

## PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Tooele City Redevelopment Agency will meet in a Work Meeting, on Wednesday, November 2, 2022, at 6:00 p.m. The Meeting will be Held in the Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah.

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://tinyurl.com/ykjpjx4z> or by going to [YouTube.com](https://www.youtube.com) and searching "Tooele City Channel".

**\*\*\*Notice – Tooele City is no longer broadcasting meetings via Facebook Live\*\*\***

## AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
  - a. **Ordinance 2022-39** an Ordinance of Tooele City Amending the Tooele City Policies and Procedures Manual  
*Presented by Kami Perkins, Human Resources Director*
  - b. **Pratt Aquatic Center Fees**  
*Presented by Darwin Cook, Parks & Recreation Director*
6. **Closed Meeting**  
*~ Litigation, Property Acquisition, and/or Personnel*
7. **Adjourn**

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Michelle Y. Pitt, Tooele City Recorder

Pursuant to The Americans With Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, At 435-843-2111 Or [Michellep@Tooelecity.Org](mailto:Michellep@Tooelecity.Org), Prior To The Meeting.

## TOOELE CITY CORPORATION

### ORDINANCE 2022-39

#### **AN ORDINANCE OF TOOELE CITY AMENDING THE TOOELE CITY POLICIES AND PROCEDURES MANUAL.**

WHEREAS, Section 40 of the Tooele City Policies and Procedures manual (the “Manual”) provides that the Manual “may be amended by the two-thirds vote of the Policies and Procedures Recommendation Committee and the subsequent approval of the Mayor and City Council” by ordinance of the City Council; and,

WHEREAS, the Policies and Procedures Recommendation Committee has studied, prepared, solicited employee comment regarding, and voted to recommend amendments to the Manual, namely:

- Section 1: Ethics – Moves EEO renumbers EEO policy to section 2. Adds ethics policy. (Exhibit A)
- Section 2: Equal Employment Opportunity & Workplace Accommodations – Moves Hiring & Job Assignments to Section 3 and renumbers Equal Employment Opportunity & Workplace Accommodations. (Exhibit B)
- Section 3: Hiring & Job Assignments – This Section was blank. Renumbers Hiring & Job Assignments to Section 3. (Exhibit C)
- Section 5: Corrective Action, Discipline, & Separation – Makes editorial revision to clarify the City’s expectation that employees cooperate fully and provide complete and accurate information during an internal administrative investigation. (Exhibit D)
- Section 9: Compensation - Propose a change to holiday pay for sworn law enforcement officers working patrol to “buy-back” their holiday hours (benefit) at the officer’s straight time rate of pay when their recognized holiday falls on their normally scheduled day off as opposed to having them flex another day off. This change is aimed to assist with staffing issues that impact patrol and related overtime costs. (Exhibit E)
- Section 13: Grievance – Corrects wording in one section to read “working” days as opposed to “calendar” days to be consistent with terminology used throughout the rest of the policy. (Exhibit F)
- Section 14: Outside Employment – Updates policy to include provisions of approval, clarify employees cannot work other employment while simultaneously being on the clock with Tooele City, adds safety and workplace considerations,

updates approval process, includes use of leave while working other employment, and includes reminder on conflict of interest disclosure requirements. (Exhibit G)

- Section 23: Holidays. (Exhibit H)
- Section 39: Driving & City Vehicles – Adds provision for fire personnel personal use of City vehicles. (Exhibit I)

WHEREAS, the Mayor has approved the amendments recommended by the Policies and Procedures Recommendation Committee; and,

WHEREAS, the Administration distributed the proposed policy amendments via electronic e-mail to all City employees, received oral and written comments to the proposed amendments, and incorporated as many comments as deemed possible and appropriate for the City's business needs; and,

WHEREAS, the Administration and Council find that the amendments are in the best interest of Tooele City Corporation and its employees; and,

WHEREAS, subsequent to the adoption of the above-listed amendments, Kami Perkins, Tooele City Human Resources Director, will make reasonable efforts to inform all employees of the amended provisions, and the new policies will be placed on the City website for employee and public access:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that:

1. the Tooele City Policies and Procedures Manual is hereby amended as set forth in Exhibits A through I;
2. the revisions shall take effect December 12, 2022,; and,
3. previous versions of the amended provisions of the Tooele City Policy and Procedures Manual shall be repealed and superseded upon the amendments in this Ordinance taking effect.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective upon passage or otherwise, as indicated above, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney

**A**

**B**

C

**D**



E

**F**

**G**

**H**

**I**

**ETHICS**  
Revised October 2022

SECTION: 0

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**A. POLICY**

Employment with Tooele City carries a commitment to serving the public interest with ethical awareness and ethical actions. City employees have a duty to place the interests of Tooele City above personal interests. This level of **ethical** action is vital to develop public confidence in Tooele City employees and in Tooele City government. The trust can be sustained only if employees at all levels in our organization model the highest standard of ethical awareness and actions.

**B. LAWS, POLICIES & PROCEDURES, AND ETHICAL STANDARDS GUIDES**

Our commitment to ethics is reinforced by laws, policies, and procedures that provide specific ethical standards, establish internal checks and balances, and assists our workforce in ethical conduct and decision making. They include, but are not limited to:

1. State & Federal laws governing **criminal conduct** and prosecution such as fraud and theft.
2. Utah State Code 10-3-1301 **Utah Municipal Officer's and Employees' Ethics Act** establish standards of ethical conduct for City officials and to require disclosure of actual or potential conflicts between the public duties and personal interests of City officials. The subsections below cover the Act's main provisions, but are not exclusive.
3. Utah State Code 63G-2 **Government Records Access and Management Act** which regulates the disclosure, use, or release of government records classified as Private, Controlled, or Protected.
4. City **Purchasing Policies** adopted by City Council ordinance, and **internal controls** established by the Finance Department.
5. Sections within this **Tooele City Personnel Policies & Procedures Manual** have ethical implications and should be carefully reviewed, including, but not limited to:
  - a. Equal Employment Opportunity;
  - b. Hiring & Job Assignments;
  - c. Corrective Action, Discipline, & Separation, which includes examples of offenses warranting immediate dismissal upon first occurrence, several of which have ethical implications, as well as other conduct which may result in disciplinary or corrective action;
  - d. Nepotism;
  - e. Compensation;
  - f. Outside Employment;
  - g. Political Activity;
  - h. No Harassment & No Retaliation;
  - i. Gifts/Prizes/Awards/Discounts;
  - j. Travel;

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- k. Loss of Property or Funds
- l. Personal Use of City Resources (Funds, Property, Labor, Services, & Equipment);
- m. Purchases & Reimbursements; and,
- n. Driving & City Vehicles.

When facing an ethical dilemma, the best course of action may not always be clear. Questions to ask include, but are not limited to:

- Is this legal?
- Is this a violation of Tooele City Personnel Policies & Procedures, City Code, directives, or other internal controls?
- Is the interest of Tooele City being placed above personal interests?
- If this were the headline in the news, how would it look?
- How would this impact the reputation of Tooele City with the public?
- How would this be explained in a public meeting if I had to?
- Why does this feel off?

If an employee is still not sure.....ASK for guidance!

**C. CONFLICT OF INTEREST & REQUIRED EMPLOYEE DISCLOSURES**

City employees must avoid conflicts of interest. The City recognizes that many potential conflicts of interest do not constitute actual conflicts or may be acceptable with proper disclosure, evaluation, oversight, and safeguards.

