



WEST VALLEY CITY *Utah*

# **Personnel Policies and Procedures**



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# PERSONNEL POLICIES AND PROCEDURES

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## Part 1 General Provisions

### I. Introduction

- A. West Valley City was established to provide services for the health, safety, welfare, prosperity, comfort, and convenience of the City and its inhabitants, and visitors. Each employee contributes to this purpose by providing services for the benefit and advantage of individuals and businesses within West Valley City.
- B. The quality of services provided by the City is dependent upon employee initiative and responsibility. The City seeks to attract and retain the most highly qualified and competent employees. The policies and procedures set forth in this handbook clarify the values of the City in directing its employees. This handbook also provides the rules and regulations that govern employees as they serve the West Valley City community.
- C. All employees will be required to acknowledge that they have read and understand these policies by signing the acknowledgement form and submitting it electronically or in person to the Human Resource office. It is the employee's responsibility to keep informed of changes to the manual.

### II. Policies and Procedures Do Not Constitute a Contract

- A. The information contained in this handbook was prepared to give employees a better understanding of the responsibilities and obligations of employment with the City. This handbook contains information about City policies and procedures. The policies and procedures stated in this handbook and in other personnel statements or materials issued by the City do not create any type of implied or express contract between West Valley City and its employees, or any other obligation or liability on the part of the City.
- B. Although this handbook and other documents may reflect current policies and procedures, the City Manager may change or rescind these policies and procedures or create new policies and procedures at any time and for any reason. Policy changes, which are made at the discretion of the City Manager, are made by executive order and are effective on the date specified in the order. Administrative or clerical changes, needed to clarify or update policy are made when necessary without executive order.

### **III. Administration of Policies and Procedures**

City department heads shall manage their departments in harmony with the City's personnel policies and procedures and implement procedures necessary to carry out the responsibilities of their department consistent with these policies and procedures.

### **IV. Human Resources Office**

Under the direction of the Human Resources Director, the Human Resources staff administers City personnel functions and assists departments and employees in performing more effectively. The Human Resources Director's primary responsibility is to ensure that the City's policies and procedures and treatment of all employees is fair, equitable, and consistent with applicable state and federal guidelines, and to promptly and equitably resolve employee complaints and concerns relating to work.

## Part 2 Staffing Practices

### I. General Practices – Equal Opportunity

- A. West Valley City is an “Equal Opportunity Employer” and selects, hires, promotes, and compensates employees without regard to race, religion, age, disability, gender, sexual orientation, color, national origin, or any other non-meritorious factor. The City evaluates applicants for employment or candidates for promotion based upon their knowledge, skills, experience, education, and potential for job performance consistent with the needs of the position.
- B. It is the policy of West Valley City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the EEOC. Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, termination, compensation, training, or other terms, conditions, and privileges of employment.
- C. West Valley City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or causes undue hardship. Any questions or requests for accommodations should be made through the Human Resource Office (see Part 10.II).

### II. Employee Nepotism

- A. Utah State Law 52-3-1 sets forth the state nepotism rules. It is the intention of this policy to change as state law is changed, in addition, the following rules apply for employees of West Valley City.
- B. "Household member" means a person who resides in the same residence as the public officer.
- C. “Relative” means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- D. Relatives of Full-Time employees may not be employed in a Full-Time position within the same City division.
- E. Employees may not directly supervise relatives or household members.

- F.** Relatives or household members of Full-Time employees may be employed in a part-time, seasonal, or temporary position within the same City division.
- G.** Relatives of Public Safety employees may not be employed within the same department.
- H.** Relatives or household members of the Mayor, City Council Members, the City Manager, Assistant City Manager, or any Department Head, shall not be employed by the City. An elected official's relatives or household member may not be employed unless they are already employed prior to the official taking office.

**Amended 05/25/2021 EO 21-151**

### **III. Application and Employment Procedure**

- A.** The Human Resources primary responsibility is to ensure that the treatment of all applicants is fair, equitable, and consistent with applicable state and federal guidelines. The City desires to fill all job openings with the most qualified applicants. Whenever possible the City promotes or transfers employees from within, provided that the internal candidate is the most qualified candidate for the position. The City may choose to seek external candidates to fill any vacancies at any time. When the City chooses to post job openings it shall be for a period of not less than four days.
- B.** Applicants must file applications for employment as described in the job posting. Failure to appropriately complete the application may disqualify the applicant from consideration for employment. No response will be given to unsolicited resumes and/or applications, nor will they be kept on file in the Human Resource Office.
- C.** The City conducts a background examination of applicants being considered for employment, which may include, but is not limited to, an evaluation of the applicant's personal and professional background, educational experience, criminal history check, substance abuse screening, written exam, and any other exam or evaluation deemed appropriate for the position at the City's sole discretion.
- D.** If an employee or applicant has falsified any item of information on the application, or has engaged in conduct inconsistent with standards of conduct outlined in these policies, the City may terminate the employee or remove the applicant from consideration for employment.
- E.** Appointed positions are filled at the sole discretion of the Department Head with authorization from the City Manager.

- F. For non-appointed positions, which require extensive experience and or higher education, or are deemed critical to the organization, the City Manager may authorize the Human Resource Office to recruit applicants to apply for open positions with or without advertising the position. If it is necessary to recruit candidates for positions requiring highly specialized skills from outside the organization the City Manager retains the discretion to do so and may solicit candidates for the positions by any means possible.
- G. All examinations are conducted under the supervision of the Human Resource Office.
- H. All examinations are free to all qualified applicants.

#### IV. Probation Period

The following policies shall govern Full-Time employees:

1. **Policy:** All Full-Time employees in their first year of employment serve an at-will probation period. The probation period or working test period is regarded as an integral part of the hiring process. During the probation period, the employee is trained, observed, and evaluated on their ability to perform the duties of the position.
2. **Duration:** An employee is not considered to have completed the one year probation period until written approval from the Department Head is filed with Human Resource, even if the anniversary date has passed. Any individual hired as a Police Officer to attend the Police Academy must serve at least an 18-month probation period.
3. **Termination:** The department head may terminate an employee, with or without cause, at any time during the probation period, after consultation with the Human Resource Office.
4. **Leave during Probation Period:** Time spent on any paid or unpaid leave of absence may not be considered as part of the probation period.
5. **Promotion during Probation Period:** An employee who is serving a probation period may apply for and receive a promotion to another position within the City. Employees will continue to serve his/her one year probation period, from the original hire date, as an “at-will” employee.

## **V. Re-Employment**

In order to be considered for re-employment to a benefited position a previous employee must apply within the policies outlined in this handbook. A rehired employee does not retain any claim to position, title, rank, service, benefits, or grade previously held on the salary scale prior to termination or resignation, unless as part of the job offer. It is at the City's sole discretion to rehire a person previously employed by the City.

## **VI. Termination of Employment**

- A.** In order to terminate in good standing, employees who are voluntarily terminating their employment should give the City two weeks advance, written notice. The City may choose to terminate the employee prior to the end of the two week notice depending upon the best interests of the City.
- B.** Whenever possible prior to termination, the Human Resource Office completes an "exit interview" and personnel action form and places the documents in the employee's personnel file.
- C.** Employees not terminated for cause receive compensation for accrued eligible compensatory time, PTO, holiday, and overtime.

In the event an employee has been allowed to use holiday hours, prior to the holiday, all hours must be paid back to the City.

- D.** Employees terminated for cause do not receive compensation for accrued PTO.
- E.** Employees terminated for cause will receive:
  - 1.** A written statement citing the reason for dismissal;
  - 2.** The effective date of the dismissal; and
  - 3.** A statement of the status of fringe and retirement benefits after dismissal.

## Part 3 Employment Classifications

### I. Employment Classification

- A. City Officials:** Elected officials and/or members of the City Council, Planning Commission members, Board of Adjustment members, and all other appointed commission, board, or committee members. These policies and procedures do not apply to City officials in their capacity as City employees. Their status and compensation is governed by the statutes, ordinances, resolutions, or executive orders which create and govern the position.

For purposes of the Utah Retirement Systems (URS), elected officials who take office for the first time after June 30, 2011 are restricted to participation in the URS Tier 2 Defined Contribution Plan if they are considered “full time.” However, the position of the Mayor of West Valley City and each council member, regardless of the district they represent are considered part time and are ineligible under Tier 2, and therefore no statutory contributions are required. Tier 1 elected officials, those with URS service prior to July 1, 2011 may participate in the defined benefit plan or exempt from retirement coverage, once they meet the salary requirements outlined in the URS plan.

#### Amended 10/09/2019 EO 19-145

- B. City Manager:** The City Manager is appointed under Utah Code Annotated § 10-3-1224. The City Manager is governed by Utah Code Annotated § 10-3-1225, § 10-3-1226 and West Valley City Municipal Code § 3-2-102. The City Manager and the City Council may agree, through contract or resolution, to additional duties and benefits.
- C. Executive Staff Appointees:** Executive staff are appointed by the City Manager. These policies and procedures apply to executive staff appointees with the following exceptions:
1. Executive staff appointees are “at-will” employees pursuant to Utah code annotate 10-3-1105, as amended, and may be terminated at any time.
  2. An executive staff appointee will receive the equivalent of six month’s base salary in the event that they are terminated for any reason other than the willful and deliberate violation of City policy, regulations, or the law.

3. Six month's base salary, for the purposes of severance pay for an executive staff appointee is defined as base salary, excluding benefits and contributions. The executive staff appointee is also entitled to any unused PTO, entitled holiday pay, or banked sick leave.

**Amended 05/25/2021 EO 21-151**

- D. Appointed Employees:** Appointed employees are identified in Utah Code Annotated Title 10-3-11-1105. When such appointments are made they will be in writing and reflected on their job descriptions. These policies and procedures apply to these Appointed employees with the following exceptions:
1. Appointed employees are "at-will" employees pursuant to Utah code annotate 10-3-1105, as amended, and may be terminated at any time.
  2. Appointed employees will receive the equivalent of three month's base salary in the event that they are terminated at any time for any reason other than the willful and deliberate violation of City Policy, Regulations, or the Law.
  3. Three month's base salary, for the purposes of severance pay for an appointed employee is defined as base salary, excluding benefits and contributions. The Appointed employee is also entitled to any unused PTO, entitled Holiday Pay, or Banked Sick Leave.
- E.** Notwithstanding changes in State Law which may materially alter this policy regarding the payment of severance for the City Manager, Executive Appointees, and Appointed Employees or other retirement incentives offered by West Valley City which results in the termination of these appointees, for any reason, the effected employee will receive the most favorable severance package available. In no case can an appointee receive more than one "severance package".
- F. Full-time Employee:** An employee in an authorized position who works 40 hours per week and has successfully completed the probation period.
- G. Probationary Employee:** An employee hired to fill a full-time position must fulfill a probation period for of at-least one year from the date of hire regardless of whether or not the employee is reassigned, transferred or promoted to a different position with or across departments.
- H. Part-time/Temporary/Seasonal Employee:** Any employee hired on a temporary, seasonal, provisional, contractual, or emergency basis who works 1-40 hours per week are "at-will" employees and can be terminated at any time without cause.



- I. Benefited and Non-Benefited Employee:** Full-time employees and part-time employees may or may not be eligible for benefits. The City determines whether or not a position is benefited during the position classification process.
- J. (Grant) Government Employment Program Employee:** An employee hired under a government employment program or whose position is funded in whole in or part by a grant. Employees in positions funded by grants are “at-will” employees, and may be terminated at any time or when the grant funds are exhausted.
- K. Sworn Public Safety Employees:** Employees classified as law enforcement officers under Utah Code Annotated §53-13-103, as amended, and firefighter service employees as defined by Utah Code Annotated §49-16-102, excluding any positions defined as appointed employees.



## **Part 4 Promotions/Transfers**

### **I. Promotions**

- A.** The Department Head, after consultation with Human Resource, has discretion to make the determination to recruit, promote from within, or post the position.
- B.** A promoted employee serves a minimum six-month probationary period. Promoted employees serving a probationary period cannot be terminated without cause unless they are promoted prior to completing their first year of employment. If an employee is promoted after the first year of employment and they do not successfully complete the promotional probationary period, they may not return to the position they held prior to being promoted unless:
  - 1. Vacancy exists in the prior position;
  - 2. The Department Head agrees to accept the employee back; and
  - 3. The employee meets the minimum qualifications.

### **II. Promotional Process - Sworn Public Safety Employees**

#### **A. Introduction**

- 1. The City shall provide for promotion to Sworn Public Safety Employees, excluding any position not considered a merit employee under [West Valley City Code 3-11-102](#), on the basis of ascertained merit, seniority in service, and standing obtained by competitive examination.
- 2. The City shall provide, when possible, that vacancies be filled by promotion from the members of the next lower rank who submit themselves for examination and promotion. For each promotion, the Human Resource Office shall certify to the Chief the names of not more than five (5) applicants having the highest rating on the promotional roster.

#### **B. Notice of Promotional Testing**

- 1. The Human Resource Office, in consultation with the Police administration shall post notices of all promotional testing at least 30 days prior to the commencement of the process. No special testing arrangements or make-up tests will be allowed.
- 2. The notice of a promotional testing process shall contain the following:
  - a. The date of posting;

- b. The dates of each part of the testing process;
- c. The location of each part of the testing process;
- d. The deadline to file an application to participate in the testing process, the deadline shall be not less than five (5) days after posting of the notice;
- e. Requirements necessary to be eligible to compete for the promotion;
- f. The deadline to submit any required materials, such as certifications, transcripts, diplomas, etc.; and
- g. The date examination scores are considered final.

