

**ENOCH CITY**  
**PERSONNEL POLICIES**  
**AND**  
**PROCEDURES MANUAL**

Revised July 2022

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## **ARTICLE I**

### **EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

It is the policy of Enoch City to provide Equal Employment Opportunity to all employees and applicants for employment without regard of race, color, religion, sex, or national origin, and to base all employment decisions so as to further this principle of Equal Employment Opportunity. To this end, Enoch City will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, age, or veteran's status, and will ensure that applicants are employed and employees are treated during employment without regard to these characteristics. All employment activities including, but not limited to, hiring, promotion, demotion, transfer, recruitment, advertising, discipline, layoff, termination, compensation, and training, shall be conducted without regard to race, color, religion, sex, or national origin. This institution is an equal opportunity provider and employer.

**ARTICLE II**

**EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**SECTION I - ASSIGNMENT OF RESPONSIBILITIES**

Ultimate responsibility for implementation of the Equal Employment Opportunities Policy rests with Enoch City's Mayor and City Council. Equal Employment directives issued by the City Council will be carried out under the immediate direction of the City Manager.

**SECTION II - EQUAL EMPLOYMENT OPPORTUNITY OFFICER**

The Mayor and City Council of Enoch City hereby appoints the City Manager the Equal Employment Opportunity Officer.

**SECTION III - DUTIES OF THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER**

Under general direction from the Mayor and City Council, the Equal Employment Opportunity Officer will perform some or all of the following types of duties:

4. As assigned, conduct surveys, research legislation and legal cases in the area of equal employment, and report findings to the City Council.
6. Distribute updated EEO literature and posters and assure display of instructions as required by the federal and state laws.
8. Perform liaison duties with affiliated state, federal, and local governmental agencies to insure effective coordination of effort.
9. Promote equal opportunity concept as stipulated in various provider contracts with the City.
10. Perform other duties as assigned.

**SECTION IV - DISSEMINATION OF POLICY**

Enoch City will issue policy statements concerning non-discrimination and equal employment to all employees and sub-contractors to give them knowledge of the laws and basic ideas related to equal employment opportunity. Enoch City will display conspicuously and continuously a poster indicating that discrimination on the basis of gender, race, color, national origin, handicap status, age, or religion is prohibited by state and federal laws as well as Enoch City policy.

Sub-contractors will be informed that all information dissemination should affirm the commitment to equal employment and that procedures utilized in the selection of employees should not be discriminatory.

All advertisements for prospective employment with Enoch City will include the phrase "Equal Opportunity Employer."

**SECTION V - DISCRIMINATION COMPLAINT PROCEDURE**

A "Discrimination Complaint" shall refer to an alleged violation of the following:

1. The Age Discrimination Act of 1967 as amended, prohibiting employment discrimination of the basis of age.
2. The Rehabilitation Act of 1973 as amended, prohibiting employment discrimination of the basis of handicapped status.
3. Title VII of the Civil Rights Act of 1964 as amended prohibiting employment discrimination of the basis of sex, race, color, national origin, or religion.

The initial step in a Discrimination Complaint is informal. Notification shall be made in writing to the Equal Employment Opportunity Officer for Enoch City. If the issue is resolved at this level, all parties involved shall sign the statement describing the complaint and the resolution.

If a satisfactory agreement is not reached, the grievant shall file the statement with the Equal Employment Opportunity Officer, requesting a formal investigation. At the next regularly scheduled City Council meeting, after receipt of the formal discrimination complaint, the City Council shall complete an investigation and report. The Report of Findings shall contain three sections:

1. Statistical analysis of the City's utilization of the affected class, e.g., women, by job category. If salary discrepancies are a salient issue, salary analysis may be included.
2. Description of the City's affirmative action efforts. This would include the City's contribution to EEO coordinating council activities, its development of policy and goals and its efforts to meet goals and timetables set forth by EEO policy statements.
3. Analysis of complaint and conclusions. Conclusions will be based on an analysis of the facts available to all parties. Two issues are critical in determining whether or not discrimination has occurred:
  - a. What is the City's general profile in regards to the treatment of the alleged protected class?
  - b. If the complaining party was not a member of a protected class would he/she have received the same treatment?

If a satisfactory agreement is not reached between the grievant and the City Council, the Equal Employment Officer shall send the formal discrimination complaint, along with the Report of Findings compiled by the City Council to the Anti-Discrimination Division of the Utah State Industrial Commission for their conclusions and recommendations.

The decision of the City Council will be binding from Enoch City's point of view. Conclusions and recommendations shall be final within Enoch City.

Each employee has the right to have a complaint reviewed without fear of retaliation, recrimination, or harassment. Likewise, any employee involved as a party of interest in the procedures is to be protected from reprisal or recrimination.

The Report of Findings shall in no way limit any party's right to utilize procedures provided by the State Anti-Discrimination, E.E.O.C., or the courts. Likewise, lack of a Report does not limit a grievant's right to utilize other investigatory and enforcement bodies. A copy of the findings shall be given to the complainant, the Mayor, and the City Council.

If the complaint is subsequently filed elsewhere, a copy of the Report of Findings will be made available to the employing agency and to relevant representatives of the investigatory agencies.

If a discrimination complaint is not received by the complaining employee directly, but rather from an investigatory agency, such as the Anti-Discrimination Division of the Utah State Industrial Commission, Enoch City will comply with any procedures required by the investigatory agency. (Rev. 3-7-12)

## **ARTICLE III**

### **POLITICAL PROHIBITIONS POLICY**

#### **SECTION I - PROVISIONS**

It shall be the policy of Enoch City that all officers and employees shall be protected from political exploitation or abuse, while allowing individual officers and employees the broadest amount of personal political participation consistent with service to their agency.

In addition, the following provisions will be adhered to:

1. No elected official, appointed official, or employee of this organization shall use official authority or influence for the purpose of interfering with an election or affecting the results thereof. [Section I (1) amended 4-21-10]
2. No officer or employee covered by the personnel system, while in a pay status, shall be a city officer in any political party organization, or in any citywide political campaign.
3. No employee shall hold a partisan public office or have conflicting employment while in the employ of this organization. Determination of such conflict shall be made by the Mayor and City Council.
4. No officer or employee covered by the personnel system shall be a candidate for any political office, except that upon proper application and approval, an officer or employee may be granted leave of absence, without loss of position, to participate in a political campaign, either as an officer or as a candidate; however, time spent during such political leave shall not be counted for employment purposes as being in service.
5. No officer or employee covered by the personnel system may engage in any political activity during the hours of employment, nor shall any person solicit political contributions from employees during hours of employment, or through organization facilities, nor in any manner impose assessments on employees for political purposes. However, nothing in this section shall preclude voluntary contributions by an employee to the party of the employee's choice.
6. Partisan political activity, to the extent allowed in this section, shall not be a basis for employment, promotion, demotion, or dismissal.
7. No questions in any form or application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations.
8. No discriminations shall be exercised, threatened, or promised by any person against or in favor of any applicant, or employee, because of a political or religious opinion or affiliation, race, color, or national origin, or by reason of a refusal to pay, lend, or contribute any part of such person's salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.
9. No recommendation of any applicant or employee, involving a disclosure of political or religious opinions or affiliations, shall be considered or filed by the departments, or any officer or employee concerned in making appointments or promotions.

10. Any officer or employee who is found by the Mayor and City Council, following consultation with the individual department head and after appropriate hearing, to have violated any part of this section shall be guilty of a violation of these policies and such employee's services may be terminated; and the employee may be prevented from being considered for any service for a period of three years.
11. Nothing contained herein shall be construed to permit partisan political activity by any employee who is prevented or restricted from engaging in such political activity by the provisions of the Federal Hatch Act.

**SECTION II - AMENDMENTS**

1. Amendments to these regulations shall be promulgated by the Mayor.
2. Sections, subsections, or parts of these regulations found, after appropriate hearing with representatives of the agencies concerned, not to be in conformity with approved federal and state standards and laws, shall not nullify nor effect the application of the remaining sections, subsections, or parts of these regulations.



## **ARTICLE IV**

### **SELECTION**

#### **SECTION I - POLICY**

The Mayor and City Manager shall act as the principal administrative officers of the central staff. The Mayor and City Manager may organize the central staff into such departments or groupings, as they may consider necessary to efficiently perform the activities of the City.

Furthermore, it will be policy to recruit, select, and advance employees on the basis of their relative ability, knowledge, and skills including open consideration of qualified applicants for initial appointment. Department heads may participate as subject matter experts and together with the Mayor, City Council and City Manager shall make final selection and appointments from ranked list of applicants. The Mayor and City Council may delegate this authority to the City Manager. (Amended 7-18-07)

The Mayor and City Manager shall have the prime responsibility for operating a positive personnel management program. This program shall include the following elements:

1. Establishment and maintenance of a salary schedule.
2. Examination and approval of all requests for personnel, the authorization of all new positions, and the filling of all vacancies.
3. Training employees, as needed, to assure high quality performance.
4. The Mayor and City Manager, in close cooperation with individual department heads, will analyze the need for each existing position, conduct wage studies, review appointments, propose new positions in compliance with established personnel policies, develop a standard code for disciplinary actions, and establish grade allocations.
5. The Mayor and City Manager, in close cooperation with individual department heads, shall have prime responsibility for developing job classification standards, recruiting qualified personnel, preparing and validating examinations, scoring and determining the reliability of examinations, and certifying names there from, and maintaining central personnel files.

#### **SECTION II - HIRING FOR NEW AND VACANT POSITIONS**

Hiring will be done by the Mayor and City Manager.

1. When a position opens in a department or a need arises to create a new position, the individual department head shall submit notification of the position vacancy to the Mayor and City Manager. Notification shall be accompanied by the position title and Enoch City job description. [Amended 9-21-16]
2. The Mayor and City Manager shall first post the opening where all employees will be made aware of the opportunity for promotion. The appointing authority shall provide, in all cases where practicable, that vacancies be filled by promotion on the basis of ascertained merit and qualification, thus enhancing the organization's career service by providing upward mobility.
3. If internal promotion or movement is not practical, the community and labor market shall become the object of a recruitment effort. Outside applications will be accepted for a minimum of seven (7) days. [Section II (3) amended 9-21-16]
4. The Mayor and City Manager and appropriate department head will review the applications to determine who does or does not meet the minimum qualifications.

Examination results from Job Service or other government agency may be recognized by Enoch City. All applicants who are eligible for further consideration shall then be rated in order of preference. Preference shall be determined by a consistent method of rating education, experience, knowledge, skills, and abilities of applicants.

5. Preference in employment should be given to local taxpayers and their dependents who are equally as qualified as other applicants.
6. The City Treasurer will fill out all personnel action forms after receiving necessary approval of the new employee. These forms should contain all necessary information to effectuate and finalize hiring procedures and shall constitute the personnel file for the new employee.
7. "Volunteer" that represents Enoch City by wearing insignia will be reviewed by Mayor and City Council before beginning service.

### **SECTION III - TYPE OF EMPLOYEES**

All employees will be classified in one of the following categories:

1. **Seasonal Employees** engaged in work full-time or part-time with the understanding that their employment will be terminated at the completion of a specific project or at the end of 120 days. Such employees do not qualify for employee benefits.
2. **Part-Time Employees**- Employees hired or appointed to work fewer than 25 hours per week on a regular basis. They are required to have set hours. Such employees do not qualify for benefits.
3. **Full time Employees**- Employees hired or appointed to work at least 30 hours per week on a regular basis. Such employees qualify for retirement and health insurance benefits starting the first day of actual work.
4. **Full-time Appointed Employees**- Employees hired or appointed to work at least 30 hours per week on a regular basis. Such employees qualify for retirement and health insurance benefits starting the first day of actual work. Job titles of full-time appointed employees are:
  - A. City Manager
  - B. City Treasurer
  - C. City Recorder
  - D. Chief of Police
5. **Variable Employee**- Employees hired without any set hours, who work to cover a particular City assignment. Some weeks may work more than 30 hours, other weeks may work no hours, but shall not work to exceed an average of 25 hours per week. Such employees do not qualify for benefits.
6. **Volunteer** - A person who agrees and offers his/her services without compensation in benefits or wages. The services will not confer on him/her the status of a city employee. The individual donating time or services is entitled to any benefits covered by the Utah Local Governments Trust Workers' Compensation Insurance.
7. **Appointed Volunteer** - Persons appointed by the Mayor with the advice and consent of the city council, to sit on boards, commissions, or committees of the city. The Mayor and City Council may fix per diem compensation for the members of the planning commission and any boards based on necessary and reasonable expenses and on meetings actually attended. Otherwise, service is without compensation or benefits. Appointed volunteers are officially designated "Tier 2 part-time ineligible" per Utah Code.