Utah State Code 10-3-1301 Utah Municipal Officer's and Employees' Ethics Act requires employees to make certain disclosures annually. The relationships described below are prohibited conflict-of-interest relationships unless the required disclosures are made. If the required disclosures are made, the relationships are allowed.

1. **Compensation or Benefit Receipt: All City Employees.** All City employees must disclose receiving any compensation or benefit, or agreeing to receive any compensation or benefit, for assisting a person or a business in a transaction involving the City (e.g., a contract or a purchase). City employees must file a Disclosure Form with the Mayor and also must inform their supervisor. (See UCA 10-3-1305 for disclosure details.)
2. **Business Regulated by City: All Employees.** City employees must disclose when they are an officer, director, agent, owner, investor, or employee of a business regulated by Tooele City. If a business requires a Tooele City business license or a conditional use permit, it is regulated by the City. Disclosure is made on a Disclosure Form filed with the Mayor. (See UCA 10-3-1306 for disclosure details.)

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3. **Business Ownership: All City Employees.** All City Employees must disclose when they are an officer, director, agent, owner, investor, or employee with a business that conducts business with the City. Disclosure is made on a Disclosure Form filed with the Mayor. (See UCA 10-3-1307 for disclosure details.)
4. **General Conflicts: All City Employees.** All City employees must disclose any conflict between their personal interests and their public duties. Disclosure is made on a Disclosure Form filed with the Mayor. (See UCA 10-3-1306 for disclosure details.)

Tooele City requires all employees to re-submit a completed Disclosure Form for any of the above required disclosures in January of every year. The Disclosure Form is submitted to the Tooele City Purchasing Agent who will deliver them to the Mayor.

**D. REPORTING CONCERNS OF VIOLATIONS OF THIS SECTION**

To provide employees with reporting avenues that are free from bias, collusion, intimidation, or reprisal employees may use any of the following avenues to report concerns of violation of this Section:

1. Employees may report concerns of violations of this Section to their supervisor, department head, human resource director, city attorney, or the Mayor. Employees do not have to follow their chain-of-command to file a report. Reports may be done through either verbal or written notification; however, written notification is preferred. Reports should be as detailed as possible, including the names of the individuals involved, the names of any witnesses, dates, times and any documentary evidence such as notes, screen shots, pictures, etc.
2. Employees may also report concerns of violations of this Section relating to **fraud** to the Tooele City Finance Director, PO Box 89, Tooele, UT 84074
3. Employees may also report concerns of violations of this Section relating to **waste and abuse** to the State of Utah hotline 1-800-955-2210 or emailed to [wsinv@utah.gov](mailto:wsinv@utah.gov)

**E. PENALTIES**

Violations of the Act, City rules and regulations, or Tooele City Personnel Policies and Procedures may result in discipline, up to and including dismissal from employment.

Additionally, the Utah State Code 10-3-1301 Utah Municipal Officer's and Employees' Ethics Act provides for criminal prosecution of an employee who knowingly and intentionally disclose records, receives compensation, accept gifts, or uses their official position in violation of the Act.



**COMPENSATION**  
Revised ~~November~~ Draft September 2022

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A. PURPOSE

This Section:

1. Establishes and communicates Tooele City's compensation program;
2. Establishes consistent compensation practices for common compensation matters within Tooele City's workforce; and,
3. Promotes compliance with the Fair Labor Standards Act and other laws.

This Section does not identify every compensation-related matter that may arise. Tooele City reserves the right to otherwise address such matters in a manner that best meets the City's needs and complies with applicable laws.

B. DEFINITIONS

1. De Minimis Work Time - Up to seven (7) minutes work time may be considered de minimis (minimal or trivial) and for pay purposes, may be disregarded. However, work time that exceeds seven minutes in an isolated incident or accumulated throughout a workday is not de minimis work time and should be recorded on the time report.
2. Demotion - Demotions can be involuntary or voluntary. An involuntary demotion is a reassignment of an employee to a job which is classified at a lower salary grade than their present job. A voluntary demotion is reassignment of an employee to a job due to the employee relinquishing his/her current job to accept a new job at a lower salary grade.
3. Downgrade - Reclassification of a job that results in reassignment to a lower salary grade.
4. FLSA Exempt - An employee that is excluded from record keeping and overtime provisions of the Fair Labor Standards Act (FLSA). An exempt employee is paid on a salary basis, is not required to be paid for overtime hours worked, and does not have the same record keeping procedures for hours worked. There are specific and detailed methods of determining exemption status. Questions regarding FLSA exemption status may be directed to the HR Department.
5. FLSA Non-exempt - An employee that in general, is subject to record keeping and overtime provisions of the Fair Labor Standards Act (FLSA).
6. Green Circled - An employee whose rate of pay is below the minimum step of their job's salary grade. Employees who are green circled may be eligible for larger or more frequent pay increases as determined by the department head with approval from the Mayor until their pay reaches step one (1) of their job's salary grade. Examples of when employees may be green circled include, but are not limited to: under fills, budget constraints, and disciplinary actions.

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7. Job Description - A job description (class specification or position description) is a document that specifies the characteristic duties, responsibilities, and minimum qualification requirements to successfully perform the job. Each job description is descriptive but not exclusive or restrictive. A job description describes the more typical duties and responsibilities that may be assigned to an employee performing the job; however, it does not contain an exclusive list of duties or restrict the assignment of other duties. Other duties may be assigned to any job at any time. Job descriptions are subject to change at any time as needed to meet the changing needs of the City.
8. Lateral Transfer - A move from one job at a salary grade to another job at the same salary grade regardless of whether the lateral transfer is within or between departments. A lateral transfer may be voluntary or involuntary.
9. Promotion - A move from a job at a salary grade to another job at a higher salary grade regardless of whether it is within or between departments. Promotions may occur by selection or by advancement through a career ladder (i.e. Operator I, II, and III). Career ladder promotions are not guaranteed to any employee. The supervisor retains the discretion to determine whether the employee meets the minimum qualifications for the higher level, whether the employee possesses the required knowledge, skills, and abilities, and whether the employee will be assigned the duties associated with the higher level.
10. Red Circled - An employee whose rate of pay exceeds the maximum step of their job's salary grade or for other purposes has been "frozen" until certain conditions have been met. An employee who is red circled is ineligible for further pay increases of any kind until the maximum pay for the assigned salary grade is equal to or exceeds the employee's current rate of pay.
11. Salary Review Date - Scheduled date to review an employee's pay.
12. Transfer - A move from one department, or one job, to another. Transfers may be lateral transfers, demotions, or promotions. Transfers may be voluntary or involuntary.
13. Under fill - Assignment of an employee to a lower salary grade than their job's classification while the employee obtains necessary training and/or experience to meet the minimum qualifications for the job with the goal of being fully assigned to the job.
14. Upgrade - Reclassification of a job that results in the job being assigned to a higher salary grade.