### **C. Application for Promotional Examination**

Each Sworn Public Safety Employee desiring to compete for promotion must apply using the appropriate application provided by the Human Resource Office. The Human Resource Office must receive the application prior to the deadline. Applicants who do not meet minimum qualifications will be disqualified from the testing process.

### **D. Security of Promotional Materials and Scoring Examinations**

All promotional testing materials will be kept in a secure location by the Human Resource Office. The departments may not participate in the final compilation of scoring of any examinations. All final compilation of scoring shall be by the Human Resource Office. The names shall appear on the promotional roster in order, with the candidate having the highest combined score at the top of the list. Candidates with equal scores shall be listed in order of seniority.

### **E. Administration of Examinations**

1. It is the responsibility of the candidate to raise any concerns they may have regarding a promotional process immediately.
2. All examiners, interviewers, assessors, etc., shall be under the supervision of the Human Resource Office and must participate in the process in accordance with these rules. All testing shall be impartial, fair, and practical and designed to test the relative qualifications of candidates to perform the essential functions of the particular position to which they seek to be promoted.

### **F. Disqualification of Candidates During Examination Process – Appeal**

1. The Human Resource Office may disqualify a candidate for any of the following reasons:

- a. Possession during an examination of any paper, book, memorandum, or any other item that could be of use or assistance in the examination, other than as permitted by the Human Resource Office. The candidate shall surrender such items to the examiner in charge prior to the start of the examination.
      - b. Willfully copying, looking over the work of another candidate, attempting to do so, or permitting any candidate to copy or look over any examination sheets or material in possession of a candidate.
      - c. Tardiness in reporting for the examination or failure to appear at a scheduled examination.
2. Disqualified candidates may appeal in accordance with West Valley City Municipal Code Section 3-11-102. Any Sworn Public Safety Employee disqualified for reasons a or b listed in this section is subject to disciplinary action by the department.

#### **G. Review of Examinations**

1. Candidates should request an informal meeting with Human Resources to review examination questions or processes and to discuss any concerns prior to the posted deadline. As part of this meeting, Human Resources may release with the limits of exam security:
  - a. General information regarding examination development, content, and weights.
  - b. The candidates own raw scores and rating information.
  - c. Average scores of a panel or examiners, including average scores on each factor.
    - i. Scores of single examiners shall not be released.
  - d. Exam statistics such as range and median to enable candidates to compare scores to the distribution of scores.
    - i. Scores of other candidates shall not be released.
2. A candidate who is not contesting the examination but wishes to review the exam for personal development, may request a meeting with Human Resources. This meeting shall be scheduled only if another promotional process for the same position has not been posted.

## **H. Contesting Examinations and Scores**

1. Any candidate who wishes to contest a score for the examination or part of the examination must submit a request for review to the Human Resource Office prior to the posted deadline. The Human Resource Office shall investigate the contested score and report the results of the investigation to the candidate. If the Human Resource Office determines the candidate's challenge or request for review is valid, the Human Resource Office may take any action as it deems appropriate, including, but not limited to, re-testing, modifying test results, removing test questions from final compilation, or re-posting of the roster. If the Human Resource Office determines the candidate's challenge or request for review is not valid, the Human Resource Office's decision shall be considered the final decision of the City.
2. The candidate may appeal this final decision to the Employee Discipline Hearing Officer pursuant to [West Valley City Code 3-11](#). Corrections of clerical errors, however discovered, may be made at any time.

## **I. Promotional Roster**

At the conclusion of testing, the Human Resource Office shall prepare and maintain a promotional roster of eligible candidates for the position. The winner of a tie will be determined as the person with the most seniority within their current rank. The Human Resource Office shall distribute the promotional roster to the Chief and all candidates who scored high enough to be placed on the roster.

**Amended 05/25/2021 EO 21-151**

## **J. Duration and Expiration of Promotional Roster**

Promotional rosters expire upon the date stated on the promotional posting, or at such other time as Human Resources shall direct; provided however, that no list shall remain in effect longer than two (2) years from the date approved.

## **K. Removal from Promotional Roster**

1. The Human Resource Office shall have the power at any time to amend the promotional roster by correction, revision, or the removal of names, when, in its judgment, the best interests of a particular Department or the public will be served. Prior to the Human Resource Office removing any name from the promotional roster pursuant to this section, the Department proposing the removal, or the Human Resource Office, must give reasonable notification of the proposed action to the person whose name is to be removed. Reasonable notification shall mean personal service or written notice.

2. The Human Resource Office may also remove the name of an eligible candidate from a promotional roster for any of the following reasons:
  - a. Certification for appointment to a vacancy five times without appointment.
  - b. Written request from candidate.
  - c. Refusing a promotion to the position.
  - d. Termination of employment with the City.
  - e. The Chief submits a statement of rejection to Human Resources.

#### **L. Promotion from Promotional Roster**

1. The Human Resource Office shall certify to the Chief the names of not more than five (5) applicants having the highest rating on the promotional roster.
2. The Chief will work with the Human Resource Office to determine the effective date of the promotion.

### **III. Transfers**

- A. At the organization's discretion, it may require or permit employees to make a temporary or permanent transfer in order to accommodate business needs or the employee's own personal needs.
- B. The employee may also transfer to another department by applying for the open position when vacancies are posted and go through the interviewing process. However, this does not preclude the hiring department to seek or recruit outside candidates at the same time.





## Part 5 Compensation/Benefits

### I. Compensation

Compensation is determined through the annual budgeting process and reflects internal and external equities, assigned duties, responsibilities, and market comparisons.

### II. Incentive Pay

As provided in the budgetary process, the City Manager may establish an individual or team incentive pay program or bonus program to reward or incentivize employees.

### III. Overtime and Compensatory Time

**A. Overtime:** All non-exempt employees covered by the Fair Labor Standards Act (FLSA) overtime will be paid at a rate of time and one-half for actual hours worked in excess of 40 hours per week with the following exceptions:

1. Fire 24-hour employees are required to work over 136 hours in an 18-day cycle before overtime is paid.
2. Sworn Police Department employees working in Patrol are required to work over 80 hours in a 14-day cycle before overtime is paid.

**B. Compensatory Time:** Employees may be allowed to accumulate compensatory time off rather than being paid overtime.

At the end of pay period 7 compensatory time hours not already taken as time off will be paid out in cash at the employee's hourly rate of pay.

#### Amended 05/25/2021 EO 21-151

**C.** Employees who are not covered or who are exempt from the FLSA have no right to overtime or compensatory time compensation.

**D.** Any overtime or compensatory time hours must be pre-authorized by the employee's Supervisor. Failure to obtain pre-approval for overtime will not void entitlement to be paid for the time worked, but may subject the employee to disciplinary action, up to and including termination of employment.

#### **IV. Benefits**

West Valley City provides a competitive benefit package for qualified employees. Information regarding employee benefits is available in the Human Resource Office.

## **Part 6 Employee Relations**

### **I. Introduction**

- A.** West Valley City endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. It is West Valley City’s policy that employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from all forms of harassment and violence.
- B.** City employees shall exemplify the highest ideals of honesty and integrity in order to merit the respect and confidence of elected and administrative officials, other City employees, and the public. Employees shall acknowledge the dignity and worth of the services rendered by government, and maintain a constructive, creative, and practical attitude toward urban affairs and local government service and a deep sense of social responsibility as a trusted public servant.
- C.** City employees shall conduct themselves in a way that will bring credit to themselves and to the City. To this end, employees must be courteous and cooperative with the citizens of the City, other City employees, their supervisors, and others who may contact the City. Employees shall conduct themselves in a professional and competent manner appropriate to their position. Employees shall strive for cleanliness and neatness, with regard to both personal appearance and work station appearance, appropriate to their position and job duties. Employees should never use their position to privately benefit themselves or another party through the disclosure of confidential information, award of work, procurement of supplies, or use of City facilities and resources. Unacceptable conduct may subject the offender to disciplinary action up to and including termination of employment, at the City’s sole discretion.

### **II. Performance Management**

- A.** The frequency of and criteria for the review of the performance of employees is solely at the discretion of the Department. Failure to conduct a performance review is not to be construed as indicating that an employee’s performance was or was not satisfactory. The terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management. We encourage and emphasize ongoing quality conversations between supervisors and their employees or teams. The more frequent dialogues between managers and employees occur the faster employees develop.

- B.** Supervisors shall also be held accountable for the performance of their subordinate employees. Department Heads shall implement employee performance evaluation processes that are appropriate to their specific departments.

### **III. Employee Advisory Committee**

The Employee Advisory Committee is organized to assist Human Resources in recognizing employee service, strengthening employee unity, and providing activities, which enhance employee relations. As representatives of their respective departments, members of the committee may advise Human Resources of ways to improve employee effectiveness. The City Manager appoints the chair of the Employee Advisory Committee. Department Heads recommend to the City Manager those employees who would be willing to serve as members of the EAC.

## Part 7 Standards of Workplace Conduct

### I. Introduction:

Unlawful discrimination, harassment, and/or retaliation in any form, including electronic communications, constitutes misconduct that undermines the integrity of the employment relationship. Therefore, West Valley City prohibits discrimination and/or harassment that is sexual, racial, or religious in nature or is related to anyone's gender, gender identity, national origin, age, sexual orientation, disability, genetic information, or any other basis protected by federal, state, or local law. This policy applies to all employees throughout the organization and to all individuals who may have contact with any employee of this organization.

#### A. Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a harassing and/or discriminatory nature will constitute harassment and/or discrimination when the person involved feels compelled to submit to that misconduct in order to keep his/her position, to receive appropriate pay, or to benefit from certain employment decisions. If this type of misconduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment, it also may be considered harassment and/or discrimination. This behavior can include but is not limited to suggestive or insulting noises, facial expressions, vulgar language, nicknames, slurs, derogatory comments, cartoons, jokes, written materials, and offensive gestures or touching.

#### B. Violence in the Workplace:

1. The safety and security of all employees is of primary importance at West Valley City. Any threats, stalking, threatening and abusive behavior, bullying, or acts of violence against employees, visitors, citizens, and or City facilities or property by anyone on West Valley City property, or on a City controlled site, will not be tolerated (even those made in jest).
2. Stalking of other employees is not permitted. This includes behavior or activity that collectively instills fear in a victim, and/or threatens her or his safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to verbal or physical harassment, verbal or physical threats, assaults, and non-consensual communication including: in-person conversations, telephone calls, voice messages, emails, written letters, gifts, or any other communications that are undesired and place another person in fear. This includes all online, electronic, or

digital technologies. If safety is an immediate concern, employees should contact law enforcement for assistance.

3. Employees who engage in these activities shall be removed from the premises pending the outcome of an investigation. Following the investigation, the City will initiate an immediate and appropriate response. This response may include but is not limited to suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or civil or criminal prosecution of the person or persons involved.

### **C. Whistleblowing**

1. A whistleblower as defined by this policy is an employee of West Valley City who reports an activity that they consider to be illegal or dishonest. West Valley City treats all expressions or complaints of possible illegality or abuse of power or authority seriously, and as potential whistleblower matters, regardless of where and how expressed. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. Investigations into these matters will be handled as defined under part 7.III of this handbook.
2. If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resource Director. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination of employment.
3. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. West Valley City will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact the Human Resources Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

## **D. Ethical Standards**

### **1. Code of Ethics:**

- a.** West Valley City adopts the Municipal Officers and Employees Ethics Act, Sections 10-3-1301, et seq., Utah Code Annotated 1953, as amended, which establishes standards of conduct for employees to disclose actual or potential conflicts of interest between public and personal duties. Employees are responsible for complying with the disclosure requirements for personal interests and restrictions governing the acceptance of gifts as provided in the Act.
- b.** The following acts are prohibited:
  - i. Disclosing confidential information acquired by reason of an official position or using such information to secure special privileges or exemptions for the employee or others.
  - ii. Using or attempting to use an official position to secure special privileges or the employment of others.
  - iii. Knowingly receiving, accepting, taking, seeking, or solicitation, directly or indirectly, any gift or loan for the employee or others if the gift or loan would influence a reasonable person in the discharge of official duties. This section does not apply to:
    - *Non pecuniary gifts having a value of less than \$50.*
    - *Publicly presented awards.*
    - *Bona fide loans made in the ordinary course of business.*
    - *Political campaign contributions actually used in a political campaign.*
- c.** Conflict disclosure provision rules and forms for disclosure compliance is available from the Human Resource Office for the following types of disclosure:
  - i. Business Assistance.
  - ii. Regulated Business.
  - iii. Doing business with the City.

## **E. Employee Dress, Tattoos, Body Art, and Piercings Guidelines**

- 1.** It is the desire of the City that employees reflect an appropriate business image to customers, visitors, and residents. How you dress, your grooming and personal cleanliness standards all contribute to that image and also to the morale of your co-workers. During business hours or whenever representing the City, you are expected to present a clean, neat, and tasteful appearance. You should always dress and groom yourself according to the requirements of your position. This is particularly true if your job involves dealing in person with customers, visitors, or residents.
- 2.** In order to maintain a professional atmosphere and appearance and to promote the health and safety of employees the following minimum prescribed standards shall apply to all employees:
  - a.** Employees must be able to perform their jobs without interfering with others ability to perform their jobs. Therefore, employees must maintain a high standard of personal hygiene. Employees must appear neat and clean and have no offensive odors. An employee's hair must be clean and groomed.
  - b.** Employees must wear clothing appropriate to their employment. Appropriateness may vary depending upon the nature of work performed and the degree of public contact.
  - c.** Employees should use good judgment in selecting clothing that is appropriate for their work environment. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, may cause distraction or is otherwise inappropriate for a professional office setting or other work environment.
  - d.** All employees that are required to wear uniforms at work must cover tattoos of any nature.
  - e.** Department Heads may require employees who do not wear a uniform to cover tattoos under certain circumstances related to work.
  - f.** Visible Tattoos, brands, scarification, body art, or decals that depict gang affiliation, sexual activity, are obscene, or advocate sexual, racial, religious, or ethnic discrimination are prohibited during work hours or at any time while in uniform, identifiable city clothing, or representing the City.