8. **Elected Officials** - Persons elected as members of the governing body or appointed to fill any vacant office. These persons receive compensation as approved by the City Council, but do not qualify for any employee benefits. Exception includes the Mayor, who may choose the compensation of 60% of the health insurance premium or inclusion in health insurance. Elected Officials are officially designated "Tier 2 part-time ineligible" per Utah Code.

#### **SECTION IV - PROBATIONARY PERIOD**

All employees are required to serve at least a ninety (90) day probationary period. This period is designed to acquaint the new employee with the position and allow the supervisor to measure fairly the employee's ability and attitude for the job. If an employee's performance is inadequate, the employee may be terminated at any time during this period without recourse of appeal unless discrimination is alleged. Employee does not qualify for leave during this probationary period. Full-time employees qualify for health insurance and retirement benefits starting the first day of actual work. (Section IV amended 7-6-2005)

#### **SECTION V - ANTI-NEPOTISM**

A. General Provisions:

Employment and supervision of relatives in public organizations is prohibited. However, a few exceptions to this general rule have been codified.

B. Definitions:

For purposes of this section:

1. **"Appointee"** means an employee whose salary, wages, pay, or compensation is paid from public funds.
2. **"Chief administrative officer"** means the person who has ultimate responsibility for the operation of Enoch City.
3. **"Public officer"** means all elected or appointed officers of Enoch City who occupy policy-making posts.
4. **"Public employee"** means a person who is not a public officer who is employed on a full, part-time, or contract basis by Enoch City.
5. **"Relative"** means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

C. Specific Provisions:

1. No public officer or public employee may employ, appoint, or vote for or recommend the appointment of a relative in or to any position or employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds or the appointee will be directly supervised by a relative, except for the following reasons:
  - a. The person is eligible or qualified to be employed by a department of Enoch City as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;
  - b. The individual will be compensated from funds designated for vocational training;
  - c. The individual is a volunteer as defined by the employing organization;
  - d. The individual is the only person available, qualified, or eligible for the position; or

- e. The chief administrative office determines that the public officer or public employee is the only person available or best qualified to perform supervisory functions for the appointee.
2. No public officer or public employee may directly supervise an appointee who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds, except under the following conditions:
- a. The relative was appointed or employed before the public officer assumed his position;
  - b. The individual is eligible or qualified to be employed by a department of Enoch City as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;
  - c. The individual will be compensated from funds designated for vocational training;
  - d. The appointee is a volunteer as defined by the employing organization;
  - e. The appointee is the only person available, qualified, or eligible for the position; or
  - f. The chief administrative officer determines that the public officer or public employee is the only person available or best qualified to perform supervisory functions for the appointee.
3. When a public officer or public employee supervises a relative under the above circumstances:
- a. The public officer or public employee shall make a complete written disclosure of the relationship to the chief administrative officer; and
  - b. The public officer or public employee who exercises authority over a relative may not evaluate the relative's job performance or recommend salary increases for the relative.
4. No appointee may accept or retain employment if he/she is paid from public funds, and is under the direct supervision of a relative, except for the following reasons:
- a. The relative was appointed or employed before the public officer assumed his position, if the relative's appointment did not violate the provisions of this chapter in effect at the time of his appointment;
  - b. The appointee was or is eligible or qualified to be employed by the Enoch City as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;
  - c. The appointee is the only person available, qualified, or eligible for the position;
  - d. The appointee is compensated from funds designated for vocational training;
  - e. The appointee is a volunteer as defined by the employing entity; or
  - f. The chief administrative officer has determined that the appointee's relative is the only person available or qualified to supervise the appointee.

## **ARTICLE V**

### **EMPLOYMENT CONTRACTS**

#### **SECTION I - EMPLOYMENT-AT-WILL POLICY**

The employment relationship is terminable at-will of either the employee or Enoch City, at any time, with or without cause, and with or without notice. No employee, officer, agent or other representative of Enoch City has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the foregoing provisions. Any exceptions to this policy of "at will" employment must be expressly authorized in writing by the Mayor of Enoch City.

#### **SECTION II - PERSONNEL MANUAL DISCLAIMER**

Enoch City's Personnel Manual is not for use or disclosure outside except by written approval of the Mayor. Managers and supervisors should be aware of the following policies and disclaimers.

1. Any agreement between Enoch City and an employee which purpose is to create an employment contract must be in writing and must be signed by the Mayor or when delegated, by the City Manager. (Amended 7-18-07)
2. Enoch City reserves the right to unilaterally modify, delete or add to the personnel policies contained herein, at any time. Such modifications may be made by the City Manager and Police Chief and only with the concurrence of the Mayor.
3. No statement in the Personnel Manual or any other personnel policy manual published by Enoch City should be construed to grant any employee an employment contract of fixed duration nor should this or any other personnel manual be interpreted as making an implied or express contract of employment. This will service notice to all employees that the employment relationship is at-will, and may be terminated by either Enoch City or the employee at any time for any reason.
4. All chapter/sections contained herein, like all other personnel policies published by Enoch City, are intended as a general policy statement containing broad internal policy guidelines and not as a contract or any other commitment.
5. The policies/guidelines set forth herein, like all other personnel policies published by Enoch City, do not purport to represent all terms and conditions of employment applicable to Enoch City employees.
6. Nothing contained herein should be interpreted as a limitation on the right to discharge or terminate, or a limitation on the procedures upon which Enoch City can discharge or terminate an employee.

#### **SECTION III - INDEMNITY POLICY**

Enoch City will take all necessary precautions and steps in written contracts to prevent loss and liability arising from entering relationships with independent contractors.

#### **SECTION IV - INDEMNITY PROCEDURES**

- A. Indemnity Clauses: "Hold Harmless" Provisions

Each contract MUST contain the following provisions:

1. All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of the project.
2. All contractors must provide evidence of comprehensive general liability, including contractual liability insurance covering the contract concerned, prior to the execution of the contract.
3. All parties (Enoch City officials, employees, and volunteers) must be named as additional insured on the contractor's liability insurance policy.

B. Sample Indemnity Provision

"A" will indemnify, save harmless, and defend "B" from all liability from loss, damage, or injury to persons or property in any manner arising out of or incident to the performance of this agreement, including without limitation all consequential damages, whether or not resulting from the negligence of "B" or his agents.

## **ARTICLE VI**

### **EMPLOYEE CONDUCT: RULES AND DISCIPLINE**

#### **SECTION I - RULES OF CONDUCT POLICY**

Your employment is subject to meeting the performance and conduct requirements of your job to the satisfaction of Enoch City. Employees who fail to satisfy these requirements will be subject to disciplinary action, which can range from warning notices to termination. In each case of misconduct or unsatisfactory performance, the appropriate disciplinary action will be determined on the basis of the particular facts and circumstances. The rules/procedures set out below are as complete as we can reasonably make them. However, they are not necessarily all inclusive. Enoch City may vary from the rules/procedures listed below if, in its opinion, the circumstances require. All employees are expected and encouraged to conduct themselves in a spirit of cooperation, in order to assume smooth operation of Enoch City.

#### **SECTION II - GENERAL CONDUCT**

As an employee of Enoch City, you are expected to accept and adhere to high standards of personal and professional conduct at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that in both your business and your personal life you refrain from behavior that might be harmful to you, your co-workers, and Enoch City or that may be viewed unfavorably by current or potential clients and/or the public at large. Should your performance, work habits, overall attitude, or demeanor become unsatisfactory in the judgment of Enoch City, you will be subject to disciplinary action, including termination.

Charges shall include, but not be limited to those listed below:

1. Refusal to comply with a lawful instruction, unless such instruction is injurious to the employee's or general public's health or safety.
2. Conviction of a felony while an employee of Enoch City.
3. Indulging in offensive conduct or using offensive language towards the public or in public or towards organization officers or employees.
4. Deliberate or careless conduct endangering the safety of the employee or other employees.
5. Inducing or attempting to induce any employee in the service of the organization to commit an unlawful act in violation of regulations, official policy, or departmental orders.
6. Using, threatening, or attempting to use personal or political influence in an effort to secure special consideration as an employee.
7. Incompetence and inefficiency in the performance of job duties.
8. Carelessness or negligence with organization monies or property.
9. Theft or intentional destruction of organization property.
10. Intentional falsification of personnel records, time reports, or other records.
11. Sleeping on duty.
12. Conducting personal business on organization time.
13. Horseplay and related kinds of activities which create safety hazards.
14. Violating a safety rule or practice.

15. Inattentiveness to work; failing to start work at the designated time; quitting work early; or leaving the employer's premises during working hours without authorization from the department head.
16. Vending, soliciting, or collecting contributions on the employer's time or premises without proper authorization.
17. Receipt of traffic violations and or involvement in a vehicle accident while operating agency vehicles.
18. Policy for Use of Public Property
  - A. Purpose: This shall be known as the Enoch City, (“City”) Personal Use of Public Property Policy, (“Policy”). It has been adopted for the purpose of regulating the use of City-owned, leased, held, operated or managed equipment, vehicles, office supplies, devices, tools, facilities and other City-owned personal and real property (herein “City Property”).

B. Background/Effective Date: The Utah Legislature adopted, and the Governor signed into law, H.B. 163, with an effective date of July 1, 2019. As currently codified in Utah Code Annotated 63A-3-110, the State of Utah has instituted certain parameters dealing with the misuse of public funds and, more specifically, public property, inasmuch as public property was not previously included in the criminal statute to the same extent as public funds. Since the misuse of public property can result in criminal charges, including felony charges, the City adopts a Policy clarifying what does and does not constitute misuse of City Property and to regulate its employees, officers and directors ability to use City Property under certain circumstances. This Policy shall become effective upon approval by the City’s governing body.

C. Definitions: For purposes of this Policy the following words will have the following meanings:

1. “Public Servant” means an elected official of the City; an appointed official of the City; an employee, consultant, or independent contractor of the City; or a person (including an individual, an entity, or an organization) hired or paid by the City to perform a government function. *See Utah Code Ann. § 76-1-601(14)*. A person becomes a “public servant” upon the person’s election, appointment, contracting or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.

2. “Public Property” and “City Property” are interchangeable and mean and include any real or personal property that is owned, leased, held, operated or managed by the City, including Public Property that has been transferred by the City to an independent contractor for the purpose of providing a program or service for or on behalf of the City. In the event and to the extent the Public Property is consumed or rendered effectively valueless to the City as a program or service is provided to the City by an independent contractor or as the Public Property is utilized by City



employees, the property shall cease to be Public Property and may be disposed of as the independent contractor or City management deems fit, unless otherwise directed by the City. *See* Utah Code Ann. § 76-8-101(5).

3. “Authorized Personal Use” means any personal use that is authorized pursuant to this Policy. As provided in Utah Code Ann. § 76-8-402(1), a public servant may use City Property for a personal matter and personal use of City Property is allowed when: (a) (i) the public servant is authorized to use or possess the Public Property to fulfill the public servant’s duties owed to the City; (ii) the primary purpose of the public servant using or possessing the Public Property is to fulfill the public servant’s duties to the City; (iii) the personal use is in accordance with this Policy; and (iv) the public servant uses and possesses the City Property in a lawful manner in accordance with this Policy; or (b) the personal use of City Property is incidental, such as when: (i) the value provided to the City by the public servant’s use or possession of the Public Property for a public purpose substantially outweighs the personal benefit received by the public servant’s personal incidental use; and (ii) the incidental use is not prohibited by an applicable state or federal law. Any lawful personal use of City Property by a public servant that is not prohibited by applicable state or federal law is specifically authorized and allowed by this Policy. The City recognizes that third parties may benefit indirectly or directly from a public servant’s personal use, or official use, of the City’s Public Property, which benefit is specifically condoned and authorized by this Policy so long as and to the extent that the benefit does not otherwise violate an applicable law, rule or ordinance, including but not limited to state statutory law and rules and regulations of the City.

