

**Personnel Policy**  
**Providence City Corporation**  
Effective Date: January 1, 2013

THESE POLICIES ARE NOT EXPRESS OR IMPLIED CONTRACTUAL EMPLOYMENT COMMITMENTS AND, EXCEPT FOR THE EMPLOYMENT-AT-WILL POLICY, MAY BE MODIFIED OR REVOKED BY THE CITY AT ANY TIME. NEITHER THIS PERSONNEL POLICY NOR ANY OTHER CITY DOCUMENT IS INTENDED AS A GUARANTEE OF TERMS OR CONDITIONS OF EMPLOYMENT OR OF BENEFITS OR RIGHTS. **THIS PERSONNEL POLICY DOES NOT ALTER THE EMPLOYMENT-AT-WILL RELATIONSHIP IN ANY WAY.** EMPLOYMENT IS NOT FOR ANY SPECIFIC TIME AND MAY BE TERMINATED AT WILL AND WITHOUT NOTICE AT ANY TIME WITH OR WITHOUT CAUSE. EMPLOYEES MAY RESIGN AT ANY TIME. THESE GUIDELINES REPLACE ANY PREVIOUS ORAL OR WRITTEN STATEMENTS, POLICIES OR PRACTICES REGARDING MATTERS COVERED IN THIS PERSONNEL POLICY

Resolved, that the following materials and provisions are hereby adopted as the rules, policies and procedures for the Providence City Corporation for pay computation, leave, compensatory time, holidays, part-time help, departmental transfers, resignations, grievance and disciplinary procedures, retirement and other matters relating thereto. All employee records shall be maintained by the Mayor and Recorder in a secure file cabinet.

**Section 1 Purpose of the plan:**

Providence City Corporation uniform personnel rules and regulations are established to assure fair treatment of all employees in all personnel actions. It provides for induction of new employees in order to assure the selection of the best qualified personnel available for employment. It establishes quality of performance as the basic consideration in determining salary, advancements, and promotions. It aims to provide equality of opportunity for qualified persons who wish to enter public employment.

Immigration Law Compliance

Providence City is committed to full compliance with the federal immigration laws. Therefore, the City is required to verify the identity and legal ability to work of all individuals before they can begin work. In keeping with this obligation, each applicant must produce documentation that shows his or her identity and legal authority to work. Each applicant must also attest to his or her legal authority to work and identify on an I-9 Form provided by the federal government. This verification form will be distributed by the City and must be completed as soon as possible after an offer of employment is made. In no event can the form be completed and returned to the City more than three business days after an individual is hired.

If an employee has provided right to work documentation that has an expiration date (with the exception of a valid U.S. Passport), updated documentation must be given to the City before this expiration date.

All offers of hire and continued employment are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States.

## **Section 2 Definitions:**

A. Regular Full time employee: An employee of the City who shall work a minimum of 30 hours per week 12 months per year. Full-time employees will be paid on an hourly basis according to documented daily time cards which are to be made available to the department supervisor daily-

B. Part time and temporary employee: An employee of the City who by definition is not a regular full time employee. Part-time and temporary employees will be paid on an hourly basis according to documented daily time cards which are to be made available to the department supervisor daily. Part-time employees are not entitled to regular benefits provided by Providence City Corporation to its regular, full-time employees. Federal income tax, state income tax and FICA (social security) will be deducted from wages paid to all employees per W-4 affidavit.

C. Exempt employee an employee as defined by the Fair Labor Standards.

D. Nonexempt Employee: an employee as defined by the Fair Labor Standards Act.

E. Public Works Director: Shall be that person appointed by City Administrator and approved by the Mayor and confirmed by the City Council. They will be responsible for the activities of a specified department, including but not limited to the following duties:

1. Prepare and assign job descriptions and duties
2. Prepare and perform employee evaluations
3. Receive and act on employee complaints and grievances
4. Prepare and hold regular staff meetings
5. Provide training opportunities for employees as needed
6. Review all of the above with the Mayor, or designee
7. Review proposed projects with the Mayor, or designee and Council.
8. Shall participate in final selection process for Public works positions.

F. City Administrator: A person appointed by the Mayor and by resolution of the City Council to be responsible for the city administrative affairs as designated by the Mayor. The City Administrator shall also be responsible to insure that the City is in compliance with all regulations and laws applicable to the City.

I. Supervisor. An assistant to the City Administrator or Public Works Director and

assigned by them to be responsible for the activities of a specified group of employees and/or volunteers of the City.

### **Section 3 Affirmative Actions:**

#### **Article I Nondiscrimination Statement:**

In accordance with the requirements and objectives set forth in Equal Employment Opportunity Act of 1972, the President's Executive Order 11246, and revised Order No. 4, published by the Office of Federal Contract Compliance, U.S. Department of Labor, Providence City does hereby actively promote equal opportunity of employment in classification, development, upward mobility, job specifications, recruiting, selection and placement, and training of employees.

Providence City will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (A) Title VI of the Civil Rights Act of 1964(p. I. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Para. 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Para. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Para 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P. I. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P. I. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) any other nondiscrimination provisions in the specific statute(s) which may apply.

#### **Article II Drug and Alcohol Testing Policy and Procedures (Res 01-067 06/26/01):**

##### **A. Policy Statement**

Providence City maintains a drug and alcohol free workplace. We comply with the Drug-Free Workplace Act of 1988. This policy recognizes the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs. The abuse of alcohol and other drugs creates a variety of problems in the workplace, such as increased injuries, increased absenteeism, increased financial burden on health insurance and other employee benefit programs, increased workplace thefts, decreased employee morale, decreased productivity, and a decline in the quality of products and services. Providence City is committed to protecting people and property, and to providing a safe working environment. The purpose of the following policy is to establish and maintain a drug free, alcohol free, healthy work environment for all employees.