- g.** Unless otherwise prohibited by departmental policies, one or two typical earrings per ear worn in ears that have been pierced, but not stretched, are permitted during work hours. Employees are prohibited from attaching, affixing, or displaying objects, articles, jewelry, or ornamentation to the body.
- h.** Abnormal shaping of the ears, eyes, nose, or teeth, and stretched body piercing are prohibited.
- i.** Exceptions to this policy may be made on a case by case basis to prevent discrimination based on religion, national origin, gender related identity, or other legal basis.
- j.** Employees who violate these guidelines may be disciplined up to and including termination of employment.

#### **F. Personal Relationships in the Workplace**

The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment. Personal relationships are defined to include intra office dating, cohabitation or any other relationship that could give rise to an actual or perceived conflict of interest or appearance of favoritism. It is recognized that certain personal relationships between supervisors and their subordinates could lead to actual or perceived conflicts of interest, favoritism or sexual harassment. A supervisor should not be involved in a personal relationship with a subordinate. Supervisors who have dated or are dating another employee should not supervise or evaluate that employee. If an employee is hired, promoted, transferred, or otherwise changed into a position that would violate this policy, the situation should be immediately reported to the Human Resource Office who will discuss the concerns with the employees involved. The City will evaluate each situation and determine what changes need to take place to comply with this policy. If no changes can be made an employee may be transferred or terminated.

#### **G. Employee Conduct Off the Job**

West Valley City believes that employees should be ever mindful of their conduct on and off the job due to the high level of trust the citizens place in their public servants whether they are elected, appointed or otherwise employed by our municipality. An employee's off-duty conduct shall be governed by these policies to the extent that it is related to their ability to perform official duties or to the extent that it may be indicative of unfitness for their position, or conduct that

tends to disrupt or diminish the public trust. Employees who fail to report promptly and fully their activities that have resulted in official contact by any law enforcement agency may also be in violation of this policy. Employees who violate these “off duty” standards of conduct are subject to discipline up to and including termination.

## **H. Complaint/Reporting Procedure**

1. If an employee feels they have been subjected to any form of harassment, and/or discrimination, bullying, stalking, workplace violence, or any other violation of these policies, they should notify their supervisor, Human Resources, or the City Attorney, as soon as possible. Employees are not required to approach the person who is harassing, stalking and/or discriminating against them, and they may bypass any offending member of management. The person(s) receiving the complaint must report it to Human Resources. Human Resources will take the necessary steps to initiate an investigation of the claim.
2. With respect to workplace violence, even without a specific threat, all employees should report to their supervisors, Human Resources, or the City Attorney any behavior they have witnessed that they regard as potentially threatening, violent, or that could endanger the health or safety of an employee when the behavior has been carried out on West Valley City premises, or on a City controlled site, or is connected to City employment or City Business. Employees are responsible for making this report to their supervisor, Human Resources, or the City Attorney regardless of the relationship between the individual who initiated the threatening or harassing behavior and the person or persons being affected. West Valley City understands the sensitivity of the information and respects the privacy of the reporting employee. The City will maintain the anonymity of the reporting individual when at all possible.

## **I. Investigation**

West Valley City shall promptly investigate allegations of misconduct. If warranted, the City shall take appropriate corrective actions and impose appropriate discipline.

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## **J. Retaliation**

West Valley City prohibits retaliation of any kind against employees who report harassment, stalking and/or discrimination or assist in investigating such complaints. If an employee feels they have been subjected to any form of retaliation, the employee

should report that conduct to his/her immediate supervisor, another member of management, Human Resources, or the City Attorney as soon as possible after the offense. Employees are not required to approach the person who is retaliating against them, and they may bypass any offending member of management.



## Part 8 Expectations of Supervisors

### I. Supervisor Standards

#### A. General

1. A “supervisor” is a City employee who directs another City employee, group, team, division, department or operation.
2. A supervisor ensures the work of the City is accomplished and that each employee she or he supervises succeeds in the workplace. In most cases, such workplace success is accomplished by understanding each employee’s professional skills and abilities; by fostering loyalty and pride in the workplace; and by supporting and directing employee skills and abilities in a manner that promotes and advances the objectives of the City.
3. As management representatives, supervisors will be held to a high standard in respect and courtesy, and other standards of conduct. Supervisors are expected to be examples for others to follow.

#### B. Primary Functions of a Supervisor

1. The primary functions of a supervisor are planning and leading.
  - a. Planning involves:
    - i. Identifying workplace goals and objectives, methods, processes, resources, and action plans;
    - ii. Communication with and feedback from the employees who perform the service or help produce the product affected by the plan;
    - iii. Effective communication with City division and department managers regarding the resources required to carry out plans;
    - iv. The professional development of all employees a supervisor is responsible for; and
    - v. Overseeing the implementation of the direction given to individual employees.
  - b. Leading involves:
    - i. Setting direction for individual employees, workgroups, or operations and
    - ii. Championing the success of each employee and workgroup.
2. If a supervisor has supervisory and non-supervisory responsibilities, the supervisor may not ignore or set aside his or her supervisory responsibilities due

to non-supervisory duties. In the event non-supervisory assignments routinely or regularly interfere with supervisory work, a supervisor shall discuss work assignments with his or her supervisor – with the goal of assuring continuous, effective supervision of City work.

### **C. Courtesy and Respect**

All City employees shall display courtesy and respect toward supervisors, co-workers, subordinates and the public in accordance with the City's policy on Courteous and Respectful Behavior (Policies and Procedures, Part 12.III, Grounds for Discipline).

### **D. Employee Privacy**

Supervisors must respect the privacy concerns of the employees they supervise. Supervisors must understand and comply with medical privacy requirements. Supervisors should conduct any necessary counseling of individual employees in a private setting, as appropriate.

### **E. Communication with Employees**

Supervisors shall communicate regularly with their employees regarding the work group operations and individual performance, including specifically the following:

- a. Effectively communicate to employees the goals, mission and objections of the work group, team, division, department, and City;
- b. Effectively communicate with each employee to learn the employee's perspective regarding customer needs and resource requirements;
- c. Effectively communicate with each employee regarding workplace performance and conduct expectations;
- d. Effectively communicate with each employee concerning specific job assignments and tasks, including timelines and job/task objectives;
- e. Effectively recognize employee and work group successes;
- f. Listen to and seriously consider employee suggestions and recommendations.

## **F. City Ordinances, Policies and Procedures**

Supervisors are responsible to obtain a thorough knowledge and understanding of laws and ordinances, City / department policies, procedures, and guidelines applicable to the employees they supervise. Supervisors should request from their Department Heads or Supervisors, and they shall provide, appropriate training, mentors or other resources to give supervisors the opportunity to obtain the level of knowledge and understanding in these areas to perform their supervisory duties effectively.

## **G. Department Processes and Practices**

Department heads shall implement departmental processes or practices addressing supervisory responsibilities consistent with this policy and other applicable statutes, ordinances, policies and procedures. Such processes or practices shall specifically set forth the following:

- a.** Recordkeeping requirements associated with employee supervision within the department, as set forth more specifically in Section I, below;
- b.** Chain-of-command/supervisory span of control within each department to avoid multiple supervisors directing the same employee at the same time and processes for an employee to raise and resolve conflicting direction;
- c.** Processes to ensure constant vigilance regarding workplace safety, and reporting of concerns to designated and appropriate staff;
- d.** Processes to ensure the immediate reporting of workplace harassment or discrimination complaints, as required by City policy;
- e.** Processes to facilitate the immediate resolution of workplace disruptions.

## **H. Education and Training of Employees**

- 1.** Supervisors shall ensure new employees and incumbent employees receive initial and continuing education and training regarding:
  - a.** The skills associated with an employee's assigned duties; and
  - b.** Applicable City ordinances, policies, procedures, guidelines, and departmental policies, procedures, practices and processes.
- 2.** Supervisors shall support each employee in his or her career development, as appropriate.

## **I. Records**

1. Department Heads shall implement department practices and processes for supervisors to follow concerning the creation and maintenance of accurate records of the following:
  - a. Training and education of employees;
  - b. Employee recognition;
  - c. Specific job or task direction given to an employee or workgroup;
  - d. Employee suggestions, customer service recommendations;
  - e. Resources support requests (such as funds, training, materials, personnel) from employees;
  - f. Supervisor job performance evaluations;
  - g. Non-disciplinary and disciplinary intervention records.
2. When created and maintained in a City department, the following employee records shall be forwarded to Human Resources for inclusion in an employee's personnel file:
  - a. Written commendation or recognition;
  - b. Performance or similar evaluations;
  - c. Disciplinary letters issued in accordance with City policies and procedures;
  - d. Records of non-disciplinary intervention shall not be forwarded or maintained in the Human Resources employee personnel files.

## **J. Disciplinary Authority**

The Department Head shall ensure compliance with this policy by all supervisors in their departments and will provide supervisory skill training, as needed. Supervisors who fail to comply with this policy shall be disciplined in accordance with the City's disciplinary guidelines and policies.



## **Part 9 Substance Abuse Policy**

### **I. Basis of the Policy**

West Valley City is committed to protecting the safety, health, and well-being of its employees, and all people who are served by the City, do business with the City, and/or come into contact with the City's employees, workplaces, and property, and/or use its facilities, products, and/or services. The City recognizes that drug and alcohol abuse pose a direct and significant threat to this goal, especially given the safety-sensitive nature of some of our operations and our employees' positions, and to the goal of a productive and efficient working environment in which all of our employees have an opportunity to reach their full potential. The City therefore is committed to ensuring a substance-abuse-free working environment for all of its employees, and underscores that commitment through implementation and enforcement of this Substance-Abuse-Prevention Policy.

### **II. Scope and Applicability**

This Policy applies to all current employees, including all management employees, and all regular full-time, part-time, and temporary employees, and – as appropriate and relevant – to all job applicants.

### **III. Drug and Alcohol Prohibitions**

#### **A. Drug Abuse**

1. West Valley City strictly prohibits the possession, use, sale, attempted sale, purchase, attempted purchase, conveyance, distribution, transfer, dispensation, cultivation, and/or manufacture of illicit drugs or other intoxicants at any time, and in any amount or any manner – as well as the abuse/misuse of alcohol and prescription drugs.
2. “Illicit drugs” includes all drugs, narcotics, and intoxicants for which possession or misuse is illegal under federal law, and includes prescription medications for which the individual does not have a valid prescription. The deliberate use of prescription medications and/or over-the-counter drugs in a manner inconsistent with dosing directions, and in a manner which may result in impairment, is considered illicit drug use. In addition, the use of chemical intoxicants for other than a legitimate and therapeutic purpose is considered illicit drug use

## **B. Alcohol Abuse and Misuse**

1. The City prohibits the use or possession of alcohol while working, present on the City's premises (defined as all buildings, facilities, and property – including parking areas – owned or leased by the City, and all work sites where the City conducts operations), or while representing the City at any time and in any way. "Working" is defined as designated working hours, including all meal and break times, and any time proximate to an individual's designated working hours in which consumption of alcohol could compromise an individual's ability to safely and efficiently perform the responsibilities of his or her position.
2. The City also prohibits the use of alcohol, or the possession of opened containers of alcohol, by employees operating City-provided vehicles, or operating any other vehicle while on City business. Moreover, the use or abuse of alcohol off-the-job which could impair, to any extent, performance on-the-job will be considered a violation of this Policy.

## **C. Use of Prescription Medications**

1. Some prescriptions or over the counter medications can negatively impact an employee's ability to perform job functions. Employees are required to disclose prescription or over the counter medication use to Human Resources if any of the following apply:
  - (a) The employee or employee's physician believe a medication could negatively impact job performance;
  - (b) The Food and Drug Administration has required a "black box" warning for the medication; or
  - (c) The medication label contains a warning that the medication could negatively impact the ability to drive, operate machinery, or perform any similar function.
2. Employees are responsible for carefully reviewing prescription labels and ensuring compliance with this policy.

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## **IV. Discipline**

Any West Valley City employee in violation of this Policy will be subject to disciplinary action, up to and including termination, including for a first offense. In circumstances which warrant it, the City also will notify law enforcement, and will fully cooperate with any resulting investigation and prosecution.

## **V. Employee Assistance**

The City strongly encourages employees who believe that they have a problem with alcohol or drugs – legal or illegal – to seek assistance *before* a violation of this Policy is found. For those employees who self-identify a substance-abuse problem to the City, the use of accrued paid time off *may* be allowed, the employee may be placed on an authorized leave of absence, and sources of help *may* be provided. The employee would be referred for a medical assessment and possible counseling and rehabilitation, and would, if retained, be subject to possible re-testing during and after rehabilitation, and would – at the City’s sole discretion – be subject to continued employment provided the employee completed all prescribed treatments, passes all required drug testing, and fully cooperates in the counseling and rehabilitation program at all times.