D. Personal Use:

1. Devices: Provided there is no appreciable additional cost to the City, use of communication and other devices, such as mobile phones, landline phones, and computers, that are owned by the City may be used by an employee for occasional, incidental personal activities such as calling home, making other personal calls, accepting occasional incoming personal calls, etc., provided that such personal usage is not excessive as determined by the City Manager. Similarly, City owned computers and smart phones may be used for personal text messaging, e-mails and other personal uses, provided that such use is limited, as much as reasonably possible, to break periods or periods when the employee is not “on the clock”, and is not excessive, does not interfere with the performance of any other City employees’ duties; and does not compromise the security or integrity of City property, information, or software. The following uses are strictly prohibited:

- a. Any unlawful use;

- b. Visiting and downloading material from pornographic websites except for law enforcement purposes;
- c. Any political activities;
- d. Promoting personal business or the private endorsement of any personal business;
- e. Video games or other entertainment sights; or
- f. Private Fund-raising or endorsement of a product or service.

2. Physical Facilities: Personal activities by public servants at City-owned, leased, managed and/or maintained facilities, such as meeting family members or friends for short periods of time, are allowed, provided they do not become excessive or disruptive.

3. Office Supplies/Shop Supplies/etc.: Office supplies, shop supplies and other City-owned supplies and items of personal property are intended for uses that directly benefit the City. Incidental personal use of the same by public servants is allowed, such as the use of City-owned office supplies including pens, pencils and paper, provided that such incidental personal use is not excessive.

4. City Vehicles: The City finds that employees may engage in temporary detours while using a City vehicle during working hours, if such detour would be in the best economic advantage of the City, such as: (1) an incidental use of the vehicle; or (2) if it is not financially feasible to return to the City's base location. It is the intent of the City to permit reasonable incidental uses of City vehicles during ongoing operations for purposes of a minor detour during employee break to: (1) obtain food, use of public facilities, or other such incidental circumstances, which maximizes employee's time or limits unnecessary travel on a City vehicle to return to the base of operations.

During travel outside of the City limits, an employee may utilize City vehicles to make brief stops during any break period, lunch time, or for a minor detours which are not burdensome to the City or which substantially increases mileage on the vehicle, including for the seeking of lodging, restaurants, drug stores, places of worship, and similar places necessary for the sustenance, comfort, or health of the employee to foster the continue efficient performance of City business. City employees who are serving on call, or are otherwise permitted to take vehicles home because of the nature of the work, shall be permitted to use the vehicle as transportation to and from work and for any incidental stops while traveling to or from work. The following uses are strictly prohibited:

- a. Transporting family members or dependents unless express permission is granted by the City Manager;

- b. Extended personal travel after hours after returning home solely for personal purposes unless express permission is granted by the City Manager;
- c. Smoking or the use of any tobacco production in any City vehicle;
- d. Operating a vehicle without a seatbelt for each occupant of the vehicle;
- e. Taking the vehicle using excessive mileage outside City limits for personal purposes;
- f. Using a City vehicle for any political purpose; or
- g. Promoting a personal business or the private endorsement of any personal business.

5. **Use of City Equipment, Supplies, Funds, and Facilities:** City employees may not use City equipment or resources (including any equipment, supplies (other than incidental office supplies), or funds - “Resources”) under their official control or direction or in their custody, for personal benefit or gain, or for the benefit or gain of any other individuals or outside private organizations. This includes:

- a. Use of Resources for the employee’s private business purposes;
- b. Use of Resources for the employee’s political purposes;
- c. Engage in a substantial financial transaction for the employee’s private business or personal purposes utilizing City resources; or
- d. Use City Resources for the benefit of any private person’s property improvements.

E. **Miscellaneous:** Any City Property that does not fall under any of the above classifications may nevertheless be utilized by a public servant for incidental personal uses.

F. **Policy Not Exhaustive:** The governing body of the City reserves the right to add to, delete from or change this Policy at any time. The Policy stated above is not necessarily inclusive because, among other reasons, unanticipated circumstances may arise and other rules or regulations of the City may apply. The City may vary from the Policy, subject to the application of applicable state and federal laws, if the circumstances so justify.

G. **Higher Law to Control:** In the event of any conflict between the Policy and any applicable federal or state law, rule or regulation, the law, rule or regulation, including amendments and modifications thereto, shall control to the extent of such inconsistency.

### **SECTION III - JOB PERFORMANCE**

As an employee of Enoch City, you are expected to perform all the duties and responsibilities required by your job description and all those assigned to you by your supervisor. Should you fail to perform these job duties and responsibilities at prescribed levels, you will be subject to disciplinary action, including termination.

Each employee will be subject to at least one (1) performance review a year, with the option of management to administer additional performance reviews at management discretion. These reviews will be the basis for pay increases, if any. [Section III amended 4-21-10]

### **SECTION IV - ABSENTEEISM AND TARDINESS**

Enoch City employees are expected to be to work on time and on a regular basis. When employees are unnecessarily absent or late it is expensive, disruptive, and places a burden on fellow employees, supervisors, and Enoch City. Should you be unable to work because of illness or personal emergency, you must notify your supervisor each day of your absence unless you are granted an authorized leave of absence. Unexcused absence and tardiness will result in disciplinary action, including suspension and discharge.

### **SECTION V - APPEARANCE AND GROOMING**

Enoch City employees must maintain high standards of personal appearance and grooming. Suitable clothing and neat appearance, including well-groomed hair, are requirements of employment. Administrative employees are required to dress in appropriate dress or work clothes. Laborer's work clothes should be neat and of good taste. More importantly, work clothes should be safe and comfortable. Shorts, transparent blouses or shirts, and other immodest clothing are inappropriate work attire. During summer months shorts may be worn by park employees when approved by the City Manager. Safety standards may also prohibit dangling neckties, jewelry, loose-fitting sleeves, and long coats in certain situations. Failure to maintain neat appearance and grooming are grounds for discipline, including termination. (Amended 7-18-07)

### **SECTION VI - GRATUITIES**

Enoch City employees will not accept gratuities except under circumstances allowed by the Utah Employee Ethics Act.

### **SECTION VII - SMOKING**

It is the policy of Enoch City to provide a safe and healthful working environment for employees and the general public. Enoch City will follow Utah Indoor Clean Air Act provisions by prohibiting smoking indoors, except in designated areas identified by smoking permitted signs. Employees failing to comply will be subject to discipline, including termination.

### **SECTION VIII - SUBSTANCE ABUSE**

Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase, or presence of drugs/alcohol or drug paraphernalia on Enoch City property or having reported to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action, including termination.

## **SECTION IX - OUTSIDE EMPLOYMENT**

Any outside employment for economic gain shall be cleared by the Mayor and City Council. Outside employment shall in no way interfere with on-the-job performance or necessary attendance at any job-related meetings after normal working hours.

It will be the responsibility of the employee to notify the Mayor and City Council in writing of his/her intent to participate in outside employment. The Mayor and City Council will determine if permission to participate in outside employment will be given by Enoch City.

In no instance shall facilities, supplies, equipment, and/or other services belonging to the Enoch City be used by employees for the purposes of outside employment for economic gain.

## **SECTION X - EMPLOYEE CODE OF CONDUCT**

No employee, officer, or agent of Enoch City shall participate in selection or in the award of a purchase if a conflict of interest, real or apparent, would be involved. Such conflict would arise when the employee, officer, or agent; any member of his immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above, has financial or other interest in the firm selected for award.

## **SECTION XI - PROGRESSIVE DISCIPLINARY POLICY**

Enoch City is committed to a fair and equitable progressive disciplinary system. Management has both the right and responsibility to correct and/or discipline staff for misconduct, errors or inappropriate behavior or actions which adversely affects the operations and/or the reputation of the Enoch City.

**First-level offenses** are the least serious offenses under the progressive disciplinary system. Examples of first-level offenses are:

- Unauthorized or excessive absences, tardiness, or early quitting;
- Unauthorized time away from the work station;
- Failure to meet established work quality standards;
- Failure to attain production requirements;
- Use of obscene, abusive, or disruptive language or behavior;
- Failure to adhere to safety regulations and to wear required safety equipment;
- Failure to pay attention to job responsibilities;
- Failure to adhere to and follow established work procedures;
- Failure to notify proper management of intended absences.

**Second-level offenses** are more serious and may require more stringent disciplinary action. Some examples of second-level offenses are:

- Failure to follow supervisory instructions;
- Violation of established safety rules;
- Leaving the work site without informing the supervisor;
- Unauthorized use of materials or equipment;
- Fighting or provoking riot on Enoch City premises.

**Third-level offenses** are the most serious offenses and may result in discharge after the first offense. Examples of third-level offenses are:

- Working or being on the job while under the influence of alcohol, narcotics, or other drugs;
- Misrepresenting or withholding information on job application records, reports, or other information which is work related;
- Damaging, misusing, or defacing Enoch City property or the property of another;
- Theft, misappropriation, or unauthorized possession of Enoch City's or another's property;
- Gambling;
- Immoral or indecent conduct;
- Unauthorized possession of weapons, firearms, explosives, etc., on work site or Enoch City property;
- Failure to report a five-day period of absence without proper explanation.

## **SECTION XII - PROGRESSIVE DISCIPLINE PROCEDURE**

### **A. First-Level Offenses**

Before taking disciplinary action of any sort, the supervisor should review the violation giving full consideration to a pre-disciplinary action checklist.

If the violation is a first-level offense, the first step under the progressive disciplinary system may be a verbal warning followed by counseling. The warning should be given as soon as possible after the violation has been committed. The supervisor should make it clear that "This is a verbal warning." A note should be made and placed in the employee's file.

Corrective counseling may be initiated when management feels an employee's conduct may be corrected through adequate counseling. This may be in the best interest of the employee and Enoch City. This also allows the employee to present his/her side of the story.

If an employee's behavior does not improve after receiving a verbal warning, the employee should be given a written warning. A copy of the warning should be given to the employee and a copy should be placed in the employee's file. It is important that the employee understand the seriousness of the violation and the consequences which will result if the undesired conduct continues. A time framework should be set in which the unacceptable conduct should be eliminated.

If an employee's conduct improves, the employee's personnel file may be cleared after a number of consecutive months of good behavior. If an employee commits three first-level offenses in one year, the employee may be suspended or placed on probation.

If an employee's conduct does not improve, the employer should issue a final written warning and place the employee on probationary status. Typically, probation should be for a period of at least one (1) week and no longer than 60 days. (Amended 7-18-05)

The final written warning can include:

- Copies of prior warnings;
- Specific time period which the employee must eliminate conduct; and
- State that failure to improve conduct will result in suspension without pay while termination proceedings are being completed.

### **B. Second-Level Offenses**

Second-level offenses are more serious than first-level offenses and may require suspension for a period of time without pay. If an employee commits two second-level offenses, the employee may be terminated.

Like the first-level offense, the employer may give a written warning which explains the seriousness of the violation. A copy of the warning should be given to the employee and a copy should be placed in the employee's personnel file.

**C. Third-Level Offenses**

Third-level offenses are the most serious offenses and usually lead to termination.

## ARTICLE VII

### GRIEVANCE AND SEXUAL HARASSMENT

#### SECTION I - GRIEVANCE POLICY

It is the policy of Enoch City to ensure that all employees have a right to voice their grievances in a safe and fair atmosphere. We recognize the importance of open communication between management and employees in resolving disputes. This is important in order to maintain good relationships. For this purpose, a procedure is provided in which complaints will receive full and thorough consideration. When an employee feels that they have been treated unfairly or that an unsatisfactory condition exists, they should bring it to the attention of Enoch City through the grievance procedure provided. Where unions are present, the grievance procedures detailed in a collective bargaining agreement will be followed.

#### SECTION II - GRIEVANCE PROCEDURE

Misunderstandings, problems, or conflicts can arise in any organization. Many of these problems may resolve themselves naturally; however, we recognize that some may persist and require special attention. The following formal grievance procedure should be followed, with few exceptions, to hear and resolve situations that employees believe are detrimental to themselves or to Enoch City. Enoch City is committed to maintaining positive working relations by providing timely and fair responses to employee grievances.

- A. **Step One** - Communication between the Employee and the Supervisor: Informal discussion of the problem with your immediate supervisor is encouraged as the first step. If, however, you do not believe a discussion with your supervisor is appropriate, you may proceed directly to Step Two.
- B. **Step Two** - Communication with Management: If your problem is not resolved after a discussion with your supervisor or if you feel discussion with your supervisor is inappropriate, you are encouraged to request a meeting with the City Manager. The City Manager will investigate and respond within five (5) working days. (Amended 7-18-07)
- C. **Step Three** - Formal Written Communication to Management: If, after Step Two, the problem is still not resolved to the satisfaction of the employee, the employee should submit a written request for resolution to the Mayor and City Council. The Mayor and City Council will consider the facts, conduct an investigation, and respond to the employee's problem at the next regularly scheduled City Council meeting. This written document should include all relevant information about the grievance including what action has been taken by management thus far.