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### C. COMPENSATION OBJECTIVE & JOB CLASSIFICATION

1. Tooele City's goal is to maintain a compensation program that balances the City's ability to attract and retain qualified employees with the City's fiscal goals.
2. A salary schedule is approved with the annual budget. The salary schedule specifies the minimum and maximum salary, broken into steps, for each salary grade. In most circumstances, jobs are assigned a salary grade according to the following guidelines:
  - a. **Grades 1 – 12.** Jobs within these grades are generally filled from the local market and Tooele City's primary compensation objective is to maintain internal equity within these jobs.
  - b. **Grades 13 - 18.** Jobs within these grades generally represent middle management, specialized craft or skilled occupations, senior level licensed and/or certified occupations, and professional occupations. College education, formal certification programs taking two (2) to four (4) years to obtain, or highly skilled occupations requiring trade school or vocational training are often requirements for entry into these jobs. Tooele City's primary compensation objective is to maintain internal equity; however, Tooele City recognizes that some circumstances necessitate deviation from the internal equity. With approval from the Mayor, Tooele City may give market consideration to the job classification and may assign a salary grade based on the prevailing labor market. Such circumstances include, but are not limited to, difficulty in recruiting a desirable candidate for a specific job, substantial changes in the market or turnover which is reasonably tied to compensation issues.
  - c. **Grades 19-25.** Jobs within these grades generally represent upper management, appointed, experienced professionals, or highly specialized and skilled jobs. Tooele City recognizes that the prevailing labor market often impacts the ability to fill and retain employees in these jobs. As such these jobs are generally assigned a salary grade with primary consideration being the prevailing market and secondary consideration being internal equity. Tooele City recognizes that budget restrictions may limit the ability to move jobs to salary grades reflective of the prevailing market and reserves the right to determine appropriate salary grade given budget considerations. Market comparisons for these jobs are generally completed every two years but may be done more frequently or less frequently as deemed appropriate.
  - d. **Grades 50-60.** Jobs within these grades represent the salary schedule for sworn law enforcement officers.

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- e. **Not on Scale.** Jobs that are designated as “Not on Scale” represent highly unique circumstances or market factors impacting salary where placement on the salary schedule is not reasonable due to the competitive market.
  - f. **Grade Assignment for Contingent Positions.** Contingent jobs (temporary, seasonal, and on-call) are not assigned a salary grade. Pay plans for such jobs are established to meet the unique recruitment and retention needs and are generally reviewed each fiscal year.
3. If duties and responsibilities of a job change significantly, the department head may submit a request for job reclassification to the Mayor as part of the annual budget preparation. Reclassification requests submitted after the budget has been approved are generally held for consideration with the next budget year. Tooele City may deny, delay, or withhold reclassification requests due to budget limitations or other reasons deemed appropriate by the Mayor.
  4. Final salary grade classification or reclassification is recommended by the requesting department head and the director of human resources. The Mayor approves and/or determines the final classification or reclassification.

### D. STEP ASSIGNMENT UPON HIRE

Newly hired regular employees are assigned to step zero of the salary grade for their job, except that the Mayor may approve assignment to a higher step if a suitable and qualified employee cannot be recruited at step zero, the qualifications of the person selected for the job exceed the minimum requirements and the person can be expected to perform at a level equal to that of other employees being paid at the same higher step, or the position is an FLSA exempt position and placement at step zero does not meet the legally required minimum wage for exemption classification.

### E. STEP INCREASES

When approved in the City’s budget, regular employees may be eligible to receive a step increase in pay up to the maximum step for their job’s salary grade. The following are the most common forms of step increases:

1. **Completion of Orientation Period** (formerly referred to as probationary period). Employees completing the required orientation period receive a one step increase in pay and their salary review date is reset to one year after the effective date of the step increase unless future changes reset such date.
2. **Merit Increase.** Employees who have been employed in a particular step for one year and have received a minimum score of 3.0 on their most recent performance evaluation may receive a one step increase in pay and their salary review date is reset to one year after the effective date of the merit increase unless future changes reset such date. Department heads may delay any merit increase if an employee receives a 1 or 2 on any performance factor. Such delays should not

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exceed six months and should be accompanied by a corrective action plan, or other written notification that outlines the identified deficiencies and what is expected. Delayed merit increases become effective upon successful completion of the corrective action plan, or other written notification. The salary review date is reset to one year after the pre-delayed salary review date.

### F. TENURED SERVICE PERFORMANCE BONUS (TSP Bonus)

When approved in the City's budget, a Tenured Service Performance Bonus (TSP Bonus) may be considered for regular employees who have reached the maximum step of their job's salary grade, are not red-circled, and have received a minimum of 3.0 on their most recent performance evaluation. A TSP bonus is \$500.

### G. APPOINTED EMPLOYEES' COMPENSATION

Compensation for appointed employees is generally consistent with the pay plans for regular status employees. However, the Mayor with approval of the City Council, reserves the right to deviate from established standards or to make adjustments at any time.

### H. ELECTED OFFICIALS' COMPENSATION & ALLOWANCES

1. The Mayor's salary is established by ordinance of the City Council. In addition, the Mayor may receive a vehicle and phone allowance in an amount established by the City Council. Both allowances are considered part of the regular compensation. The vehicle allowance is established to cover the costs of wear and tear, maintenance, and fuel incurred by the Mayor, who often uses his/her personal vehicle for City related business. The vehicle allowance also covers the cost of vehicle rental for City related business. The vehicle allowance applies to all instate travel and instate vehicle rental.
2. City Council members' salaries are established by ordinance of the City Council. In addition, City Council members may receive a phone allowance in an amount established by the City Council. The allowance is considered part of the regular compensation.

### I. COST OF LIVING

Cost of living increases (COLA) are considered in the annual budget proposal to the City Council. All regular employees whose salaries are not red-circled are eligible for an approved cost of living increase. Generally, the salary schedule is adjusted to reflect cost of living adjustments. Cost of living adjustments do not affect an employee's salary review date.

### J. PROMOTION

Promoted employees receive a minimum of a 5% pay raise and are placed at a minimum of step one (1) or the step next closest to the calculated adjustment (except for promotions into police officer positions where the promoted employee may be placed at step 0 of the

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position). The salary review date is reset to one year after the effective date of the promotion (exception applies for police FTO completion) unless future changes reset such date. The Mayor may approve assignment to a higher step if the qualifications of the employee selected for the job exceed the minimum requirements, and the employee can be expected to perform at a level equal to that of other employees being paid at the same or higher step. They Mayor may also approve assignment to a higher step if the position is an FLSA exempt position and the calculated promotion pay does not meet the legally required minimum wage for FLSA exemption.

### K. TEMPORARY PROMOTION

With approval of the Mayor, an employee who is temporarily promoted for one consecutive month (160 consecutive hours) or longer may receive an adjustment in pay to reflect the temporary promotion. Such adjustment is reversed to the employee's pre-promotion salary when the temporary promotion ends. Temporary promotions do not affect the employee's regularly scheduled review date. The conclusion of a temporary promotion is not considered a demotion.

### L. DEMOTION

#### 1. Involuntary demotion due to:

- a. Reduction in Force - An employee who is demoted due to a reduction in force will be assigned the new job's salary grade and at the step the employee would've been at had he/she been employed in that grade since his/her most recent hire date, up to the maximum step. The employee retains his/her current salary review date.
- b. Disciplinary Demotion - An employee who is demoted due to disciplinary reasons will have his/her pay adjusted as determined appropriate by the department head but will include a minimum of a 5% reduction or assignment at step zero of the grade, whichever is less. The pay may not exceed the maximum step for the grade. The salary review date is reset to one year after the effective date of the demotion.
- c. Other Reasons - Pay may be adjusted at the discretion of Tooele City. Consideration should be given as to the reason for the demotion and internal equity.

