A selective adjustment is subject to the availability of funds.
4. Cost of Living Adjustments. The City will annually consider the approval of a cost of living adjustment for all employees. This adjustment should be made based on inflation and market data available and should be made effective July 1 of each year, subject to the availability of funds.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Salary Planning

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5. Order of Salary Calculation. Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:
  - A. Cost of living adjustment.
  - B. Merit.
  - C. Selective adjustment.
  - D. Promotion.
6. Reclassification.
  - A. If the City Administrator reclassifies a position to a higher level, the City Administrator shall adjust the incumbent's salary to at least the minimum of the new range and may give a 0-15% salary increase, based upon increased responsibility and job classification.
  - B. A reclassification increase in compensation is subject to the availability of funds.
  - C. If the City Administrator reclassifies a position to a lower level, as the result of job restructuring causing the loss of responsibility or changes in other compensable factors, i.e., difficulty, working conditions, or minimum qualifications; reduction in compensation may take place if the incumbent's salary exceeds the maximum of the new range. In such cases the employee pay rate shall be adjusted to the maximum of new pay grade and be eligible for future general adjustments to the pay plan to reflect market or cost-of-living
7. Demotion. If an employee is demoted, either voluntarily or involuntarily, the City Administrator may treat the employee's salary according to the reclassification policy stated above or reduce the salary.
8. Benefits.
  1. Suspended Employee.
    - i. An employee suspended for disciplinary reasons shall continue to receive Lehi City contributions to retirement, health, dental, disability and life insurance programs.
    - ii. The employee shall pay the employee portion of insurance premiums to continue coverage through the period of suspension.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section III: Compensation Policies

### Subject: Separation and Severance Pay

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#### Policy Purpose Statement

The purpose of separation and severance pay is to provide equitable compensation to employees such as those who are exempt from due process requirements of Utah Code Section 10-3-1106 (“at-will”), who are terminated from positions such as Division Manager, Department Head level positions or other employees who are at-will.

#### Authorization

The City Administrator shall be responsible for carrying out this policy.

#### Policy Guidelines and Procedures

The City Administrator, upon recommendation by a department head when necessary, shall extend severance payments to at-will employees of the City under the following provisions:

1. The employee is terminated without cause.
2. The amount of severance pay shall not exceed an amount equivalent to three months base salary.
3. Any severance payments may be conditional, as determined by the City Administrator, and must be made from actual and current budget appropriations which have been approved by the Mayor and City Council.
4. Such payments may be in the form of a single lump-sum payment, periodic cash payments, insurance benefits, annuity, or other similar forms.
5. It is negotiated with the employee that receipt of any such payments shall be contingent upon the compensated employee waiving any claims against the City relating to the termination of employment.
6. This severance policy does not and shall not create employment or compensation rights.

The City Administrator, upon recommendation by a department head when necessary, may extend severance payments to other employees of the City under the following provisions:

1. The employee has lost employment with the city due to reduction-in-force, physical or mental disability, or a resignation in lieu of involuntary termination executed through a separation agreement.
2. The employee is eligible for retirement under the Utah State Retirement System, provided that retirement is entirely voluntary by the employee and the employee's department can demonstrate a savings to the city which is at least equivalent to the amount of the additional severance benefit.
3. The amount of severance pay shall not exceed an amount equivalent to three months base salary.
4. Any severance payments may be conditional, as determined by the City Administrator, and must be made from actual and current budget appropriations which have been approved by the Mayor and City Council.
5. Such payments may be in the form of a single lump-sum payment, periodic cash payments, insurance benefits, annuity, or other similar forms.
6. It is negotiated with the employee that receipt of any such payments shall be contingent upon the compensated employee waiving any claims against the City relating to the termination of employment.
7. This severance policy does not and shall not create employment or compensation rights.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: September 2010

## Section III: Compensation Policies

### Subject: Tuition Reimbursement

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#### Policy Purpose Statement

Lehi City has established an education assistance program to help eligible employees develop their skills and upgrade their performance. All full-time regular employees who have completed a minimum of one year of full-time service before the class begins are eligible to participate in the program.

#### Authorization

Upon written approval from the City Administrator, each department director may implement the provisions of this policy.

#### Policy Guidelines and Procedures

1. Under this program, educational assistance is provided for courses offered by approved institutions of learning such as accredited colleges, universities, and technical and vocational/trade schools. Courses must be, in the department director's opinion, directly or reasonably related to the employee's present job or part of a degree program related to their job, or in line with a position that the director believes can reasonably be achieved. Courses must not interfere with the employee's job responsibilities and must be taken on the employee's personal time.
2. Reimbursement covers actual costs of tuition, books and registration fees based on the following schedule (\$4,000 maximum reimbursement per fiscal year, for up to four years):

<b>Grade Point Average (for all eligible courses per semester)</b>	<b>Amount of Reimbursement</b>
3.0 and higher	100 percent
2.0 to 2.9	75 percent
1.9 or below	0 percent
Pass	100 percent
Fail	0 percent

3. If an employee is eligible for reimbursement from any other source (e.g., a government-sponsored program or a scholarship), they may seek assistance under the City's educational assistance program but are reimbursed only for the difference between the amount received from the other funding source and the actual course cost up to the maximum reimbursement allowable under this policy based on the grade received.
4. To be eligible for reimbursement, a tuition reimbursement form (available in the Human Resource Office) must, 1) be submitted to the employee's supervisor prior to the scheduled commencement of the course(s), 2) receive written approval from the department director and the City Administrator in advance, 3) be actively employed by the City at the time of course completion, 4) include written justification of how the degree program is related to the applicant's current job description, and 5) receive a qualifying grade. Approval for tuition reimbursement is based on the level of funding approved in the department budget. Upon completion of the course, an official transcript from the school indicating the grade received and official proof of payment must be submitted to the department director.

# **Lehi City Corporation Employee Policy Manual**

**Effective Date: January 2007**

**Date Revised: September 2010**

## **Section III: Compensation Policies**

### **Subject: Tuition Reimbursement**

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5. This program may only be used to improve current job performance, not to enhance future employment opportunities. Employees that voluntarily terminate employment within three years of receiving tuition reimbursement must reimburse the City in full for tuition assistance received. Any reimbursement owed may be withheld from the final paycheck; if further reimbursement is needed, a payment plan will be written, subject to approval by the City Administrator or designee. Employees are encouraged to consult with a tax advisor concerning the potential tax ramifications of this benefit.

**Lehi City Corporation Employee Policy Manual**

Effective Date: January 2007

Date Revised: September 2010

**Section III: Compensation Policies**

**Subject: Tuition Reimbursement**

Name \_\_\_\_\_

Last

first

middle

Job Title \_\_\_\_\_ Dept. \_\_\_\_\_

School or University \_\_\_\_\_ Semester \_\_\_\_\_

Class(es)	Starting Date	Ending Date	Credit Hours	Class Time hours of day	Class Days (circle)	Cost	Grade
					MTWThF		
					MTWThF		
					MTWThF		

Total \_\_\_\_\_

Explain why you wish to take each course \_\_\_\_\_

\_\_\_\_\_

I, the undersigned, understand that I will receive reimbursement, in compliance with City Policy, for each class only after completion and only if I have maintained a "C" or better ("B" for graduate level) in each class. I further understand and agree that if I do not remain employed with Lehi City at least three years from the last date of the semester listed above, an amount up to the total cost listed above will be deducted from my separation check. I also understand that I will assume any tax liability with regard to reimbursement.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Department Director complete items below:

YES

NO

Is (are) the class(es) job related?

X

\_\_\_

Is (are) the class(es) part of an approved department related degree curriculum?

X

\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

**For Personnel Use**

Approve

Disapprove

explain \_\_\_\_\_

Date \_\_\_\_\_ Personnel Authorization \_\_\_\_\_

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section III: Compensation Policies

### Subject: Training and Travel

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#### Policy Purpose Statement

Training and associated travel is a necessary part of the operation of City government. Attendance by staff and elected officials at conferences, training seminars, and programs is a beneficial use of taxpayer dollars as it is vital to provide the public with safe, quality services.

All training and associated travel whether in-state or out-of-state, shall comply with this policy.

#### Authorization

Department heads are responsible for meeting and serving the education and training needs of their department. Funds for education, training and associated travel should be adequately budgeted by the department head. Justification for the budget request shall be the responsibility of the department head during the budget process, and each department head shall allocate the funds so designated in a conscientious manner, having due regard to the overall needs of the department.

#### Policy Guidelines

Department heads shall exercise their best judgment, based on the needs of the department, in exercising these guidelines.

1. The City Administrator, or designee, must approve all travel prior to making any travel arrangements.
2. Each department shall consider budgetary implications of all travel plans and allocate resources as necessary to provide the greatest benefit possible to the department and the City. Travel shall be done in as cost conscious and efficient a manner as possible. Government rates shall be used whenever possible.
3. Personal expenses will not be a reimbursed expense. Alcohol, tobacco, entertainment (when not part of the conference or convention package as pre-approved); loss or damage to personal property; fines, fees, forfeitures; and personal grooming are all considered personal expenses. Unauthorized personal expenses will require reimbursement to the City.
4. When traveling in a City vehicle, in a personal vehicle on City business, or in an authorized rental vehicle, seatbelts will be worn at all times by all occupants and all vehicle laws shall be observed, including speed limits. A valid driver's license shall be in the driver's possession. The City assumes no responsibility or liability for use of a private vehicle.
5. Travel authorization forms will be submitted to the travel coordinator for processing. The travel coordinator will manage the travel arrangements.
6. A travel authorization form is not required for local travel. Local travel is defined as being less than fifty miles one way with no overnight stay required. MapQuest will be used in determining mileage ([www.mapquest.com](http://www.mapquest.com)). The finance department will determine the fuel allowance based upon distance and current GSA fuel reimbursement rates.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section III: Compensation Policies

### Subject: Training and Travel

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#### Policy Procedures

It is the policy of the City of Lehi to reimburse for actual and necessary expenses associated with travel in an official capacity. This policy is to be used by City employees and elected officials who travel on City business. All City employees are required to follow these procedures for any training and travel.