B. Definitions – for purposes of this section only.

1. City Premises  
The term "City premises" as used in this policy includes all property, facilities, land, buildings, structures, automobiles, trucks and other vehicles owned, leased or used by the City. Construction job sites for which the City has responsibility are included.
2. Prohibited Items & Substances  
Prohibited substances include illegal drugs (including controlled substances with no prescription, look alike drugs and designer drugs), alcoholic beverages, and drug paraphernalia in the possession of or being used by an employee on the job.
3. Employee and contractors employed by the City are defined as:  
All Individuals who perform work for Providence, including, but not limited to, management, supervision, engineering, craft workers and clerical personnel.
4. Accident:  
Any event resulting in injury to a person or property to which an employee, or contractor/contractor's employee, contributed as a direct or indirect cause.
5. Incident :  
An event which has all the attributes of an accident, except that no harm was caused to person or property.
6. Reasonable Cause :  
Reasonable cause shall be defined as tardiness, excessive absenteeism, and erratic behavior such as noticeable imbalance, incoherence, and disorientation.

### C. Procedures and Confidentiality

1. All parties to this drug and alcohol policy and program have only the interests of employees in mind, therefore, Providence City encourages any employee with a substance abuse problem to come forward and voluntarily accept our assistance in dealing with the illness. If you volunteer for help, the City will make every reasonable effort to return you to work upon your recovery. The City will also take action to assure that your illness is handled in a confidential manner.
2. All actions taken under this policy and program will be confidential and disclosed only to those with a "need to know".
3. When a federally mandated test is required, the specimen will be identified by the employee unique number, and not by name (some non-mandated tests may be identified by name), to insure confidentiality of the donor. Each specimen container will be properly labeled and made tamper proof. The donor must witness this procedure.
4. The handling and transportation of each specimen will be properly documented through the strict chain of custody procedures.
5. All tests results will be kept in a confidential limited access file in the Providence City Office to ensure the confidentiality of the tested employees.

### D. Rules - Disciplinary Actions -

1. Rules - All employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner. Employees shall not:
  - a. Use, possess, dispense or receive prohibited substances on or at the job site; or
  - b. Report to work with a minimum level equal to 50% of the legal level allowed by current law of *any* measurable amount of prohibited substances in their system.
2. Discipline - When the City has reasonable cause to believe an employee is under the influence of a prohibited substance, for reasons of safety; the employee will be suspended until test results are available. If the test results prove negative, or if no test results are received after three (3) working days, the employee, if available, shall be returned to work. In all other cases:
  - a. Applicants testing positive for illegal drug use will not be hired.
  - b. Employees who have not voluntarily come forward and who test positive for illegal drug use, will be terminated.
  - c. Employees who refuse to cooperate with testing procedures will be terminated.

- d. Employees found in possession of illegal drugs or drug paraphernalia on the job will be terminated.
  - e. Employees found selling or distributing drugs on the job will be terminated.
  - f. Employees found under the influence of alcohol while on duty, or while operating a company vehicle, will be terminated.
3. Prescription Drugs, With Prescription- Employees using a prescribed medication which may impair the performance of job duties, either mental or motor functions, must immediately inform their supervisor of such prescription drug use. For the safety of all employees, the City will consult with you and your physician to determine if a re-assignment of duties is necessary. The City will attempt to accommodate your needs by making an appropriate re-assignment. However, if a re-assignment is not possible, you will be placed on temporary medical leave until released as fit for duty by the prescribing physician.
  4. Prescription Drugs, Without Prescription – Employees using a prescribed drug without a legal prescription will be dealt with in the same way as if the substance was an illegal substance.
  5. Grievance - All aspects of this policy and program shall be subject to the grievance procedure.

#### E. Drug/Alcohol Testing

The parties to this policy and program agree that under certain circumstances, the City will find it necessary to conduct drug and alcohol testing. The City will follow a random drug testing program.

1. Employees who require a CDL license to perform their responsibilities will be subject to all federally mandated modes of testing including pre-employment (post offer) and random.
2. A pre-employment drug and alcohol test will be administered to all applicants who receive an employment offer. The awarding of the actual job will be after the satisfactory completion of the pre-employment drug test and prior to starting employment.
3. A drug test will be administered in the event a supervisor has a reasonable cause to believe that the employee has reported to work under the influence, or is or has been under the influence while on the job; or has violated this drug policy. (In the event that a supervisor feels that there is reasonable cause, the incident must be documented in writing prior to requiring the test.);
4. Testing will be required on all CDL reportable incidences, i.e. fatalities, and CDL Drivers receiving a citation that results in a vehicle being towed or that requires medical treatment away from the scene of the accident. All other accidents/incidents will be at supervisors discretion but must be documented prior to requiring the test.

5. Testing may be required as a part of a follow-up to counseling or rehabilitation for substance abuse, for up to a 5-year period. For commercial drivers this requires 6 random tests during the first calendar year and may be up to 60 months depending on SAP education and treatment plan;
6. All tests will be confirmed by GC/MS. No positive results will be released until this is complete. Federally mandated tests must be reviewed by MRO who makes the final determination for a positive test. Adulterated, substituted, and diluted tests are viewed as lab positive and must be reviewed by MRO
7. All employees are subject to random drug testing.