#### SECTION III - SEXUAL HARASSMENT POLICY

Enoch City is committed to provide all employees with a work environment free of sexual harassment. Sexual harassment, in any form, is unacceptable. Any employee involved in sexual harassment will be subject to discipline, including termination.

To promote this policy, Enoch City will provide mechanisms to hear and resolve alleged cases of sexual harassment. Individuals who feel they are victims of sexual harassment are encouraged to use the various mechanisms provided. Enoch City will hear, entertain, and resolve allegations of sexual harassment in an expedient and discrete manner.



#### **SECTION IV - SEXUAL HARASSMENT GRIEVANCE PROCEDURE**

- A. Step One** - If you feel that you are being subjected to any form of sexual harassment, or if you feel that your working environment contributes to sexual harassment, you should document specific information regarding the harassment. Dates, times, places, specific types of harassment, and names of any witnesses should be included in the documentation.
- B. Step Two** - You should then verbalize your disapproval of the actions to the harasser(s) and that his/her actions are not welcome.
- C. Step Three** - If the harassment continues, you should submit a written or verbal complaint to your immediate supervisor (if the supervisor is the harasser, go to the City Manager). Your supervisor will investigate the complaint and shall respond to your complaint in writing within seven working days. If you feel the need to verbalize your complaint to someone of your same sex, an individual will be provided. All information given by you will be confidential and treated as such.
- D. Step Four** - If you do not feel that the problem was satisfactorily resolved, you can file a formal complaint with the Mayor and City Council. Following another investigation, the Mayor and City Council will respond to you in writing after the next regularly scheduled City Council meeting.

It is the supervisor's responsibility, once a complaint has been received, to take immediate action in the form of an investigation and to stop the unwelcome behavior.

## **ARTICLE VIII**

### **TERMINATION/SEPARATION**

#### **SECTION I - EXIT INTERVIEW**

1. The terminating employee completes an Exit Interview Form.
2. The supervisor conducts an exit interview as the supervisor and employee review this form. This form should be signed by the employee and supervisor.
3. Following the interview, the supervisor should write a Separation Agreement, which is given immediately to the terminating employee. The supervisor, employee, and a witness sign the letter, after which a copy is given to the employee and the original is placed in the employee's file.
4. Any supplies or equipment which is the property of Enoch City should be recovered from the employee.

#### **SECTION II - VOLUNTARY RETIREMENT**

The following steps should be taken for voluntary retirement.

1. Employees who desire retirement should notify the employer three months in advance.
2. Employer should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, employer should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
3. Implement the retirement program before the need to use it arises. Failure to do so may result in employees later claiming that they would have been laid off because of their age, had they not retired voluntarily, and, therefore, that they were effectively coerced into retiring.
4. Carefully explain to the employee what the options are.
5. Advise the employee to consult with an attorney before making a decision.
6. Give the employee ample time to review the retirement plan.
7. Have the employee sign a release, or at least a declaration, to the effect that he or she is electing early retirement of his/her own free will.

#### **SECTION III - LAYOFFS OR REDUCTIONS IN FORCE**

The following steps should be taken for layoffs or reductions in force.

1. An employer facing a possible reduction in labor force should explain the situation to its employees, advising them of the possibility that layoffs or discharges might become economically necessary.
2. In the selection of employees for a reduction in the labor force, the following guidelines should be considered:
  - a. Selection should be based upon the individual's ability to perform the work assignments within the affected department;
  - b. Seniority should govern the selection when ability is equal;
  - c. Particular attention must be given to ensure that overall minority and female ratios are not disproportionately reduced during a reduction in work force procedure;

- d. Emergency, temporary, and probationary employees should be laid off first;
  - e. Permanent employees should be the last to be laid off, when possible, in inverse order of their length of service by respective department; and
  - f. If advance notice cannot be given, the employee's pay may be given in lieu of notice for a bona fide reduction in work force.
3. Written notices should contain the following information:
    - a. Statement of reason for layoff;
    - b. Anticipated date of layoff;
    - c. Employee's responsibility to find other employment opportunities within organization; and
    - d. Enoch City's option regarding employee placement in another position.

#### **SECTION IV - OUTSTANDING PAY**

Arrange for distribution of any paychecks which may be due the employee, including pay for unused, accrued vacation hours. Under Utah State law, the required timing of the final payment at termination is:

- Voluntary Resignation - Within one workday of effective resignation date; and
- Involuntary Resignation - Within one workday of last day worked.

#### **SECTION V - SEVERANCE PAY**

There are no laws regulating severance pay and it is the option and at the discretion of Enoch City as long as it is administered in a nondiscriminatory manner

## **ARTICLE IX**

### **RECORD KEEPING**

#### **SECTION I - RECORD KEEPING POLICY**

Employee records are maintained in compliance with the law. Enoch City's policy is that only relevant job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons. Employees have the opportunity to review their own files on the premises during regular business hours.

#### **SECTION II - REFERENCE POLICY**

Enoch City limits information given in a reference to the following:

1. Verification that the employee worked, full- or part-time, for the employer during a stated period;
2. A description of the position held; and
3. Verification that the employee achieved a given salary range.

**ARTICLE X**  
**COMPENSATION**

**SECTION I - EQUAL PAY**

Equal wages will be paid for equal work in jobs that require substantially equal skill, effort, and responsibility and are performed under similar working conditions. Substantially equal does not mean identical.

**SECTION II - OVERTIME**

1. Overtime represents time actually worked by a non-exempt employee in excess of forty (40) hours during any workweek. The workweek is defined as the period between Saturday morning at 12:01 a.m. and the following Friday evening at midnight.  
Exception: Sworn law enforcement officer's overtime represents time actually worked in excess of eighty (80) hours during any 14 day work period. [Exception added 10-5-2016]
2. Employees are designated as either exempt or non-exempt from overtime compensation in accordance with the Fair Labor Standards Act. Professional, supervisory, or management employees are designated as exempt and are not eligible for overtime compensation but are eligible for compensatory time. Compensatory time off is a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. Employees designated as non-exempt are eligible for overtime compensation. [Section II (2) amended 4-4-16]
3. Work in excess of eight hours in any workday is not overtime. Only where more than forty (40) hours are actually worked in any one workweek does overtime occur.  
Exception for sworn law enforcement officers (see 1 above). Time off for vacation, holidays, leave, sickness, etc., are not included as hours actually worked. Daily hours may be varied within a workweek to accomplish necessary workloads and to limit or eliminate the necessity of overtime, but supervisors shall also exercise care that extended work schedules do not result in fatigue-related safety problems.
4. Unapproved overtime will require the employee to take off those hours (times 1.5) on the following week, or as soon as possible [Section II (4) amended 4-21-10]
5. Employees and supervisors shall schedule the workloads to preclude the need for overtime whenever possible. Payment for overtime requires the final approval of the City Manager and employees are not authorized to work overtime without the prior approval of the immediate supervisor. The only exception to this is an emergency situation where the immediate supervisor must approve the overtime on an after the fact basis.
6. Supervisors may choose to use paid overtime or, with the consent of the employee, compensatory time to recognize overtime actually worked. Compensatory time cannot be used when the total compensatory time accumulated by an employee reaches a ceiling of 120 hours (80 hours of overtime multiplied by 1.5) or during the last pay periods of June and December. Overtime worked above the ceiling or during the final pay periods of June and December necessitates payment. This provision does not apply to exempt employees. [Section II (6) amended 4-4-16]
7. Employees who have earned, and been granted, compensatory time must by the end of the 1st payroll of June and December be provided opportunity for the use of compensatory time. Employees may choose to roll over up to 50 hours of compensatory

time into the following calendar year. Any remaining compensatory time will be paid with the final payroll of June and December. This provision does not apply to exempt employees. (Section II (7) amended 11-3-21)

8. Compensatory time granted shall be consistent with the effective operations of the department. [Section II (8) amended 4-21-10]
9. Leave must be requested, in writing, in advance of dates to be used. [Section II (9) amended 4-21-10]
10. It is the responsibility of the employee to keep track of available compensatory time. [Section II (10) amended 4-21-10]
11. Compensatory time requests will be granted by the supervisor and city manager taking into account workloads, order of requests made and any other criteria deemed valuable by the grantors. [Section II (11) amended 4-21-10]
12. A request for use of compensatory time does not guarantee approval for time off. It is the responsibility of the employee to verify they have received any time-off requested. [Section II (12) amended 4-21-10]
13. Compensatory time is non-transferable. [Section II (13) amended 4-21-10]

### **SECTION III - LUNCH AND BREAK PERIODS**

Each employee's work day of more than six (6) hours may include a non-compensated minimum of thirty (30) minutes and no longer than one (1) hour, unless prior approval is received from the employee's supervisor, for a lunch period. Break periods are included in ever four (4) productive work hours. A fifteen (15) minute break period shall be allowed for each four (4) hour schedule actually worked. For a full eight (8) hour work day two compensated fifteen (15) minute work break periods, one of which should be in the morning and one in the afternoon, may be taken. Lunch periods will normally be scheduled to begin between the hours of 11:00 a.m. and 1:00 p.m. for a regular day shift. Lunch and break periods will be approved and scheduled by the employee's supervisor taking into account work load and service levels. These lunch and break periods may not be adjusted or accumulated to accommodate a shorter workday. Any exceptions must be approved by the City Manager. [Amended 4-21-10]

### **SECTION IV - REIMBURSABLE EXPENSES POLICY AND PROCEDURE**

With prior approval by the Mayor or City Manager, legitimate expenses will be reimbursed to the employee. Receipts will be required. Reimbursement may be in the form of petty cash or a separate check. Records will be kept reflecting the amount of reimbursement each employee has received.

Reimbursement is only available if the travel requires the employee to be away from their home for a period substantially longer than an ordinary workday and it is reasonable for them to need to sleep or rest. In some cases, then, travel expenses may be reimbursed even though the employee is away from home for a period of less than 24 hours. [Amended 4-21-10]

### **SECTION V - TRAVEL**

1. City employees will use City vehicles when traveling on City business. Travelers may use private vehicles with prior approval of the City Manager or designee. Only one person in a vehicle may receive the reimbursement, regardless of the number of people in the vehicle. Employees will be expected to carpool whenever available. Mileage will be

paid for the use of an employee's vehicle on Enoch City business, at the same rate as published in the State of Utah Accounting Policies and Procedures. If a City vehicle is available and the traveler is approved to use their own vehicle they will be reimbursed at the lower rate. (Amended 4-21-10)

2. Subsistence will be paid for meals, required during travel time on Enoch City business. Actual expenses for meals will be reimbursed up to the maximum allowed at the same rate as published in the State of Utah Accounting Policies and Procedures. Receipts for meals will be required. (Amended 7-18-07)
3. Actual expenses will be reimbursed for lodging. Employee will be required to utilize government discount rates.
4. If required to attend training or a conference, an employee will be compensated his/her regular daily salary for travel to, attendance, and travel from the training or conference, in addition to paying any tuition or fees.

## **SECTION VI – CELL PHONE STIPEND**

If an employee's job functions require communication via cell phone, supervisors & the City Manager may provide cell phones and the cell service through the city's cell service account. When the employee desires to use their personal cell phone and service, a stipend will be paid at the time of regular payroll. At the discretion of the supervisor and the City Manager and according to job duties, the stipend will coincide with either a required flip-type phone at \$20 per month, or required smartphone at \$50 per month. This cell phone stipend availability and need will be reviewed and changes will be allowed only one time per year to coincide with the fiscal year budget. When the employee is provided with a stipend, the expectation of availability is the same as if they are provided a city cell phone.

## **SECTION VII - DEATH PAYMENTS**

Salary and accrued annual leave shall upon an employee's death be issued in his/her name but be delivered to such beneficiary as is designated by the employee. If no beneficiary is designated, the salary and accrued annual leave will be forwarded to the surviving spouse or children or parents in that order.

## **ARTICLE XI**

### **BENEFITS**

#### **SECTION I - SOCIAL SECURITY**

Employees automatically participate in the federal Social Security plan. Enoch City matches the employee contribution. By calling the Social Security office, information on current policies and benefits can be obtained.