1. All travel, including the means of transportation to and from a destination, must be approved by the appropriate department head, and the City Administrator, before any trip is made. The use of a travel authorization form is required for all travel. The form will be submitted to the Finance Department by the department head for approval and processing. The department head must sign the form approving the request or it will be returned by the Finance Department.
  - A. A written travel authorization form should be submitted at least 2 weeks in advance of any travel plans. For out-of-state travel, a brief statement of the justification for the travel and any attempts to find comparable training in-state or locally, shall be included in the request.
  - B. Cash advances may be requested to compensate employees traveling for City business. A travel authorization form must be used, and the request must be justified with reasonable requests for meals, registration, lodging, public transportation and other expenses. When possible, personal credit cards shall not be used to secure travel reservations.
  - C. Upon return from travel, a certificate, agenda, outline, or other material pertaining to the purpose of travel, shall be submitted to the City Administrator to provide proof of attendance.
2. All transportation shall be by the most economical means--taking into consideration the direct cost of the carrier, the cost of the employee's time away from the office, and expenses incurred for additional nights lodging and meals. Mileage shall be calculated from the Lehi City Offices.
  - A. Airlines: All commercial air travel shall be by the least expensive service available, generally coach rates. An employee may be asked for documentation justifying the means of transportation and/or cost savings. Advance planning should be used to take advantage of various special airline rates. The employee's travel itinerary and other supporting cost documentation must be submitted.
  - B. Lodging: The City will reimburse only for the single occupancy rate. The employee is responsible for the difference and any room charges not pre-approved. Room service shall fall under the per diem guidelines. Lodging accommodations should be made prior to travel but will be reimbursed with appropriate receipts. Generally, lodging costs for travel occurring within fifty miles will not be reimbursed. The City Administrator must approve all exceptions. An employee may be asked for documentation justifying the type and length of lodging accommodations and how it coincides with the time of the conference and associated travel.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section III: Compensation Policies

### Subject: Training and Travel

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- C. Rental Vehicle: In lieu of a City vehicle, employees will be provided with a rental vehicle. The City will not pay the extra fee to upgrade rental vehicles unless it is to be utilized by multiple employees. Additional insurance provided by the rental company should not be purchased as the City provides such. A gas card should be obtained from the Finance Department.
  - D. City Vehicle: City vehicles shall be legally and appropriately operated and/or parked at all times. If the gasoline card is not accepted, or expenses for gasoline or other repairs occur, the Employee shall submit receipts for such expenses to obtain reimbursement.
  - E. Personal Vehicle: Employees who opt out of using a City vehicle or rental vehicle provided by the City may use their personal vehicle to travel. City personnel who elect to use a personal vehicle when another form of transportation is prescribed by the City, will be reimbursed 100% of the rental fee rate and receive a fuel allowance. Mileage shall be calculated from the Lehi City Offices. Additional vehicle-related expenses incurred will be the responsibility of the vehicle owner and are not the responsibility of the City. All personal vehicles used for City business must be adequately insured for liability, personal injury and property damage.
    - i. Administrative positions that are allocated a monthly car allowance shall be reimbursed for mileage at the GSA "Government owned vehicle available rate". ([www.gsa.gov](http://www.gsa.gov))
  - F. Economy Measures: When practical, employees should carpool when attending the same conference or training. Cost-sharing measures are encouraged when practical and appropriate.
  - G. Other: Reimbursement for unexpected expenses incurred for Taxi/Bus/Shuttle services shall be allowed. Receipts should be obtained where possible, but if no receipts are available, then an explanation (accounting) of the request is necessary.
- 3. Reimbursement for business related telephone calls, conference registration, tuition and necessary conference or training materials will be allowed with the appropriate receipts or proof of attendance. Whenever possible, registration, tuition, and material costs should be pre-paid through the City or billed to the City.
  - 4. Travel expenses which require reimbursement shall be supported by vendor receipts, with the exception of per diem. No reimbursements will be made without vendor receipts or documentation, except for certain instances where receipts are not customarily provided. A request for such reimbursement must be submitted within two weeks of the employee's return.
  - 5. MEALS will be on a PER DIEM basis only. Any expenses over the per diem rate are the responsibility of the Employee.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section III: Compensation Policies

### Subject: Training and Travel

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- A. The established per diem rates can be found on [www.gsa.gov](http://www.gsa.gov). They include 15% gratuity. Per Diem must be prorated for the first and last day of travel to fall within IRS allowable reimbursement. (First and last travel days are reimbursed at 75% of the allowable per diem.) Receipts are not required for per diem.
- B. Employees may not claim per diem for a meal if it is included in the registration cost of the training/conference. Exceptions, at the discretion of the department head, include additional costs for banquets, and when the employee attends a training session or required business meeting during a scheduled meal.
- C. For business travel that does not require an overnight stay, a lunch per diem is available. A travel authorization form must be submitted in advance, or the receipt must be signed by the department head and submitted to the Finance Department for reimbursement.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2010

Date Revised:

## Section III: Compensation Policies

### Subject: Personal Vehicle Allowance

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#### Policy Purpose Statement

Some City officials and employees are required or expected to travel on City business using their personal automobile. It is not always practical or cost effective to provide employees with a City vehicle. Select employees receiving a vehicle allowance as part of a compensation package for an employee's position may receive a monthly flat rate and shall use their private vehicle for City business.

#### Authorization and Responsibility

The City Administrator or designee shall periodically review this program to determine the equity of the compensation levels to which employees are assigned.

The Finance Department is responsible for recommending changes in compensation levels for employees covered by this policy, for reviewing reimbursement forms for accuracy and proper account code information and for monitoring employee compliance with policy requirements.

All participating employees are responsible for complying with the requirements of this policy as a condition of participation.

#### Definitions

City Business – Any act by an employee which is required in order to perform his/her assigned duties or any act which is within the employee's course and scope of employment. Commute to and from home is not considered City business.

City Employee – (a) full-time, benefitted employee, (b) mayor or member of the City council

Good Driving Record – (a) not being convicted of more than two moving violations in any twelve month period or (b) not being convicted of a reckless driving or DUI violation.

#### Policy Procedures

Employees participating in this program shall comply with the following requirements in order to be eligible to receive program benefits:

1. Employees shall possess a valid Utah Driver's License and maintain a good driving record. The revocation or suspension of that license may result in the employee no longer being eligible for participation in the program. If an employee's driver's license is suspended or revoked at any time, the employee shall immediately notify his/her supervisor and shall not operate personal vehicles on City business. Proof of a valid driver's license and insurance may be requested by the City at any time.
2. Any employee operating a private vehicle on City business may be subject to disciplinary action, up to and including termination, for negligent, unlawful or other wrongful driving.
3. An employee that accepts a vehicle allowance also accepts financial responsibility for damage to his/her personal vehicle even if the damage is incurred while using the vehicle for City business. The vehicle allowance is intended to be sufficient to cover the cost of adequate collision and comprehensive insurance. Any employee receiving a vehicle allowance shall be required to furnish proof of insurance to the City. A photocopy of the insurance coverage summary page shall be provided to the City Administrator or designee. Should the status of any policy change,

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2010

Date Revised:

## Section III: Compensation Policies

### Subject: Personal Vehicle Allowance

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current insurance information shall be provided to the City Administrator or designee. The employee is further encouraged to disclose the business use of their vehicle(s) to their insurance agent.

4. The employee shall maintain collision and comprehensive insurance on the vehicle that at least meets the following requirements:
  - A. Personal Bodily Injury: \$100,000 per person
  - B. Personal Injury Protection: \$3,000 per occurrence
  - C. Property Damage: \$50,000 per occurrence; and
  - D. Aggregate Liability: \$250,000 per occurrence

The employee's insurance coverage shall be primary. If, while on City business, the employee incurs liability not covered by the employee's private insurance, the employee will be covered by the City subject to the terms, limits, and conditions under the Utah State Governmental Immunity Act.

5. Damage to vehicles should be repaired on a timely basis.
6. Employees should report any changes in the vehicle(s) which they use for City business to the City Administrator or designee.
7. Employees should maintain personal vehicles on their own time. If a vehicle is out of service while being maintained, a City vehicle may be used. For personal vehicles out of service for more than 5 working days, the employee shall reimburse the City at the IRS authorized rate for personal use after the fifth day.
8. Vehicle allowances are the employee's compensation for costs of insurance, fuel, maintenance and the purchasing of personal vehicles. Those receiving a car allowance from the City shall not use the City's gas card system, supplies or its fleet services to maintain the vehicle.
9. If an employee receives a car allowance and is off work due to illness or accident for over one month, the City has the right to suspend the allowance for the duration of the absence from work.
10. Those who receive vehicle allowances should use their vehicles without reimbursement from the City, to attend meetings, or otherwise conduct City business anywhere within a 50 mile radius of Lehi City Hall. For travel beyond this area, mileage and appropriate reimbursement may be requested pursuant to the City's travel policy.
11. If requested in advance, employees should keep a daily log of miles traveled on City business in their personal vehicle, and provide the City Administrator or designee with a compiled record of this log. The City may periodically audit employees who receive a vehicle allowance.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2010

Date Revised:

## Section III: Compensation Policies

### Subject: Personal Vehicle Allowance

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12. Failure to comply with these policies and procedures may result in the loss of the vehicle allowance, reimbursement of costs to the City, and/or employee disciplinary action..
13. Employees receiving a vehicle allowance shall be compensated an amount not to exceed the limit set forth in the City's Annual Fiscal Budget - Staffing and Compensation Plan, based upon anticipated use and scope of responsibility. Vehicle allowance compensation levels will be reviewed periodically by the Finance Department. The following factors should be considered when determining the appropriate amount for a vehicle allowance:
  - A. The amount of required or expected travel within or outside of the City;
  - B. The frequency of on-call or call back work and evening and weekend City business; and
  - C. An employee's classification level (e.g., mayor, City council member, City Administrator, Department head, Division Manager, etc.).
14. Payment of a vehicle allowance shall be approved and documented using a Lehi City Personnel Action Form.

# Lehi City Corporation Employee Policy Manual

Effective Date: May 2011

Date Revised:

## Section III: Compensation Policies

### Subject: Cell Phone Allowance

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#### Policy Purpose Statement

Cellular phones and other communication devices are used to conduct City business. Their primary uses are to increase work efficiency, improve internal communications, and enhance emergency response capabilities and safety. Cell phone allowances may be issued to assist in achieving this objective.

#### Authorization

The City Administrator or designee has the authority to carry out this policy.

#### Responsibility

Department heads are responsible for the monitoring and funding of communication expenses within their respective budgets. With the approval of the City Administrator or designee, it is the responsibility of the department head to ensure that the assignment of a cell phone allowance to an employee is prudent and necessary to add value to the operation. All participating employees are responsible for complying with the requirements of this policy as a condition of participation.

#### Definitions

City Business – Any act by an employee required in order to perform their assigned duties or any act which is within the employee’s course and scope of employment

City Employee – Full-time, benefitted employee

City Owned Cellular Phone – A cellular phone and rate plan which are paid for directly by Lehi City

Cell Phone Allowance – Monetary compensation to an employee above his/her base salary given bi-weekly to compensate him/her for using a personal cell phone to regularly conduct City business

Elected Official – Mayor or member of the City council

#### Policy Guidelines and Procedures

1. An employee who is designated to carry a cell phone as part of his/her job responsibility and who is eligible to receive a monthly cell phone allowance rather than be issued a City-owned cell phone must receive prior approval from his/her department head and the City Administrator or designee.
2. City Employee: City employee cell phone allowance levels will be set by the Finance Department according to the standard contract service rate with the City’s wireless services provider as of July 1 of each fiscal year. In the event the City chooses to contract with a new service provider in the middle of a fiscal year, the allowance level will remain constant until the new fiscal year. As of the date of this policy, the current rate is as follows:

Cell Phone Service Level	Monthly Allowance Limit
Basic, including texting	\$35.76
Smart Phone	\$50.30

3. Elected Official: The elected official cell phone allowance shall be set at a standard rate of \$75/month, taking into account that usage of a cell phone and the rate plan may exceed that of a City employee.