Each employee will be required to sign a consent and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, ongoing employment by the City will be terminated.

Drug testing will be conducted by an independent accredited laboratory, and will consist of urine tests for all five panel and prescriptions drugs, i.e.: THC, Cocaine, PCP, Opiates, and Amphetamines; and breath testing for alcohol.

The company will bear the costs of all testing procedures including split sample confirmation if necessary.

#### F. Rehabilitation and Employee Assistance Program

Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If an employee voluntarily notifies supervision that he or she may have a substance abuse problem, the City will assist in locating a suitable employee assistance program for treatment. However, financial responsibility is ultimately that of the employee.

If treatment necessitates time away from work the City, shall provide for the employee an unpaid leave of absence for purposes of participation in an agreed upon treatment program. An employee who successfully completes a rehabilitation program shall be reinstated to his/her former employment status, if work for which he/she is qualified exists.

Employees returning to work after successfully completing the rehabilitation program will be subject to drug tests without prior notice for a period of one year. A positive test will then result in disciplinary action as previously outlined in this policy and program.

### Article III. Sexual Harassment and Discrimination Policy and Procedures (Res 01-066 06/26/01):

#### A. Statement of Policy

Sexual harassment and discrimination are illegal and endanger the

environment of tolerance, civility, and mutual respect that must prevail within the work place. Providence City Corporation is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the work place. Toward this end, all employees of Providence City Corp. must understand that sexual harassment, discrimination, and sexual exploitation of professional relationships violate the City's policy and will not be tolerated. When necessary, the city will take every step to resolve grievances promptly.

The following behaviors are examples of harassing and disrespectful behavior in the workplace and work-related environment:

NOTE: This list is not all inclusive.

- Derogatory statements, jokes, or comments
- Profanity or other abusive language
- Pressure for sexual favors
- Sexual gestures, jokes, or comments, or turning discussions to sexual topics
- Displaying cartoons, visuals, or materials that ridicule, or denigrate an employee
- E-mail, visuals, computer software, Internet services, or screen savers with sexual, racist, or discriminatory content
- Unwelcome personal questions or comments about social, religious, sexual or personal life
- Physical assault

B. Application

This policy applies to all applicants as well as officers, employees, and persons who serve the City as its agents and are under the control of the City. Specific adherence to this policy shall be made an express term of every contracted services agreement entered into by the city.

C. Sexual Harassment-Definitions

Two categories of sexual harassment and discrimination are recognized.

1. Quid Pro Quo

Sexual harassment presented as a bargain (quid pro quo) Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a superior position constitutes a bargained-for sexual harassment when submission by another is made either an explicit or implicit term or condition of employment. In this case apparent consent of the submitting party is less relevant than the extent to which the sexual conduct is unwelcome. As defined here, a bargained-for sexual harassment normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or it may be indirect when the harasser has the power to direct others who have authority over the victim.



- a. Hostile Work Environmental Harassment  
Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual or discriminatory nature constitute “ environmental harassment when such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment which unreasonable interferes with another’s work or privacy. Hostile Work Environmental harassment can inflict emotional and psychological harm on individuals and can make relationships and the work environment unpleasant, threatening, and unproductive. However, there is no requirement that evidence of actual emotional or psychological harm be shown in order for Hostile Work environmental harassment to be found to have occurred for the purpose of appropriate city disciplinary action  
In determining whether alleged conduct constitutes harassment as defined by this policy, the record as a whole will be considered as well as the context in which the conduct occurred. A Hostile Work Environmental harassment normally arises from a repeated and pervasive course of conduct whereas a bargained-for sexual harassment can be based on a single act. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular susceptibility of an individual, unless that susceptibility is known to the alleged harasser.

D. Complaint Process

All proceedings contemplated by this policy shall be confidential and will be closed to the public and City employees except where disclosure is required for legitimate investigative purposes.

1. Informal Procedure:
  - a. Notification  
If an employee thinks that he/she is the object of sexual harassment or discrimination from a Providence City employee or an individual having regular contact with Providence City, the employee should make clear to the harasser that such conduct offends him/her. In the event that the complaint is against the employee’s Supervisor, the City Administrator should be notified. All of these contacts are informal and do not need to be in writing, though if the complaint is against the Public Works Director or City Administrator, then a record should be kept.
  - b. Resolution  
If an employee contacts his Supervisor then the Supervisor should discuss the issue with the complainant and help to identify courses of action to resolve the issue.
2. Formal Procedure:

If the conduct complained of continues after the informal procedure, then the complainant may file a written complaint regarding the conduct.

a. Non-Providence City Employees

If the complaint is against an individual who is not a Providence City employee, the complainant may submit a written statement regarding the conduct to his/her Supervisor. Providence City will work with the individual to resolve the problem.

b. Providence City Employees

i. Complaint

If the complaint is against a City employee, the complainant may submit a written statement regarding the conduct to his/her Supervisor and the City Administrator. If the complainant, after a reasonable time, feels that no appropriate action has been taken, the complainant may submit the complaint to the Mayor. In the event that the City Administrator is the party against whom the allegations are being made, the complaint should be filed with the Mayor.

ii. Investigation

The mayor shall cause an investigation to occur into the alleged misconduct. The investigation shall include, but not be limited to, an interview of the complainant and the alleged offender. The City will issue a written report of its investigation.

iii. Records and Confidentiality

Records of investigations, reviews and grievance procedures will be kept in a separate confidential file in the City office.

Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures shall be placed in the individual's personnel file.

Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures will be destroyed if the complaint is found without merit.

## E. Penalties

Penalties will be determined on the basis of the facts of each case and the extent of harm to the City's interests, as well as any record indicating previous or similar wrongdoing by the accused person. If after investigation, findings indicate that the complaint is meritorious, the employee committing the acts of sexual harassment or discrimination will be appropriately disciplined as set forth in Section 7 of the Providence City Personnel Policy.

## **Section 4 Hiring and Recruitment:**

### Article I Hiring:

#### A. Policy:

1. When a position opens in the City or a need arises to create a new position, the Public Works Director or Supervisor shall submit notification of position vacancy to the City Administrator. Notification shall include position title and a description of the duties and responsibilities, knowledge and skills, and required education and experience for new position.
2. The City Administrator shall cause the opening to be posted where all City employees will be made aware of the opportunity. First consideration will be given to City employees. The position will also be advertised externally.
3. The human resource office specialist shall review the applications to determine the applicants that do not meet the minimum qualifications. Applicants that meet the minimum qualifications shall be interviewed by the Public Works Director or Supervisor, the human resource office specialist, and the City Administrator. The Mayor may attend the interviews at their discretion. The approved applicant is notified of the job offer and any drug tests to be completed successfully prior to hire and start date.
  - a. If the open position is for the City Administrator, Public Works Director, Treasurer, or Recorder, the Mayor and one council member selected by the City Council in an open meeting shall be part of the interview process; one additional council member may be involved in the interview process at their request. (Resolution 008-2016)

### Article II. Anti-nepotism:

#### A. For purposes of this section

1. "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, sister-in-law, or daughter-in-law. (Resolution 042-2015, 10/27/2015)
2. "Direct supervision" means an individual who has direct or indirect control over an employee through direct reporting or reporting through additional layers of supervision. (Resolution 042-2015, 10/27/2015)

#### B. Policy:

1. It is the policy of Providence City to comply with the anti-nepotism statutes in Utah Code Annotated including Section Title 52-3-1 et seq as well as subsequent revisions.
2. No relative is permitted to work for another relative where the chain of command clearly indicates that the relative of higher position will have control over or exercise influence over the other relative, even if through one or more layers of non-related supervision. This does not apply to

elected officials, with the exception of the mayor. (Resolution 042-2015, 10/27/2015)

### Article III. Departmental Transfers:

In the event that a position becomes vacated in Providence City Corp., employees of the City will be allowed to apply for said position, and shall be given consideration if they meet minimum qualifications when the position is filled. In the event of a transfer, all accrued benefits will transfer with the employee.

### Article IV. Introductory Period:

#### A. Policy:

1. All original appointments are subject to an introductory period. The introductory period for City employees is six (6) months. At the end of the first three (3) months, an evaluation shall be conducted with the Supervisor. The Supervisor shall give recommendation for appropriate action and this shall be communicated to the employee in writing. If the position filled was for the Public Works Director the evaluation shall be completed by the Administrator. If the position filled was for the City Administrator the evaluation shall be completed by the Mayor.

## **Section 5. Employee Compensation and Welfare.**

### Article I. Pay Day

#### A. Policy:

1. All Providence City employees shall be paid by direct deposit to the employee's bank account. All Providence City employees shall be paid bi-weekly.
2. All employees will keep a daily record of their time. This record will be available to the Supervisor at the end of the day for approval.

### Article II. Hours of Work:

#### A. Normal Workweek:

A normal workweek shall be considered as five working days from Monday through Friday or forty (40) hours per week. The work week shall begin at 11:31 am on Friday and end at 11:30 am on the following Friday. The City will have 26 paydays per year.

#### B. Normal Workday:

A normal workday begins at 8:00 a.m. and ends at 5:00 p.m. with a one (1) hour lunch break. The normal workday hours may be varied as the workload requires. As a general rule, a fifteen minute rest break may be taken once in the morning and once in the afternoon. Employees shall work under a schedule determined by the Supervisor which will fit the requirements of said

department.

### Article III. Overtime Compensation:

#### A. Policy:

1. Any non-exempt employee working more than forty (40) hours in the above defined work week will be paid at a rate of one and one-half their hourly rate for each hour worked. There will be no comp time.
2. Hours worked in excess of the normal 40 hours must be recommended by the Supervisory and approved by the City Administrator before the work is commenced. Except in an afterhours emergency.
3. "On call"
  - a. Beyond the normal work week, one City employee will be "on call" 7 days per week, 24 hours a day rotating schedules in shifts (Thursday through following Thursday.) This is a voluntary program.
  - b. "On call" compensation will be paid at a rate of \$150 per week. (Revised 05/13/2014)
4. All employees are covered by workman's compensation insurance provided for the employee by the City. The policy provides benefits if the employee is injured while performing his/her job duties.
5. The City Council will review pay structure and compensation annually as recommended in the budget process.
6. The above policy applies to all non-exempt employees

### Article IV. Garnishments:

- A. When the City receives notice that an employee's pay is subject to garnishment, the City will comply with the relevant state and federal law in each instance.
- B. Garnishments are legal proceedings imposed by a court of law upon the City requiring payment to a third party of monies earned by personnel. The City will accept legal garnishments and tax levies against wages in compliance with Federal and Utah statutes. Individual's pay will be held upon receipt of a garnishment by the City until a court order is issued indicating satisfaction of the indebtedness or until ordered to surrender the monies to the court or its agent.