#### **SECTION II - RETIREMENT**

Enoch City is covered under the Utah Noncontributory Retirement System. Employees working 1040 or more hours per year qualify for the plan. Participation in the plan is mandatory for all qualified personnel and will commence on the first day of actual work. The Utah State Retirement Board governs provisions of the plan. Full details of this retirement plan are available by contacting the Utah Retirement Systems office. (Section II amended 7-6-2005)

#### **SECTION III - HEALTH AND LIFE INSURANCE**

Enoch City is a member of the Utah Local Governments Trust group medical and life insurance program. Full time qualified employees are required to participate in this plan which will commence on the first day of actual work. City employees who are covered under another health insurance plan may opt not to participate in the City's provided health insurance plan. The City may compensate employees who opt not to participate in the City's plan up to 60% of the normal cost of City provided health insurance with proof of other health insurance coverage. Eighty (80) per cent of employees must be covered by City provided health insurance. When twenty (20) per cent of employees have opted not to participate in the City provided health plan then no other employees may opt for non-participation until the percentage increases above the eighty (80) per cent required.

Information concerning the plan can be obtained from the personnel office. (Amended 7-18-07)

#### **SECTION IV - WORKER'S COMPENSATION**

Accidental injuries or occupational diseases arising out of or in the course of an employee's employment with the Enoch City are covered by the Utah Local Governments Trust Workers' Compensation Insurance. Accidental injuries or occupational diseases arising out of or in the course of an individual volunteering to do a specific job or project without pay, that benefits the City of Enoch, is covered by the Utah Local Governments Trust Workers' Compensation Insurance.

In the event of an on the job accident, an employee, volunteer, or a co-worker will immediately notify the supervisor. Within 24 hours of the accident or injury the employee or volunteer will file a completed report of injury form, which the employer will file with the Utah Local Governments Trust Workers' Compensation Fund and Industrial Commission of Utah. When a Workers Compensation claim is filed and the employee is compensated by Workers Compensation Insurance the employee will not be eligible to use sick leave. (Amended 7-18-07)

#### **SECTION V - UNEMPLOYMENT INSURANCE**



Enoch City, through the Utah Local Governments Trust and based on the employment of the employee and state and federal law, offers unemployment compensation benefits. (Section V amended 6-3-98)

## **SECTION VI - ANNUAL LEAVE**

Lateral, full-time employees (those hired possessing comparative skillsets required for the position) begin employment with 40 hours of accrued annual leave; and,

### **A. Leave Accrument - Employment ninety (90) days to five years**

Each full-time regular and appointed employee who has been in Enoch City service for a period of ninety (90) days to five years shall accrue annual leave with pay at the rate of four hours for each full 80 hour bi-weekly pay period, or 104 hours per year. Annual leave shall not accrue during any period when an employee is in any leave without pay status. Employees on annual leave or sick leave with pay shall continue to accrue annual leave or sick leave, except when an employee is on consecutive annual or sick leave use for more than twenty (20) working days. Annual or sick leave shall not accrue during any period when an employee is on consecutive annual or sick leave use for more than twenty (20) working days. Holidays falling on an employee's regular working day shall be credited as a day of service. Full-time regular and appointed employees with less than 80 hours in a bi-weekly pay period and part-time regular and appointed employees shall accrue and be allowed annual leave at the following rate: the number of hours worked in the pay period multiplied by 0.05. This employment may have been with more than one department and need not have been continuous. (Amended 08-21-2002)

### **B. Leave accrument - Employment five years to ten years**

Each full-time regular and appointed employee who has been in Enoch City service for a period of five to ten years shall accrue annual leave with pay at the rate of six hours for each full 80 hours bi-weekly pay period, or 156 hours per year. Annual leave shall not accrue during any period when an employee is in any leave without pay status. Employees on annual leave or sick leave with pay shall continue to accrue annual leave or sick leave, except when an employee is on consecutive annual or sick leave use for more than twenty (20) working days. Annual or sick leave shall not accrue during any period when an employee is on consecutive annual or sick leave use for more than twenty (20) working days. Holidays falling on an employee's regular working day shall be credited as a day of service. Full-time regular and appointed employees with less than 80 hours in a bi-weekly pay period and part-time regular and appointed employees shall accrue and be allowed annual leave at the following rate: the number of hours worked in the pay period multiplied by 0.075. This employment may have been with more than one department and need not have been continuous. (Amended 08-21-2002)

### **C. Leave accrument - Employment over ten years**

Each full-time regular and appointed employee who has been in Enoch City service for a period of over ten years shall accrue annual leave with pay at the rate of eight hours for each full 80 hour bi-weekly pay period, or 208 hours per year. Annual leave shall not accrue during any period when an employee is in any leave without pay status. Employees on annual leave or sick leave with pay shall continue to accrue annual leave or sick leave, except when an employee is on consecutive annual or sick leave use for more than twenty (20) working days. Annual or sick leave shall not accrue during any period when an employee is on consecutive annual or sick leave use for more than twenty

(20) working days. Holidays falling on an employee's regular working day shall be credited as a day of service. Full-time regular and appointed employees with less than 80 hours in a bi-weekly pay period and part-time regular and appointed employees shall accrue and be allowed annual leave at the following rate: the number of hours worked in the pay period multiplied by 0.10. This employment may have been with more than one department and need not have been continuous. (Amended 08-21-2002)

**D. Payment on Separation from Service**

Accumulated earned vacation time shall be paid for by the employing department when an employee is being separated from Enoch City service. A holiday occurring during a period when a terminating employee is being paid for annual leave will be counted as a holiday and will be paid for. It will not be charged as annual leave.

**E. Transfer of Leave**

An employee transferring from one department of Enoch City service to another may with the approval of the Personnel Office, be entitled to transfer all accrued annual leave credit to the new department.

**F. Annual Leave Falling on Holidays**

If a holiday occurs during a period in which annual leave has been granted, it shall not be charged as annual leave.

**G. Annual Leave beyond Accrument**

No employee may be allowed annual leave with pay for any period of time beyond, or in advance of, time already accrued.

**H. Granting of Annual Leave**

1. Annual leave granted shall be consistent with the effective operations of the department.
2. For employees continuing in service on January 1 of each year, any unused, accrued annual leave time in excess of 160 hours after the last pay period of each year will be forfeited. Each employee is urged to utilize, annually, his/her earned annual leave. (Rev. 3-2-11)
3. An employee who is separated from Enoch City service shall be compensated for all annual leave accrued to his credit.

**I. Employees not Eligible for Annual Leave**

Annual leave with pay shall not be granted to emergency, seasonal, temporary, or non-traditional part-time employees, volunteers, appointed volunteers, or elected officials.

**J. Days not Counted for Purposes of Leave**

For purposes of this Article, Saturdays, Sundays, holidays, or other regular days off shall not be considered regular working days, and service shall not include time spent on leave of absence without pay.

**K. Payment for Leave on Termination**

Upon termination of employment with Enoch City, all accrued annual leave of the employee will be paid in a lump sum payment on the pay day following the last day worked, providing the amount of terminal leave has been approved by the Mayor and City Council. Annual leave and sick leave start to accrue at the beginning of a bi-weekly pay period and shall not be credited for less than a bi-weekly pay period. A terminating employee must be credited with additional annual leave based on his accrued annual leave as of the last day worked.

**L. Leave Requests and Use**

1. Annual leave granted shall be consistent with the effective operations of the department
2. Annual leave must be requested, in writing, in advance of dates to be used.
3. It is the responsibility of the employee to keep track of available annual leave or sick time.
4. Annual leave requests will be granted by the supervisor and city manager taking into account workloads, order of requests made and any other criteria deemed valuable by the grantors.
5. A request for the use of annual leave does not guarantee approval for time off, it is the responsibility of the employee to verify they have received any time-off requested.
6. Annual leave may be transferred from employees with accrued leave to other annual leave eligible employees. Transferred leave hours shall be based upon the monetary value of gifted hours. All other annual leave policies in this section apply to both the gifting employee and the eligible employee. All transfers must be approved in writing by gifting employee's supervisor and the Enoch City Manager. (Rev. 7-2015)

## **SECTION VII - HOLIDAY LEAVE**

### **A. Holidays**

- i. January 1, called New Year's Day
- ii. The third Monday of January, called Martin Luther King Day
- iii. The third Monday of February, called Presidents' Day
- iv. The last Monday of May, called Memorial Day
- v. June 19<sup>th</sup>, called Juneteenth
- vi. July 4, called Independence Day
- vii. July 24, called Pioneer Day
- viii. The first Monday of September, called Labor Day
- ix. The second Monday of October, called Columbus Day
- x. November 11, called Veterans' Day
- xi. The fourth Thursday of November, called Thanksgiving Day
- xii. The fourth Friday of November, the day after Thanksgiving Day (Rev. 11-09)
- xiii. December 25, called Christmas

### **B. Observance of Holidays**

If a holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. Any day designated by the Governor will be a holiday.

### **C. Observance on Regular Days Off**

Employees whose days off are other than Saturday and Sunday shall be allowed time off for holidays in a way as to be equitable to conditions affecting employees who work Monday through Friday.

- D. Holiday Pay will be equivalent to eight (8) hours of work for full time employees who work more than an average of thirty five (35) hours on a regular basis. [amended 4-21-10]

- E. Holiday Pay will be equivalent to six (6) hours of work for full time employees who work an average of between thirty (30) and thirty five (35) hours on a regular basis. [amended 4-21-10]
- F. Holiday pay will be equivalent to four (4) hours of work for part-time employees. [amended. 4-21-10]
- G. Holiday pay shall not be granted to emergency, seasonal, temporary, or non-traditional part-time employees, volunteer, appointed volunteers, or elected officials. [amended 4-21-10]
- H. Sworn law enforcement officers shall be paid 8 holiday hours at straight time in addition to hours actually worked. [added 10-5-2016]

## **SECTION VIII - SICK LEAVE AND FUNERAL LEAVE**

Sick leave is provided as insurance against loss of income when a regular full-time employee is unable to perform his/her work because of the illness or injury of the employee or for the emergency care of ill or injured dependents of the employee. It is the responsibility of the employee to keep track of available sick time. Lateral employees (those hired possessing comparative skillsets required for the position) begin employment with 40 hours of accrued sick leave; and, [Amended 4-19-22]

### **A. Accrual of Sick Leave**

Each full-time regular and appointed employee who has been in Enoch City service for a period of ninety (90) days shall accrue sick leave at the rate of four hours for each full 80 hour bi-weekly pay period, or 104 hours per year. Sick leave shall not accrue during any period when an employee is in any leave of absence without pay status. Employees on annual leave or sick leave shall continue to accrue both annual and sick leave, except when an employee is on consecutive annual or sick leave use for more than twenty (20) working days. Annual or sick leave shall not accrue during any period when an employee is on consecutive annual or sick leave use for more than twenty (20) working days. An eligible employee may begin to utilize this accrued sick leave after having completed at least two full bi-weekly pay periods of satisfactory employment, after the ninety (90) day probationary period. Holidays falling on an employee's regular working day shall be credited as a day of service. Full-time regular and appointed employees with less than 80 hours in a bi-weekly pay period and part-time regular and appointed employees shall accrue and be allowed sick leave at the following rate: the number of hours worked in the pay period multiplied by 0.05. This employment may have been with more than one department and need not have been continuous. (Amended 08-21-2002)

### **B. Limits of Sick Leave Accrual**

Accrual of sick leave shall be limited to 550 hours.  
(Amended 08-21-2002)

### **C. Payroll Status During Sick Leave Absence**

Employees off work due to illness will be carried on the payroll in a leave-with-pay status for the time equal to the sick leave already accrued. Any absence for illness beyond the accrued sick leave credit will result in the employee being carried on the

payroll on annual leave until all annual leave has been used and then in a leave-without-pay status.

**D. Reporting of Sick Leave**

Each employee absent under the provisions of the Article will arrange for a telephone report to his supervisor on the morning of the first day of absence.

**E. Handling of Sick Leave on Employee Separation**

An employee separating from Enoch City service will not be compensated for unused sick leave credit. Sick leave will not be granted to any terminating employee who becomes sick after the last day worked. A holiday occurring during any period in which sick leave is granted shall not be charged as sick leave. Accrued sick leave available to an employee at the time of his separation shall again become available to him upon his reinstatement from a leave of absence without pay, or upon re-employment or rehire within one year after his last day worked.

**F. Transfer of Sick Leave**

An employee transferring from one department of Enoch City service to another may with the approval of the Mayor and City Council be entitled to transfer all accrued sick leave credit to the new department.