# Lehi City Corporation Employee Policy Manual

Effective Date: May 2011

Date Revised:

## Section III: Compensation Policies

### Subject: Cell Phone Allowance

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4. No cell phone allowance shall exceed the allowance limits as stated in the above table, or as updated in the Annual Fiscal Budget - Staffing and Compensation Plan section of the current fiscal year budget, unless approved by the City Administrator or designee. Additional costs incurred by an employee above a cell phone allowance are the responsibility of the employee.
5. In those circumstances where advanced features such as, for example, email and calendar integration, are required, a smart phone allowance approval must be obtained by the City Administrator or designee.
6. Costs for cosmetic or technical extras that have no business purpose are the responsibility of the employee.
7. The Blackberry Enterprise Server (BES) service may be provided by the City's Information Technology Division to employees that receive a cell phone allowance. Please contact the City's IT Help Desk for more information on having a Blackberry device synchronized with e-mail and calendar services.
  - A. *Caution: Most vendors offer two types of Blackberry service plans (Enterprise and Personal). To synchronize a Blackberry device with Lehi City's Blackberry Enterprise Server, an employee must choose a vendor's Blackberry Enterprise Plan.*
8. Cell phone allowances should not be viewed or used as a compensation tool by the City and its management personnel.
9. An employee allowance may be reviewed periodically to ensure that the amount of City business performed via cell phone is consistent with the need for an employee to have a cell phone. Charge disputes should be handled directly by employees with their respective cell phone service representatives. Should an employee no longer be assigned to use a cell phone, his/her allowance shall be discontinued and prorated or fairly applied for the current pay period.
10. Employees that receive a cell phone allowance shall immediately make known their cell phone number to Lehi City personnel and shall use such phone as needed to efficiently and effectively perform all of their assigned duties. Employees shall also immediately advise Lehi City of any phone number changes.
11. Employees receiving a cell phone allowance should understand that the benefit is taxable income and should consider such when participating in the program. When requesting an allowance, an employee must also agree that he/she will assume the risk of cell phone plan cost changes, adjustments and/or early termination fees, including fees/charges resultant from changes in job duties when an employee may no longer be eligible to receive a cell phone allowance.
12. Employees that receive a cell phone allowance may be required to choose a vendor and plan that best works with City-contracted cell phone providers.
13. Payment of a cell phone allowance shall be approved and documented using a Lehi City Personnel Action Form.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section III: Compensation Policies

### Subject: Payroll Administration

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#### Policy Purpose Statement

It is the policy of Lehi City to establish clear guidelines for payroll administration. This policy sets forth requirements for department, managers/supervisors and employees to ensure that all City employees are paid in a timely and accurate manner.

#### Policy Guidelines and Procedures

##### 1. Deductions and Garnishments

- A. It shall be the policy of Lehi City to comply with all State legislation applicable to municipalities. In specific, it shall be the policy of the City to ensure that the provisions of the Utah Code Section 34-32-1 through Section 34-32-4, as they pertain to a municipal corporation, are fully adhered to in the development of personnel procedures and regulations.
  - i. The Utah Code states: “Whenever an employee of any ...municipal corporation within the State of Utah executes and delivers to his employer an instrument in writing whereby such employer is directed to deduct a sum at the rate not exceeding 3% per month from his wages and to pay the same to a labor organization or union or any other organization of employees as assignee, it shall be the duty of such employer to make such deduction and to pay the same monthly or as designated by employee to such assignee and to continue to do so until otherwise directed by the employee through an instrument in writing. Any employer, dealer or processor who willfully fails to comply with the duties imposed by this chapter shall be guilty of a misdemeanor.
- B. The purpose of this section of the Handbook is to ensure a procedure whereby an employee of Lehi City may, without incrimination, and free from restraint, discrimination or intimidation, authorize and/or terminate a payroll deduction to a labor organization or union or any other organization of employees as stipulated by the employee. This directive shall not be construed to imply recognition, formally or informally by the City toward one or more labor organizations, or unions or any other organization comprised of employees. This policy shall provide for the mechanism to achieve deductions for said organizations under Section 34-32-1 through 34-32-4 of the Utah Code.
- C. The procedure to be followed for implementation of this policy is indicated by the following lettered steps; a) this directive and prescribed forms shall be provided to each City department head; b) any employee desiring a payroll deduction for a labor organization, union or any other employee organization shall fill out the Authorization for Payroll Deduction form available from the employee’s department head at the same time that the payroll is submitted; e) the Payroll Clerk shall direct a review of the form for completeness and compliance to Section 34-32-1; f) if the form is incomplete or not in compliance it shall be returned to the employee with an explanation, if the form is complete and in compliance, it shall be initiated and processed; g) employees that wish to discontinue a payroll deduction shall complete the “Authorization to Terminate Payroll Deduction Form” and follow steps (a) through (e) above.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section III: Compensation Policies

### Subject: Payroll Administration

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- D. Garnishments. It is the policy of Lehi City to comply with Section 70C-7-104 of the Utah Code which was enacted in 1969 and provides that “No employer may discharge any employee by reason of the fact that his or her earnings have been subjected to garnishment for any one indebtedness.” This section of the Handbook details the City’s position on garnishments and explains the conditions under which an employee may be discharged for garnishment of wages.
- E. A “garnishment”, as per Section 70C-7-104, is “...any legal or equitable procedure through which the earnings of an individual are required to be withheld for the payment of a debt.” Likewise, “indebtedness” indicates any legal obligation entered into by an employee requiring the payment of money in return for any service or commodity received. Indebtedness is not limited to just consumer credit sales, consumer leases, or consumer loans.
- F. It is the policy of Lehi City to encourage every City employee to live within their means and avoid the unnecessary use of debt or credit. The City views garnishments as an indication of financial mismanagement and a very serious and undesirable reflection upon an employee. While the City will show forth professional consideration toward an employee with financial problems beyond the employee’s control, it shall be the policy of the City to view more than one garnishment as sufficient cause to suspend or terminate an employee unless he or she can present evidence within twenty (20) working days from the day the additional garnishment is served that said garnishment has been completely satisfied.
- G. According to an opinion issued March 25, 1997 by the Utah State Attorney General’s Office, “Any employee may be discharged by his or her employer for (1) more than one garnishment the same paycheck by creditors on more than one indebtedness judgment; (2) More than one garnishment on the same paycheck by the same creditor on more than one indebtedness judgment; or (3) More than one garnishment on different pay periods by the same or different garnishees on more than one indebtedness judgment.”
- H. An employee may not be discharged by his or her employer for more than one garnishment on more than one paycheck by the same creditor for a single indebtedness. Decisions regarding garnishments or other financial problems such as civil suits for non-payment of debts, bankruptcy, etc. shall be handled with professional discretion. Consideration shall be given to the individual involved, the circumstances which created the problem, and the effect of such disciplinary actions on both the City and the employee.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: March 2011

## Section IV: Leave

### Subject: Family and Medical Leave Act

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#### Policy Purpose Statement

Lehi City provides FMLA leave to employees who qualify to be eligible to provide up to 12 weeks of unpaid, job-protected leave for incapacity due to pregnancy, prenatal medical care or child birth; to care for the employee's child after birth, or placement for adoption or foster care; to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job.

#### Definitions

Serious Health Condition – An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### Policy Guidelines and Procedures

1. **Military Family Leave Entitlements.** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service-member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
2. **Benefits and Protections.** During FMLA leave, Lehi City will maintain the employee's health coverage under our group health plan on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
3. **Eligibility Requirements.** Employees are eligible if they have worked for the City for at least one year, and for 1,250 hours over the previous 12 months.
4. **Use of Leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: March 2011

## Section IV: Leave

### Subject: Family and Medical Leave Act

---

5. Substitution of Paid Leave for Unpaid Leave. Lehi City will apply accrued sick leave, holidays and vacation during an employee's medical leave time.
  
6. Employee Responsibilities. Employees must provide 30 days advance notice to the Human Resource Office of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees may be required to provide certifications and periodic re-certifications supporting the need for leave

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section IV: Leave

### Subject: Leaves of Absence

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#### Policy Purpose Statement

While attendance is very important, the City understands there will be times that an employee will need time off work for both medical and personal reasons. This policy is intended to allow employees a reasonable amount of time off to meet their personal health or family needs while at the same time ensuring that the City is able to successfully operate its business. Whenever possible the goal of the City is to help employees recover so that they can return to productive work with the City.

#### Policy Guidelines and Procedures

1. Absent Without Leave.
  - A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the City Administrator.
  - B. Any employee who is absent for three (3) or more consecutive work days without authorized leave shall be deemed to have resigned without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the City Administrator or designee, by subsequent grant of leave with or without pay as the circumstances dictate.
2. Vacation Leave.
  - A. Vacation leave benefits are provided to permit time away from the job for rest, recreation, and the pursuit of non-employment objectives.
  - B. Qualifying employees include regular full and part-time benefited employees as defined:
    - i. Regular full-time employees
    - ii. Part-time benefited employees
    - iii. Fire/EMS full-time employees
  - C. Vacation is accrued as follows:
    - i. Regular full-time employees accrue monthly vacation credit from date of hire.
      - a. Employees with 1-5 years of employment with Lehi City shall earn two weeks of annual vacation leave (80 hours) each year.
      - b. Beginning with the sixth year of employment, a full-time employee shall earn eight (8) additional hours of vacation leave for each additional year of service up to a maximum of 160 hours.

<b>Years of Consecutive City Service</b>	<b>Hours of Vacation Accrued per Bi-weekly Pay Period</b>
1 – 5 years	3.08 (80 hours/year)
6 <sup>th</sup> year	3.38 (88 hours/year)
7 <sup>th</sup> year	3.69 (96 hours/year)
8 <sup>th</sup> year	4.00 (104 hours/year)

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section IV: Leave

### Subject: Leaves of Absence

---

9 <sup>th</sup> year	4.31 (112 hours/year)
10 <sup>th</sup> year	4.62 (120 hours/year)
11 <sup>th</sup> year	4.92 (128 hours/year)
12 <sup>th</sup> year	5.23 (136 hours/year)
13 <sup>th</sup> year	5.54 (144 hours/year)
14 <sup>th</sup> year	5.85 (152 hours/year)
15 <sup>th</sup> year and beyond	6.15 (160 hours/year)

- ii. Benefited part-time employees accrue vacation credit beginning their fourth year of employment with Lehi City. Benefited part-time employees earn vacation as follows:
  - a. Benefited part-time employees earn 75% vacation leave
  - b. Beginning with the sixth year of eligible service with the City, a benefited part-time employee shall earn additional vacation hours based on 75% of the accrued vacation hours covered in the fulltime employee vacation section.
- iii. Fire/EMS employees accrue vacation as follows:
  - a. Fire/EMS personnel with 1-5 years of employment working 24 hour shifts shall earn vacation leave at 5.54 hours per pay period, 144 vacation hours each year. Vacation hours for these employees will be used in 12 hour increments, which equates to 6 vacation days a year.
  - b. Beginning with the sixth year of employment, fulltime Fire/EMS personnel working 24 hour shifts will earn one additional 24 hour vacation day for every four years of service to a maximum of 240 vacation hours, 10 vacation days.
  - c. Fire/EMS personnel working 24 hour shifts may carry over to the next calendar year a maximum of 240 hours, 10 days of vacation leave.
  - d. Fire/EMS personnel working 24 hour shifts shall accrue annual vacation leave in accordance with the following:

Years of Consecutive City Service	Hours of Vacation Accrued per Bi-weekly Pay Period
1 – 5 years	5.54 (6 – 24 hr. days/year)
6 – 9 years	6.46 (7 – 24 hr. days/year)
10 – 13 years	7.38 (8 – 24 hr. days/year)
14 – 17 years	8.31 (9 – 24 hr. days/year)
18 years and beyond	9.23 (10 – 24 hr. days/year)

- D. Use of Vacation Leave shall be scheduled by the employee in consultation with the employee's supervisor.
- E. City employees working a 40 hour work week may carry over 160 hours of vacation to the next calendar year. Any vacation hours over 160 hours will be lost at the end of the calendar year unless authorized by the City Administrator, or designee.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section IV: Leave

### Subject: Leaves of Absence

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#### 2. Holiday Leave.