#### 2. Voluntary (Requested) – An employee who is voluntarily demoted will have his/her pay adjusted as follows:

- a. As a minimum, the employee's pay is reduced by 5% per grade demoted; and
- b. The employee's pay may not exceed the combined average step, rounded up, of all current full-time regular employees in the same salary grade of the new job; and

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- c. The employee's pay may not exceed the maximum step of salary grade of the new job; and
- d. The employee will retain their current salary review date.  
OR
- e. If the voluntary demotion is to move back to the exact job that the employee previously occupied and there has been less than a three year period since the employee occupied that job, the employee's pay will revert back to the pre-promotion grade and step, and is adjusted to account for step increases and COLA adjustments received during the three year period. The employee will retain his/her current salary review date.

### M. RECLASSIFICATION

1. Upgrade - When a job is up-graded, the employees in the job receive a minimum of a 5% pay raise and are assigned to the step closest to the calculated adjustment. The salary review date is reset to one year following the effective date of the job's upgrade. An exception is when a job is upgraded and an employee is still completing his/her orientation period. In such cases, the employee maintains his/her original six-month orientation salary review date and is eligible for a step increase one year from that date. If the departmental budget cannot be adjusted to encumber the pay change, the employees may be green-circled and a plan may be developed to bring the affected employees' pay in line.
2. Downgrade - When a job is downgraded, the employees in the job are assigned to the new appropriate salary grade at the step closest to their current salary with no decrease in current pay. If their salary exceeds the maximum step for the grade, the employee is red-circled. The employee retains his/her current salary review date. An employee may not grieve a downgrade.
3. Market Based Salary Range Reclassification – Market based salary range reclassifications are considered with the annual budget. When a job is approved for reclassification to a new salary range due to a market comparison, the job is generally reclassified to the new salary grade and adjusted as an upgrade or downgrade. Tooele City recognizes that in very rare circumstances, individual pay determinations and varied effective dates may be necessary to reflect the targeted market comparison or to adjust for internal equity issues among existing employees. In such cases, discretion is given to the Mayor to approve pay adjustments and deviate from the upgrade or downgrade pay calculation. Employees' salary review dates may be reset as deemed necessary to account for the market based adjustment and/or internal equity among employees.

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### N. LATERAL TRANSFER

No change in pay is granted for lateral transfers. An employee maintains his/her salary review date.

### O. HOLIDAY PAY

#### 1. Holiday Off-

- a. For eligible employees, paid holiday hours off are equal to the employee's hourly rate multiplied by the number of hours regularly scheduled to work per day.
- b. For eligible part-time employees, paid holiday hours off are prorated. Proration is based on the average hours worked, plus accrued paid leave used, during the pay period in which the holiday occurred.
- c. Paid holiday hours off are counted in the calculation of hours worked for overtime purposes.

#### 2. Holiday Buyback – Sworn Law Enforcement Officers Assigned to Patrol

For sworn law enforcement officers assigned to patrol, Tooele City will buyback holiday hours (benefit) at the officer's straight time rate of pay when their recognized holiday falls on their normally scheduled day off. These hours will not count in the calculation of hours worked for overtime purposes and cannot be banked for use at a later time.

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#### 2.3. Holiday Worked -

- a. Eligible employees who are required to work on a recognized holiday are paid at a premium rate of 1½ times the employee's hourly rate of pay for the hours worked or are accrued as earned comp-time off in lieu of monetary compensation pursuant to comp-time policy.
- b. Hours worked on a holiday are not included in calculation of hours worked for overtime purposes because they are already paid at an over-time rate.

#### 3.4. Examples -

- a. If an employee's number of hours regularly scheduled to work per day is 8 hours and the employee works 10 hours on a recognized holiday, he/she will accrue comp-time or be paid at a premium rate of 1½ times the employee's regular rate of pay for 10 hours. He/she will record eight (8) holiday hours off and 10 holiday hours worked. The **eight (8) holiday hours off** are included in calculating hours worked for overtime purposes.
- b. If an employee's number of hours regularly scheduled to work per day is 8 hours and the employee works 2 hours on a recognized holiday, he/she will accrue comp-time or be paid at a premium rate of 1½ times the employee's



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regular rate of pay for 2 hours. He/she will record eight (8) holiday hours off and 2 holiday hours worked. The **eight (8) holiday hours** off are included in calculating hours worked for overtime purposes.

### P. OVERTIME PAY

#### 1. Overtime Pay

- a. General Workforce - An FLSA non-exempt employee is paid at 1½ times the employee's regular rate of pay for each hour worked in excess of 40 hours per week (unless paid compensatory time off in lieu of overtime).
  - b. Police Officers - An FLSA non-exempt Sworn Police Officer is paid at 1½ times the employee's regular rate of pay for each hour worked in excess of 84 hours worked in a 14-calendar-day period, pursuant to section 207(k) of the Fair Labor Standards Act, unless paid compensatory time off in lieu of overtime. (Effective February 6, 2005)
2. For purposes of calculating overtime, hours worked includes hours paid for jury duty and holiday pay. It does not include any other time not worked including sick leave, annual leave, comp-time, funeral leave, or third-party sick pay.
  3. Other Overtime Pay
    - a. At the City's discretion, regardless of hours worked, both FLSA exempt and non-exempt employees may be paid overtime pay at 1½ times the employee's regular rate of pay for actual hours worked on special assignments when wages are reimbursed to Tooele City.
    - b. When deemed necessary to meet unique work requirements, the Mayor may authorize that both FLSA exempt and non-exempt employees be paid at a premium rate of 1½ times his/her regular rate of pay, regardless of the number of hours worked during the workweek.

### Q. COMPENSATORY TIME (COMP-TIME)

1. For FLSA non-exempt employees, each department head or designee has the discretion to approve/designate accrual of compensatory time (comp-time) off in lieu of monetary overtime pay or in lieu of other monetary premium pay that is calculated at 1½ times the employee's regular rate of pay. Supervisors may approve/designate any combination of comp-time and overtime pay as long as the principle for "time and one-half" is maintained.
2. Comp-time will accrue at a rate of 1½ hours of comp-time for each hour of overtime worked or each hour otherwise paid at a monetary premium pay.
3. When deemed necessary to meet unique work requirements, the Mayor may

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authorize comp-time, regardless of the number of hours worked.

4. Acceptance of comp-time off in lieu of overtime is a condition of employment due to the fact that departments may not be allocated overtime budgets or the budget allocated may not be sufficient to meet business needs.
5. Employees may accumulate up to 200 hours of comp-time. All additional hours are paid as monetary overtime pay.
6. Requests to use comp-time follow the same procedures for requesting to be absent except that employees who request to use comp-time should be permitted to use the time off within a “reasonable period” after making the request if it does not “unduly disrupt” the workforce. Supervisors may schedule the employee off on comp-time.
7. Comp-time must be exhausted prior to using any sick leave, annual leave, or leave with reduced or no pay.
8. Employees may carry over a maximum of 80 hours. Hours in excess of the carry over limit must be used by the last day of the pay period that includes March 31 of each year; except that:
  - a. Snow Removal. Employees who accumulate comp-time during the months of December, January, February, and March as a result of snow removal may submit a written request to the payroll office to have the hours accumulated during these months carried over up to the last day of the pay period following September 30;
  - b. Work Needs Limit Ability to Use. The Mayor may authorize an amount to carry-over up to the last day of the pay period following September 30 when work needs limit the ability to use comp-time; or
  - c. Department heads may establish earlier required use dates.
9. Hours not used by the approved use deadlines are paid out to the employee and the comp-time account balance is reset.
10. Upon separation from employment, remaining comp-time is paid to the employee. Comp-time hours are not forfeited by the employee.