**G. Granting of Sick Leave for Illness or Injury**

Sick leave shall be granted to an eligible employee who is absent from duty because of illness or injury of the employee. Any application for granting of sick leave to cover an absence which exceeds four (4) successive working days shall be supported by a medical certificate, or other evidence administratively acceptable; provided that when the City Manager finds that excessive sick leave is being taken, a doctor's diagnosis or other evidences of illness may be required for absences of less than four days. Such evidence may be required on the day the employee returns to work. Abuse of sick leave privileges may be considered as grounds for suspension or dismissal.

**H. Employees not Eligible for Sick Leave**

Sick leave with pay shall not be granted to emergency, seasonal, temporary, or non-traditional part-time employees, volunteers, appointed volunteers, or elected officials.

**I. Days not Counted for Purposes of Sick Leave**

For purposes of this Article, Saturdays, Sundays, holidays, or other regular days off shall not be considered regular working days, and service shall not include time spent on leave of absence without pay.

**J. Funeral Leave for Employees Immediate Family**

1. Leave with pay may be granted to employees, at the discretion of the Mayor and City Manager, to attend the funeral of a member of his immediate family. Such leave shall not be charged against accrued sick or annual leave.
2. The amount of time granted will be governed by the individual circumstances which will normally be one day, but shall in no case exceed three (3) working days. "Immediate family" shall mean: wife, husband, children, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, brothers, and sisters of the employee.

**SECTION IX - FAMILY AND MEDICAL LEAVE**

As a supplement to its other leave policies, the City offers family and medical leaves of absence as provided by the Federal Family and Medical Leave Act of 1993 ("FMLA").

**A. General Leave Provisions**

1. Under the FMLA, an eligible employee may take up to 12 weeks of unpaid leave during any 12-month period for:
  - a. the employee's own serious health condition,
  - b. the birth or placement for adoption or foster care of a child or
  - c. care of a child, spouse or parent who has a serious health condition.
2. A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
3. An employee must have been employed by the City for at least one year and have worked at least 1,250 hours within the previous 12-month period to be eligible for FMLA leave.
4. Leave to care for a new child must be taken within one year of the birth or placement for adoption or foster care.
5. If leave is taken for care of a new child or for care of a spouse, child, or parent with a serious health condition, an employee may elect or the City may require the employee to substitute any accrued paid annual leave or personal leave as part of the 12-week leave provided for in the FMLA.
6. If leave is taken based on the employee's own serious health condition, an employee may elect or the City may require the employee to substitute any accrued paid annual leave, sick leave or personal leave as part of the 12-week leave provided for in the FMLA.
7. If spouses are both employed by the City and seek leave to care for a new child or a parent with a serious medical condition, their combined leave is limited to 12 weeks.
8. Intermittent leave or a reduced leave schedule for medical reasons can be taken under this policy "when medically necessary." Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and the City mutually agree to that arrangement.
9. If an employee requests intermittent leave or a reduced leave schedule because of a serious health condition that is foreseeable based on planned medical treatment, the City may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.
10. "Intermittent leave" is leave that is not taken consecutively. A "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek or hours per workday.

**B. Notice**

1. If the need for leave is foreseeable based on an expected birth or placement of a child, the employee should give at least 30-days notice before the leave is to begin, that the employee intends to take leave. If the situation requires leave to care for a child to begin in less than 30 days, the employee should provide such notice as is practicable.
2. If the need for leave is foreseeable based on planned medical treatment, the employee should:

- a. make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the City, and
- b. give at least 30-days notice before the leave is to begin, that the employee intends to take leave. If the situation requires that leave begin in less than 30 days, the employee should provide such notice as is practicable.

**C. Benefits and Employment Status**

At the end of an FMLA leave under this policy, an employee is entitled to return to his or her previous position or to an equivalent position with no loss of benefits.

FMLA leave taken under this policy will not result in loss of any seniority or employment benefits accrued prior to the leave. However, no seniority or benefits will accrue during the leave.

An employee on FMLA leave under this policy will receive health benefits while on leave under the same terms and conditions as when he or she was on the job.

**D. Certification**

- 1. The City may require that an employee provide certification of a serious health condition upon which a request for FMLA leave is based.

Certification must include:

- a. date of onset of condition,
- b. expected duration,
- c. appropriate medical facts regarding the condition, and
- d. a statement that the employee is needed to care for a spouse, parent, or child (and the estimated time required) or a statement that the employee is unable to perform his or her job functions.

If intermittent leave is requested, the certification must also include dates and durations of treatments to be given.

- 2. The City may require that a second opinion be obtained at the City's expense. If there is a conflict in the two opinions, the City may pay for a third health care provider to render a third and final opinion. The City may require subsequent re-certification on a reasonable basis.

**SECTION X - COURT AND JURY LEAVE**

**A. Leave for Court Service**

Each Enoch City employee shall be entitled to leave of absence when, in obedience to a subpoena or direction by proper authority, he appears as a witness for the Federal Government, the State of Utah, or a political subdivision thereof, and for such periods of required absence, he shall be entitled to the difference between his regular compensation and the compensation or fees received as a witness.

**B. Leave for Jury Service**

Any Enoch City employee who serves upon a jury shall be entitled to leave of absence for such duty and for such period of required absence, he shall be entitled to the difference between his regular compensation and the amount of compensation received for jury duty.

**C. Travel Time**

Time required in going and returning shall not be considered absence from duty when attendance at court is in connection with an employee's usual official duties.

**D. Court and Jury Leave Limitations**

Time absent by reason of subpoena in private litigation or by some party other than the Federal Government, the State of Utah, or a political subdivision thereof, to testify not in official capacity but as an individual, shall be taken as annual leave or leave without pay.

**SECTION XI - MILITARY LEAVE**

U.S. Code, Chapter 43 of Part III of Title 38, states that if a reservist/national guard member requests leave to attend military training, the Enoch City must grant it as long as the training is under Federal orders.

Laws do not apply to temporary employees. Enoch City is not required to pay the employee for time lost from work because of military training.

An employee cannot be denied a promotion because of the obligations imposed by membership in a Reserve component. All allowances given to employees for leaves of absence apply similarly to those taking military leave.

**SECTION XII - PERSONAL LEAVE**

Personal leave without pay may be granted with the approval of the supervisor and City Manager. A written request must state reasons for the leave and the day it will begin and end. If the employee fails to return on the designated date, it will be considered that the employee has resigned from employment. Enoch City has no obligation to hold a job for an employee unless it has explicitly agreed to do so. During the leave, sick time, holidays, and vacation will be neither accrued nor paid.

**SECTION XIII - UNAUTHORIZED LEAVE**

Any absence from duty for one hour a day or more that is not covered by an authorized grant of leave shall be recorded as leave without pay and shall be the basis for disciplinary action for a deduction of pay. No other application for leave of absence to cover an absence previously taken without prior authorization shall be approved by the Mayor or City Manager except in the case of sick leave.



## **ARTICLE XII**

### **HEALTH AND SAFETY**

#### **SECTION I - GENERAL SAFETY PURPOSE**

Section 35-9-2 of the Utah Code Annotated states that the purpose of safety rules which Enoch City actively follows is, "To preserve human resources by providing for the safety and health of workers..." Enoch City maintains this goal of protecting all employees from the threat of serious injury or death through enacting the following policies and procedures.

#### **SECTION II - GENERAL SAFETY POLICY**

It is the policy of Enoch City to minimize the loss of life and property to Enoch City, its work force and the public as a consequence of the performance of Enoch City by taking all practical steps to safeguard employees and citizens from accidents.

It is the policy of Enoch City to strive for the highest possible level of safety in all activities and operations, and to carry out our commitment of compliance with all health and safety laws applicable to our business by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

Enoch City will make every effort to provide working conditions that are as healthy and safe as feasible, and employees are expected to be equally conscientious about work place safety, including proper work methods, reporting potential hazards and abating known hazards. Unsafe work conditions in any work area that might result in an accident should be reported immediately to a supervisor or City Manager. Enoch City's safety policy or practices will be strictly enforced, including possible termination of employees found to be willfully negligent in the safe performance of their jobs.

#### **SECTION III - GENERAL SAFETY PROCEDURES**

##### **A. General Safety Rules**

The following general safety rules will apply in all Enoch City work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

1. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
2. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, and hard hats, if required or appropriate to the work performed.
3. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines.
4. All accidents, regardless of severity, personal or vehicular, are to be reported immediately to the supervisor or City Administrator.
5. Defective equipment should be reported immediately to the supervisor or City Manager.
6. Employees will not operate equipment or use tools for which licensing and training has not been received.
7. In all work situations, safeguards as required by State and Federal Safety Orders will be provided.

##### **B. Use of the City Equipment**

The use of Enoch City equipment or tools for private purposes is strictly prohibited. However, reasonable use of the Enoch City tools and equipment to protect property and preserve life is authorized.

1. Employees must receive the proper training including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description.
2. A commercial driver's license is required for operators of commercial motor vehicles, to be obtained prior to April 1, 1992. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. The license must be renewed at state required intervals. (Amended 7-18-07)
3. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles will observe all local traffic laws.
4. Employees shall keep Enoch City vehicles which are used by them clean, presentable, and serviceable.

#### **SECTION IV - EMERGENCY PROCEDURES PURPOSE**

1. To provide a basis for the conduct and coordination of operations and the management of critical resources during emergencies.
2. To establish a mutual understanding of the authority, responsibilities, functions and operations of Enoch City during an emergency.
3. To provide a basis for contacting and incorporating into Enoch City those public and private organizations having resources necessary to meet foreseeable emergency requirements.

#### **SECTION V - EMERGENCY PROCEDURES POLICY**

Disaster planning should not be something apart from the everyday activities of local operations. It is day-to-day operations which should be geared to act effectively in an emergency by making use of the same staff, skilled personnel, facilities, and equipment required for routine operations. Organizational responsibilities are primarily the same as in normal operation; protection of life and Enoch City property as well as implementation of the emergency plan until such time that actual normal procedures can be safely practiced.

#### **SECTION VI - EMERGENCY PROCEDURES**

1. Provide a basis for the direction and control of emergency operations.
2. Save lives and protect Enoch City property.
3. Repair and restore essential systems and operations.
4. Coordinate operations with the emergency services of other jurisdictions.
5. Make employees aware of basic emergency situations that may develop in and about the organization's location.
6. Designate a meeting area that is safe and at which employees can congregate in the event of an emergency.
7. Identify local emergency broadcast systems and telephone numbers to receive direction in the event of an emergency.
8. Include a list of resource agencies, both private and public, at all levels of government. This should include telephone numbers, addresses, radio broadcast bands, and names of

organizations and personnel that can assist Enoch City in conducting safety procedures in the event of an emergency.

9. Continue to practice emergency procedures on a routine basis having drills and meetings that instill these procedures in the minds of employees.

## SECTION VII – LIGHT DUTY ASSIGNMENTS

1. Employees with temporary disabilities that prevent them from performing a full range of duties will be assigned to light duty. Light duty assignment will enable the employee to continue using skills and abilities temporarily limited by injury or disability. Employees assigned to light duty will have imposed appropriate restrictions, which will minimize the risk of unnecessarily jeopardizing the safety of city employees as well as the safety of the general public. This policy is designed not only to protect the best interests of Enoch City, but also to ensure that employees who have incurred disabling medical conditions adhere to all therapeutic instructions of their physician or their attending medical authority for their own personal wellbeing and rehabilitation.
2. Applicability
  - A. Light duty applies to an employee of Enoch City who has a temporary disability that does not require sick leave but does limit the exercise of his or her normal duties.
  - B. An employee who has a temporary disability that does not require sick leave but does limit the exercise of his or her normal duties may be assigned to light duty status.
  - C. Temporary light duty assignments will be reviewed by the employee’s supervisor every thirty (30) days.
  - D. The assignment of any employee of Enoch City to light duty is not a matter of right. Enoch City cannot guarantee that it will be able to assign personnel to light duty of any type. The decision as to whether an individual is assigned to light duty belongs to the employee’s supervisor and at the discretion of the City Manager.
  - E. Priorities
    - i. Work Connected. An employee who has suffered an on the job connected injury will be given first priority to a light duty assignment.
    - ii. Non-work Connected. The available number of light duty positions may be limited. Therefore, an employee suffering a non-job related injury or illness has secondary priority to the light duty assignment.
3. Assignment
  - A. Any light duty assignment must be medically suitable. The employee must be capable of performing the work without violating the medical restriction.
  - B. Any supervisor assigned to light duty will be only in a supervisory capacity or at the direction of the City Manager. (Section VII Added 7-18-07)

## **ARTICLE XIII**

### **DRUG FREE WORK PLACE**

#### **SECTION I - GENERAL**

**A. Purpose of Article**

The purpose of this article is to provide Enoch City's policies and procedures related to insuring a Drug Free Work Place.