- A. Annually, regular full-time employees are entitled to 13 paid holidays.
- B. Benefited part-time employees will receive paid holidays based on 75% of a regular full-time employee's normal work schedule.
- C. Fire/EMS personnel working 24 hour shifts are entitled to 6, 24 hour paid holidays each calendar year. These employees working 24 hour shifts will be advanced their holiday hours at the beginning of each calendar year. These paid holidays will be used as determined by the Fire Department Administration.
- D. Holiday pay must be used within the calendar year.

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1st
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Spring Break	One day in April
Memorial Day	Last Monday in May
Independence Day	July 4th
Pioneer Day	July 24th
Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving Day	Last Thursday in November
Thanksgiving Break	Wednesday before or the Monday after Thanksgiving
Christmas Day	December 25th
Christmas Break	December 24 <sup>th</sup> or 26th

- E. If a paid holiday falls on a weekend, the holiday pay (time off) will be taken on the Thursday before, or the Monday after the actual holiday

#### 3. Sick Leave.

- A. Sick leave is a form of insurance to protect employees from loss of income due to illness or injury. Sick leave is earned and accumulated so the employee will have leave with pay during a bona-fide illness or injury up to the total amount of sick leave accrued. Sick leave shall be allowed only in case of necessity and actual personal sickness or disability except as otherwise indicated below.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section IV: Leave

### Subject: Leaves of Absence

---

- B. Qualifying employees include regular full-time employees, benefited part-time employees and full-time Fire/EMS personnel.
  - i. Regular full-time employees accrue sick leave at the rate of eight (8) hours per calendar month (96 hours/year). Accrual begins during the employees first month of employment.
  - ii. Benefited part-time employees accrue sick leave at a 75% basis of a regular full-time employee's work week. Accrual begins at the beginning of the fourth year of employment when the benefited part-time criteria are met.
  - iii. Fire/EMS personnel working 24 hour shifts shall accrue sick leave at 5.54 hours per pay period, 144 hours of sick leave per calendar year. Sick leave hours may be used as outlined in this section of the manual.
  
- C. Sick leave may be used in accordance with the following guidelines:
  - i. Employees who become ill or are injured are entitled to sick leave with full pay until all accrued sick leave has been exhausted. Sick leave shall not be granted in excess of the employees scheduled work week.
  - ii. Employees who exhaust sick leave benefits, may, at their option, substitute accumulated vacation leave for sick leave with approval of the City Administrator or designee.
  - iii. To receive compensation while absent on sick leave, employees shall notify their immediate supervisor prior to the time set for beginning their daily duties.
  - iv. If more than two days of sick leave are taken sequentially, the City Administrator or designee may require the employee to file a physician's certificate stating the cause of the absence.
  - v. In the case of health emergencies or health issues concerning members of the employee's immediate family, (parent, spouse, dependent) the City Administrator or designee may grant the use of sick leave for a period not to exceed three consecutive days. After three days an employee will be required to provide a doctor's note in order to be eligible for additional paid sick leave; otherwise, unpaid leave consistent with FMLA regulations will apply.
  - vi. Sick leave may be used, with department head approval, for doctor and dental appointments for employee and immediate family if appointments cannot be made outside of working hours.
  - vii. An employee receiving temporary disability payments under the worker's compensation program will continue to receive their normal rate of pay from the City. However, the employee's normal salary shall have deducted from it the amount received from Worker's Compensation payments. This arrangement shall continue for a period of six months (180 calendar days). After six months the affected employee may use accumulated sick time to maintain a regular income although an employee shall in no case use the provision of this section to realize any financial gain. FMLA leave and Worker's Compensation shall run concurrently.
  - viii. No specific hour maximum exists for the accumulation of sick leave for eligible employees hired before December 11<sup>th</sup>, 2012. However, employees eligible to receive sick leave prior to this date shall have their accrued sick leave balance

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section IV: Leave

### Subject: Leaves of Absence

---

capped at the total amount accrued by December 31<sup>st</sup> 2012. Employees that become eligible for sick leave after this date may accrue up to 12 regularly-scheduled work weeks. Accrued sick leave hours may be converted, subject to the conditions of the Sick Leave Conversion Program identified in this policy.

#### 4. Sick Leave Conversion Program.

- A. Benefited employees who have a minimum of six (6) regularly-scheduled work weeks of unused sick leave as of January 1 of each year may elect to convert sick leave time at any time.
- B. A minimum balance of six (6) regularly-scheduled work weeks of unused sick leave must remain upon conversion.
- C. The method of sick leave conversion shall be subject to the availability of funds and may not exceed appropriations within a budget year, as officially approved by the City's governing body. Each department director has the authority to carry out this policy, with approval from the City Administrator.
- D. Where applicable, the department director shall ensure the method of conversion does not interfere with work schedules or the regular operation of the department.
- E. Where applicable, payments shall be made at the employee's hourly rate which was being earned at the time of conversion or retirement.
- F. Sick leave conversion may take place through one of the following alternatives:
  - i. Two (2) hours of sick leave for one (1) hour of vacation leave.
  - ii. Two (2) hours of sick leave for one (1) hour paid into a Retirement Health Savings Plan.
  - iii. Donation of sick leave to another benefited employee in need at an hour-for-hour rate. However, the pay rate shall be at the lower hourly rate. All donations shall be voluntary, non-retrievable, and subject to all of the other requirements under this policy.
  - iv. Where no conversion is selected by December 31<sup>st</sup> of each year, the default conversion for any accrued sick leave time above the maximum allowed for each employee shall be the Retirement Health Savings Plan of the employee. Each employee's RHS account is 100% vested at all times and belongs to the employee at separation from Lehi City. No FICA or federal income tax are payable at the time of contribution and if used for medical expenses of the participant, spouse or dependent, no FICA or federal income tax are payable at distribution, if used for approved medical expenses. Assets revert to Lehi City only upon death of a participant if there is no spouse or eligible dependents. For additional information, please contact the Human Resource Office.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section IV: Leave

### Subject: Leaves of Absence

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- G. No payment shall be made of unused, unconverted sick leave balances at the time of separation from the city, except for in the event of retirement according to the stipulations provided in this policy.
5. Sick Leave Upon Retirement. Employees retiring at any age if eligible under the Utah Retirement System, may choose to receive compensation for accrued, unused balances of sick leave:
- i. Receive 75% of the unused sick leave placed into a Retirement Health Savings Plan to help cover medical insurance premiums and medical costs incurred after retirement. Assets revert to Lehi City only upon death of a participant if there is no spouse or eligible dependents.

At the time of retirement, employees who have opted out of the Utah State Retirement System may make the same elections as employees covered by URS.

6. Injury Leave. Any employee injured on the job, however slightly, must report the fact immediately to their supervisor or the City Administrator. It shall be the duty of the injured employee's supervisor, or the City Administrator, to inform the Risk Manager of the incident so he can obtain information regarding the accident or injury and complete reports and submit them in a timely manner to determine if Workman's Compensation Benefits will be initiated.
7. Emergency Leave. The City Administrator, or their designated representative, may allow a full-time regular or probationary employee reasonable time off, not to exceed three (3) working days with pay, in case of an emergency. Time will be charged to sick leave. Employees with an emergency lasting longer than three days will be given an FMLA notification.
8. Military Leave. In accordance with the "Uniformed Services Employment and Reemployment Rights Act" (USERRA), eligible full-time Lehi City employees who perform service in the uniformed services (as defined by USERRA) are entitled to a military leave of absence from their current positions, subject to the limitations and restrictions set forth in federal and state laws and Lehi City policy. Upon receiving an assignment for military service, employees should promptly provide notice to his/her supervisor and the Human Resource Office prior to going on military duty, unless precluded by military necessity.
- A. Military Leave – Short Term. An eligible full-time employee, who is a member of the military (as defined by USERRA), will be granted leave with compensation for the purpose of fulfilling annual field training not to exceed ten (10) working days in any one (1) calendar year. (Utah State Code 39-3-1 & -2). Any military compensation including salary, travel and expense allowance received by the employee for training must be returned to the City.
  - B. Military Leave – Active Duty. Any eligible full-time employee who is called up to active duty by Presidential Order will be granted a leave of absence from employment with Lehi City to the extent required by State and Federal law, including, but not limited to Utah Code Annotated provisions regarding "Government Employees in Military Service" set forth in Utah Code Ann. 39-3-1 and provisions of the federal "Uniformed Services Employment and Reemployment Rights Act" (USERRA).

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section IV: Leave

### Subject: Leaves of Absence

---

- C. **Salary Differential.** Salary differential for employees activated will be paid by the City if the military pay of an employee called into active service is less than the salary he/she would have continued to receive if not called to active service. He/she may receive a salary differential that is equal to the difference between the lower active military pay and the higher public salary for a period not to exceed 24 months, subject to the availability of City funds.
- D. **Health Insurance Benefits.** Per USERRA, the City will at a minimum maintain health benefits and other benefits for the first 30 days of military leave as if the employee was actively employed. After the initial 30 day period, employees on military leave may continue their benefits under COBRA, for a period up to 24 months. The employee must pay his/her premiums in order to keep the benefits active.
- E. **Pension Benefits.** Time spent on military leave is not considered a break in employment for pension benefit purposes if the employee is honorably discharged from military service. Upon return to work at the City from deployment, the City will purchase retirement credit with the Utah Retirement Systems for time deployed. The employee would pay the amount he/she would have contributed during leave time.
- F. **Reemployment Rights.** USERRA places a 5-year limit on the cumulative length of time a person may voluntarily serve in the military and remain eligible for reemployment rights. The USERRA reinstatement rights do not extend, however, to employees who are employed for brief, non-recurrent periods with no reasonable expectation that employment will continue indefinitely. Under certain circumstances employees are eligible to be reinstated to their former position unless the City establishes that the circumstances have so changed as to make reemployment impossible or unreasonable. If on military leave for 90 days or less, eligible employees may be reinstated to their own position. If on military leave for over 90 days, eligible employees may be reinstated to their own position or a similar position of like seniority, status or pay.
- G. Upon return from military leave, employees must comply with the current provisions of the law in regards to notification of and time frame in which they must return to work. Employees who fail to report to work within ninety (90) days of completing active military service will be considered to have voluntarily terminated their employment.
9. **Jury Leave.** A regular or probationary employee may be granted leave with full pay when performing jury duty or when required to serve as a witness in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel and expense allowance, received by the employee must be turned back to Lehi City. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits that he has initiated or in suits that have no connection with his employment duties.
10. **Administrative Leave.** A regular or probationary employee may be granted administrative leave with pay to perform authorized duties in connection with Lehi City business, attend trade or