## **VI. Drug and Alcohol Testing**

### **D. Job Applicants**

1. All job applicants must take and pass a mandatory drug test as soon as practical and as directed by the City following their acceptance of a conditional offer of employment, and prior to the actual time they commence employment with the City.
2. A confirmed positive test will result in the withdrawal of an offer of employment. A job applicant’s refusal to submit to testing; failure to fully cooperate in the testing process; attempt to tamper with, substitute for, adulterate, dilute, or otherwise falsify a test sample; and/or any other conduct which would intentionally prevent or compromise a valid test result will be considered a withdrawal from the application process and will result in denial of employment.

### **E. Employees**

1. Employees may be subject to drug and/or alcohol testing as a condition of continued employment, as directed by the City at its sole discretion. This includes, but is not limited to, drug and/or alcohol testing:
  - a. on a for-cause basis;
  - b. as part of a post-incident investigation;
  - c. during and post-rehabilitation, including return-to-duty testing;
  - d. neutral, random-selection basis; and/or
  - e. as otherwise deemed necessary and appropriate by the City, at its sole discretion.

2. An Employee's refusal to submit to testing; failure to fully cooperate in the testing process; attempt to tamper with, substitute for, adulterate, dilute, or otherwise falsify a test sample; and/or any other conduct which would intentionally prevent or compromise a valid test result will be considered insubordination and will result in termination of employment.

## **VII. Consequences of a Positive Test**

Any employee whose drug or alcohol test is positive will be considered to be in violation of this Policy and will be subject to adverse employment action, up to and including termination of employment.

## **VIII. Searches**

- F. When West Valley City has probable cause to believe that an employee is violating any aspect of this Policy, he or she may be asked by the City to submit immediately to a search or inspection. Such a search or inspection can be required at any time (including during breaks and meal periods) while on City premises, representing the City, *or* at worksites where the City conducts operations.
- G. This includes a search of an employee's person and/or the requirement that the employee make his or her desk, work station, storage locker, briefcase, purse, pockets, wallet, personal belongings, vehicles, accommodations, and/or any other property that he or she uses, has access to, and/or has control of, available for inspection.
- H. Any property provided by the City, or its customers, to an employee is provided with only a temporary license of use and/or access, and then only relative to the appropriate performance of the employee's work responsibilities. Such license is specifically subject to the condition that the employee must, on request, grant access to the property for inspection and search. The City reserves and retains the right to remove any lock or other device securing the property, as necessary and/or appropriate.
- I. Entry on to the City's premises or worksites constitutes a consent to searches and inspections.
- J. An employee's refusal to consent to a search or inspection when requested by West Valley City constitutes a violation of this Policy and – as with other violations of this Policy – is grounds for adverse employment action, up to and including termination of employment.

## **IX. General Responsibility**

Substance-abuse prevention is everyone's responsibility. West Valley City expects all of its employees to recognize and accept this responsibility, and to do their part in assuring that – working together – we can achieve and maintain a substance-abuse-free working environment for all West Valley City employees and better and more safely serve the citizens of our city



## Part 10 Employee Leaves

### I. Attendance and Punctuality

- A. We recognize the need for employees to be absent from work due to illness or the need to take care of personal business during the normal workday. We instituted paid time off (PTO) to provide for these needs as they arose. Employees also may qualify for a leave of absence for their own major illness, the major illness of a family member, the birth or adoption of a child, workers' compensation injury, or military and/or National Guard duty. Having provided for these situations, it is important to remember that excessive absenteeism, tardiness, and/or leaving early causes the burden of filling in for the absent employee to fall on other employees within the organization. It is a requirement of each job that an employee report to work punctually and work all scheduled work hours as well as any required overtime.
- B. The Human Resources Office is assigned to assist the employee in applying for benefits which allow an employee to be off work with or without accrued leave. Employees who are not on an approved leave of absence and are absent from work without sufficient PTO to cover that absence may under special circumstances be excused from work.
- C. An employee who is going to be absent, tardy, or leave early from work is responsible for notifying his/her supervisor as soon as possible, regardless of whether the employee has sufficient leave to cover the absence. An employee who is absent and fails to notify his/her supervisor will be subject to corrective action for failure to notify. An employee who has been absent three consecutive days without calling to speak with his/her supervisor will be considered to have voluntarily resigned.
- D. Occasionally, nonexempt employees may be permitted to make up missed time with the prior approval of their supervisor. The supervisor will determine the exact amount of time the employee will be allowed to make up in a workweek. Each supervisor must be consistent in allowing employees to make up time within the department.

### II. ADA Reasonable Accommodation

- A. West Valley City is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA). It is West Valley City's policy to provide reasonable accommodation to individuals with disabilities who are qualified for the job in question unless the accommodation would impose an undue hardship on the organization. West Valley City prohibits any harassment of, or

discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

**B.** In accordance with the ADA as amended, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

**C.** Disability

“Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A “qualified person with a disability” means an individual with a disability who has the requisite skills, experience, and education for the job in question and who can perform the essential functions of the job with or without reasonable accommodation.

**D.** Reasonable Accommodation

- 1.** West Valley City will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. An employee with a disability is responsible for requesting an accommodation from the Human Resources department, or his or her supervisor, and engaging in an informal process to clarify what the employee needs and to identify possible accommodations. If requested, the employee is responsible for providing medical documentation regarding the disability.
- 2.** Based on this interactive process, a reasonable accommodation will be selected that is appropriate for both West Valley City and the individual employee. West Valley City is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.
- 3.** A request for reasonable accommodation may be denied if it would create an undue hardship for the City. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the organization’s overall financial resources, the financial resources of the particular Department at which the accommodation is to be made, the number of employees in the department and the City and the type of operation.

**E.** Safety

All employees are expected to comply with all safety procedures. West Valley City will not place qualified individuals with disabilities in positions in which



they will pose a direct threat to the health or safety of others or themselves. A “direct threat” means a significant risk to the health or safety of one’s self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat typically will be made by the Human Resources department and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that he or she may submit additional information and/or challenge the determination that he or she poses a direct threat.

#### **F. Confidentiality**

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

#### **G. Complaint Procedure**

It is the policy of West Valley City to prohibit any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment or has witnessed such treatment, the situation should be reported using the harassment complaint procedure. West Valley City prohibits retaliation against an employee for exercising his or her rights under the ADA or applicable state fair employment laws. Any employee found to have engaged in retaliation against an employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an employee feels he or she has been retaliated against, the situation should be reported using the harassment complaint procedure.

### **III. Leaves With Pay**

**A.** The following are the qualifications for leaves with pay:

- 1.** An employee must be approved for any leave with pay.
- 2.** Employees are responsible for notifying their supervisor or other designated person of an unscheduled absence at least one hour before the employee’s scheduled reporting time.

3. Obtaining leave with pay by giving false information, failure to obtain approval, or any other abuse of leave with pay, may result in a loss of benefits and is cause for disciplinary action, up to and including termination of employment.
4. After consultation with Human Resources a department head may require that an employee take a leave with pay if the department reasonably believes that it is in the best interest of the employee or the department.

#### **IV. Leaves Without Pay**

**A.** The following are the qualifications for leaves without pay:

1. An employee must be approved for any leave without pay.
2. Under special circumstances employees may find it necessary to request leave without pay for a reason other than family or medical leave. These circumstances may include, but are not limited to, extended funeral leave and political leave.
3. Department heads consider individual requests for leave without pay in view of urgency, the employee's length of service and the effect the employee's absence will have on the operation of the department. All requests must be in writing and approved by the department head and Human Resource Office before submission to the City Manager for approval.
4. No benefits will be offered during leave without pay. Employees will not be able to accrue benefits, remain in State pension plan, or be able to contribute to defined contribution plan.
5. The City does not grant leaves without pay unless it believes that the employee will return to City employment at the end of the leave. However, the City has the right to fill the vacancy. At the end of the leave the employee may be rehired to his/her former position if available or apply for any open position available. If rehired the employees hire date will be adjusted to reflect the break in service. Failure to return to City employment at the end of the leave is considered abandonment of the position and will result in termination. The City Manager may waive the consideration of abandonment in the event of extenuating circumstances.
6. Employees must exhaust appropriate accumulated leave before using other leaves without pay, excluding military leave, and political leave.

## V. Paid Time Off

### A. Accruals

1. The City credits all PTO leave to the employee's account at the end of each pay period. Employees may not use PTO in the same pay period that it is earned.

2. All full-time, benefited employees earn PTO at the rates indicated below:

0-4 years of service	4 hours per pay period
5-9 years of service	5 hours per pay period
10-14 years of service	6 hours per pay period
15-19 years of service	7 hours per pay period
20+ years of service	8 hours per pay period

3. Part-time, benefited employees accrue PTO in proportion to hours worked but no greater than:

20-29 hours per week	50% of full time accrual
30-39 hours per week	75% of full time accrual

4. Fire Department 24-hour employees accrue PTO leave at the rate indicated below:

0-4 years of service	6 hours per pay period
5-9 years of service	7.5 hours per pay period
10-14 years of service	9 hours per pay period
15-19 years of service	10.5 hours per pay period
20+ years of service	12 hours per pay period

5. Full-time benefited employees, excluding probationary employees, receive an additional 80 hours of paid time off at the beginning of pay period 24. Fire Department 24-hour employees will receive 120 hours of PTO. Part-time benefited employees receive this lump sum of PTO in proportion to hours worked at the rates above.

- a. Upon successful completion of the probation period, benefited employees will receive a pro-rated lump sum hours of PTO based on the number of pay periods remaining through pay period 23.

### B. Using PTO

West Valley City has a system of paid time off which can be used for any purpose.

**C. General principles of scheduled absences:**

1. PTO must be scheduled in advance for time off.
2. PTO is subject to supervisory approval, departmental staffing needs, and established departmental procedures.

**D. General principles of an unscheduled absences:**

1. Unscheduled absences will be monitored for patterns of abuse.
2. If an employee is ill they must report the absence at least one hour prior to the beginning of their shift regardless of the duration of the illness. As per City policy and to determine eligibility for other city benefits, Human Resources may require a physician statement.
3. An employee who is absent because of an illness for three consecutive days is required to present a physician statement to Human Resources when he or she returns to work.
4. If an employee is denied the use of PTO and then calls in sick, Human Resources requires a physician statement in order for the employee to return to work.
5. An absent without just cause may result in discipline up to and including termination of employment.
6. When unable to report to work due to something unexpected an employee must contact his or her supervisor as soon as possible. This is necessary to determine if the employee qualifies for other benefits. The employee must include in their report when he or she expects to return to work.
7. An employee's failure to report to his or her supervisor or provide an acceptable explanation, or doctor's excuse if necessary, may be disciplined up to and including termination of employment.

**E. Maximum PTO Accruals**

1. An employee may carry over up to 320 hours of paid time off (415 Fire 24 hour employee). Any hours over 320 hours (415 Fire Department 24-hour employees) will be forfeited at the end of pay period 23 of each year.

**F. PTO Cash In**

1. PTO Cash In per Fiscal Year Upon City's Approved Budget

2. A full time or part time benefited employee may cash in PTO hours equivalent to one pay period.
3. Employees must cash in at least 20 hours (28 for Fire Department 24-hour employees).
4. In order to cash in paid time off the employee must maintain a minimum accrual of one pay period worth of leave.
5. Employees who are on probation or involved in any current or pending disciplinary action may not participate in the PTO cash in without the City Managers approval.

## **VI. Banked Sick Leave**

### **A. Introduction:**

Banked sick leave is a discretionary benefit, to be used by the employee for any purpose.

### **B. Payout:**

1. An employee who terminates his/her employment for any reason may receive his/her banked sick leave accrual at the time of retirement or termination, based on his/her hourly rate frozen on April 1, 2006.
2. An employee may request through the Human Resource Office his/her banked sick leave to be paid in three annual installments prior to the retirement date. The employee must retire at the end of the three year period but may retire anytime within the three year period. If the employee chooses to retire within the three year period all remaining accrued leave will be paid upon the employee's last day worked. The request is irrevocable.

**C.** An employee that has put in a notice to retire may use banked sick leave to fund the health insurance premiums after retirement.

## **VII. Holidays**

- A.** The following days are defined as legal holidays. On these days, West Valley City offices are closed, except as otherwise provided by law and noted below:
1. New Year's Day – January 1st
  2. Martin Luther King Day – January 15th

3. Presidents Day – Third Monday in February
  4. Memorial Day – Last Monday in May
  5. Independence Day – July 4th
  6. Pioneer Day – July 24th
  7. Labor Day – First Monday in September
  8. Veterans’ Day – November 11th
  9. Thanksgiving Day – Fourth Thursday in November
  10. Christmas Day – December 25th
  11. The day before or the day after Christmas as determined by the City Manager
- B.** Each employee is fronted a total of 110 hours of holiday at the beginning of pay Period 23 of each year. Employees are encouraged not to use their holidays until after the holiday occurs.
1. Part-time benefited employees receive holiday hours in proportion to hours worked.
  2. Fire Department 24-hour employees are entitled to 132 hours of holiday leave.
  3. In the event an employee has been allowed to use holiday hours prior to the holiday, and leaves employment with the City, all hours must be paid back.
- C.** Holiday hours will be considered hours worked for the purpose of overtime as long as the hours are taken on the day the holiday occurs, or on the day the City designates as the holiday.
- D.** Upon approval from a supervisor, employees, who are scheduled to work on a holiday, may be eligible for overtime at a rate of double time and a half taking holiday hours in addition to working over 40 hours.
- E.** Benefited employees are not entitled to holidays with pay, unless compensated for work the day before and after the holiday.
- F.** Holiday hours are forfeited if not used by the end of pay period 22.
- G.** In the event any of the above holidays fall on a Sunday, the following Monday is considered the official holiday. In the event any of the above holidays fall on a Friday or

Saturday, it will be considered a floating holiday and may be scheduled with the supervisor to be taken at a future date.