**B. General Statement**

It is the policy of Enoch City that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and or alcoholic beverage in the work place is expressly prohibited. Furthermore, Enoch City will make a good faith effort in maintaining a drug free work place by implementing the following paragraphs.

**C. Scope**

This policy covers all employees of and applicants to the City.

#### **SECTION II - AWARENESS PROGRAM**

**A. Dangers of Drug Abuse in the Work Place**

Employees of Enoch City will be informed at the time of employment that drug abuse in the work place will not be tolerated. Dangers inherent with drug abuse include, but are not limited to:

1. Decreased productivity on the job;
2. Impaired judgment when dealing with machinery, equipment, and the public;
3. Increased risk to fellow employees; and
4. Loss of trust by local officials and citizens.

**B. Drug Free Work Place Will Be Maintained**

It is the policy of Enoch City that the work place will remain drug free. No unlawful activities with regard to controlled substance will be tolerated.

**C. Drug Counseling Programs**

Employees needing assistance with drug-related problems will be referred to the Southwest Utah Mental Health Department.

**D. Penalties for Drug Abuse Violations**

Article VI, Section VIII of the Enoch City Personnel Policies and Procedures Book already states that being under the influence of intoxicants or drugs while on duty is cause for disciplinary action. Any or all of the following options are available to the Mayor or City Manager:

1. Oral Warning
2. Written Reprimand
3. Suspension
4. Demotion
5. Dismissal

Employees with questions regarding the specific procedures in disciplinary actions should refer to Article VI of the Enoch City Personnel Policies and Procedures Book or contact the City Manager.

### **SECTION III - COPY OF STATEMENT TO EACH EMPLOYEE**

Each employee will be given a copy of this Article, along with the entire Personnel Policies and Procedures Book at the time of employment. Employees must sign a statement indicating that they have received a copy of the drug/alcohol testing policy and procedure and drug/alcohol information. The original of the signed statement will be maintained in the employee's personnel file and a copy may be given to the employee.

### **SECTION IV - COMPLIANCE WITH ARTICLE A CONDITION OF EMPLOYMENT**

All employees of Enoch City are required to abide by the provisions of this Article as a condition of employment. Any employee convicted of a criminal drug statute occurring in the work place shall notify the Mayor or City Manager of such conviction no later than five days after such conviction.

### **SECTION V - NOTIFICATION OF FUNDING AGENCY**

After notification of a criminal drug statute violation as described in Section IV, the Mayor or City Manager shall notify any federal funding agency, which provides funds for the salary of such employee within ten (10) days of such notification.

### **SECTION VI - DISCIPLINARY ACTION REQUIRED**

Appropriate disciplinary action will be taken against any employee convicted of a criminal drug statute occurring in the work place as outlined in Article VI of the Enoch City Personnel Policies and Procedures Book within thirty (30) days of the notification required in Section IV. An additional option available to the Mayor or City Manager is the requirement that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, local, or other appropriate agency.

### **SECTION VII - SAFETY SENSITIVE POSITION TESTING**

#### **A. General Statement**

In order to achieve a drug free work place, employees in and applicants for safety sensitive positions shall be required to participate in alcohol and controlled substances testing as follows:

1. When an applicant has been extended a conditional offer of employment but before beginning work;
2. When there is a reasonable suspicion to believe that the employee is in an impaired state;
3. When the employee has been involved in an on duty accident or unsafe work practice;
4. On a random basis; and,
5. As a follow-up to employment related drug or alcohol violations.

#### **B. Definitions**

1. Alcohol - Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.
2. Controlled Substance - Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including

methamphetamine) or other substances which may only be legally obtained and used pursuant to a physician's prescription.

3. Positive Test - Any test result showing blood alcohol content of 0.02 or greater or the presence of any controlled substance in the test subject.
4. Refusal to Submit to Testing - failure to provide an adequate breath or urine sample without a valid and verified medical explanation, after the employee has received notice that he is being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process.
5. Reasonable Suspicion - knowledge sufficient to induce an ordinarily prudent and cautious man under the circumstances to believe that a prohibited activity is occurring.
6. Safety Sensitive Duties - Any duties requiring a commercial drivers license, fire-fighting duties, police duties, any other duties or positions deemed safety sensitive.

### **C. Policy**

1. Enoch City requires a final applicant selected for a safety sensitive position with the City to undergo an alcohol and drug screen test to detect the presence of alcohol and illegal drugs in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for controlled substances or whose test detects a Blood Alcohol Content of 0.04 or higher may be denied employment with the City.
2. Employees shall not use, be under the influence of (0.02 BAC), or be in possession of alcohol while on duty, on City premises or while in City vehicles. City premises includes buildings, parking lots, grounds and vehicles owned by the City or personal vehicles being used for City business.
3. Employees shall not use, be under the influence of, be in possession of, or be in such a condition as to test positive for controlled substances while on duty, on City premises or while in City vehicles. City premises includes buildings, parking lots, grounds and vehicles owned by the City or personal vehicles being used for City business.
4. Employees using, possessing or being at the work place under the influence of alcohol or illegal or illegally obtained substances shall be subject to questioning and disciplinary action.
5. Any employee violating this policy may be subject to immediate termination.
6. When a designated supervisor makes a determination that there is reasonable suspicion to believe that an employee performing or assigned to safety sensitive positions is using, is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.
7. Employees assigned to, or performing, safety sensitive duties are subject to random drug/alcohol tests.
8. The City maintains the right to conduct unannounced inspections of City owned property, work stations, equipment, desks, cabinets, etc.
9. The City maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.

10. Failure to cooperate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.
11. Upon required testing due to an accident or reasonable cause, the employee tested shall not engage in the operation of any City equipment or engage in any employment related duties, which his supervisor deems dangerous to himself or others until the results of the tests are received and the employee is released back to work by the City Manager.
12. If any alcohol test result shows a blood alcohol content of 0.04 or greater, the employee shall be removed from, and cannot return to, a safety sensitive function until, at a minimum:
  - a. the employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation;
  - b. the substance abuse professional determines that the employee has successfully complied with any required rehabilitation; and
  - c. the employee undergoes a return-to-duty test with a result of less than 0.02 BAC.
13. If an employee's test result shows an alcohol concentration of greater than 0.02 but less than 0.04, the employee shall not be permitted to perform any safety sensitive functions for at least twenty-four (24) hours.
14. If a drug test result shows that the employee has misused a controlled substance, the employee shall be removed from, and cannot be returned to, a safety sensitive position until, at a minimum:
  - a. the employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation;
  - b. the substance abuse professional determines that the employee has successfully complied with any required rehabilitation; and
  - c. the employee undergoes a return-to-duty test with a verified negative test result for controlled substances.
15. If results of drug/alcohol tests indicate that an employee has violated this policy, the employee shall not engage in any safety sensitive duties until an initial substance abuse evaluation is conducted, completes any required rehabilitation and the employee successfully passes a return-to-duty drug/alcohol test.
16. If through any of these detection methods or on his initiative, an employee tests positive or seeks rehabilitation treatment, the City will pay for an initial substance abuse evaluation. The City encourages employees to enroll in a counseling or rehabilitation program. An employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits:
  - a. Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued compensatory time, vacation, and then sick leave until all leave is expended. The City will pay the employee's benefit package during the allotted treatment time, but not wage supplements during this time. Each incident will be reviewed on a case-by-case basis.
  - b. If a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the

treatment and the employee restored to his former position upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.

17. Employees who have violated this policy and continue to work for the city shall be subject to follow up drug/alcohol testing for a period of not less than one year and not to exceed sixty (60) months.
  - a. Employees subject to follow up testing will be tested a minimum of six (6) times in the first twelve (12) months following their return to duty.
  - b. Follow-up testing beyond one year shall be based on a need assessment provided by a substance abuse professional.
18. Employees may direct any questions regarding this policy to the City Manager.

(Article XIII amended 12-20-95)



## ARTICLE XIV

### SOCIAL MEDIA POLICY

#### SECTION I - PURPOSE

The departments of Enoch City may use social media tools such as LinkedIn, Facebook, Instagram, Google+, Twitter, and YouTube to reach a much larger audience. Even though the website of Enoch City, [www.cityofenoch.org](http://www.cityofenoch.org), is the main tool to establish an online presence, other social media platforms may be beneficial in helping achieve Enoch City's goals and objectives, as well as advancing the mission of the City's departments.

This social media policy specifies and provides procedures and norms, and all City official social media sites are governed by the policies stipulated in this document, as well as in the Enoch City's Policies and Procedures Manual. Violations of this social media policy are considered misconduct, and may be cause for disciplinary action.

Many City employees use social media sites for personal use. Therefore, this social media policy also gives guidelines for employees regarding their communication on social media sites as citizens.

All Enoch City employees, volunteers and contractors who are engaged in working with the City's social media sites must follow this policy.

#### SECTION II - OBJECTIVE

To expand the City's online presence through social media and to ensure that social media sites are managed according to Enoch City's social media policy. Social media sites are used to communicate issues, events and worthwhile news that occur in Enoch City.

#### SECTION III - DEFINITIONS

***City's Social Media Sites.*** Websites, applications, postings and any content on any social media site created, maintained and managed by Enoch City employees as part of their job. The City's social media sites are used to communicate and create engagement with citizens, and provide a secondary channel for feedback on city matters.

***Social Media.*** Websites and applications that allow users to create, organize, edit, manage, post, comment, and share content with the purpose of creating participation and engagement from an audience. Social media uses many technologies and forms, including but not limited to blogs, podcasts, wikis, RSS, photo and video sharing, and social networking. Not all forms of social media may be appropriate for use by City departments.

***Social Media Administrators.*** Enoch City employees appointed and authorized by the head of the department to create, maintain and manage any City social media sites. Social media

administrators' actions represent the department or City social media efforts to enhance the city's brand and mission, and should follow all policies and procedures stipulated in this document.

***Social Media Writers.*** City employees, volunteers and contractors who have the responsibility to write, edit, and publish on the City's social media sites. Social media writers' actions represent the department or city social media efforts to enhance the city's brand and missions, and should follow all policies and procedures stipulated in this document.

#### **SECTION IV - RESPONSIBILITIES OF SOCIAL MEDIA ADMINISTRATORS**

Social media administrators have the responsibility to oversee the social media efforts in their department and make sure that the social media sites are regularly maintained and kept up to date.

Social media administrators have the responsibility to make sure that the information published or shared on any social media site is professional, relevant, and appropriate.

Social media administrators should report on the department's social media activities and tools.

City employees who are engaged in writing, publishing and sharing content on social media sites must ensure that the information provided is respectful, relevant, accurate and professional, and it supports the department's mission. Social media content must show correct grammar and spelling, and mistakes should be corrected promptly.

#### **SECTION V - CITY'S SOCIAL MEDIA SITES GOVERNANCE**

- A. Enoch City's social media sites must support and enhance Enoch City's name and its objectives and goals. Social media administrators must create, share and publish content that strengthens the City's online reputation.
- B. The information contained on Enoch City's social media sites represents the City's views on policy issues and other important issues that affect City business and the community.
- C. Enoch City's social media sites are available to the public. Comments from the public are allowed and encouraged on Enoch City's social media sites to express concerns, suggestions or feelings about City departments and services.
  - 1. Content on social media sites must avoid creating a "public forum". Content on social media sites must be focused on discussions of a particular interest of the City or department. Social media sites that allow comments from the public must contain the following text:

*"The site is to discuss issues of public interest in Enoch City, Utah. We encourage the public to submit comments, but please understand that this is not a public forum."*

2. Discussions on any social media site should be monitored daily during working hours to ensure comments stay on topic and follow the City's mission. Any question or comment started by a citizen should be addressed promptly and in a timely manner, showing care and courtesy and excellent customer service.
  3. Social media administrators must remove any content that is not consistent with laws and ordinances, and that contains slurs, profanity, or personal insults.
  4. All social media content must avoid any topic or comment that may be objectionable, inflammatory, or controversial.
  5. Social media posts should add value through interaction from citizens. Social media posts should contain worthwhile information and offer perspective.
- D. Enoch City's social media sites must not contain or promote any obscene, threatening or harassing language. Neither must it contain any attack of any kind or offensive comments that target or denigrate an ethnic, racial, age, religious group, political affiliation, sexual orientation, gender, or disability status. The writer responsible for such comments will be disciplined according to Human Resource laws and policies. Likewise, any comment or posting promoting any illegal activity is also prohibited.
- E. Social media administrators must delete any comment posted by the public that contains misleading or false information, sexual content, offensive or obscene language, promotes illegal activities, commercial services or products, defames or threatens any person or public or private organization, supports or opposes political candidates or political organizations, infringes on copyrights or trademarks, or is not related to the topic of discussion. Social media sites that allow comments from the public must contain the following text:
- "Enoch City reserves the right to delete any comment that contains misleading or false information, sexual content, offensive or obscene language, promotes illegal activities, commercial services or products, defames or threatens any person or public or private organization, supports or opposes political candidates or political organizations, infringes on copyrights or trademarks, or is not related to topic of discussion."*
- F. City departments may not create and maintain social media sites different from the City's general social media sites.
1. Official social media sites must have the Enoch City logo.
  2. Any social media site created by any department must support and enhance Enoch City's name and its objectives and goals. If any social media site does not meet the City's goals and objectives, the City Manager may ask to discontinue that social media site at any moment. Any department with social media sites should have at least two city employees from that department acting as social media administrators.