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section IV: Leave

### Subject: Leaves of Absence

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11. professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of Lehi City.
11. Funeral Leave for an Immediate Family Member. When a death occurs in an employee's immediate family, the City Administrator or designee shall grant all regular full time employees to take up to three (3) days off with pay to attend the funeral, make funeral arrangements, or settle the affairs of the deceased. The City Administrator or designee may require verification of the need for the leave, especially in the event when out-of-state travel is not necessary. Such leave shall not be charged against accrued sick or annual leave. Immediate family members are defined as an employee's spouse, parents, stepparents, siblings, children, stepchildren, grandparents, spouse's grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, or grandchild.
12. Leave Without Pay.
  - A. Upon recommendation of the City Administrator, an employee may be granted leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of a leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to report promptly at the expiration of such leave without pay shall be considered a resignation without notice.
  - B. A leave without pay shall not constitute a break in service. However, during leave without pay in excess of thirty (30) calendar days, vacation leave, sick leave, and time toward annual performance evaluation shall not accrue. The Utah Retirement System will be sent a leave notification form. No retirement credit is allowed during leave without pay. Retirement will be reinstated when employee is no longer on leave.
  - C. Leave without pay may be granted:
    - i. For education purposes when the employee's course of study will be of direct benefit to Lehi City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period.
    - ii. To attend funerals not covered by the funeral leave policy.
    - iii. To attend to an ill or injured member of the employee's immediate family when such absence is FMLA qualified.
  - D. Employees are expected to apply for leave in advance and in writing, giving as much detail about the absence as is necessary so that the City Administrator, or designee, may decide whether the leave without pay is warranted.
13. Documentation of Leave. Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the Human Resources Office as soon as possible. The Human Resources Office may request that the employee supply additional information in writing to support the absence.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section V: Employer Benefits

### Subject: Benefits

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#### Policy Purpose Statement

This policy section highlights some features of the City's benefits programs. The group health, life, reimbursement, disability, and EAP programs, including contact information and instructions on how to enroll, are described in the Lehi City Employee Benefit Guide. Complete descriptions of these programs are also in the City's master insurance contracts which are maintained in the Human Resource Office. In the event of any contradiction between the information in this section and the information in the master contracts, the master contracts/documents shall govern. For complete information regarding any of the benefits programs, please contact the Human Resource Office.

#### Policy Guidelines and Procedures

Lehi City currently offers the following benefit package to all regular full-time employees and elected officials:

1. Health and Dental Insurance. Eligibility for participation upon hire requires that the employee will be working in a position that has the expectation of long-term employment (at least one year) and is classified as a regular fulltime employee working 40 hours per week or as an elected official. Partial cost for individual and family plans is paid by Lehi City as funding is available.
  - A. Employees who are classified as regular full-time employees working 40 hours per week or as elected officials may choose to sign a waiver not accepting health insurance and have ½ of the insurance premium they are eligible for put into a 401(k) account, with the 401(k) contribution not to exceed \$425.00 per month as funding is available.
  - B. Any employees working less than 40 hours per week and not classified as full-time regular employees or as elected officials receive no City paid insurance benefits.
2. Retirement. Utah State Retirement System Non-Contributory and Contributory Plans are available depending on position and enrollment date.
3. Utah State Retirement and ICMA 401k, 457, and Roth-Deferred Compensation Plans are available for benefited City employees or elected officials to participate in via payroll deduction.
4. FICA, Workers Compensation, Medicare and other required employee benefits programs are paid for by Lehi City in accordance with all applicable regulations.
5. Flexible Benefit Program – Lehi City administers a flexible benefit program for medical and child care pre-tax deductions. This program is operated in accordance with all applicable rules and regulations.
6. Other programs may be available from time to time as approved by the City. (For example, Cancer Insurance, Legal Services, Additional Life Insurance and so forth.) The Employee has responsibility for the entire premium.
7. Wellness Programs—Lehi City's wellness programs are designed to help employees stay physically fit and maintain good health. These programs are paid for by the City and administered by the Human Resource Office for their benefit. These are always voluntary

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised: January 2014

## Section V: Employer Benefits

### Subject: Benefits

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programs in which all employees and elected officials may participate. Awards may be given as a result of participating in these periodic wellness programs, which are defined once administered. A flyer and/or email will be sent out to notify employees and elected officials at the beginning of a new wellness program. Requirements vary according to the program being offered. However, eligibility for one program is not contingent upon participation in another program.

8. Legacy Center Annual Membership—Every full-time employee and elected official may sign up to receive a Lehi Legacy Center annual membership, provided by the City, for their family. For the purposes of this benefit, “family” refers only to those individuals who reside permanently within the home of the full-time employee who is issued the annual membership. The ability to supply this benefit is subject to available funds, Lehi City reserves the right to modify this benefit at any time. For more information, or to sign up for an annual family membership, go to the registration desk at the Legacy Center or contact the Human Resource Office.

# Lehi City Corporation Employee Policy Manual

Effective Date:

Date Revised:

## Section VI: Employee Conduct

### Subject: Code of Ethics

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#### Policy Purpose Statement

The purpose of this Code of Ethics is to strengthen the quality of government through ethical principles that govern the conduct of Lehi City employees.

#### Policy Guidelines and Procedures

The employees of Lehi City are dedicated to providing services in a professional, honest, and efficient manner. The employees should also strive to earn the public's full confidence in City government. The proper operation of this local government requires that City employees be independent, impartial and accountable to the people they serve. The employees of Lehi City, will each demonstrate the following core values in serving the public in their various positions:

1. Honesty
  - A. I will demonstrate integrity, and honesty in all that I do.
  - B. I will not accept or seek any gifts, gratuities, or personal favors for my public service that would impair my independence of judgment or my ability to make impartial decisions.
  - C. I will be mindful of how my actions may be perceived by others and avoid conflicts of interest.
  - D. I will be an advocate for an environment that promotes public trust.
2. Professionalism
  - A. I will be punctual in my work hours and assignments.
  - B. I will use my work time and public resources wisely.
  - C. I will show an attitude of cooperation and teamwork as I work with other employees and with the public.
  - D. I will seek to improve my professional skills and enhance my job knowledge, and apply that knowledge and expertise to my assigned activities.
  - E. I will show competence in performing my duties.
  - F. I will be respectful and responsive to the public and my fellow employees as I perform my duties.
  - G. I will be approachable and friendly.
  - H. I will be proactive, innovative, progressive, and forward thinking in my job.
3. Accountability
  - A. I will uphold the City's rules and policies in a transparent and consistent manner.
  - B. I will take responsibility for my actions and decisions.
  - C. I will do my part to ensure that the City's business is conducted openly in a manner that allows the Citizens of Lehi to make informed judgments.
4. Reporting of Violations. Any employee may report a violation of this Code of Ethics to their immediate supervisor. If the violation involves their immediate supervisor, the report can be given to the next highest supervisor as listed in the City's organizational chart. Employees may also discuss any potential violations with the City Administrator or designee. Lehi City has a non-retribution policy, so if a violation is reported, it will not result in negative action toward the reporting employee. The City does not tolerate any negative job action or acts of retribution toward employees because of their reporting of violations of this Code.

# Lehi City Corporation Employee Policy Manual

Effective Date:

Date Revised:

## Section VI: Employee Conduct

### Subject: Code of Ethics

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5. Implementation. In order to ensure that all employees become, and remain familiar with the Code of Ethics, the following implementation strategies should be implemented:
  - A. Following final approval of the Code of Ethics, a copy should be distributed by email to all employees.
  - B. The Code of Ethics should be posted on the City's web site.
  - C. A discussion of the Code should be included as part of new employee orientations, employee training programs, and performance evaluations.
  - D. A copy of the Code of Ethics should be posted in all City buildings in a prominent location.
  - E. All City departments are encouraged to have periodic (quarterly) discussions regarding this Code of Ethics, and ethical scenarios.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Code of Conduct

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#### Policy Purpose Statement

This policy section sets forth standards of integrity, ethics and principles of public service and establishes work and employee conduct rules for employees.

#### Policy Guidelines and Procedures

1. **Professionalism.** Lehi City is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are required to efficiently carry out the work items assigned as their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other employees and officials.
2. **Privileged Information.** Lehi City employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest that could be affected by any Lehi City plan or activity, this situation must be reported to the City Administrator immediately. Each employee is charged with the responsibility of ensuring that only information that should be made available to the general public is released as defined in the Government Records Access and Management Act.
3. **Confidentiality.** Fellow employees have an unquestionable right to expect all personal information about themselves, their illness, their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.
4. **Gifts and Gratuities.** Lehi City employees will not accept gifts or gratuities except under circumstances allowed by the Utah Municipal Officers' and Employees' Ethics Act (10-3-1301 et al) , which allows an occasional nonpecuniary gift, having a value of not in excess of \$50. This paragraph should not be used to prevent the legitimate pursuit of contributions in support of various City programs by City Officials.
5. **Attendance.** Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, employees shall be in attendance at their work stations during normal working hours. When the employee is going to be late or will not be able to report to work, the employee must notify his/her Supervisor prior to the scheduled work time. If the employee is ill or has an emergency, he/she should notify a Supervisor (immediate Supervisor preferred) as soon as possible on each day of absence.
6. **Appearance.** The City reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Code of Conduct

---

7. Non-Fraternization. This policy provides guidelines and definitions to follow regarding relationships in the workplace. Employees should avoid situations where a conflict of interest may arise or where workplace relationships may result in claims of favoritism or harassment.

Policy:

Dating, request for dates and/or personal relationships between management and persons within their scope of influence are prohibited.

Definitions:

Management is defined as all exempt positions to include Manager, Supervisor, Trainer, Owner, etc.

Scope of Influence includes the ability to affect salary, promotional status, performance appraisal content, work assignment, etc. If an employee is unsure if they fall within the scope of influence of another person, they may contact the Human Resource Office.

If a relationship develops, the manager, supervisor or trainer involved is responsible to immediately disclose the existence of the relationship in writing to his/her supervisor and department head.

Failure to comply with this policy will result in disciplinary action up to and including termination.

Employees who knowingly make false accusations concerning fraternization may be disciplined up to and including termination

8. Personal Use of Lehi City Property. Employees shall not utilize Lehi City property for personal use or for use in non-city activities such as personal business, home projects, etc. Employees shall not borrow city equipment or use city services for any type of personal use or personal gain. Additionally, employees shall not utilize the city's relationship with vendors or other organizations for the ordering of supplies, equipment, services, or other commodities for non-city use, such as procuring office supplies, automotive parts or services, landscaping materials, construction supplies, or any other parts or services.
  - A. Postage Meters. No employee shall be allowed to use Lehi City owned postage metering machines at any time for posting and mailing of any material of a non-city nature.
9. Time Cards.
  - A. All hourly employees of Lehi City subject to FLSA regulations are required to maintain an accurate and legible record of all their hours worked for Lehi City on time cards.
  - B. All salaried employees not subject to FLSA regulations are required to maintain an accurate and legible time card of all leave hours used. A time card shall be turned in, even if no leave time is used during the pay period.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Code of Conduct

---

- C. Time cards will be signed and dated by the employee, and forwarded to the City Administrator, or designee, as directed for review and payment.
- 10. Credit Cards. Lehi City credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.
- 11. Non-City Activities. Lehi City employees shall not use Lehi City owned property in support of outside interests and activities. Specifically, an employee who is involved in an outside
- 12. activity such as a civic organization, church organization, committee unrelated to Lehi City business, public office, or service club, shall:
  - A. Pursue the non-City activity on the employee's own time.
  - B. Pursue the non-City activity away from Lehi City offices.
  - C. Discourage any phone, mail or visitor contact related to the non-City interest at Lehi City offices.
  - D. Arrange for annual leave or compensatory time off in advance to pursue the non-City interest during business hours.
- 13. Political Activity.
  - A. An employee shall not be coerced to support a political activity, whether funds or time are involved.
  - B. An employee shall not engage in political activity during work hours, unless on approved leave.
  - C. An employee shall not use Lehi City owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) when engaged in political activity.
  - D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
  - E. An employee shall not use the employee's title or position while engaging in political activity.
- 14. Secondary Employment.
  - A. Lehi City employment is primary.
    - i. Employment with Lehi City shall be the employee's primary employment. Lehi City employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Code of Conduct

---

would reasonably give rise to criticism or suspicion of conflicting interests or duties.