## **VIII. Family Medical Leave (FMLA)**

### **A. Policy**

1. Under the federal Family & Medical Leave Act of 1993 (FMLA) as amended, West Valley City Employees are eligible for FMLA leave if they:
  - a. Have worked for West Valley City for at least 12 months; and
  - b. Have worked at least 1,250 hours during the 12 calendar months immediately preceding the request for leave;
2. Employees with any questions about their eligibility for FMLA leave should contact Human Resources for more information.

### **B. Basic FMLA Leave**

1. Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any rolling 12-month period for one of the following reasons:
  - a. To care for the employee's son or daughter during the first 12 months following birth;
  - b. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
  - c. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
  - d. For incapacity due to the employee's pregnancy, prenatal medical or child birth; or
  - e. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.
2. In cases where a married couple is employed by West Valley City, the two spouses together may take a combined total of 12 weeks' leave during any 12-month period for reasons a and b, or to care for the same individual pursuant to reason c.

**C. Military Family Leave:** There are two types of Military Family Leave available:

- 1. Qualifying exigency leave:** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee’s spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).
  - a.** For Regular Armed Forces members, “covered active duty or call to covered active duty status” means duty during the deployment of the member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters).
  - b.** For a member of the Reserve components of the Armed Forces (members of the National Guard and Reserves), “covered active duty or call to covered active duty status” means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.
  - c. Qualifying exigencies may include:**
    - i. Short-notice deployment (seven or less calendar days)
    - ii. Attending certain military events and related activities
    - iii. Childcare or school activities
    - iv. Addressing certain financial and legal arrangements
    - v. Periods of rest and recuperation for the military member (up to 15 calendar days of leave, dependent on orders)
    - vi. Attending certain counseling sessions
    - vii. Attending post-deployment activities (available for up to 90 days after the termination of the covered military member’s covered active duty status, and to address issues arising from death of military member)
    - viii. Attending to parental care needs arising from covered active duty or call to duty (arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff)
    - ix. Other activities arising out of the military member’s covered active duty or call to active duty and agreed upon by Human Resources and the employee.



2. **Leave to care for a covered servicemember:** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military servicemember or veteran recovering from a serious injury or illness, as defined by FMLA's regulations.
  - a. **For a current member of the Armed Forces**, including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.
  - b. **For a covered veteran**, he or she must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.
  - c. An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period may extend beyond the five-year period.

#### **D. 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. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both Human Resources and the employee agree to such intermittent leave.

#### **E. Pay During FMLA Leave**

1. FMLA is usually unpaid, but eligible employees must use earned but unused PTO, banked sick leave, and floating holidays. Employees who qualify for Short Term Disability Leave [STD], will receive pay in accordance with the terms of the plan.

Employees who qualify for Workers' Compensation benefits will receive pay continuation according the requirements of state law. The Human Resource Office will provide the employee with a written explanation of the status of their pay and benefits at the start of the leave.

2. An employee on FMLA will be paid for the holiday (if available) while on leave.
3. FMLA is normally considered an unpaid leave. The intent of the regulation is to replace unpaid FMLA with paid FMLA in order to not delay the onset of FMLA. Since the City mandates the use of PTO, banked sick leave, Short Term Disability Leave and other accrued leave which may or will become available, FMLA will be taken concurrently with accrued leaves of pay. The only exception is if comp time is paid in lieu of overtime. The City will not force an employee to use comp time during FMLA.

#### **F. Medical and other benefits**

1. During an approved family medical leave, the City will maintain the employee's health benefits as if the employee continued to be actively employed. The City will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion.
2. An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the City for the cost of the premiums paid by the City for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

#### **G. Employee Responsibilities When Requesting FMLA Leave**

1. If the need to use FMLA leave is foreseeable, the employee must give the City at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.
2. Whenever possible, requests for FMLA leave should be submitted to Human Resources using the request form provided.

3. If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her direct supervisor and provide sufficient information regarding the need for leave to support a request for FMLA leave. It generally should be practicable for the employee to provide notice of leave within one business day.
4. When submitting a request for leave, the employee must provide sufficient information for the City to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. *Calling in "sick" is not sufficient.* Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave.
5. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.
6. West Valley City may "dock" the salary of exempt employees who work partial days due to intermittent or reduced schedule leave without negating exempt status under the FLSA.

**H. Return to Work:**

The employee must notify HR of their intent to return to work two weeks prior to the anticipated date of return, or of any medically necessary changes in the date of return. If the leave was due to the employee's own serious health condition, West Valley City may require a "fitness for duty" certification from the health care provider, verifying the employee's ability to return to work, with or without restrictions. If the employee returns to work on or before the expiration of available FMLA, the employee will normally be returned to his/her former position or equivalent. If, however, the employee does not return prior to the expiration of FMLA, there is no guarantee of reinstatement. An absence for FMLA is not an occurrence for purposes of our attendance policy. If an employee is medically released to return to work and fails to either report to work or call in with a satisfactory explanation, the City will treat this as a voluntary resignation.

## **IX. Short Term Disability Leave (STDL)**

- A. STDL:** West Valley City provides benefited employees with a self-funded plan for income replacement for employees unable to work as a result of their own serious health condition.
- B. Benefit Period:** STDL benefits are payable for up to 120 days, including weekends, within a 52 rolling week period regardless of the number of actual hours paid under the plan. The 120 days does not include the waiting period.

### **Eligibility:**

West Valley City Benefited Employees are eligible for STDL if they:

- a.** Have worked for West Valley City for at least 12 months; and
- b.** Have worked at least 1,250 hours during the 12 calendar months immediately preceding the request for leave;
- c.** The employee must be under the continuous care of a doctor and be receiving treatment for the medical condition causing the disability.
- d.** At any time during the disability the City, at its sole discretion, may designate a doctor, or other health professional, or vocational rehabilitation counselor to either examine or conduct a personal interview to assist in determining the validity of the claim.
- e.** Failure to cooperate in this examination, interview or rehabilitation assessment will result in immediate loss of benefits and/or disciplinary action up to including termination of employment.
- f.** Employees with any questions about their eligibility for STDL should contact Human Resources for more information.
- g.** An employee is no longer eligible for STDL benefits if they work for compensation or profit (Outside of their position with the City) any time during STDL, except when approved by Human Resources.
- h.** Disabilities arising from pregnancy, childbirth, or complications arising there from, shall be treated the same as any other health condition which prevents an employee from working.
- i.** Benefits will not be payable for an injury or sickness due to war or any act of war, or service in the armed forces of any country or international authority.
- j.** Benefits will not be payable for any intentional self-inflicted injury.

- k. Benefits will not be payable as the result of participation in the commission of a criminal act.

**C. STDL Compensation:** Eligible employees are paid a 60% benefit for any time off work due to their own serious health condition.

**D. Waiting Period:**

1. Before short term disability benefits are payable an eligible employee must complete a waiting period equivalent to the hours in one full pay period. Any accrued leave must be used, if available, to fulfill the waiting period. If an employee has no accrued leave then the waiting period will be unpaid as long as they are under a physician's care.
2. The waiting period begins on the employee's first scheduled shift missed. Each separate illness requires the completion of an additional waiting period. However, if the employee provides a physician statement indicating that a prior absence within the previous 60 days was related to the current disability, then no additional waiting period is required.

**E. Banked Sick Leave and STDL run concurrently.** Employees who have accrued banked sick leave are not eligible for the 60% benefit STDL provides until all banked sick leave has been exhausted. After banked sick leave is exhausted the employee may be eligible for STDL benefits as long as the combination of banked sick leave used and STDL benefits did not exceed 120 days in a rolling 12 month period.

**F. Accrued time and STDL:** Accrued time must be used in conjunction with STDL when available.

**G. Family Medical Leave and STDL:** STDL and FMLA will run concurrently for an employee's own serious health condition.

**H. Intermittent Leave and STDL:**

1. If the physician determines that the nature of your disability will allow you to work intermittently, you may still be eligible for Short Term Disability Leave. However, since the STDL benefit is payable for 120 days, regardless of the number of hours worked during your regular scheduled shift, a full day will be deducted from the STDL 120 day benefit.
2. West Valley City may "dock" the salary of exempt employees who work partial days due to intermittent or reduced schedule leave without negating exempt status under the FLSA.

- I. Maternity Leave and STDL:** Pregnancy is treated as any other illness for the purpose of STDL eligibility. The employee must be under the continuous care of a physician and must have a release from her physician in order to return to work.
- J. Overtime/Holiday and STDL:** At no time can an employee on STDL receive more than 40 hours of pay per week. STDL is not counted as hours worked for the purpose of overtime calculation. Holiday hours are automatically used in lieu of STDL benefits even if the employee would have normally been scheduled to work the holiday. If the employee has used the holiday hours in advance, the employee must use any other available leave. Floating holidays, if available, may be used in conjunction with STDL.
- K. Employment Status while on STDL:** Employees are considered actively employed while receiving STDL benefits. Service credits with the Utah State Retirement Systems will continue to accrue and contributions will continue. The employee will be responsible to pay the employee portion of the medical and dental premium if the employee is enrolled in those benefits. The City will continue to pay the City portion of those benefits.
- L. Termination of Benefits:** STDL benefits may be terminated for any of the following reasons including but not limited to:
1. Failure to appear for a physical examination upon the request of the City
  2. Failure to be evaluated for a fitness for duty examination.
  3. Failure to return to work on the day designated by the physician.
  4. Failure to provide proper physician statements explaining the employee's injury or illness as requested by the City.
  5. Leaving the State or Country for any reasons other than for prescribed medical treatment.
- M. Termination of Employment:** An employee who exhausts all STDL benefits, and all accrued leave may be terminated from employment with the City.
- N. Subrogation:** The amount of benefit an employee receives under the STDL plan is coordinated with other benefits that may be available. This means that any payments received from Workers' Compensation, State Disability, Motor Vehicle insurance programs, FMLA or primary Social Security disability will reduce the benefits payable under the plan.
- O. Recertification:** The City may require STD recertification every 2 weeks if needed.

## **X. Temporary Modified Duty**

### **A. Introduction:**

1. West Valley City is committed to providing work, when possible, for employees who have been restricted by a physician [or a health care provider due to a work-related injury or illness, including pregnancy]. Such work will be provided subject to availability. Work will be assigned according to the nature of the injury or illness and the limitations set forth by the treating physician [or health care provider]. Every effort will be made to place employees in positions within their own departments. If necessary, an employee will be placed wherever an appropriate position is available.
2. While on temporary modified duty, employees will continue to receive their regular rate of pay. Employees who are placed outside their department will continue to have their salary charged to their regular department. Employees who have a work-related injury must follow the procedures outlined in Part 11 of this manual.
3. Employees who are ill and have physical limitations that prohibit them from performing the functions of their regularly assigned position, shall notify, their Supervisor and Human Resources. Notification means the employee must submit a Medical Release signed by their medical care provider that verifies the employee is ill and identifies any physical restrictions to apply during the temporary modified duty assignment and states how long the restrictions apply. An employee is not required to accept a temporary modified duty assignment.
4. Employees on temporary modified duty must furnish a written update of their medical condition to the Human Resources Office, after each visit in order to remain in the reassigned job. Temporary modified-duty assignments are limited to a period of 90 days, (except in the case of pregnancy as stated below) but are subject to review. Being placed on a temporary modified-duty assignment does not excuse an employee from following all rules and regulations.
5. In order to return to her regularly assigned job duties an employee must submit a Medical Release, signed by the employee's physician, indicating the employee is released to full duty, with no restrictions. Upon an employee's request to return to a full duty assignment with a signed Medical Release, Human Resources will reinstate the employee to her regularly assigned position.

6. To comply with the Pregnancy Discrimination Act, West Valley City treats pregnant workers the same as it treats workers who are not pregnant but who are similar in their ability or inability to work. When temporary modified duty is offered to pregnant employees it is under the same terms and conditions that it offers temporary modified duty to other workers. Pay and benefits will not be reduced upon an employee's acceptance of temporary modified duty.

**B. Reporting and Processing Pregnancy/Maternity Leave**

1. If an employee becomes pregnant and she has physical limitations that prohibit her from performing the functions of her regularly assigned position, she shall notify, or cause to be notified, her Supervisor and Human Resources.
2. To notify the Supervisor and Human Resources, the employee must submit a Medical Release-Pregnancy Form signed by her medical care provider that verifies the employee is pregnant, identifies any physical restrictions to apply during the temporary modified duty assignment and states how long the restrictions apply.
3. The employee is responsible, with the advice of her medical care provider, to determine how long she will continue working in her regularly assigned position. An employee is not required to accept a temporary modified duty assignment. The employee may request temporary modified duty any time during her pregnancy pursuant to the advice of her medical care provider.

**C. Pregnancy/Maternity Leave Procedure**

1. Once the Supervisor and Human Resources has knowledge the employee is pregnant and the employee has requested temporary modified duty, she will be eligible for consideration for a temporary modified duty assignment. West Valley City is under no obligation to create or design a job or assignment specifically for such temporary modified duty, but will allow a pregnant employee who cannot perform the physical duties of her assigned position to fill a temporary modified duty position to the extent one is available. Temporary modified duty assignments may be either in the employee's own department or elsewhere in the City, depending on availability. The temporary modified duty assignment shall comply with the physical restrictions imposed by the employee's medical care provider.
2. The employee can remain in a temporary modified duty position until she is physically unable to perform her temporary modified duty assignment or she can return to her regularly assigned position as certified by her medical care provider.