## **Section 6. Employee Benefits**

### Article I. Leave

- A. Annual Leave is designed to provide leisure time away from work and also personal time for personal illness or necessary time to take care of responsibilities that requires the employee to be absent from work. Leave is 120 hours leave time up to ten years of employment. More than 10 years employment will increase to 160 hours leave time.

Full-time employees will be entitled to annual leave based on the following schedule:

Full Time City Service	Hours accumulated each calendar month
One through ten years (120 hours)	10 hours per 1 month
More than ten years (160 hours)	13.34 hours per month

Any full time employee hired to work less than a 40 hour workweek would be pro-rated on the above schedule and receive .0625 hour of annual leave for each hour worked.

- B. Employees begin to earn annual leave during their first month but it is not vested until the month has been completed. Leave cannot be used during the introductory period (6 months). Annual leave that has been earned at the end of 6 months introductory period may be used prior to the completion of the current fiscal year. Leave used will always be in arrears, that is, it must be earned before it can be used.
1. Annual leave is earned from the employee benefit date (which may or may not be the hire date) and allocated annually on the anniversary of the employee benefit date.
    - a. The benefit date is the date an employee qualifies for benefits. If an employee is hired as a full-time employee, it will be the hire date. If an employee is hired as a part-time employee and later becomes a full-time employee, it is the date the employee becomes full-time.
  2. Annual leave is to be used within the next year after it is allocated.
    - a. Time may be taken as small as one hour increments
    - b. Up to eighty hours per year may be carried forward as follows (unused leave time in excess of eighty hours will be forfeited).
      - i. Up to forty of these hours may be carried forward as annual leave time and must be used before the next year expires.
      - ii. Up to 40 hours may be carried forward as “banked hours” by the employee. Banked hours cannot exceed 240 hours. These banked hours will be eligible to be used for personal illness and events as defined in the Family and Medical Leave Act and meets the criteria defined by that act. Earned leave must be used in full prior to using banked hours.
  3. Earned leave which remains available for use but which is unused will be paid for by Providence City when an employee terminates. Annual leave earned during the probationary period will not be paid if the employee doesn’t successfully complete the probationary period.
  4. Annual leave which is accruing, but not yet allocated for use will be paid for by Providence City when an employee terminates for any reason.
  5. Any earned leave that has been carried forward as banked hours is forfeited when the employee terminates employment for any reason except retirement. For the purpose of receiving banked hours payout retirement is considered: age 65 with 4 years of service from benefit date, age 62 with 10 years of service from benefit date, age 60 with 20

years of service from benefit date, any age with 35 years of service from benefit date.

C. Jury and Court Leave:

A full time employee appearing in any court, as a witness in a criminal case or as a witness in a civil case for the purpose of giving testimony as to facts related to City employment shall receive full compensation as though he were actually on the job during such time. Any full time employee required to perform jury duty shall also receive full compensation as though he were actually on the job during such period. If, however, the employee receives any enumeration from said jury duty or appearance in court, then the City will pay the employee the difference between the remuneration and full compensation.

D. Family and Medical Leave:

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the March 8, 2013 Military Family Leave Provisions update, Providence City's Family and Medical Leave Policy allows eligible employees to take up to twelve (12) work weeks of unpaid leave for various family and medical reasons and up to twenty-six (26) weeks for qualifying events connected to the Military Caregiver provisions of the law.

An "eligible employee" is defined as an employee who has been employed by Providence City for at least 12 months (not necessarily consecutive) and who has worked at least 1,250 hours during the 12 months preceding the leave.

Family and Medical Leave will be granted to eligible employees for the following reasons:

1. Family Leave of up to 12 weeks for the birth of the employee's child;
2. Family Leave of up to 12 weeks for the placement of a child with the employee for adoption or foster care;
3. Medical Leave of up to 12 weeks to care for a spouse, child, or parent with a serious health condition; or
4. Medical Leave of up to 12 weeks due to the employee's own serious health condition that makes it impossible for the employee to perform the functions of his or her own job.
5. Military Exigency Leave of up to 12 weeks to deal with exigencies resulting from a Federal Contingency Act when your loved one is being deployed to a foreign country.
6. Military Caregiver Leave of up to 26 weeks to care for a covered military family member who is injured in the line of duty or who develops a serious medical condition as a result of their deployment within 5 years from the date of their discharge.

If you are the spouse, son, daughter or parent of a military service member on active duty, or on notice of an impending call to active duty to a foreign country, the

Company will grant up to 12-weeks of unpaid leave in a 12 month period based on “any qualifying exigency”.

If you are the spouse, son, daughter, parent or “next of kin” of a military service member who is injured in the line of duty, or who develops a serious medical condition within 5 years from his/her date of discharge, the Company will grant up to 26-weeks of unpaid leave in a rolling 12 month period to care for the injured family member.

In order to qualify for leave pursuant to the new amendments, an employee still must comply with other provisions of the FMLA Note, also, that if an employee requests FMLA leave to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26-week leave period will be reduced by the amount of leave previously taken.

#### Amount and Timing of Leave.

An eligible employee is entitled to 12/26 weeks of unpaid FMLA leave within a 12-month period for one or more of the six reasons listed above. However, if a husband and wife are both employed by Providence City, they are entitled to a combined total of 12 weeks of unpaid FMLA leave for the same reason (e.g., the birth of a child, the placement of a child for adoption or foster care, or to care for a parent). Providence City calculates FMLA entitlement on a “rolling 12-month” basis. The 12-month period begins on the first day of a particular FMLA leave.