- ii. Employees are required to provide written notification to the employee's department director and the City Administrator, or designee, using the Employee's Notice of Secondary Employment form before starting any secondary or outside employment. This notification should include the following information:
  - a. The employer's name, business name, and business address.
  - b. A general overview of the type of business engaged in by the secondary employer.
  - c. The specific duties engaged in by the employee at their secondary employment.

#### B. Lehi City's approval process.

- i. The City Administrator, or designee, shall review the information contained in the Employee's Notice of Secondary and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:
  - a. That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with Lehi City. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.
  - b. That the secondary employment could invoke a conflict of interest with their employment with Lehi City
  - c. That the secondary employment is immoral or unethical.
  - d. The recommendation of the immediate supervisor of the employee seeking approval for secondary employment.
- ii. This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee is expected to abide by the final decision of the City Administrator.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Alcohol, Drug and Smoke Free Workplace

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#### Policy Purpose Statement

The purpose of this policy is to implement a program patterned after the Federal Drug Free Workplace Act of 1988 and the State of Utah title 67-19-33 statute governing drug testing for state employees. The intent is to provide a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

#### Definitions

Alcohol and Drug Test – Generally accepted and proven test methodology or methodologies as recommended by the laboratory and medical experts selected by the City, consisting of screening methodology and confirmatory methodology; a screening test and a confirmation test.

#### Policy Guidelines and Procedures

1. General.
  - A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
  - B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the City Administrator within five days after the conviction.
  - C. No employee shall consume alcoholic beverages immediately before work, during work hours, while at work, during breaks, or during lunch.
  - D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
  - E. No employee shall represent Lehi City in an official capacity while impaired by alcohol, illegal drugs, or medication.
  - F. No employee using medication that may impair performance shall operate a motor vehicle on behalf of Lehi City.
  - G. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.
  - H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall notify the impaired employee's supervisor and/or the Personnel Office
2. Testing.
  - A. Randomly- City-wide; all departments, all employees and volunteers.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Alcohol, Drug and Smoke Free Workplace

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- B. As part of an industrial accident investigation. Any employee involved in an industrial accident will be asked to submit to a drug screen.
  - C. As a result of a perceived change or observed impairment in job performance.
  - D. On any employee who is perceived to be under the influence of drugs or alcohol. The employee may be removed from service and requested to undergo evaluation and appropriate testing by medical personnel. Management may take disciplinary action on the basis of the medical information obtained. Refusal by the employee to undergo evaluation and testing will be considered cause for discharge. The personnel department is to be notified prior to any action being taken.
  - E. As part of pre-employment testing. Drug screening tests are conducted as a regular part of the pre-employment examination for full-time, part-time, seasonal, and temporary applicants who have been selected for potential hire. Any applicant with a positive drug test will not be offered employment.
  - F. Random screen testing may be performed as part of a Reinstatement Agreement.
3. Positive Screen Test. A positive screen test means either the presence of a drug or alcohol. Sample testing procedures shall conform to scientifically-accepted analytical methods and procedures and shall include verification of confirmation of any positive test result by gas chromatography - mass spectroscopy, or other comparably reliable analytical method, before the results of any test may be used as a basis for any action.
- A. First Offense. When a screen test is positive for the first time but no evidence of drug or alcohol use on the job exists, the employee will be suspended without pay until all company required testing and treatment is completed. The employee will be required to obtain a written evaluation for drug abuse from a recognized professional and/or institution (at the employee's expense). If there is evidence of drug or alcohol use on the job, the employee may be disciplined or discharged and not be eligible for reinstatement.
  - B. Reinstatement. To be reinstated to a job, an employee must have, 1) a signed release from a doctor stating that they are fit for work, 2) have a valid Utah driver's license, and 3) have a valid CDL license, if required as part of a position's job duties. The employee must submit to another screen test and have a negative result within six weeks from the date they were suspended, otherwise the employee will be discharged. Before the employee returns to work, they will be required to sign a Condition of Reinstatement Agreement and random drug screening will be conducted for one year.
  - C. Second Offense. An employee who has been suspended for a positive drug test and allowed to return to work will be discharged for any subsequent positive drug screen.
  - D. Consequences of Test Refusal.
    - i. Prospective employee. Refusal to give written consent for a drug screening test will terminate further action towards employment.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Alcohol, Drug and Smoke Free Workplace

---

- ii. Employee. Refusal by an employee to submit to screen testing will be considered cause for discharge.
- 4. Removal from Service. It is the intention of Lehi City to provide a safe workplace. All employees must be fit for duty when reporting to work and at all times while performing their work assignments.
  - A. Removal from Service may result from:
    - i. Impairment - must be observed and documented by a supervisor and the department director or City Administrator, or designee.
    - ii. An industrial accident.
    - iii. Loss of driver's license or CDL, if required as part of a position's job duties.
  - B. Employee must be transported to the designated medical facility, by a member of management for testing. Employee must sign a consent form agreeing to or a refusal to be tested for drugs and/or alcohol.
    - i. If the employee is injured or impaired in such a way that they cannot sign a consent/refusal form, the form can be taken to the medical facility to be signed as soon as possible.
    - ii. If the drug screen cannot be immediately administered at the medical facility due to the condition of the employee, the physician in charge will be informed of the testing policy. Collecting the sample for the drug screen will be at the physician's discretion.
  - C. Employee must undergo a medical evaluation which will include a blood/urine/hair test for drugs and/or alcohol and physical examination by medical staff.
  - D. Employee will be suspended from work pending receipt of results of lab tests within 48 hours unless:
    - i. The physician clearly states that the employee is fit for duty following a fitness for duty examination.
    - ii. The employee is released by the physician following an industrial accident. The release should state that the employee is fit for duty.
  - E. If, after the medical evaluation, the employee is considered to be impaired, the management representative will transport the employee home and release them into the care of a family member.
  - F. If the drug/alcohol screen results are positive, follow company policy.
  - G. If drug/alcohol screen is negative, and:

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Alcohol, Drug and Smoke Free Workplace

---

- i. Evidence of work-related cause is found, refer employee to a Lehi City approved physician for treatment.
  - ii. Cause is medical but not work-related, refer employee to their personal physician for care and have them obtain a fit for duty work-release.
  - iii. Cause is unknown, refer the employee to their personal physician and have them obtain a fit for duty work-release.
6. Disciplinary Action. Because of the serious nature of the illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary action will be taken, up to and including termination.
7. Smoke-Free Workplace. Since smoking has been demonstrated to be a health and safety hazard not only to smokers, but also to non-smokers in confined spaces, and in compliance with the Utah Indoor Clean Air Act, it shall be the policy of Lehi City to create a smoke-free environment for employees and the general public in City facilities. The following policies will therefore be observed:
  - A. Smoking is prohibited in all buildings and on property owned and leased by the City of Lehi.
  - B. Smoking is prohibited in all Lehi City-owned and leased vehicles whether being used on or off duty. This is a health and safety precaution as well as an effort to maintain employee and citizen relations.

**Lehi City Corporation Employee Policy Manual**

Effective Date: January 2007

Date Revised:

**Section VI: Employee Conduct**

**Subject: Alcohol, Drug and Smoke Free Workplace**

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**Lehi City Employee/Applicant Consent Form**

Physical Examination and Test  
Controlled Substances (Drugs) and/or Alcohol  
(Confidential)

I hereby voluntarily consent to a physical examination and tests to be conducted by City designated physicians and/or other appropriate medical personnel contracted to perform this service for Lehi City. I specifically voluntarily consent to the taking of samples of my blood, urine, hair, breath, saliva and other samples for testing to determine the presence of drugs and/or alcohol in my system. I voluntarily authorize the release of medical information concerning the results of my physical examination and test to company representatives who will use it to determine if I am in compliance with Lehi City work rules and policies on drugs and/or alcohol. I understand that I am entitled to a copy of this authorization. I also understand that refusal by me to sign this consent will be cause for discharge or ineligibility for employment. This authorization shall remain valid during the period of employment.

\_\_\_\_\_  
Employee/Applicant (print name)

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Employee/Applicant (signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness (signature)

\_\_\_\_\_  
Date

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

Subject: Alcohol, Drug and Smoke Free Workplace

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### Lehi City Condition of Reinstatement

I understand that my reinstatement to employment by Lehi City, is contingent upon and subject to my satisfactorily fulfilling the following terms:

1. Contacting the drug referral center, a Lehi City approved physician, my personal physician, or a specialist of my choice for an evaluation at my expense. Obtaining a written drug or alcohol evaluation.
2. Securing a doctor's release to return to work or requesting a leave of absence for treatment. Regular medical leave of absence policies will be followed.
3. Following reinstatement, I hereby agree to submit to screen tests for drug or alcohol use on a periodic or random basis. If these show the presence of drugs or alcohol, I understand and agree that I shall be discharged immediately.
4. I understand that upon my return to employment, I am required to meet all of Lehi City's established standards of conduct and job performance, and that I will be subject to Lehi City's disciplinary procedures for failure to meet such standards.
5. I understand that my failure to meet any of the above requirements will result in my immediate discharge.
6. Nothing contained herein shall be construed as a waiver of Lehi City's right to take normal disciplinary actions against me under existing policies and procedures for unsatisfactory work performance or misconduct. My use of or treatment for use of alcohol or controlled substances shall not constitute a mitigating circumstance.

\_\_\_\_\_  
Employee (print name)

\_\_\_\_\_  
Employee (signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness (signature)

\_\_\_\_\_  
Date

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Harassment

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#### Policy Purpose Statement

The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to productivity, efficiency and stability.

All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, ancestry, national origin, age (40 and over), disability, gender, arrest or conviction record, marital status, religious preference and sexual orientation is prohibited.

#### Recognizing Harassment (Definitions)

Sexual harassment is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature.

- Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to the repeated making of unsolicited, inappropriate gestures or comments
- The display of offensive sexually graphic materials

Harassment on any basis (race, gender, age, disability, etc.) exists whenever:

- Harassing conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; or
- The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

Harassment may be subtle, manipulative and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. Some examples include:

Verbal: Jokes, insults and innuendoes (based on race, gender, age, disability, etc.), degrading sexual remarks, referring to someone as a stud, hunk or babe; whistling; cat calls; comments on a person's body or sex life, or pressures for sexual favors.