Temporary modified duty assignments are indeed temporary and are intended to last only for the duration of the pregnancy and only to the extent there are physical limitations due to the pregnancy that would cause the employee to be unable to continue working in her regular assignment.

**D. FMLA, STDL and PTO Leave:**

1. Once the employee is unable to perform her temporary modified duty assignment, she may be granted leave in accordance with the procedures set forth in the City's FMLA/STDL policy. Nothing herein shall be construed to limit an employee's use of FMLA leave at any time of the pregnancy pursuant to the City's FMLA policy.
2. PTO leave will be recognized as part of this policy where applicable.
3. Certain pregnancy related conditions may qualify an employee to receive reasonable accommodations under the ADAAA.

**E. Training**

While on temporary modified duty status, the employee will participate in department-level training classes that other employees are undergoing, as long as the training classes do not pose any risk to the employee.

**F. Return to Regular Assignment**

1. In order to return to her regularly assigned job duties an employee must submit a Medical Release, signed by the employee's physician, indicating the employee is released to full duty, with no restrictions.
2. Upon an employee's request to return to a full duty assignment with a signed Medical Release, Human Resources will reinstate the employee to her regularly assigned position.

**G. Long Term Disability**

1. Long Term Disability benefits provide an income of at least 60 % of salary. The LTD carrier has the responsibility to determine the amount of benefit after reviewing the physician, employer and employee statements. There is a maximum benefit payable under the plan. A full summary plan description of the plan is available in the Human Resource Office.
2. Once eligible for LTD the employee is no longer actively employed by the City and shall be terminated.

3. Employees must pay the premium for LTD insurance as a result, when the benefit is payable it is nontaxable income.
4. An employee must satisfy a 120 day waiting period for each illness and make application for benefits and be approved. All LTD benefits are paid by the LTD carrier.

## **XI. Military Leave**

- A. The City complies with all Federal USERRA guidelines. Full-time employees who are members of the National Guard or any reserve branch of the United States Armed Forces, or who are serving in a training capacity or are deployed under official military orders are entitled to annual paid leave not to exceed 110 hours per calendar year. All requests for military leave must be coordinated with and approved by the Human Resources Office.
- B. Fire Department 24-hour employees are entitled a paid military leave not to exceed 132 hours per calendar year.

## **XII. Funeral/Bereavement Leave**

- A. Employees will be given up to three days of leave for the death of an immediate family.
  1. For Fire Department 24-hour employees, one day of leave is equivalent to 12 hours.
- B. “Immediate family” includes husband, wife, father, mother, brother, sister, child, grandfather, grandmother, and all “in-laws.” The Department Head may extend the definition of “immediate family” on a case by case basis.

## **XIII. Jury Duty**

- A. The City recognizes the duty of every City employee, as a citizen of the United States, to perform jury duty and serve as a witness in court on behalf of another party. The City pays an employee’s full salary when the employee is absent during a regularly scheduled shift due to having to perform jury duty or serve as a witness in court on behalf of another party, but requires the employee to remit any jury or witness fee(s) received to the City.
- B. When possible, the City expects employees performing jury duty or serving as a witness in court during a regularly scheduled shift to report for work before and after their court appearance.

- C. This policy does not apply if an employee is required to appear in court in the employee's own behalf (e.g., paying a fine, as party to a lawsuit, etc.) or compensated as an expert witness. In such cases, the employee must take paid leave.

#### **XIV. Lunch and Break Periods**

While law does not require lunch and break periods, they may be determined on a departmental basis. Employees who abuse lunch and rest periods, may be disciplined up to and including termination of employment.

#### **XV. Political Leave**

- A. City employees may not engage in the distribution or publication of materials approving or favoring candidates for nomination or election to public office during work or office hours or in any public building. Employees may not engage in furthering the interest of candidates for public office during work or office hours through the publication or editing of newspaper articles or other media announcements, or engage in the solicitation of money for the purpose of aiding or defeating the election of any candidate for any public office. Employees may not use their office or position for the political enhancement of any individual group.
- B. Employees may not become candidates for general election to the office of West Valley City Mayor or City Council member, unless the employee takes a leave according to these policies and procedures or resigns from City employment effective the day after the primary election.
- C. Nothing contained in this policy shall be construed as interfering with the right of employees to become members of political clubs or organizations, attend political meetings, express opinions on all political subjects, enjoy freedom from interference in voting, or contribute freely to political causes.
- D. While in City uniform, employees may not wear campaign buttons, signs, or articles of clothing, or otherwise actively or passively campaign for candidates for political office.
- E. The following policies apply for political leave:
  - 1. **City Elections:** An employee who becomes a candidate in the general municipal election for office of West Valley City Mayor or City Council member must take leave without pay the day following the primary election. If elected, the employee must resign from City employment.
  - 2. **Non-Conflicting Office:** An employee who enters an election for a non-conflicting elective office may take a leave without pay during the campaign and, if elected,

for the duration of the office. If an employee elects to take a leave of absence for the duration of the office, all accrued time must be paid out prior to the leave and will not continue to accrue while on leave. The employee may, at the City Manager's discretion, return to City employment in a comparable position upon completion or termination of all political duties. "Non-conflicting" means that no conflict exists between the duties of the office sought and the duties of City employment.

3. **Conflicting Office:** An employee who enters an election for a conflicting office may take a leave without pay during the campaign period. If elected the employee must resign from either position. "Conflicting" means that a conflict exists between the duties of the office and the duties of City employment.

## **XVI. Administrative Leave**

- A. Administrative leave is mandatory paid leave. Administrative leave is not discipline and shall not be construed to be discipline. Administrative leave may be ordered for any of the following reasons:
  1. To investigate potential grounds for discipline;
  2. To comply with appropriate critical incident protocol or similar requirements; or
  3. To meet the department's operational needs.
- B. In order to place an employee on administrative leave or terminate administrative leave, the department head shall notify the employee, Human Resources, and the City Attorney's Office. Administrative leave is assigned and terminated at the sole discretion of the department head, their designee, or the Human Resources Division. There is no minimum or maximum length of administrative leave. No advance notice is required to assign or terminate administrative leave. A failure to return to work as directed upon the termination of administrative leave shall constitute an abandonment of the employee's position.

**Amended 05/25/2021 EO 21-151**

## Part 11 Work Related Injury and/or Illness

### I. Workers' Compensation Program Overview

- A. City employees injured during the performance of their job duties are covered by the City's Workers' Compensation program (the program), as provided by state law. The program is overseen by the Human Resources Office. Claims administration is provided by an outside third party administrator, The Workers Compensation Fund ("WCF").
- B. Designated Medical Care Provider: Intermountain Healthcare ("WorkMed") is the medical care provider ("Medical Provider") designated for work related injuries or illnesses. Except in the case of life or limb threatening injuries, the City does not pay other Medical Providers or facilities for the treatment of industrial injuries, unless WorkMed refers the employee and the referral is approved by WCF prior to the treatment.

### II. Treating an Injury

When injured, an employee shall immediately obtain necessary treatment from WorkMed. If the condition is life threatening the employee should seek medical treatment from the nearest emergency medical facility or call 911. Life threatening conditions may include unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to WorkMed for follow-up treatment. It is the responsibility of the employee to advise the emergency Medical Provider that the City will not be financially responsible for any follow-up treatment by such an emergency Medical Provider or by providers referred by the emergency Medical Provider, unless the follow-up treatment or referral has been approved by WorkMed and by WCF.

### III. Reporting an Injury

Immediately following any injury, however minor, or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor and to Human Resources either by telephone or email and by electronic notification using the City's Intranet reporting forms. The report to Human Resource shall be made **no later than 24 hours** following the occurrence of the injury. A claim is not deemed reported unless the employee notifies their supervisor and Human Resources. The employee is responsible to follow up with WCF and speak to a claims adjuster to assure that all details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall

assure that the required reporting is completed. **In all cases the ultimate responsibility for properly reporting a work related injury is that of the injured employee. Failure to properly and timely report an injury may result in the delay or denial of benefits, or in disciplinary action.** The employee's supervisor shall notify the Worker's Compensation specialist in HR of the injury within 24 hours of the supervisor receiving notice of the injury.

#### **IV. Return to Work**

- A.** Immediately following initial treatment for a work related injury the employee shall return to work for regular full duty ("Full Duty") unless directed otherwise by the treating authorized Medical Provider. The employee shall obtain a written return to work release ("Work Release") from the Medical Provider and shall report to the Human Resource Office before returning to the employee's regular place of work. The employee's supervisor shall verify that the employee has reported to the Human Resource Office before allowing the employee to return to the work site.
- B.** If an employee is directed by the authorized Medical Provider to not return immediately to full duty, the employee shall immediately provide the Human Resource Office with a Physician's note that states:
  - 1. The Medical Provider has directed the employee to not return to full duty.
  - 2. The reasons for such direction and the prognosis of the injury.
  - 3. The expected date and time the employee will be released by the Medical Provider to Transitional Duty and ultimately Full Duty.
  - 4. The work restrictions the Medical Provider has placed on the employee.

#### **V. Mandatory Transitional Duty**

- A.** West Valley City Has an Aggressive Return to Work Policy.
- B.** Transitional Duty is mandatory on the part of the employee and where practicable will be made available to all injured employees who, based on the authorized Medical Provider's opinion, are unable to return to Full Duty immediately following an injury. An injured employee shall be required to return to Transitional Duty immediately upon release to do so by the Medical Provider.
- C.** The Following are the Responsibility of the Injured Employee:

1. Notify all Medical Providers or specialists who provide treatment for the work related injury that Transitional Duty for the employee is available and that Transitional Duty is mandatory.
2. Provide a complete and accurate description of the employee's job description and regular work tasks to the Medical Provider or specialist to enable such provider or specialist to determine whether the employee will return to Full Duty or to Transitional Duty.
3. Assure that if return to Full Duty immediately following the work related injury is not approved by the Medical Provider, that written work restrictions ("Work Restrictions") are prepared by the Medical Provider in consultation with the employee and the City, and that such restrictions are provided to the Human Resource Office and to WCF at such time as the employee reports to the Human Resource Office for work.
4. Upon release to work by the Medical Provider for either Transitional Duty or for Full Duty, the employee shall immediately report to the Human Resource Office with a Work Release and any Written Restrictions from the Medical Provider. **The employee shall not return to the work site prior to reporting in person to the Human Resource Office.** The employee's supervisor shall verify that the employee has reported to the Human Resource Office and notified WCF. Supervisor shall confirm any work restrictions placed on the employee with the Human Resource Office and shall review any work restrictions with the employee before allowing the employee to return to the work site.

## **VI. Transitional Duty Assignments**

The Human Resource Office and the Department, for whom the employee works, shall determine the Transitional Duty in which the employee shall be required to participate until the employee is released to Full Duty, in writing by the authorized Medical Provider.

## **VII. Workers' Compensation Wage Replacement ("Indemnity Benefits")**

If an industrial injury or illness causes total temporary disability (i.e., the employee cannot perform any work tasks for the City) as verified by the authorized Medical Provider, the employee receives weekly wage replacement ("Indemnity Benefits") equal to 66 2/3% of the employee's weekly wages at the time of the injury, up to a maximum of the state weekly average, adjusted for eligible dependents. Holidays occurring during total temporary disability are taken in lieu of Indemnity Benefits. The Indemnity Benefit continues until the employee is released by the Medical Care Provider to Transitional, Full Duty or when the employee has reached Maximum Medical Improvement.

## VIII. Waiting Period

- A. An injured employee does not receive Indemnity Benefits for the first three days after the injury occurs, unless the period of total temporary disability lasts more than 14 days.
- B. Employees must supplement Indemnity Benefits on a taxable basis, up to 100% of employee's regular wages. No employee may receive more than the equivalent of 100% of his or her regular wages, adjusted for taxes and deductions. Supplemental compensation may be generated by using any available leave.
- C. Employees who return to work in a full-time modified duty capacity receive 100% of their wages and benefits.

## IX. Failure to Follow Applicable Law, Policies and Procedures

Failure by an employee to follow procedures for reporting and processing workers' compensation claims as required by state law and the Utah Labor Commission may result in the denial of a claim and/or in the loss of benefits by the employee. **Failure by an employee to follow program reporting policies, Transitional duty requirements, or any other law, policy or procedure related to the program shall result in employee disciplinary action up to and including termination of employment.** Employees are strongly encouraged to contact the Human Resource Office if questions should arise regarding the reporting, treatment, or processing of workers' compensation claims.

## X. Sports Play While on Duty

- A. Certain sports play while on duty are prohibited due to a high number of injuries, which result from such activity.
- B. Activities specifically prohibited include;
  - 1. Basketball,
  - 2. Football,
  - 3. One on one physical sporting activities, and
  - 4. Other team sport activities.
- C. Activities that are permitted include;
  - 1. Volleyball,
  - 2. Racquetball,
  - 3. Walleyball,
  - 4. Aerobic Exercise,
  - 5. Weight Training, and
  - 6. Individual exercise performed on stationary equipment.



## Part 12 Employee Discipline

### I. Definitions

For purposes of Part 12 of the West Valley City Policies and Procedures, this policy, the following definitions apply:

1. “City Manager” may include the Acting City Manager or the City Manager’s designate.
2. “Department Head” may include an Acting Department Head or the Department Head’s designate.
3. “Division Heads” may include the head of a municipal division including assistant and deputy chiefs for both police and fire departments.
4. “First Line Supervisors” may include sergeants, lieutenants, battalion chiefs, fire captains, or any other employee who supervises employees by the authority granted by a department head.