### R. CALL-OUT PREMIUM PAY

1. Full-time regular status, FLSA non-exempt employees are eligible to receive call-out premium pay when called-out.

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- a. Called-out or call-out means a supervisor's or authorized individual's request/requirement for an employee to:
  - 1) Return to work after he or she has left work and less than 24-hours advance notice has been given;
  - 2) Work at a time not otherwise scheduled and less than 24-hours advance notice has been given;
  - 3) Respond to a call-out while on-call rotation for the division; or
  - 4) Perform certain defined weekend/evening tasks as part of the on-call rotation for the division.
  
- b. Called-out or call-out does not refer to:
  - 1) Requirement to modify a work schedule or work a different work schedule and at least 24-hours advance notice has been given;
  - 2) An employee, who at the request of another employee, voluntarily covers such employee's shift, regardless of the advance notice given;
  - 3) A mutual agreement between a supervisor and employee to modify a work schedule in exchange for a schedule concession (i.e. come into work early in exchange for leaving early on the same day) regardless of the advance notice given;
  - 4) Any situation where an employee provides incidental assistance while present in the work place for non-work purposes such as when an employee is golfing and while waiting for his t-time shows a co-worker how to ring in a concession sale;
  - 5) A requirement to stay in the work place and work additional hours at the end of the workday; or
  - 6) An employee responding to inquiries via telephone or other electronic communications or remote access when doing so does not requiring the employee to physically return to the work place.
  
2. Call-out premium pay is equal to 1½ times the employee's hourly rate of pay or is paid to the employee as accrued comp-time.
  
3. When called out, an employee is paid a minimum of 2 hours at the premium rate for the first call-out event in a single day, even if the actual time worked is less. If an employee receives several calls within the two hour time frame or while en route home at the conclusion of the last call, it is considered one call-out. If an employee returned home and received another call-out it is considered two call-outs.
  
4. Travel time when called out is included in the 2 hour minimum. However, if the call-out assignment actually required more than 2 hours of work, employees may be paid for travel time occurring within the Tooele City limits (i.e. an employee living outside of Tooele City limits is not paid for travel time getting to/from

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Tooele City but may be paid for travel time once Tooele City limits is reached). The exception to Tooele City limits is when responding to a site outside of the Tooele City limits such as water wells, wastewater treatment plant, etc., in which case if the call-out assignment actually required more than 2 hours of work, the employee may be paid for up to 15 minutes for travel each way.

5. If an employee is absent from work and using paid leave (i.e. comp-time, annual leave, or sick leave) and is called out to work, the approved absence and paid leave is cancelled. There is no duplication of paid leave and hours worked.

### S. ON-CALL ROTATION PREMIUM PAY / ON-CALL EMPLOYEE

1. Water, waste water, streets, and investigation divisions require that at least one employee be able to respond to emergency and some non-emergency services around the clock, 365 days a year. Designated employees are required to take part in an on-call assignment on a rotational basis. The on-call rotation format should be as flexible as possible, with the aim of giving employees as much opportunity as possible to coordinate their rotational commitments with their private lives. However, this flexibility can only remain if the necessary coverage is achieved. Tooele City reserves the right to designate the rotational assignment if coverage cannot be achieved by agreement of those on it.
2. FLSA non-exempt employees are provided on-call premium pay while serving the on-call rotational assignment. The on-call premium pay is a daily amount that is established each year with the fiscal budget. On-call pay is included in the employee's regular rate of pay for calculating overtime.
3. The on-call employee is able to use his/her time in pursuit of personal activities subject to the following:
  - a. The employee must carry a telephone or other communication device which Tooele County Dispatch or Tooele City officials call when emergency services are needed outside of the normal work hours;
  - b. The employee is expected to answer all calls and whenever possible, avoid having them go to voicemail. Tooele City recognizes that there may be situations where it is necessary or appropriate for a call to go to voicemail. The employee is expected to check the phone to ensure there are no messages and if there are, return the call immediately.
  - c. The employee must remain in a condition to respond in a safe manner including abstain from alcohol or other substances which would impair ability to safely respond; and,
  - d. When called and response to a work site is necessary, the employee must

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respond in a timely manner. As a general guideline, timely manner means the employee is en route to the site within approximately 5 minutes and arrives on scene within 30 minutes unless told that a longer response time is acceptable.

- 1) Although this is not an inclusive list, the following are examples:
  - (a) Dispatch calls the wastewater on-call phone to report a sewer back-up. This is an emergency and the employee is expected to respond immediately and arrive on scene within 30 minutes. An even quicker response time would be preferred.
  - (b) Dispatch calls the streets on-call phone to report that a large pot hole came apart and multiple cars have incurred damage from the pot hole. This is an emergency and the employee is expected to respond immediately and arrive on scene within 30 minutes.
  - (c) Dispatch calls the streets on-call phone in the early morning hours to report that snow removal is needed. Employees have been told that it is reasonable to immediately get up, take a quick shower, grab a cup of coffee, make a lunch, and then report to the shop. The supervisor has stated that a longer response time is appropriate because they will be working up to 12 hours.
  - (d) The Mayor calls the water department on-call phone to report that she/he noticed some water running but that he thinks it may be a minor problem. The employee was asked to take a look at it sometime this morning to see if there is a leak. The Mayor told the employee that it was reasonable to respond "sometime this morning."
4. The department head, with approval from the Mayor, may discontinue on-call requirements as necessary to adjust for work and seasonal requirements.
5. An employee who is on-call and does not respond in accordance with the on-call provision may be subject to disciplinary action.
6. An employee who is unable to meet the on-call requirements of the position may be subject to disciplinary action, up to and including dismissal from employment.

### T. DAYLIGHT SAVINGS TIME CHANGES

One hour worked is granted when an employee works through the time change from

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daylight savings to standard time (fall). One hour of Administrative Pay is granted when a work shift would otherwise be adversely affected by the time change from standard to daylight savings time (spring).

### U. PHONE ALLOWANCE & AFTER HOUR WORK ON SMART-PHONES, I-PADS, LAPTOP COMPUTERS, AND OTHER TECHNOLOGY FOR FLSA NON-EXEMPT EMPLOYEES

1. The Mayor may authorize that in lieu of a City-issued cell phone, an employee be paid a phone allowance at a rate established with the fiscal budget.
2. Technology has created circumstances whereby a FLSA non-exempt employee may perform work outside of his/her normal work schedule or work location. When such work is not de minimis, see definition above, the time must be recorded on the time report as hours worked. Examples of such situations include:
  - a. The employee has a technological device such as a smart phone, cell phone, personal data assistant, etc. and checks and/or responds to work-related messages after their normal work hours;
  - b. The employee accesses the City network remotely to complete a work task; or,
  - c. The employee is called at home and asked to complete a work task, give instructions, or relay information.
3. Supervisors may restrict or prohibit an employee from using technological devices outside of their normal work hours.