#### Notice and Procedures for Requesting a Leave.

Employees should make requests for medical leave by notifying your supervisor or Human Resources at least 30 days in advance of foreseeable events and as soon as possible for unforeseen events. Additional unprotected leave extending beyond the 12/26-weeks will only be granted upon further review and approval from management.

#### Certification for Medical Leaves.

An employee requesting FMLA leave to care for a spouse, child or parent or due to his or her own serious health condition must provide <company> with a medical certification completed by a health care provider verifying the need for medical leave and the probable duration of the leave. The medical certification form may be obtained from Human Resources. Providence City will not determine if a leave falls under the FMLA guidelines until the medical certification form is received. Providence City may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.

#### Use of Paid Leave.



Employees must substitute accrued paid vacation, personal time or sick time-off for any type of family or medical leave. The period of time during which paid leave is substituted for unpaid leave will be counted against the 12/26-week FMLA entitlement. After using any paid time off for the FMLA leave, the balance of the FMLA leave will be provided without compensation. Workers' Compensation, Short-Term Disability, and Long-Term Disability time off will be counted against the employee's 12-week FMLA entitlement.

#### Health Care Coverage.

An employee may elect to continue coverage under Providence City's group health and dental plans for the duration of the FMLA leave at the same level and under the same terms and conditions as if he or she were not on leave. An employee who elects coverage is required to continue to pay his/her portion of the monthly premium. Payment arrangements can be made with Human Resources to maintain health and dental insurance benefits while the employee is on leave. Failure to make premium payments when due may result in a loss of coverage. Whether or not the employee elects to continue medical coverage during the FMLA leave, when the employee returns to employment, he or she will be reinstated to the same coverage as he or she had before the leave.

#### Reinstatement.

Upon returning from FMLA leave, an employee will be restored to their original position or be placed in an equivalent position with equivalent employment benefits and pay. If an employee takes FMLA leave due to his or her own serious health condition, the employee must present Providence City with a fitness-for-duty certification completed by the employee's health care provider prior to returning to work. If it is discovered the employee worked for another Company while on FMLA leave, Providence City maintains the right to terminate employment with the employee.

#### E. Funeral Leave:

Employees may be granted up to 2 additional leave days to attend to funeral arrangements and services for: immediate family. This leave will not be counted against annual leave and must be authorized by the employee's supervisor.

1. Immediate family means: one's parents, step-parents, siblings, spouse, children, step-children, foster children, in-laws, sibling in-laws, grandparents, great grandparents, step-great grandparents, grandchildren, aunts, uncles, nieces, and nephews.

#### F. Medical Insurance:

The City currently participates in a group medical, dental and life insurance

program. These programs are available to all regular full time employees. This policy is subject to review prior to each fiscal year.

G. Providence City Return to Work Program

1. Policy: Providence City is committed provide a safe work environment to our employees. But if an employee becomes ill or is injured as a direct result of the working conditions, we will do everything we can to help the employee heal and return to work as quickly as possible. When employees are able to work and be a contributing team member, the injured employee heals faster, we are more productive and the morale of our entire organization is lifted.
2. Workers Compensation Coordinator: The office specialist assigned to human resources is our Workers Compensation Coordinator (WCC). The Workers Compensation Coordinator will help injured employees and their supervisors achieve the goal of helping injured employees get healthy and back to being a contributing team member.
3. Medical Providers: If a life-threatening injury occurs, 911 should be called to access normal emergency care. Employees with routine, non-life-threatening injuries should be taken by their supervisor to:
  - a. Intermountain Logan Workmed, 412 North 200 East, Logan UT 84321
  - b. If the Network Provider is not available (after hours, etc.), call the Workers Compensation Coordinator to arrange medical care.
  - c. Employees must seek care from the provider designated by the WCC. Failure to do so may affect their workers compensation claim.
4. Injury Reporting: All injuries, no matter how minor, must be reported immediately to the employee's supervisor. Supervisors report these injuries to the Workers Compensation Coordinator, who begins a workers compensation claim and helps to arrange medical care. All injuries must be reported the day they occur. Failure to report injuries could jeopardize coverage of the injury.
5. Post Injury Procedures: After receiving medical treatment, these steps must be taken:
  - a. Employee and his/her supervisor deliver all paper work from the medical provider to the Workers Compensation Coordinator.
  - b. WCC and the injured employee's supervisor review any restrictions given by medical provider with the injured employee's job description and determine if the employee's normal job meets the

- restrictions. If not, a Restricted/Light/Transitional Duty job will be assigned to accommodate the restrictions.
- c. Injured employees must comply with the restrictions they are given. Failure to do so could void their claim and slow their recovery or cause further injury.
  - d. Employees may also be eligible for job protection under the Family and Medical Leave Act. The Employee's supervisor will work with the employee and the local HR office to determine FMLA eligibility and complete and necessary paperwork, etc.
6. Restricted/Light/Transitional Duty: [Enter Entity Name Here] will make a good faith effort to accommodate restricted duty jobs for workers injured on the job. The WCC will work with the supervisor to try and design a work strategy that meets the injured employee's restrictions and accomplishes Providence City's goals.
  7. Follow Up: Injured employee's supervisor and the Workers Compensation Coordinator will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending their medical appointments, complying with their restrictions and that any restricted duty assignments are helping the employee move closer to their regular job duties.
  8. Interaction with Adjusters: One of the best ways to help an employee get healthy and return to work quickly is to communicate with adjusters who manage the workers compensation injury claim. They have access to resources and have a vast knowledge in how to help injured employees get better. Utah Local Governments Trust has partnered with Constitution State Services (CSS) to adjust claims. They can be reached at 800.243.2490.