Non-Verbal: Gestures, staring, touching, hugging, patting, blocking a person's movement, standing too close, brushing against a person's body, or display of sexually suggestive or degrading pictures, racist or other derogatory cartoons or drawings, etc.

#### Policy Guidelines and Procedures

1. General Policy. It is the policy of Lehi City that:
  - A. Unlawful discrimination/harassment of employees of any type, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Harassment

---

- B. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
  - C. False or bad faith claims regarding harassment shall result in disciplinary action, up to and including termination, against the accuser.
  - D. Employees accused of harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.
  - E. Records and proceedings of harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.
  - F. All employees, supervisors and management personnel shall receive periodic training on sexual/gender and other types of harassment and grievance procedures.
  - G. The giving or withholding of tangible job benefits based on the granting of sexual favors (Quid Pro Quo) and any behavior or conduct of a sexual/gender based nature which is demeaning, ridiculing or derisive and results in a hostile, abusive, or unwelcome work environment constitutes sexual harassment.
2. Sexual Harassment Prohibited Conduct.
- A. Any deliberate, unwanted or unwelcome behavior of a sex/gender based nature, whether verbal, non-verbal, or physical is prohibited.
  - B. Two major categories of sexual/gender harassment:
    - i. Quid Pro Quo, or the granting or conditioning of tangible job benefits on the granting of sexual favors.
    - ii. Creating a hostile or unwelcome work environment, that can occur through any or all of the following general means:
      - a. Level One: Gender role stereotyping.
        - I. Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific genders may/should perform.
        - II. Comments or written material reinforcing traditional historic perceptions regarding gender.
      - b. Level Two: Gender harassment/discrimination.
        - I. Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.
        - II. Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Harassment

---

- c. Level Three: Targeted or individual harassment.
        - I. Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.
        - II. Offensive conduct may be verbal, visual, or physical; including unwanted physical touching of a non-criminal nature.
      - d. Level Four: Criminal touching.
        - I. The intentional unwanted touching of the breasts, buttocks, or genitals of another.
        - II. Forcible sexual abuse.
3. Types of Corrective Action. Any employee who is being harassed sexually or harassed otherwise and others who have personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:
  - A. Informal Action.
    - i. Employees who are experiencing an unwelcome or hostile work environment may, if they so desire, choose to address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior of the behavior that is objectionable, that the conduct/behavior is unwelcome and that future similar behavior will result in a formal complaint. Employees experiencing harassment are not required to use the informal process and may file a formal complaint if they so desire.
    - ii. This notification may be:
      - a. Verbally, in person.
      - b. In writing, signed or unsigned.
      - c. Through a supervisor or the Human Resource Office, verbally or in writing. The victim may:
        - I. Ask for assistance in determining what to say and how to approach the offending employee.
        - II. Request the supervisor or a representative from the Human Resource Office to accompany the victim when the victim gives the offending employee notice.
        - III. Ask the supervisor or the Human Resource Office to give notice to the offending employee, accompanied by the victim.
        - IV. Ask the supervisor or the Human Resource Office alone to provide notice to the offending employee.
  - B. Formal Action.
    - i. Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level Four as described above, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.
    - ii. Formal complaints should be in writing and specify:
      - a. The identity of the victim.
      - b. The identity of the offending employee.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Harassment

---

- c. The offensive behavior that the employee engaged in.
    - d. The frequency of the offensive behavior.
    - e. Damage the victim suffered as a result of the offensive behavior.
    - f. How the victim would like the matter settled, or what the victim would like to see happen.
  - iii. The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.
  - iv. The victim should submit formal written complaints to their immediate supervisor or the Human Resource Office. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to the Human Resource Office.
4. Disciplinary Action. Employees found guilty of harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case, as well as the offending employee's work history.
5. Maintaining Complaint Files.
  - A. Information related to any harassment complaint, proceeding, or resolution shall be maintained in separate and confidential harassment complaint files. This information shall not be placed or maintained in the employee's personnel file.
  - B. Information contained in the harassment complaint files shall be released only with the written authorization of the victim and the City Administrator or designee, unless Court ordered.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Grievance Procedures

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#### Policy Purpose Statement

Lehi City has a strong commitment that all employees should enjoy a working environment free from any perceived work-related injustice or oppression, not including disciplinary action.

#### Policy Guidelines and Procedures

##### 1. General Policy.

- A. Employees who perceive that they have a grievance against Lehi City should exhaust the administrative procedure set forth in the body of this policy before addressing their grievance through any other forum. An employee may file a grievance about any perceived work related injustice or oppression resulting from an act, occurrence, omission, condition, or unfair labor practice, not including disciplinary action. Issues addressable throughout the grievance process include, but are not limited to:
  - i. Employee-supervisor relationships.
  - ii. Duty assignments not affecting job classification.
  - iii. Shift and job location assignments.
  - iv. Working conditions.
  - v. Practices affecting granting of leave.
- B. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following information:
  - i. Name of the employee.
  - ii. Date the occurrence or action underlying the grievance occurred.
  - iii. Nature of the grievance.
  - iv. Historical information related to the grievance.
  - v. Requested Resolution.
  - vi. Signature of the employee filing the grievance and date filed.
- C. Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event giving rise to the grievance, or within ten (10) days of the employee's acquiring knowledge of the occurrence or event giving rise to the grievance.
- D. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.
- E. If an administrator is unable to answer the grievance within the specified time period due to exigent circumstances, the administrator may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Grievance Procedures

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unresolved or the decision is considered unacceptable, the employee may appeal the decision to the next level of appeal.

- F. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.
  - G. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain-of-command, if applicable:
    - i. Immediate supervisor.
    - ii. Department director.
    - iii. City Administrator's designee.
    - iv. City Administrator.
    - v.
  - H. The decision of the City Administrator constitutes the final level of appeal and is final and non-appealable.
2. Confidentiality. Written Grievance Forms shall be private data under the Government Records Access Management Act of the State of Utah. The City Administrator may declare the grievance documents to be confidential and/or order the entire record, or any part of it, sealed.
3. Filing.
- A. No document relating to a grievance shall be placed in the employee's personnel file.
  - B. If any disciplinary action against an employee is rescinded as a result of the grievance process, the City Administrator, or designee, shall remove the record of the disciplinary action from the employee's personnel file.

If any disciplinary action against an employee is modified as a result of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee's personnel file and the modified record of the disciplinary action shall be placed in the employee's personnel file.

# Lehi City Corporation Employee Policy Manual

Effective Date: January 2007

Date Revised:

## Section VI: Employee Conduct

### Subject: Employee Safety Manual

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#### Policy Purpose Statement

The objective of this policy is to ensure, so far as is reasonably practicable, that no person is placed in a position where injury or ill-health is caused as the result of City's undertaking.

#### Authorization

The Risk Manager, under the direction and approval of the City Administrator or designee has the authority to carry out this policy.

#### Policy Guidelines and Procedures

An Employee Safety Manual shall be established, maintained, and periodically updated to reflect the safety rules and regulations of the City.

# Lehi City Corporation Employee Policy Manual

Effective Date: October 2009

Date Revised: November 2013

## Section VI: Employee Conduct

### Subject: Electronic Communications Usage

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#### Policy Purpose Statement

To remain responsive, better serve customers and provide employees with the best tools to do their jobs, Lehi City makes available to the workforce access to one or more forms of electronic media and services, including computers, e-mail, telephones (cell and analog), voicemail, fax machines, external electronic bulletin boards, wire services, online services, intranet, internet, the world wide web, and all appropriate forms of social media.

Lehi City encourages the use of these media and associated services as they can make communication more efficient, effective and because they are valuable sources of information about vendors, customers, technology, and new products and services. However, all employees and everyone connected with the organization are advised that electronic media and services provided by Lehi City are City property and their purpose is to facilitate and support City business. All users have the responsibility to use these resources in a professional, ethical, and lawful manner.

To ensure that all employees are responsible, the following guidelines have been established for using e-mail, telephones, and the internet. No policy can lay down rules to cover every possible situation. Instead, it is designed to set forth general principles when using electronic media and services.

#### Policy Guidelines and Procedures

1. Prohibited Communications. Employees are advised of the following prohibited activities and prohibited uses of Lehi City electronic media:
  - A. Prohibited Activities. Sending, receiving, displaying, printing or otherwise disseminating material that is fraudulent, harassing, illegal, sexually revealing, explicit or obscene. Employees or users encountering such material should immediately report it to their supervisor/ manager or a human resources representative.
  - B. Prohibited Uses. Employees or users may not utilize Lehi City's internet, intranet and email resources for commercial and personal advertisements, solicitations, promotions, destructive programs (i.e., viruses or self-replicating software), political material, gambling or any other use that is or may be adverse to the best interests of the organization. Users should exercise the same care in drafting email as they would for any other written communication. Anything created on the computer or internet may be viewed by others. Visiting adult web sites containing sexual images is strictly prohibited.
  - C. In addition, electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is the following:
    - i. Discriminatory or harassing;
    - ii. Derogatory to any individual or group;
    - iii. Obscene, sexually explicit or pornographic;
    - iv. Defamatory or threatening;
    - v. In violation of any license governing the use of software; or
    - vi. Engaged in for any purpose that is illegal or contrary to Lehi City policy or professional interests.

# Lehi City Corporation Employee Policy Manual

Effective Date: October 2009

Date Revised: November 2013

## Section VI: Employee Conduct

### Subject: Electronic Communications Usage

---

2. Personal Use. Computers, telephone, e-mail, internet and electronic media and services are provided for business purposes to assist employees in the performance of their jobs. It is understood that there will be occasional or incidental use of electronic media (e.g. sending or receiving e-mail or telephone calls) for personal, non-business purposes, and as such, should be done in a manner that does not negatively affect the systems' use for City purposes or employee productivity. Employees are expected to demonstrate a sense of personal responsibility and accountability in using City resources for personal purposes.
3. Access to Employee Communications.
  - A. Electronic information created and/or communicated by an employee using a City computer, e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, internet, and similar electronic media may be monitored by Lehi City.
  - B. Lehi City gathers and stores daily user log files for most electronic activities and monitors employee communications directly (e.g., telephone numbers dialed, e-mails sent and received, internet sites visited, call length, and time at which calls are made) for the following purposes:
    - i. Confidentiality and data security;
    - ii. Cost analysis;
    - iii. Resource allocation;
    - iv. Monitor and prevent potential internet virus intrusions;
    - v. Optimum technical management of information resources; and
    - vi. Detecting patterns of use that indicate employees are violating City policies or engaging in illegal activity.
  - C. Lehi City reserves the right, at its discretion, to review any employee's City-issued electronic devices, files and messages to the extent necessary to ensure electronic media and services are not being compromised and are being used in compliance with the law, this policy and any other City policies.
  - D. Employees should not assume electronic communications are private. Accordingly, if an employee has personal sensitive information to transmit electronically, he/she should use other personal means not provided by the City or on City computers, telephones, fax machines, printers, etc.
  - E. In order to prevent security breaches of the City's information systems, an employee's computer must be manually locked when an employee leaves the work station regardless of the length of time that the employee will be away. Employees should not rely on auto-lock features that lock the computer after a pre-set number of minutes. Employees may be disciplined for violations of this policy under Section 9. The severity of the breach that results from an employee leaving a computer unlocked may be considered when administering the appropriate level of discipline.
4. Software. To prevent potential computer virus intrusions from being transmitted through the City's network system, downloading of any unauthorized programs or software is strictly

# Lehi City Corporation Employee Policy Manual

Effective Date: October 2009

Date Revised: November 2013

## Section VI: Employee Conduct

### Subject: Electronic Communications Usage

---

prohibited. Only software registered through the City and installed by an authorized network system administrator may be downloaded. Employees should contact the City's Information Technology Division if they have any questions.