### V. FLSA EXEMPT EMPLOYEES' COMPENSATION

1. FLSA exempt employees are paid on a salary basis. Exempt employees are expected to work an agreed upon schedule, generally consisting of at least five, eight-hour days within the workweek, which may be modified as necessary.
2. Deductions from a FLSA exempt employee's salary are permitted as follows:
  - a. Accrued sick or annual leave benefits are reduced in full day increments for full day absences. Partial day salary reductions are not permitted, except:
    - 1) If accrued paid leave benefits are exhausted, the employee's salary may be reduced in full day increments;

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- 2) If the employee is absent due to an illness or disability covered by the Family and Medical Leave Act or a City Approved Leave of Absence, including work-related accident or illness, the employee's sick or annual leave bank will be appropriately reduced in less than full day increments as necessary to provide that the employee receives 100% of their salary through a combination of paid leave, wages, and insurance payments. When leave benefits, insurance payments, or a combination thereof are exhausted, the salary may be reduced in less than full day increments.
  - b. If the employee hires or separates employment mid week, the salary is prorated;
  - c. For absences resulting from business decisions such as temporary office closures, Tooele City may reduce the salary in full week increments if the employee performs no work for the entire week;
  - d. To offset amounts employees receive as jury or witness fees, or for temporary military duty pay;
  - e. For absences due to a budget required furlough of one or more full days and in full day increments only;
  - f. For unpaid disciplinary suspensions of one or more full days if imposed in good faith for workplace conduct rule infractions or imposed in good faith for infractions of safety rules of major significance. A 2½ -day suspension, for example, is not permitted but three (3) full days is; or
  - g. Any other purpose permitted by law.
3. See Overtime above for policy regarding overtime pay for FLSA exempt employees.
4. Safe Harbor Rule. Improper pay reductions are prohibited. If an exempt employee believes that his/her pay has been improperly reduced, he/she must file a written complaint with the human resource office. The human resource office will review the complaint and issue a finding. If the employee's pay was found to have been improperly reduced, Tooele City will correct the error and will make a good-faith commitment to prevent such error from reoccurring.

### W. PAY ADVANCEMENTS

An employee may not receive a pay advancement.

### X. SEVERANCE PAY

1. Regular Employees. A regular employee who has completed his/her orientation period and is separated from employment due to a reduction of force through no fault of the employee will be paid two (2) weeks severance pay if such a

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separation requires immediate action and thereby does not permit a two-week notice. Separation following two (2) weeks notice does not give rise to severance pay.

2. Appointed Employees. An appointed employee who is dismissed other than for good cause or asked to resign or retire will receive severance pay that is equal to (90) ninety-working days pay. The City's payment of severance shall be in exchange for the employee's release of all claims against the City related to his/her City employment, asserted or unasserted, except where prohibited by federal or state law (for example, the Age Discrimination in Employment Act of 1967). The release of claim documentation shall be coordinated with the City Attorney's Office and signed by the employee prior to payment.

### Y. WORK PERIOD & WORK DAY

1. General Workforce. The normal work period for employees is 40 hours in a 7-calendar-day period. The standard work period begins at 12:01 a.m. Sunday and ends at midnight the following Saturday.
2. Police Officers. The normal work period for Police Officers is 84 hours in a 14-calendar-day period. The work period begins at 12:01 a.m. Sunday and ends at midnight on the second Saturday of the period. (*Effective February 6, 2005.*) This provision does not restrict the police department from limiting work hours for police cadet or those waiting to enter POST training as work hours are established to meet the needs of the department and are generally commensurate with the specific training assignment. For pay purposes, all hours worked are recorded and counted on the day that the officer started his/her shift. For example, if an officer's 12 hour shift started at 5:00 p.m. on Monday, the officer *will record 12 hours on Monday* even though the shift continued past midnight and into Tuesday.

### Z. PAY DAY

Employees are paid every two weeks, on or before the Friday following the end of the pay period.

### AA. APPROVING PAY CHANGES

Any change in pay is made by the use of a Personnel Action Report. Any action will be considered invalid until the Personnel Action Report is completed and all signatures are obtained indicating approval of the change. Global pay adjustments, such as COLA adjustments, do not require the use of a Personnel Action Report.

### BB. TIME REPORT (TIME CARD) & RECORDING HOURS

1. A time report/card is an invoice to Tooele City for hours worked.
2. Ensuring that time is accurate is the responsibility of each employee and his/her supervisor. Time reports need to be approved and ready for payroll by 12:00 p.m.,



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Monday, following the end of the pay period unless called for earlier due to a holiday or other circumstance. Reports received late may be processed the following pay period. If an employee is unavailable or unable to complete or approve a time card, it may be completed for the employee by the department head, supervisor, or Human Resource/Payroll Department. Attempts should be made to obtain the employee's approval when available.

3. Electronic time keeping systems are in place throughout the City and are the preferred method for collecting and reporting hours worked. When such systems are down or unavailable, paper time cards should be used.
4. Working without clocking in or accurately accounting for work hours ("off the clock work") is prohibited.
5. Buddy punching is prohibited. Other than the supervisory staff members or authorized payroll administrators, no one may clock in/out for another individual under any circumstance. Such an action is a violation of City Policy, is dishonest, and is a falsification of time records. Employees are expected to not give their ID card to any co-worker to swipe for them. Employees are expected to not ask another employee to put in his/her employee number to clock him/her in. Employees have the opportunity to make a correction later or have his/her supervisor make entries under the supervisor's login.

### CC. DIRECT DEPOSIT

Receiving payroll via direct deposit is a condition of employment. Employees need to complete a direct deposit authorization form prior to the City processing their first paycheck. Exceptions include payment for the first pay period, when a change or pre-notice is necessary for an employee, when it is determined that issuing a check is in the best interest of the City, issuing a check is a **one-time only** payment to an individual.

### DD. EMPLOYEE VERIFICATION OF PAYCHECK ACCURACY

Employees are responsible for reviewing their pay checks and information on the paycheck for accuracy. Any discrepancies or concerns should be reported to payroll by the pay period following that in which the change was to have been effective. Tooele City reserves the right to decide what, if any retroactive adjustments will be made, and as a general rule the City does not make retroactive adjustments outside of the current fiscal year.

## OUTSIDE EMPLOYMENT

Revised October 2022

### SECTION: 14

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#### A. POLICY

Employees may engage in additional employment outside of their work hours with Tooele City if such employment does not interfere with the proper and effective performance of their official duties, impair physical capability of the employee to perform their City work or have the potential to create a safety concern (such as appropriate sleep, etc.), and does not result in a conflict of interest. Each employee must give priority to their employment with Tooele City.

#### B. APPROVAL FOR OUTSIDE EMPLOYMENT

Employee seeking outside employment must request approval from their supervisor and department head. Prior to granting approval, the supervisor and/or department may require the employee to provide additional information or verifications. Tooele City reserves the right to revoke any previous approval at any time.

#### C. WORKING OTHER EMPLOYMENT WHILE ABSENT FROM TOOELE CITY

If an employee is absent from work with Tooele City but desires to continue working previously approved outside employment, the employee is required to disclose this to his/her supervisor and obtain approval to do so, even for sporadic or periodic shifts. Employees should reference appropriate policies regarding paid leave benefits to determine any limitation on use of paid leave benefits while working outside employment.

#### D. CONFLICT OF INTEREST DISCLOSURE REQUIREMENT REMINDER

Employees are required to make an annual conflict of interest disclosure pursuant to Section 0 in this Manual.