Article II. Holidays:

The following have been designated Providence City holidays and City offices will be closed, except as otherwise provided by law:

- New Year's Day, January 1
  - Martin Luther King Day, 3<sup>rd</sup> Monday in January
  - Presidents Day 3<sup>rd</sup> Monday of February
  - Memorial Day, Last Monday of May
  - Independence Day, July 4
  - Pioneer Day, July 24
  - Labor Day, 1st Monday of September
  - Veteran's Day November 11
  - Thanksgiving Day, 3rd Thursday of November
  - Christmas Day, December 25
- 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. (Revised 12/13/2016)

## **Section 7. Disciplinary Action**

### **A. General Policy.**

1. It is the policy of Providence City that management will inform its employees about what is expected at work, what constitutes employee misconduct, what management and the employee may do to correct any misconduct, and what the employee's rights are if disciplined.
2. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
3. Disciplinary action, up to and including termination, may be imposed for misconduct
4. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

### **B. Types of Disciplinary Action.**

1. Verbal Warning.
  - (1) Wherever grounds for disciplinary action exist, the deficiency demonstrated will be verbally communicated to the employee by his supervisor.
2. Written warning shall be given if the deficiency continues to exist following the verbal warning given by supervisor requesting correction of behavior.
  - a. The supervisor shall furnish the employee with a written warning setting forth the reason(s).
  - b. A copy of the written warning signed by the employee shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the supervisor shall so note it on the warning and place it in the employee file.
3. Suspension.
  - a. The supervisor will suspend an employee without pay for up to, but not exceeding, three (3) working days for cause.
  - b. On or before the effective date of the suspension the supervisor shall furnish the employee with a written Employee Suspension Notification setting forth the reason(s) for suspension.
  - c. A copy of the Employee Suspension Notification, signed by the supervisor, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form the supervisor, will so state.
  - d. At the conclusion of the suspension the employee will be either terminated or re-instated to his original position by his

supervisor.

C. Causes For Disciplinary Action.

1. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:
  - a. Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
  - b. Incompetence.
  - c. Negligence.
  - d. Insubordination.
  - e. Inadequate performance of duties.
  - f. Unauthorized absence.
  - g. Falsification or unauthorized alteration of records.
  - h. Violation of City policies.
  - i. Falsification of employment application.
  - j. Sexual harassment and any sexual conduct/contact during business hours and or on city properties, vehicles, etc. (Resolution 042-2015, 10/27/2015)
  - k. Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
  - l. Falsifying of City Records.
  - m. Unauthorized possession of firearms, weapons, or explosives on City owned property.
  - n. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
  - o. Theft or removal of any City property or property of any employee from the work area premises without proper authorization.
  - p. Misusing, destroying, or damaging any City property or the property of any employees.
  - q. Deliberately restricting output.
  - r. Sleeping during working hours.
  - s. Fighting on city premises.
  - t. Any act which might endanger the safety or lives of others.
  - u. Romantic involvement including but not limited to sexual activity between supervisor and subordinate employee. (Resolution 042-2015, 10/27/2015)

D. Appeal Procedures.

1. Probationary employees have no appeal rights.
2. Temporary and part time employees have no appeal rights.
3. Employees have no verbal warning appeal rights.
4. Employees may appeal written warning, suspension or termination.
5. All full time employees can appeal a termination. If on appeal the action is reversed then the Mayor may expunge the personnel records of

actions.

6. The City Recorder and Treasurer have no appeal rights per State Code.

#### E. Appeal Process:

1. The individual will take the complaint verbally to his supervisor and if relief is granted the matter is resolved. If no relief is granted they can then file a written complaint with their supervisor. If the complaint is thus resolved it is over and the supervisor shall provide a written answer and copies to City Administrator and Mayor.
2. If the complaint is not resolved at the supervisor level then the written complaint with the written answer shall be presented to the City Administrator for review. The Administrator shall provide a written answer and forward a copy to the Mayor. The City Administrator's decision can be appealed to a Council approved appeal designee, or, in the case of a City Administrator's appeal, to the City Council. The Council approved appeal designee's or Council's decision will be final. (Resolution 042-2015, 10/27/2015)
3. If appealing a City Administrator's decision, a written appeal must be filed with the City Recorder within 10 business days. The Council approved appeal designee will have 10 business days to hear and act on the appeal. If the City administrator is appealing to the Council, that request must be filed within 10 business days. The City Council will have 10 business days to hear and act on the appeal. (Resolution 042-2015, 10/27/2015)
3. This procedure will apply to both discipline and grievances.

### **Section 8. Training and Travel.**

#### Article 1. Training

##### A. Policy

It is the policy of Providence City to encourage and at times, require employees to attend various seminars, conferences, classes, and other related job training opportunities which are consistent with all of the following rules.

1. All training opportunities shall be job related and approved by the Public Works Director, and/or Mayor, or City Administrator.
2. Funds must be available in the appropriate budget to cover the anticipated costs.
3. Training opportunities should be limited to that which will benefit both the employee and the City.
4. The City may offer tuition reimbursement for training that enhances employee skills that will benefit both the city and the employee. Tuition will be reimbursed after the class has been completed and a passing grade of C or better is demonstrated by the employee. Applications for tuition assistance will be considered by the Mayor.

## Article II. Travel, Transportation, and Reimbursable Expenses

- A. Policy. With prior approval from the Public Works Director or the City Administrator and City Treasurer and appropriate documentation, legitimate expenses may be reimbursed by Providence City to the employee and non-city employees. The Mayor is the approving authority for City administrator and City Treasurer travel and all employees. The Mayor's travel shall be approved by the City Council and the Council must approve all Councilmen's travel.
  