Amended 05/25/2021 EO 21-151

### II. Responsibility and Authority for Discipline

Responsibility for discipline is vested in the Department Head under the direction of the City Manager. In cases where the Department Head does not or cannot exercise disciplinary responsibility, the City Manager or designee, may investigate and take appropriate action.

Amended 05/25/2021 EO 21-151

### III. Grounds for Discipline

Misconduct may include, but is not limited to:

1. Violation of the laws of the United States or the State of Utah or ordinances of the City.
2. Conduct on or off the job that discredits the City or affects the employee’s ability to perform effectively, such as the commission of an act or acts offensive to public morals or decency.

3. The commission of any act, alone or with others, for the purpose of causing any employee to be either unfairly or dishonestly affected.
4. Violation of the policies of the City, including the policies contained in this handbook and Executive Orders, or failure to properly observe the rules and regulations of the City, department, or division.
5. A poor driving record in situations where driving is a required job duty.
6. Using official authority to influence or coerce any political action.
7. Dishonesty in word or conduct.
8. Unauthorized use or abuse of City vehicles, equipment, or property.
9. Involvement of the City with the employee's creditors due to the employee's failure to properly arrange personal financial matters, except that the City will not terminate an employee for garnishment arising out of any one indebtedness.
10. Habitual neglect of personal appearance and hygiene while on duty.
11. Insubordination.
12. Incompetence, which may include, but is not limited to:
  - a. Failure to meet departmental performance expectations.
  - b. Inability to perform the essential functions of the position, with or without reasonable accommodation.
13. Failure to perform duty. The following shall be grounds for the charge of failure in the performance of duty:
  - a. Failure to perform those duties required by law.
  - b. Neglect or refusal to perform a duty or responsibility.
  - c. Conduct subversive of good order and the discipline of the department where employed.
  - d. Failure to be courteous or cooperative with the public or fellow employees.
14. Violations of the Leave Policy.
15. Failure to report being charged with a class C misdemeanor or above to the Human Resources Office.

#### **IV. Forms of Discipline**

- A.** Discipline may take the form of verbal warning, written reprimand, suspension, demotion, and/or termination. There is no obligation to impose lesser discipline when greater discipline is warranted.
- B.** Department Heads or supervisors may take formal disciplinary action after consultation with the Human Resource Office or the City Attorney's Office.
- C.** Uniform Penalties. Within a department, like discipline is given for like offenses among employees of similar classification or position.
- D.** Form of Disciplinary Order. Any disciplinary order must be presented to the employee on the appropriate form provided by the Human Resource Office.

#### **V. Service of Disciplinary Order**

**A formal discipline order may be served in any of the following:**

- 1. By personal service of the order upon the employee being disciplined;
- 2. By leaving the order at the employee's residence with a person of suitable age and judgment;
- 3. By certified letter to the address of the employee that is on file with the City; or
- 4. By email to the employee's City email address.

#### **VI. Disciplinary Appeal Procedures**

Employee appeals are governed by West Valley [City Municipal Code Title 3, Chapter 11](#), et. seq. as amended.

#### **VII. Reduction in Force (RIF)**

- A.** On occasion, City Departments may be forced to reduce staff. If a reduction in staff is deemed necessary, the City Manager in consultation with the Human Resource Director and the City Attorney, documents the financial reasons and process for restructuring.
- B.** As a general rule, the City will reduce temporary, part-time employees, and employees in their probation period within the Department(s) effected before it reduces Full Time employees.
- C.** In selecting the employees who will be affected through a reduction in force the City may:

- 1.** Identify jobs which are least critical to the affected Department(s) and select the number of positions to be eliminated.
  - 2.** Employee's competencies, skills, responsibilities, experience, leadership, education, training, personal commitment, and seniority will be used to determine which employees will be affected by the reduction in force.
- D.** Affected employees are encouraged to seek other positions in the City if available. Employees offered positions elsewhere in the City will not be eligible for any severance payments that may be offered to affected employees.

## Part 13 Risk Management and Safety

### Risk Management Philosophy

- A. Risk Management is the process of reducing the likelihood of an undesired event, and specifically, reducing the likelihood of insuring liability or loss in municipal operations through planning, analysis, documentation and review.
- B. The foremost tenet of Risk Management is safety. Consistent and effective safety practices shall be implemented in all municipal operations to protect employees and the public.
- C. Second to safety in Risk Management is documentation. Incident and/or accident documentation, contract execution and administration, and training records and review are critical and shall be created and maintained accordingly.
- D. Each department Head, in consultation with the Risk Management Division of the City Attorney's office, is responsible for Risk Management within the department. Every City department will strive to provide an environment which reduces the threat of personal injury or property damage to residents, businesses, visitors, and employees of the City.



## Part 14 Use of Personal and City Vehicles

### I. Use of City Vehicles

- A. This policy outlines procedures that shall be followed by all personnel utilizing City vehicles and equipment or personal vehicles and equipment for official City business. Department Heads may approve vehicle use policies for specific circumstances within their department, which are not covered in this policy. The City Manager may also approve department policies which constitute exceptions to this policy.
- B. Only City employees and other persons specifically authorized by the City Manager shall be allowed to operate or travel in City vehicles and equipment. All City vehicle and equipment operators shall have a valid Utah driver license appropriate for the class of vehicle or equipment being driven. City vehicles are intended for use by City employees on City business. Additional use must be approved by the City Manager.
- C. The following are examples of the unauthorized use of a City vehicle:
  - 1. Transporting family, friends, pets, associates or other persons who are not City employees or are not serving the interests of the City, unless authorized by the City Manager, see 14.II.
  - 2. Transporting hitchhikers.
  - 3. Transporting acids, explosives, weapons, ammunition, hazardous materials, or flammable materials unless such transport of aforementioned materials is specifically related to employment duties.
  - 4. Extending the length of time that the City vehicle is in the operator's possession beyond the time needed to complete the official purposes of the trip.
  - 5. Operating or being in actual physical control of a City vehicle in violation of Utah State Code §41-6a-502, (Driving under the influence of alcohol, drugs or with specified or unsafe blood alcohol concentration), Utah State Code §41-6a-530, (Person under 21 may not operate a vehicle with detectable alcohol in body), or an ordinance that complies with the requirements of Utah State Code §41-6a-510, (Local DUI and related ordinances and reckless driving ordinances).
  - 6. Operating a City vehicle for personal use other than reasonable incidental use during working hours and any authorized commute time. As part of an executive compensation package the City Manager may authorize an employee to use a City vehicle for personal use.

7. Using a City vehicle for personal convenience, such as when a personal vehicle is not operational.
8. Smoking, vaping, or purchasing/transporting alcoholic beverages for personal use.
9. The unauthorized use of a City vehicle may result in the suspension or revocation of City driving privileges.

**Amended 05/25/2021 EO 21-151**

## **II. Passengers in City Vehicles**

- A. Drivers of City vehicles or equipment shall not be permitted to carry non-employee passengers in or on any such vehicle, with the following exceptions:
  1. Other persons engaged in or advising on matters relating to City services or improvements.
  2. Other persons who are being transported as part of a regularly approved City activity.
- B. It is the responsibility of the driver of a City vehicle to require all passengers to follow City regulations while in a City vehicle.

## **III. City Authorization of Drivers**

- A. Human Resources shall gather documentation for each individual to whom the City has granted the authority to operate a City vehicle, the following information:
  1. Driver's name and date of birth.
  2. A current valid driver's license number and state where license was issued.
- B. For the purposes of the rule, any individual whose record does not have all the information required in section III.A above shall be deemed not to have the authority to drive City vehicles and shall not be allowed to drive.

## **IV. Safety Concerns**

- A. All traffic rules shall be observed when City vehicles are used. Public Safety vehicles responding to emergencies shall be governed by Department policy.
- B. Safety belts shall be used by all occupants of the vehicle. City employees who fail to use safety belts or fail to advise all non-employee passengers in the vehicle to use safety belts shall be subject to disciplinary action.



## V. Taking Vehicles Home

- A. The City benefits when City vehicles within a close proximity or within the City are assigned so quick attention and after-hour response can be given to City programs, problems, and emergencies. The program improved the maintenance and reliability of City vehicles by placing the responsibility for personal care of each vehicle on the individual employee.
- B. City employees may take their assigned vehicle home provided:
  1. The employee has properly informed his immediate supervisor of an emergency and received permission.
  2. Advanced approval is received from the Department Head. Any employee who has permission from the Department Head to take a City vehicle home after hours or over a weekend will provide off-street parking for the vehicle.
- C. Authorization for taking City vehicles home is as follows:
  1. If the Department Head determines that a commute vehicle is warranted the employee will complete the “request for commute authorization” form.
  2. Vehicles assigned to an individual and taken home may be approved through the City Manager upon recommendation of the department head and review of the “Request for Commute Authorization” form.
  3. Employees, authorized to take a vehicle, living outside West Valley City boundaries may be allowed to take their assigned vehicle home under the following conditions:
    - a. No vehicle reimbursement is required of employees living within boundaries of West Valley City.
    - b. Reimbursement required of employees living outside of West Valley City boundaries. Reimbursement will be determined at a rate of \$1.00 per mile actual driving distance traveled one way from the employee’s home to City Hall. This amount will be payable bi-weekly.
    - c. Employees desiring authorization to take a vehicle home will make written application through the Department Head to the City Manager with the following:
      - i. “Request for Commute Authorization” form.
      - ii. Justification for the privilege.
      - iii. The number of miles from City Hall to their home.

- iv. Authorization from the City to make a payroll deduction for the vehicle use costs.
- d. Employees may elect to park their vehicles at a City-owned facility in lieu of taking the vehicle home.
- e. Employees who live further than 35 miles from City Hall may not take their vehicles home.

## **VI. Regulations Governing Use of a City Vehicle**

- A. It is the responsibility of each employee who is assigned a City vehicle to assume complete responsibility for its care while the vehicle is so assigned.
- B. It is the responsibility of the Department Heads to make a spot inspection of vehicles assigned to their employees to ensure compliance with this policy.
- C. When in a City vehicle, the off-duty employees must keep the radio on and if necessary, be available to respond to emergency calls. An employee should respond to emergency calls that are within the scope of the employee's job description or responsibility.
- D. Unattended City vehicles assigned to employees must be locked at all times.
- E. Employees will comply with all state and local ordinances regarding the use of alcoholic beverages. Under no circumstances will City vehicles be operated by on or off-duty employees who are consuming, or who have within the previous eight hours, consumed alcoholic beverages, or are under the influence of drugs that may diminish one's ability to operate machinery.
- F. Employees are responsible for the appearance and cleanliness of vehicles, both interior and exterior. Employees shall wash the vehicle at the employee's own expense or at a City facility.
- G. Employees shall at all times drive City-owned vehicles with reasonable prudence in order to conserve the usefulness and preserve them at their highest operating efficiency.
- H. Damage to a City vehicle caused by willful conduct or negligence of the employee will be cause for disciplinary action by the department and may include restitution for the cost of repairs.

**Amended 09/05/2018 EO 18-143 & Amended 05/25/2021 EO 21-151**

- I. The cost of necessary repairs to, or refurbishment of, any vehicle in which smoking has occurred will be borne by the Department to which the vehicle is assigned. This will

ensure that the vehicle is suitable for reassignment, reallocation or sale when the vehicle reaches the applicable replacement criteria.

**J. Parking**

1. City vehicles should be parked in dedicated parking stalls or otherwise legally parked. City employees will not park City vehicles, or personal vehicles used on City business, in restricted areas such as red curbs, handicapped stalls, etc., unless responding to an emergency situation.
2. Unless exigent circumstances exist or it is otherwise impractical, City vehicles will be parked in a manner that allows the operator to drive forward, rather than in reverse, from a parking space upon departure. City vehicles should be “backed in” to the parking stall, or “driven through” to a second parking space so that the vehicle will not need to be backed out of the parking stall when leaving.

**K. Hands-Free Communication**

Employees driving City vehicles are required to comply with all state and local laws regarding the use of mobile communications devices while driving. Employees should not employ any mobile communications device while driving and should first leave the roadway and park the vehicle safely before employing the use of any mobile communication device. In the event that the employee is required to employ the use of any type of mobile communication device while driving a City vehicle, the employee is required to use the hands-free attachment and otherwise minimize distraction to the greatest possible extent.

**Amended 11/02/2017 EO 17-141**

**VII. Use of Personal Vehicles for City Business**

- A. It is intended that where a vehicle is necessary for the conduct of City business, except where otherwise provided in this Policy, such vehicle will be a City-owned vehicle. With the authorization of the Department Head, employees may choose to use a personal vehicle to conduct City business. The City may determine it is more cost effective to provide a City owned vehicle for higher mileage applications.

**C. Mileage Reimbursement for City Use of a Personal Vehicle:**

1. Any long-term or continuous use of a personal vehicle for City business shall be subject to prior written approval by the Department Head and the City Manager.
2. Official City business mileage shall be compensated at the mileage rate established by the IRS for tax deduction purposes. It shall be the responsibility of the employee accruing the mileage to submit the required documentation for processing.

**D. Insurance Minimums:**

It shall be the responsibility of each department to verify that any vehicle used for City business is properly insured consistent with the current recommended limits outlined by the City Risk Manager.

**E. Private Insurance as Primary Coverage:**

If an employee is involved in an accident while using their personal vehicle for City business, the accident must be reported to the Risk Manager and the employee will be subject to post-incident testing as outlined in the Substance Abuse Policy.