## HOLIDAYS

Revised ~~June 2022~~DRAFT September 2022

SECTION: 23

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A. PURPOSE

This Section specifies the days Tooele City provides time off with pay to eligible employees for recognized holidays (“Holiday Pay” or “Paid Holiday”) and related policy matters.

B. PAID HOLIDAYS

The following days are designated as paid holidays for eligible employees:

January 1	New Year’s Day
Third Monday in January	Observed as the anniversary of the birth of Dr. Martin Luther King, Jr., also known as Human Rights Day.
Third Monday in February	Presidents’ Day
Last Monday in May	Memorial Day
While celebrated on June 19, under Utah State Law, if the holiday falls on a Tuesday, Wednesday, Thursday or Friday it will be observed on the preceding Monday. If the holiday falls on a weekend, it will be observed the following Monday.	National Freedom Day. Observed in honor of the emancipation of enslaved African Americans in the US, also known as Juneteenth and Emancipation Day.
July 4	Independence Day
July 24	Pioneer Day
First Monday in September	Labor Day
Second Monday in October	Columbus Day
November 11	Veterans’ Day
Fourth Thursday in November	Thanksgiving Day
Generally the Fourth Friday in November	Friday After Thanksgiving Day
December 25	Christmas Day

C. HOLIDAYS ON WEEKENDS

Excluding National Freedom Day, when a holiday falls on Saturday, the preceding Friday shall be the holiday. When a holiday falls on a Sunday, then the following Monday shall be the holiday. The exception is for sworn law enforcement officers normally assigned to patrol duty; the holiday will be the actual date of the holiday and for holidays worked, it will be recognized for employees whose shift begins on the date of the holiday.

D. HOLIDAY ON NORMAL DAY OFF

When a holiday falls on a normally scheduled day off, another day is substituted. The substituted day must be in the pay period prior to, during, or immediately following the pay period in which the original holiday occurred. The exception is for sworn law enforcement officers normally assigned to patrol duty. See Section 9: Compensation for information regarding holiday buyback for patrol officers.

## HOLIDAYS

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E. **FLSA EXEMPT WORK A HOLIDAY**

When an FLSA exempt employee works on a designated holiday, another day may be substituted. The substituted day must be in the pay period prior to, during, or immediately following the pay period in which the original designated holiday occurred.

F. **SPECIAL CONSIDERATIONS**

1. **Hire & Termination Date.**

Hire and termination dates may not be set to provide an employee with a paid holiday if the employee does not work their scheduled shift before and after the recognized holiday.

For example, if a termination date is set to be the day after the holiday and the employee plans to use paid leave for that final day as opposed to actually working, the termination date should be the last work day before the paid holiday. Additionally, if the employee “calls-in” the day after the holiday, the City may retroactively set the termination date to the day before the holiday.

2. **Paid Holiday Benefits Coordination with Other Leave & Unpaid Leave.**

See Section 27: Family and Medical Leave Act & City Approved Leave of Absence for benefit eligibility. If while on approved leave, the employee remains eligible for benefits, paid holiday benefits may be coordinated with other payments in an amount needed to bring the employee up to, but not greater than, 100% of their normal pay, rounded to the nearest quarter of an hour.

For example, an employee normally works 8 hours and is receiving short-term disability benefit payments that replaces 70% of salary. The employee receives 2.25 paid holiday hours representing the other 30% ( $8 \times 30\% = 2.4$ , rounds to 2.25). The human resource office can assist with making these calculations as needed.

**DRIVING & CITY VEHICLES**  
Revised ~~November~~ September 2022

SECTION: 39

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A. PURPOSE

The purpose of Section is to:

1. Set Authorized Driver standards;
2. To identify some rules relevant to use of vehicles; and,
3. To comply with IRS laws regarding taxation of commuter use of City vehicles.

B. AUTHORIZED DRIVERS & STANDARDS

1. Tooele City's human resource office maintains the City's roster of authorized drivers. In general, only authorized drivers may drive a City vehicle or their personal vehicle for City business. City business means driving at the direction of, or for the benefit of, the City. It does not include normal commuting in a personal vehicle to and from work. Limited circumstances may be approved on a case-by-case basis where someone not on the authorized driver roster may drive for City business such as a member of the community agreeing to drive an elected official in a parade.
2. To be an authorized driver, the employee must:
  - a. Be at least 17 years old and had a driver's license (not learner's permit) for at least 12 months;
  - b. Possess and maintain a valid Utah Driver's License with any job required endorsement, or for individuals who possess a valid out of State license, obtain a valid Utah Driver's License with any job required endorsements within 6 months;
  - c. Possess and maintain a valid Commercial Driver License (CDL) and a valid Medical Certification Card for jobs requiring a CDL (Tooele City has adopted this requirement despite the Excepted Provision for Interstate travel); and,
  - d. Possess and maintain a driving record that is acceptable to Tooele City's risk management and insurability expectations and report violations or problems relevant to their driving record or license.
    - (1) Tooele City works cooperatively with our insurance provider to determine driver risk factors. Driver's license records, criminal history records relating to driving and vehicle operations, and City's records relating to driving are an essential component in the evaluation.

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- (2) Tooele City and/or Tooele City's general liability insurance provider or agents reserve the right to request and review at any time, the driving records of any prospective or current driver and to revoke driving privileges for Tooele City at any time.
- (3) Drivers may be asked to complete an annual License Certification and Self-disclosure Report of any accidents, violations, driving records, traffic convictions and forfeitures; or pleas in abeyance. Failure to do so may result in revoking of driving privileges.
- (4) Authorized drivers who incur an at-fault accident or violation, on- or off-duty, must notify his/her supervisor by the beginning of the next shift. For serious violations such as alcohol related violations, driving while impaired, refusal to test, or evading an officer, the driver must also immediately discontinue operation of the City vehicle or personal vehicle for business purposes, and not drive until being notified of the status of his/her continued driving privileges. Failure to do so may result in disciplinary action, up to and including dismissal.
- (5) Authorized drivers whose driver's license is revoked or suspended must notify his/her supervisor by the beginning of the shift immediately following the revocation and must immediately discontinue operation of the City vehicle or personal vehicle for business purposes. Failure to do so may result in disciplinary action, up to and including dismissal. Employees are responsible for knowing if their license is valid and for keeping their address and other records current with the Utah Driver's License Division.

**C. VEHICLE ACCIDENTS**

1. Accidents occurring in a City vehicle must be immediately reported to law enforcement if it involves personal injury or damage to the property of another vehicle. The employee shall remain at the scene of the accident until law enforcement has responded or given instruction, unless emergency medical attention is needed. The accident must be reported promptly to the driver's supervisor or department head. Accidents involving no personal injury or involving damage only to a City vehicle need not be reported to law enforcement, but must be reported promptly to the driver's supervisor or department head.
2. Accidents occurring in personal vehicles while on City business must follow the law for reporting accidents and must be reported to the supervisor or department head by the beginning of the next work shift. Because insurance follows the vehicle, accidents in personal vehicles, even on City business, fall on the

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employee's personal insurance. Tooele City, at their sole discretion and given the totality of the circumstances, may elect to reimburse the employee for their deductible if the vehicle was determined to be damaged and the accident was not the employee's fault.