3. Social media sites login credentials should be kept on file by the City Manager.
  4. The head of the department should monitor content posted on the department's social media sites to make sure the adherence to this social media policy and for appropriate use, message and branding.
- G. Social media administrators and writers must post and share messages or links from other schools, school districts, state and federal agencies, municipalities, news media outlets, etc.
1. Any Enoch City's social media site should not advertise, publicize, promote, receive, share, comment, write or oppose any message or link from businesses, individuals, city employees or non-profit companies.
  2. Any Enoch City's social media site should not promote, receive, share, comment, write or oppose any person campaigning for election to a political office. Social media sites should not promote or advertise any business or commercial transaction.
- H. Social media administrators must not use their own social network username and password, and their personal email accounts for Enoch City's social media sites.
- I. Each head of department should ensure that only authorized personnel is allowed to make changes, updates, and create and edit content on the City's social media sites.
- J. Each head of department must train staff members who work with social media about this policy.
- K. All City's social media sites must include, when possible, a link to the City's website for original content, forms, documents, more information, or online services necessary to conduct business with Enoch City. Social media sites must also display the department's contact information and name of the head of the department.
- L. All social media administrators should conduct themselves as representatives of the city. Social media sites must follow Enoch City's Personnel policies.
- M. Social media writers should not use photographs for which Enoch City does not have the copyrights or the owner's permission to use, unless it is specified by the owner that the image is free.
- N. All references from outside sources should be properly cited using the guidelines of the APA style.
- O. Posts on Enoch City's social media sites should use the plural voice (i.e. "we") instead of the singular voice; thus representing the organization and not a person creating the post.

- P. Social media administrators and writers should protect the privacy of citizens and protect sensitive and confidential information the City holds. Social media administrators and writers must follow protection laws, such as HIPPA.
- Q. Social media administrators and writers must keep retention laws, public records laws, fair use laws, financial disclosure laws, copyright laws, and any other law that might apply to the City or to the specific department.
- R. Social media administrators and writers should ask permission and approval from vendors, suppliers, clients, citizens, city employees, and other stakeholders when citing them on any social media post.
- S. Social media writers should correct their mistakes, and should not change any previous post without indicating that it was done. Social media writers should also address any negative comment or opposing view from the public in a positive manner.
- T. All Social media pages should include a description of the department, or the City, if it is the City's site.
  - 1. On a department's Facebook page, it should give a description of the department in the section title "About".
  - 2. Enoch City departments should create "pages" on Facebook instead of "groups". For "type" description, the option "government" should be used.
  - 3. On any department's Twitter account biographies, the site should contain a link to the department's website and should read "Enoch City, Department name". On the City's Twitter account biographies, the site should contain a link to the City's website.
  - 4. On any department's blog, an "About Us" tab or "About" tab should include a description of the department's mission and a link to the department and City's website. On the City's blog, an "About Us" tab or "About" tab should include a description of the City's mission and a link to the City's website.
  - 5. On the department and City's social media sites should include the following statement:
 

*"If the department or City follows or friends a third party's social media site, it is with the sole purpose of enabling communications and does not suggest departmental or City endorsement of that party."*

## **SECTION VI - PRIVACY AND SECURITY**

Music, photos, streaming video and subscriptions to RSS feeds can be beneficial to further the City's social media sites, but can also cause security issues and clutter. Any application should be used to fulfill Enoch City's purpose and to enhance user experience when it comes from trusted sources. If at any moment any application caused a security issue or contained a virus, it must be removed by the respective administrator.

## **SECTION VII - EMPLOYEE USE OF SOCIAL MEDIA**

- A. Enoch City employees whose job is to maintain the City's social media sites must follow the guidelines stipulated in this policy. Employees may work on social media sites after business hours to respond to inquiries, questions or complaints that require a prompt answer.
- B. Enoch City's social media sites should not be used for personal profit or business interests. Neither should it be used to participate in political activity.
- C. When employees comment on City business, they should add a disclaimer that states that their comments and opinions are their own and do not represent the City's opinions and comments.
- D. Incidental and occasional use of an employee's personal social media sites is allowed during work hours as long as it does not interfere with the employee's job and productivity. Use of personal social media during working hours must be also limited.
- E. If an employee's social media activities break a law or any Enoch City policy, a disciplinary or any other corrective action may be taken. Any non-official or unauthorized social media activity that becomes a liability for the City may also result in disciplinary action.
- F. Employees should be examples of courtesy, respect and truthfulness at all times, including on social media sites and in their personal lives. Enoch City employees should not engaged in any personal attacks, harassment or demeaning behavior.
- G. Employees, volunteers, and contractors who use computers, cell phones, telephones or electronic devices that are City property must recognize that Enoch City reserves the right to monitor use of its computer systems.

## **SECTION VIII - GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA**

- A. City employees, contractors, and volunteers should not post on their personal social media sites content depicting City equipment, employees or property in a manner that would damage the image and reputation of the City or a City department. Any private social media activity that becomes a liability for the City may result in disciplinary action.

- B. City employees, contractors or volunteers should not use their City's email account or password and other City login credentials on any personal, social or professional networking site (Facebook, LinkedIn, Twitter, Pinterest, WordPress, etc.).
- C. Personal social media account's login credentials must not be related to Enoch City. For example, "CityofEnoch" is not an appropriate personal username.
- D. If engaging in personal blogging or postings on social media sites, employees should not associate their opinions and comments to the City.
- E. Employees should avoid posting on their own social media sites any content that would compromise and damage their own reputation and image. They should refrain from sharing or writing any information that would be embarrassing to see published on any newspaper or television.

## **ARTICLE XV**

### **VEHICLE USE POLICY**

#### **SECTION I - GENERAL**

##### **A. PURPOSE OF ARTICLE**

The purpose of this Article is to establish Enoch City policies and procedures related to vehicle safety and to establish guidelines for the use of City owned vehicles.

##### **B. GENERAL STATEMENT**

It is the policy of Enoch City to provide vehicles for use in carrying out City related functions, typically within the incorporated boundaries of Enoch City. These vehicles are considered work-related vehicles and certain restrictions and constraints apply to their use. This policy applies to all employees of the City, with the exception of public safety personnel, and any others excluded at the discretion of the Mayor/City Manager of Enoch City or his/her designee. (Amended 7-18-07)

##### **C. STANDARDS FOR USE OF CITY VEHICLES**

Employees must familiarize themselves with Article XII, Health and Safety, prior to using a City vehicle.

City owned vehicles are to be used by employees only in the normal course of their daily job responsibilities, returned at the end of shift, and left secure with the keys to the vehicle deposited in the building associated with the vehicle, such as the City shops, City office building, etc., so that the vehicle is available for immediate use in the case of an off duty emergency.

City owned vehicles may not be used for personal errands, functions or other personal use unless specific permission to do so is granted by the Mayor/City Manager or his/her designee. (Amended 7-18-07)

City owned vehicles may be driven only by a City employee or other City authorized individual who is properly licensed and insured. All City owned vehicles shall be driven within the requirements of applicable traffic laws.

On call employees are authorized to take the City vehicles home during non-duty hours allowing them to respond more expeditiously in the event of an emergency. (Amended 7-18-07)

Employees are required to check the vehicle oil and fluid levels prior to use and shall refer all maintenance of the vehicle to the maintenance technician. All vehicles shall be kept clean by the person using such vehicle.

Employees will immediately report any vehicle malfunctions and all accidents, injuries, property damage and traffic violations to their supervisor.



Smoking and the possession or consumption of alcohol in any City owned vehicle is prohibited.

## **ARTICLE XVI**

### **EMPLOYEE APPEALS BOARD AND THE APPEALS PROCESS,**

As established by Enoch City Ordinance No. 2006-01-18-B on January 18, 2006, as required by State law.

**APPEALS BOARD:** There is hereby created an appeals board to hear appeals in accordance with Utah Code Annotated 10-3-1105 and 1106. The City Council of Enoch City shall be the members of the appeals board. The Mayor shall not be a member of the appeals board. Four members of the board shall constitute a quorum for the transaction of any business of the board or for the hearing of an appeal. The appeals board shall meet when need arises therefore, and reasonable notice shall be given to each member of the board. At the first meeting of the board in any fiscal year in which a meeting is held, the members of the board forming a quorum shall elect one of their number to serve as chairperson for the balance of the fiscal year. The City Recorder shall act as secretary for the board and shall keep all records and minutes of any board meeting or appeal. The chairperson shall cooperate with the City Recorder in setting the time, date and place of all meetings and appeal hearings.

#### **HEARINGS BY THE APPEALS BOARD**

- A. Except as provided in subsection (B) below, in all cases where an employee is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any reason, the employee shall have the right to appeal such discharge, suspension or transfer as provided herein. A policy setting forth the procedures under this section for an appeal shall be prepared and made a part of the City's employee policies and procedures manual made available to the employees.
  
- B. Subsection (A) does not apply to:
  - (i) an officer appointed by the Mayor or other person or body exercising executive power in the City;
  - (ii) the police chief;
  - (iii) the deputy police chief;
  - (iv) the fire chief;
  - (v) the deputy fire chief;
  - (vi) any department head;
  - (vii) any deputy department head;
  - (viii) any superintendent;
  - (ix) any probationary employee;
  - (x) any part-time employee; or
  - (xi) any seasonal employee.

- C. Prior to filing any appeal with the employee appeals board, the employee shall exhaust all of the employee's rights under applicable City grievance procedures.
- D. Each appeal shall be taken by filing written notice of the appeal with the City Recorder within ten days after the later of:
  - (i) the employee's receipt of notice of the final disposition under any applicable City grievance procedure; or
  - (ii) the date of discharge, suspension, or involuntary transfer.
- E. Upon the filing of an appeal the City Recorder shall forthwith refer a copy of the Appeal to the appeals board.
- F. Upon receipt of the referral from the City Recorder, the appeals board shall forth with commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for the discharge, suspension, or transfer.
- G. An employee who is the subject of the discharge, suspension or transfer may:
  - (i) appear in person and be represented by counsel;
  - (ii) have a public hearing;
  - (iii) confront the witnesses whose testimony is to be considered; and
  - (iv) examine the evidence to be considered by the appeals board.
- H. The employee appeals board shall review the evidence presented and determine only whether the discharge, suspension or involuntary transfer was supported by reasonable evidence and was in accordance with City ordinances and policies. Each decision of the appeals board shall be by secret ballot, and shall be certified to the City recorder within 15 days from the date the matter is referred to it, except that for good cause, the board may extend the 15 day period up to a maximum of 60 days, if the employee and the City both consent.
- I. If it finds in favor of the employee, the board shall provide that the employee shall receive:
  - (i) the employee's salary for the period of time during which the employee is discharged or suspended without pay; or
  - (ii) any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.
- J. A final action or order of the appeals board may be appealed to the Court of appeals by filing with that court a notice of appeal. Each appeal under this subsection shall be filed within 30 days after the issuance of the final action or order of the appeals board.
- K. The Court of Appeals' review shall be on the record of the appeals board and for

The purpose of determining if the appeals board abused its discretion or exceeded its authority.

If any part of the Ordinance shall be found to be unconstitutional or unlawful by a duly appointed court of law, all parts not so found shall be lawful and in full force.