- B. Costs. It is the general intent to reimburse employees and authorized non-city employees for actual costs associated with travel required for City business.
  - 1. Requests for Reimbursement in excess of established per diem allowances must be accompanied by original receipts for all expenses except those for which a flat allowance amount has been established (i.e. mileage).
  - 2. Mileage Rate. The mileage rate will be consistent with the established rate used for Internal Revenue Service (IRS) Travel deductions.
  
- C. Travel.
  - 1. Prior Approval. Scheduled travel on City business outside of Cache County, whether reimbursed by the City or not, must have prior approval by an appropriate authority. This also includes non-city employees where the City is paying for the travel expenses.
  - 2. Daily per diem allowance shall be paid per IRS allowance for meals and miscellaneous expenses. Receipts are not required to support expenses incurred and additional expenses will not be generally allowed. Hotel or Airline expenses may be prepaid by the City.

## **Section 9. Retirement Policy**

- A. Policy
  - 1. Providence City will follow the Utah State Retirement Policy. There is no mandatory retirement provided the employee continues to meet the current standards of the position.
  - 2. Employees of Providence City may elect to retire prior to their 65th birthday at their own discretion. The City has no role in determining what benefits are to be paid or when an employee is eligible for benefits, as these are entirely governed by the rules, regulations, policies and statutes related to the Utah State Retirement System.
  - 3. All Providence City employees are covered by social security. This benefit is separate from the state retirement system.
  - 4. All full time employees of Providence City are covered by the Utah state retirement system.
  - 5. For the purposes of Utah Retirement Systems (URS) coverage, the City classifies all elected officials as part-time. Eligibility for retirement

coverage under Utah Retirement Systems shall be administered in accordance with the statutory rules governing Utah Retirement systems. (Resolution 015-2015, 06/09/2015)

6. For the purposes of Utah Retirement Systems (URS) coverage, the City classifies the following appointed officials as full-time: City Recorder, City Treasurer, Public Works Director, and City Administrator. Currently, Providence City does not compensate appointed members on the following boards and/or commissions: Appeal Authority, Historic Preservation Commission, and Planning Commission. However, for the purposes of Utah Retirement Systems (URS) coverage, if the City does compensate the appointed officials on the following board and/or commissions: Appeal Authority, Historic Preservation Commission, and Planning Commission, they will be classified as part-time. Eligibility for retirement coverage under Utah Retirement Systems shall be administered in accordance with the statutory rules governing Utah Retirement systems. (Resolution 021-2015, 07/14/2015)

#### **Section 10. Death of an Employee**

- A. Upon the death of an employee the employee's designated beneficiary shall be paid for:
  1. All hours worked but not paid, at the employee's current rate of pay
  2. Any annual time earned and available but not paid will be paid at the employee's current rate of pay.
  3. Any banked hours will be paid at the current rate of pay.

#### **Section 11. Outside Employment:**

Full time employees must have written permission to accept secondary employment in addition to their full time job with the City. Each request will be approved or disapproved by the Mayor. If secondary job duties interfere or adversely affect City job performance the Mayor may revoke his permission.

#### **Section 12. Use of City Equipment and Materials**

- A. Policy  
The use of City owned equipment or personnel for personal use is strictly prohibited.

#### **B. Driver Qualification Standard:**

1. All employees or volunteers operating Providence City owned vehicles, or who may operate any vehicle while conducting business for or on behalf of Providence City must be authorized drivers. The authorization process requires an analysis of the employee's driving record to ensure compliance with the driver qualification standard as identified in this policy.



2. As part of the driver qualification process all drivers or potential drivers' MVR (Motor Vehicle Record) will be screened and monitored on an ongoing basis to ensure the standard is met and maintained. Drivers will be qualified as "Acceptable," or "Borderline". Drivers qualified as "Borderline" may be authorized to drive on a probationary basis as determined by the Mayor. Drivers who's record does not meet the driver qualification standard will not be allowed to operate any vehicle while engaged in City business.
3. All drivers must possess a valid Drivers License. Required endorsements must also be maintained. The driver qualification evaluation will be based on the driver's MVR and may also take into account work related motor vehicle incidents, whether or not the incident has been recorded on the driver's MVR. All violations recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.
4. "Acceptable" or "Borderline" qualification will be determined using the following criteria. Any number of violations or accident in excess of the "Borderline" criteria constitutes a failure to meet the driver qualification standard resulting in revocation of driver authorization. (Note - DUI and DWI are not evaluated as a standard violation)
5. **Acceptable**
  - a. Up to 2 violations recorded on the MVR, or
  - b. Up to 1 at fault work related accident in the prior three years, or
  - c. A combination of 1 violation on the MVR and 1 at fault work related accident in the last three years
6. **Borderline**
  - a. 3 to 4 violations recorded on the MVR or,
  - b. 2 at fault work related accidents in the last three years, or
  - c. DUI or DWI with in the last 2-5 years, or
  - d. Any violation for Careless, Reckless or Distracted driving
7. A single major violation recorded on the MVR, or resulting from a work related incident, *may* result in revocation of the drivers' qualification and driver authorization. Major violations include, but are not limited to:
  - a. DUI or DWI in the previous 24 months
  - b. Failure to stop/report an accident
  - c. Making a false accident report
  - d. Attempting to elude a law enforcement
  - e. Others as determined by the Mayor.