**Amended 05/25/2021 EO 21-151**

**VIII. Accidents Involving City Vehicles**

Accidents involving City vehicles shall be reported to the Risk Manager as soon as possible. Operators of other vehicles involved in the accident shall also be told to contact the Risk Manager's Office regarding claims. Damaged City vehicles will be delivered or towed to the Fleet Maintenance Facility. Employees involved in the accident will be subject to post-incident testing as outlined in the Substance Abuse Policy.

**IX. Vehicle and Equipment Maintenance**

The policies set forth in the "Fleet Management Policy" shall be followed for all Preventative, Routine and Non-Routine maintenance.

## **X. Fuel**

- A. Purchase of Bulk Fuel:** West Valley City utilizes the Utah State Fueling System. Bulk fuel will be purchased by the Purchasing Supervisor. The Purchasing Supervisor will distribute fuel billings to the departments on a monthly basis.
- B. Obtaining Fuel for Equipment:** The primary source for obtaining fuel for City vehicles and equipment are the State fueling system sites. If fuel is purchased at a facility not on the State Fueling System, employees should seek reimbursement for emergency fuel expenses through their department.
- C. Fuel Cards and PIN's:** Fuel cards and PIN numbers shall be issued by the Fleet Manager as outlined in the Fleet Management Policy. Lost, stolen or damaged cards must be reported immediately to the Fleet Manager. The assigned fuel card must remain in the vehicle and not utilized on any other vehicle.

## **XI. Use of City Bus**

The City Bus shall be scheduled through the Fleet Secretary. All guidelines for use of the bus are outlined in the Fleet Management Procedures Manual and must be followed by all bus users. Misuse or abuse of the City bus may result in restriction of future use of the bus. Employees responsible for the misuse or abuse may be subject to discipline up to and including termination of employment.

## **XII. Fleet Maintenance Facility Visitors**

To ensure safe and efficient operations, all employees utilizing the West Valley City shop facility must check in with the Service Manager, Fleet Manager or Secretary before entering the shop areas. Employees who must enter the facilities main shop must be accompanied by a Fleet employee at all times. A customer waiting room is available for employees waiting for their vehicle. Fleet employees are required to enforce this policy by monitoring any non-fleet employees, vendors or others inside the shop.

## **XIII. Not Creating Greater Liability**

The sole intent of this policy is to update and clarify current City policy with regard to the use of personal vehicles for City business. This policy is neither intended nor shall it be construed to be, or be used as, a basis for liability in state Court, or Federal Court, nor as a basis for limiting an employee's rights to receive compensation under Workers' Compensation or other benefit programs, or to increase the City's liability to any employee or any third party.



## Part 15 Travel Policy

### **It is the policy of West Valley City to:**

- A.** Allow employees to attend conferences, seminars, meetings, and workshops when it is anticipated that the City will derive a benefit from training and information received at such events.
- B.** Department Heads are authorized to approve all travel requests by their respective employees, in accordance with the City Purchasing Manager's current rules.

**Amended 10/09/2019 EO 19-145**





## Part 16 Electronic Communications

### I. Policy:

- A. Electronic communications play a vital role in conducting legitimate City business activities. The City allows personal use of electronic communication devices during “non-work periods”.
- B. If an employee chooses to use their personal electronic communication device in order to conduct City business activities, the employee has no right to privacy for any content pertaining to work related issues.
- C. The following provisions apply to all employees use of electronic communications;
  - 1. IT resources shall be used in compliance with all federal, state and local laws, rules or regulations.
  - 2. IT resources shall be used to access only files, data and protected accounts that are authorized, that are publicly available, or to which the employee has been given authorized access. Employees using IT resources shall protect all passwords.
- D. All forms of electronic communications used for City business are the property of the City and employees should have no expectation of privacy in any electronic communications used while working.
- E. Employees should have no expectation of privacy in their electronic communications or electronic devices used while at work. Any City provided IT resource is subject to entry, search and inspection by the City without notice. Any privately owned property contained in such equipment, (including the contents of closed or sealed items/containers or files) may also be opened and examined without further notice and without employee’s permission. All electronic storage systems may be opened, read, or inspected in the same manner as the contents of desks, lockers and other equipment.
- F. All passwords used on City programs or electronic devices must be provided to IT upon request and IT has the right to override if necessary individual passwords to maintain and protect the Cities interests.
- G. The City’s electronic communication systems must not be used in a manner that is disruptive or offensive to others or harmful to morale. Employees are explicitly prohibited from displaying or transmitting any sexually explicit or obscene messages, images, or communications containing libelous or defamatory material, ethnic or racial

slurs, or anything that may be construed as disparaging or harassing to others based on race, national origin, gender, age, disability, religion, or any other basis prohibited by law.

- H.** Employees are prohibited from accessing sexually explicit, obscene, or offensive sites on City computers, iPads, cellular phones, or other means of electronic communications, and from storing inappropriate or offensive graphics, games or other material from work sites on the City's systems.
- I.** The City or its authorized representatives including, IT staff, may at any and all times monitor the electronic communications that an employee sends or receives.
- J.** The City prohibits employees from disseminating copyrighted materials.
- K.** Employees are prohibited from downloading information or software from the internet or from otherwise installing software, unless authorized by IT, on City electronic devices that login to the City's domain, or that require City server resources.
- L.** The City prohibits employees from transmitting confidential or proprietary information without first consulting with their supervisor.
- M.** The City also warns against using the City logo or name on personal e-mails or on personal websites without prior authorization.
- N.** Employees are prohibited from intentionally using City Communication accounts for personal use and personal accounts for City use.
- O.** Electronic communications are permanent records and will be retained according to the record retention policy.
- P.** Employees must understand they have no personal right to privacy in any matter created, received or sent from City owned electronic communication systems. No matter how many passwords an employee has, nothing is private on a City owned electronic device.
- Q.** Employees who are in violation of this policy are subject to discipline up to and including termination of employment, in the City's sole discretion.

## **II. Issuance of City Electronic Communication Devices**

- A.** The final decision on whether an employee will be issued devices, including cell phones, computers, iPads, etc., rests with Department Head. However, cellular devices will not be issued to student workers, contract employees, part-time, temporary

personnel, consultants, or other workers that do not have a compelling use for the technology.

- B.** If an employee damages or loses any City issued electronic communication device the employee must notify their Department Head immediately.

### **III. Social Media**

- A.** At West Valley City, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and coworkers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, the following guidelines have been established for appropriate use of social media.
- B.** Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or chat room, whether or not associated or affiliated with West Valley City, as well as any other form of electronic communication.
- C.** Ultimately, employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Employees should keep in mind that any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects citizens, customers, suppliers, or people who work on behalf of West Valley City or West Valley City's legitimate business interests may result in disciplinary action up to and including termination of employment.

**Amended 05/25/2021 EO 21-151**



## Part 17 Miscellaneous Provisions

### I. Outside Employment

- A. The City Manager must approve all non-city employment of regular City employees. Prior to accepting “outside” employment, regular employees must complete the “Application for Part-time Outside Employment” form and submit the form to their department head for approval. The Department Head then forwards the form to the City Manager for approval. Approval is contingent upon the following terms and conditions:
1. The outside employment must not interfere with the employee’s ability to meet the City’s work schedule, including reasonable callback and standby assignments.
  2. The outside employment must not be directly connected with nor contingent upon a representation that the employee is in any way representing the City, either directly or indirectly, unless the City Manager has specifically approved the activity in writing.
- B. Once approved by the City Manager, the Human Resource Office files applications for outside employment in the employee’s personnel file. The City reserves the right to withdraw its approval for outside employment when deemed to be in the best interests of the City. Employees who engage in outside employment without City approval may be disciplined up to and including termination of employment. City employees may not use City equipment in connection with outside employment, unless authorized.

### II. Public Relations

- A. **Press Releases:** The Mayor, City Council, City Manager, Assistant City Manager, Public Relations Director, or their designates prepare or authorize all City news releases. The City Manager must approve all news items with legislative or administrative policy implications before release.
- B. **Complaints:** The City’s policy is to courteously receive and record complaints about City employees or services. Each complaint the City receives is referred to the appropriate City department for further consideration and investigation. Should the complaint merit an investigation, a written report of the facts and circumstances surrounding the complaint will be made and given to the appropriate authority. The City will inform the complainants of the City’s action in the matter.
- C. **Investigation:** A copy of all complaints necessitating a criminal investigation or reflecting City liability must be filed with the City Attorney’s Office within one working

day of receipt. A copy of the results of any investigation must also be filed with the City Attorney's Office.

### **III. Representation**

Employees may not represent the City or any outside public interest before any other agency, public or private, except with the express authorization of the City Manager.

### **IV. Endorsement**

Employees may not use their City position, influence, uniforms, or equipment to endorse commercial products or services, whether or not for compensation, unless approved by the City Manager.

### **V. Advice to Officials of Other Public Agencies**

In the event an employee is asked to respond to a request from a non-West Valley City government official regarding a sensitive or confidential matter, the employee's immediate supervisor and the City Manager must first approve such communications.

### **VI. Service of Process**

#### **A. Subpoenas for the Production of Records**

Subpoenas for the production of records (duces tecum) shall be received by the City Recorder and distributed to the designated employees in each department/division responsible for the records requested.

#### **B. Subpoenas from Prosecuting Agencies**

Subpoenas for criminal court appearance for prosecuting agencies shall be received by departmental policy and distributed to the department/division secretaries to be distributed to the subpoenaed employees. Secretaries must make an attempt to notify off-duty employees at their residence if they will not be at work prior to the appearance date listed on the subpoena. Any employee subpoenaed must take the subpoena to court at the time of the court appearance.

#### **C. Other Legal Documents**

1. With the exception of subpoenas for prosecuting agencies and records subpoenas, all West Valley City employees must be served legal documents in person. Such legal documents include, but are not limited to, a Summons and Complaint in which the employee is named as a party to the action, a subpoena to appear in court, and an administrative subpoena. **The City Recorder is not authorized to**

**accept personal service of other legal documents on behalf of any employee. The City Recorder can only accept service of other legal documents on behalf of West Valley City as an entity or municipal corporation.**

2. If a process server approaches any employee in order to serve legal documents upon another West Valley City employee, the approached employee:
  - a. **will not** furnish the process server with any personal information about the identified employee, including but not limited to, home address and/or phone number;
  - b. **will not** accept service of the documents on behalf of another employee;
  - c. **will** tell the process server if the employee is not on duty or is otherwise unavailable;
  - d. **will** provide the process server with the scheduled workdays and shift of the employee to be served;
  - e. **will** have the department/division secretary or dispatch call the employee to come to the department/division office for the service to be made, if the employee is working and not busy.
3. In the event that the employee to be served is unavailable and the process server wants more information about the employee or demands that service be accepted, refer the process server to the City Attorney's Office.
4. Once an employee has been personally served with any legal document in connection with a job or City related incident, lawsuit, investigation or claim, the employee should notify his/her supervisor and the City Attorney's office, as soon as possible after being served since often response times in legal proceedings are very short and require immediate attention.

## **VII. UCJIS Security and Protection Procedures**

### **A. Definitions**

For purposes of this Part 17 of the West Valley City Policies and Procedures, the following definitions apply:

1. "UCJIS" means Utah Criminal Justice Information System.
2. "UCJIS Information" means any information, in any form, derived from UCJIS.

**B. Personnel Sanctions**

Violation of this policy may result in personnel sanctions up to and including termination, as well as civil and criminal penalties.

**C. Physical Protection Policies and Procedures**

Each Department which accesses UCJIS shall create and maintain policies and procedures describing that Department's policies and procedures for protecting UCJIC information.

**D. Physical and Digital Media Protection Policies and Procedures**

Each Department which accesses UCJIS shall create and maintain policies which describe that Department's physical and digital media policies and procedures.

**E. Incident Response Reporting / Handling**

West Valley City's UCJIS Incident Response Reporting and Handling Plan will be promulgated by executive order.

**F. West Valley City's Incident Response Plan**

West Valley City's UCJIS Incident Response Plan will be promulgated by executive order.

**VIII. Fraud/Ethics Pledge**

- A.** West Valley City strives to facilitate the efficient and ethical administration of all taxpayer's resources. In doing so we expect all employees to create an atmosphere of trust and compliance within their departments and divisions.
- B.** Employees have a unique and essential role in facilitating honesty, efficiency, and good government.
- C.** Employees will:
  - 1.** Abide by the requirements of federal, state, and local law at all times.
  - 2.** Never use public money for an illegal, unethical, or impermissible purpose, and will report any such use of which they are aware of.
  - 3.** Strive to create an atmosphere of compliance within their division and department.



4. Never use their position, title, or power for personal benefit.
5. Do their best to do the public's business as efficiently as possible.
6. Always follow the policies and procedures set forth in the West Valley City Personnel Manual, by their supervisors, and by any applicable law or regulation pertaining to employment with the City.

**D. Reporting**

1. In the event that an employee observes or perceives any instance of fraud, waste, or abuse, it is expected that they will report these occurrences to their supervisor.
2. In accordance with industry best practices, we also want to make you aware of additional options that may be used to report any misconduct. Employees may report any instance of perceived fraud, waste, or abuse by:
  - a. Sending an email to [report@wvc-ut.gov](mailto:report@wvc-ut.gov)
  - b. Anonymously reporting through the Hotline on the intranet home page
  - c. Contacting the Finance Department Head
  - d. Contacting the City Attorney

**Amended 09/05/2018 EO 18-143**



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