5. Security / Appropriate Use.
  - A. Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by Lehi City management or supervisors, employees are prohibited from engaging in, or attempting to engage in the following:
    - i. Monitoring or intercepting the files or electronic communications of other employees or third parties;
    - ii. Hacking or obtaining security access to systems or accounts they are not authorized to use;
    - iii. Using other people's log-ins or passwords;
    - iv. Using online chat/instant messenger (IM) programs for non-business related activity.
    - v. Breaching, testing, or monitoring computer or network security measures.
  - B. No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.
  - C. Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.
  - D. Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.
6. Encryptions. Encryption software may be utilized for purposes of safeguarding sensitive or confidential business information. Employees who may use encryption on files stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.
7. Online Chat Rooms / Instant Messaging.
  - A. Employees should remember that any messages or information sent using City-provided computers and equipment to one or more individuals via an electronic network (e.g., internet mailing lists, bulletin boards, chat rooms, and online services) are statements identifiable and attributable. The installation or use of external online instant messaging programs is prohibited without prior City approval.
  - B. The City recognizes that participation in some forums may be important to the performance of an employee's job. For instance, an employee may find the answer to a

# Lehi City Corporation Employee Policy Manual

Effective Date: October 2009

Date Revised: November 2013

## Section VI: Employee Conduct

### Subject: Electronic Communications Usage

---

technical problem by consulting members of a user group devoted to a particular technical area.

8. Social Media. Social media is an umbrella term that defines the various activities that integrate technology, social interaction, and content creation. Through social media, individuals or collaborations of individuals can create web content, organize content, edit or comment on content, combine content, and share content. Social media services and uses many technologies and forms, including but not limited to RSS and other syndicated web feeds, blogs, wikis, photo sharing, video sharing, podcasting, social bookmarking, mashups, widgets, virtual worlds, and micro-blogs. Not all forms of social media may be appropriate for use by City departments.
  - A. Comments from the public may be allowed on Lehi City social media sites. Lehi City social media forums shall be structured as limited public forums. Discussion forums shall be monitored daily during working hours to ensure the comments stay on topic and further the City's mission. City employees may only remove postings consistent with applicable laws and ordinances. Only those who have received training may monitor City social media sites and remove content. All sections of social media sites that allow comments shall include a link to the City's social media disclaimer and this social media use policy.
  - B. All City social media sites shall include a link back to the official City internet site for original content, forms, documents and other information. Sites must also prominently display that department's contact information.
  - C. All City social media sites are subject to the City's IT security policies, E-Records policy and Human Resources conduct policies. Anyone representing Lehi City via social media outlets shall conduct themselves at all times as a representative of the City.
  - D. Use of personal social network accounts and user IDs for City social media sites should be avoided.
  - E. Use of personal email accounts for City social media sites should be avoided.
  - F. It is the responsibility of each department to ensure that unauthorized persons are not allowed to make changes to City social media sites.
  - G. Each department is responsible to educate staff who work with social media about this policy.
9. Violations. Violations of previous sections of this policy which outline the privilege of access to e-mail, telephones, the internet or any other City electronic media will be subject to disciplinary action, up to and including termination of employment, legal action, and/or criminal liability.

# Lehi City Corporation Employee Policy Manual

Effective Date:

Date Revised:

## Section VI: Employee Conduct

### Subject: Media Relations

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#### Policy Purpose Statement

The purpose of these Media Relations Policies is to provide guidance to City staff, elected and appointed officials as they interact with the media in various circumstances. An ongoing goal of the City is to improve transparency in government and keep citizens informed of city events, accomplishments, and activities as well as to provide proper information during times of emergency or crisis. The policies contained in this document will help establish transparency by working cooperatively with the media to disseminate information of public interest and concern in an accurate, complete and timely manner.

#### Authorization

The City Administrator or designee has the authority to carry out this policy. The City Administrator is designated as the City Public Information Officer or "City PIO" for Lehi City and shall be responsible for the implementation of these policies. When the City PIO is unavailable, one of the authorized City spokespersons shall be designated as the "Acting City PIO."

#### Responsibility

The City PIO may designate City spokespersons for a particular response to the media. For the purposes of this policy some of the designated personnel include, but are not limited to, the following:

1. Mayor and Councilmembers
2. Assistant City Administrator
3. Assistant To The City Administrator
4. City Attorney
5. Police Chief
6. Fire Chief
7. Department Heads

#### Definitions

City Public Information Officer (PIO) – The central contact person who facilitates or documents discussions with the media about City issues or functions. This employee would also coordinate media contacts regarding citywide issues and unpublicized City plans. The City Administrator is designated as this Officer.

Authorized City Spokesperson – An employee in a specific department who would serve as the key media relations contact for that department. This spokesperson would be available to field media inquiries and discuss information about his/her department. In addition, this spokesperson would inform the PIO of media contacts (and what information was shared) or to assist the PIO in disseminating information to internal employees and the public.

City Staff – Regular and non-regular contract employees of Lehi City and volunteers, excluding elected and appointed officials.

Police Public Information Officer (PPIO) – The central contact person(s) who facilitates or documents discussions with the media about public safety issues or functions involving the Police Department. The Police Chief is designated to this position and may designate other Lehi Police Officers to these positions.

# Lehi City Corporation Employee Policy Manual

Effective Date:

Date Revised:

## Section VI: Employee Conduct

### Subject: Media Relations

---

Fire Public Information Officer (FPIO) – The central contact person(s) who facilitates or documents discussions with the media about public safety issues or functions involving the Fire Department. The Fire Chief is designated to this position and may designate other Lehi Fire Personnel to these positions.

#### Policy Guidelines and Procedures

1. The press should be treated like a customer of the City and all City staff or officials who engage with the press shall do so in a courteous, polite and professional manner.
2. Media inquiries received by City staff will be referred immediately to their department head. If the inquiry relates directly to a department issue and is not controversial or sensitive in nature the department head may respond, or have one of their staff respond. However, in all cases the department head will inform the City PIO of the media inquiry.
3. In the event of a controversial or sensitive media inquiry (i.e. an inquiry that may be reasonably estimated to make a news headline), the department head will immediately forward the media contact to the City PIO for response.
4. Inquiries from the news media are given a high priority by Lehi City and should be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and to ensure that all information released is accurate and complete.
5. When contacted by the City PIO for information to respond to a media inquiry, all department heads shall immediately provide the City PIO the most accurate and complete information available for the response.
6. If the City PIO determines that a response to the media can best be achieved by having someone with more background or expertise speak for the City on a particular topic, he or she may designate one of the authorized spokespersons to assist with or give the City's response.
7. To assure that the City's elected officials have accurate, complete and timely information to fulfill their responsibilities to represent the public in City affairs, they shall be immediately informed by telephone or email of the substance of every significant media inquiry and of the City's official response, as determined by the City PIO. They shall be notified of all official City press releases and other proactive media contacts when information is released to the media.
8. Records Requests. Media requests for records will be handled in accordance with this policy, to the extent it is consistent with the Government Records Access and Management Act or "GRAMA" as contained in Utah Code Ann. –§ 63G-2-101 et. Seq.
  - A. The City Recorder, who is the official custodian of all City records, is the person designated to coordinate all GRAMA requests.
  - B. The City PIO will be notified of all media records requests.
  - C. The Recorder will be responsible to see that media records requests are handled in an accurate, complete and timely manner.

# Lehi City Corporation Employee Policy Manual

Effective Date:

Date Revised:

## Section VI: Employee Conduct

### Subject: Media Relations

---

- D. The Police Department shall continue to respond to media requests for records concerning investigations according to police department policy.
  - E. A copy of all records disclosed to the media in response to the request shall be attached to the completed form and archived by the Recorder in chronological order.
  - F. The records produced in response to media requests shall be readily available for viewing at City Hall upon request by any elected official.
9. Privileged and Private Information. The vast majority of the records and affairs of Lehi City are public information which citizens, including the press, have the right to know. All public information should be provided to the press in as timely a manner as possible.
- A. Some matters, however, like ongoing investigations, information regarding litigation or the threat of litigation, personnel issues, real estate transactions, medical and mental health matters, private data regarding citizens, documents in draft form, to name a few, are governed by privileges and laws intended to advance important public policy goals.
  - B. When a media request for an interview or for records appears to involve a subject matter that may be privileged or private, the City PIO, Police PIO, Fire PIO or Recorder should consult with the City Attorney. The City Attorney will review the request without delay and promptly provide counsel to the City PIO or Recorder.
10. Personal Points of View. It is recognized that all employees have the right to express their personal points of view regarding matters of general public concern. However, personal points of view may conflict with the City's official policies. Therefore, City employees who write letters to the editor may not use official City stationary. If an employee chooses to identify himself or herself as a City employee in a letter or email to the editor, he or she must state that the views set forth in the letter do not represent the views of the City but are the employee's personal opinions.
- A similar disclaimer must be given if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for a radio or television, unless the employee has been designated by the City PIO as a spokesperson for the City.
11. City-Initiated Information. Proactive media contact on behalf of the City is processed through the City PIO, or designee -- this includes press releases, media advisories and personal contacts with reporters and editors for coverage.
- A. Departments seeking publicity for events or activities, or needing to collaborate with the media to communicate important information to the public, will coordinate with the City PIO, or designee.
  - B. Departments (except law enforcement on matters pertaining to investigations) may not unilaterally initiate media contacts.

# Lehi City Corporation Employee Policy Manual

Effective Date:

Date Revised:

## Section VI: Employee Conduct

### Subject: Media Relations

---

- C. When the City PIO, or designee approves a proactive media contact, elected officials shall be notified of the substance of the contact by telephone or email prior to the information being released.
12. Public Safety Issues. The Police and Fire Departments operate 24/7 and the nature of this work generates a high volume of media calls. The Departments shall designate an officer or officers as Police and Fire Public Information Officers or "Police and Fire PIO's" and follow specific guidelines when releasing information.
- A. When the City PIO is notified by a City staff member of a media call regarding a police investigation or general criminal activity, the City PIO will immediately forward the contact to the Police PIO for the appropriate response.
  - B. All information released to the media by the Police or Fire PIO's should be provided immediately to the City PIO who will forward the information without delay by telephone or email to elected officials.
  - C. Media inquiries concerning matters of police personnel, general police policies and procedures or in any way reflecting upon the competency or integrity of police personnel or police administration will be routed to and handled directly by the City PIO as provided in this policy.
13. Crisis or Emergency Issues. During a crisis or major emergency (i.e. flooding, earthquake, etc.), the procedure for communicating with the media is highlighted in the City's adopted Emergency Operations Plan. The plan designates the Emergency Operations Center (EOC) Information Officer as the main point of contact for the media. The City PIO will coordinate with the EOC Information Officer before releasing information to the media. The City PIO serves as the default spokesperson in an emergency situation.