3. Failing to stop after an accident and/or failure to report an accident may result in revocation of driving privileges as well as disciplinary action, up to and including dismissal from employment.
4. City employees involved in accidents while not acting in the "course and scope of employment" are responsible for all liabilities arising from the accident.
5. Tooele City's Drug Free Workplace Policy identifies when post-accident drug/alcohol testing is required.

**D. TICKETS & FINES RECEIVED WHILE WORKING**

Tickets and fines incurred by a City driver due to incidences that were within the employee's control are paid by the employee not Tooele City.

**E. DRIVER SAFETY RULES**

The following is not an exclusive list of rules relating to driver safety but represents some of the more common requirements applicable to our workforce. Exceptions apply to public safety vehicles. The Tooele City Police Department Policies & Procedures outline rules relevant to their driver safety standards.

1. **Safe & Courteous.** Drivers are expected to operate the vehicle in a safe manner and drive defensively to prevent injuries and property damage. Drivers are expected to drive in a courteous manner.
2. **Laws.** Drivers are expected to obey all state and local laws. This includes overnight street parking during winter months.
3. **Impaired Driving.** Drivers are not to operate a City vehicle when illness, fatigue, injury, prescription medication, over-the-counter medication, intoxicants, alcohol, drugs, or other conditions have impaired his/her ability to do so safely.
4. **Seat Belts.** Drivers and all passengers must wear properly adjusted and fastened safety belt systems while driving or riding in City vehicles or the employee's personal vehicle when driving for business purposes, even if air bags are available. Drivers are responsible for ensuring that passengers wear properly adjusted and fastened safety belts.
5. **Smoking.** Drivers and passengers may not smoke in City vehicles nor may they hold their lit cigarette/e-cigarette outside of the vehicle window, door, or other

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opening.

6. **Distracted Driving.** Drivers may not engage in distractions while driving such as texting, operating electronic devices unless carrying out official duties (such as police officers), eating, applying makeup, etc.
7. **Securing Vehicle/Unattended Vehicles.** Drivers are responsible for the security of assigned vehicles. No vehicle may be left unattended with keys in the ignition unless required for their job and only if the door is locked and a second set of keys is used. When a vehicle is otherwise left unattended, the vehicle engine should be shut off, ignition keys removed, and vehicle doors locked.
8. **Securing Loads.** Drivers are responsible for securing any load or materials transported in or by a City vehicle.

**F. EXPECTATION OF PRIVACY**

Employees have no expectation of privacy in City vehicles because they are City property. The City reserves the right to search City vehicles at any time, for any purpose, at any location, with or without notice.

**G. GLOBAL POSITIONING SYSTEM (GPS)**

The City reserves the right to install GPS or other monitoring devices on City vehicles at any time, for any purpose, with or without notice. Employees may not tamper with any GPS or tracking device.

**H. AUTHORIZED PASSENGERS**

Passengers are limited to individuals who need to ride in the City vehicle to conduct City business. Children, family members, friends, etc. are not permitted to ride in City vehicles unless there is a business-related necessity.

1. **Exceptions.**

- a. Limited circumstances may be approved on a case-by-case basis where someone not on the authorized driver roster may drive for City business such as a member of the community agreeing to drive an elected official in a parade.
- b. In emergencies where the employee has a reasonable belief, based on totality of circumstances, that the life, safety, health, or physical welfare of an individual would be threatened without the security and/or transportation the vehicle could provide. Examples of such emergencies include, but are not limited to accidents involving personal injury, acute illness, and actual and potential victims of crime and violence.



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- c. In motorist passenger assistance where there is no immediate emergency, but under the circumstances, the employee has a reasonable belief that the failure to transport the motorist and/or passengers result in such person being left in real or potentially real danger, or would result in extreme inconvenience to them. The use of a City owned vehicle in such case is limited to transporting motorists and their passengers only to those places where they are reasonably safe, and have a reasonable opportunity to obtain continued help without further conveyance in a City owned vehicle.
- d. Sworn police officers are allowed to have passengers in their police vehicle subject to the Police Department Policies & Procedures Manual.

I. PERSONAL AND COMMUTER USE OF CITY VEHICLE

1. Personal Use of a City Vehicle

- a. Incidental personal use of a City vehicle in the course of the employee's daily assignments is generally allowed. Examples of incidental use include an employee stopping for a snack while en route from one job site to another or depositing a paycheck while on break and en route from one job site to another. If an employee is required by the City to commute in a City vehicle, incidental use may also include driving to/from lunch if reasonable and within close proximity to the assigned workplace.

The City vehicle may not be used for any personal use outside the employee's work hours except for incidental use to or from the employee's daily assignments such as stopping at the store while en route to/from work/home.

- ~~b.~~ Sworn police officers' personal use ~~is outlined in the Police Department Policies & Procedures Manual. Such use~~ is granted to benefit the ~~community~~ City by providing visibility and police response throughout the City. Such personal use is limited to use only within Tooele City limits. The Police Department Policies & Procedures Manual may provide additional information on personal use of police vehicles. Injuries sustained during personal use

- ~~b.~~c. Fire Chief and Fire Marshall/Emergency Management Supervisor personal use is granted to benefit the City by providing visibility and fire/emergency response throughout the City. Such personal use is limited to use only with Tooele City limits. The Fire Department Policies & Procedures Manual may provide additional information on personal use of fire vehicles.

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**DRIVING & CITY VEHICLES**  
Revised ~~November~~ September 2022

SECTION: 39

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2. Commuter Use of a City Vehicle

- a. Commuter use of a City Vehicle is travel, not on work time, from the first trip outbound at the beginning of the work period and the last trip back home at the end of the work period and vice versa.
- b. The IRS considers commuter use of a City vehicle to be a taxable fringe benefit to the employee commuting in the City vehicle, whether as a driver or passenger, unless the vehicle is specifically excluded under the IRS law. Examples of vehicles excluded under the IRS law include police vehicles, fire trucks, snow plows, and a department's designated on-call vehicle when the employee is serving in the official on-call capacity.
- c. To calculate the value of the fringe benefit Tooele City has adopted the Commuting Valuation Rule, a flat \$1.50 each way (\$3 round trip) for employees who are required to commute in the City vehicle for the benefit of the City. Employees in the following positions may be required to commute in a City vehicle year round or during specific seasonal periods to meet unique work needs:
  - Parks Maintenance Supervisor
  - Parks Director
  - Public Works Director
  - Facilities Maintenance Lead
  - Streets Supervisor
  - Water Distribution Supervisor
  - Water Reclamation Superintendent
  - Shops Supervisor

In the event other positions require the employee to commute in an IRS non-excludable City vehicle or a position is removed from this list, a written memorandum signed by the Mayor shall be provided to the human resource office until such time this Section can be updated.

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<b>Pratt Aquatic Center pg 1</b>	<b>Current Rates</b>	<b>Proposed Change</b>	<b>Proposed Rates</b>
<b>Daily Admission</b>	<b>Last Increase 2015</b>		
Youth 4-12	\$2.50	Youth 3-17	\$3.00
Students 13 -18	\$3.00	combine with youth	
Adult 19-61	\$3.50	Adult 18-60	\$4.00
Senior 62 +	\$3.00	Senior 61+	No fee change
Military	\$2.50		\$3.00
3 & under	free	2 & under	free
Aerobics Adult 19-61	\$4.00	Aerobics Adult 18-60	\$4.50
Aerobics Senior 62 +	\$3.50	Aerobics Senior 61 +	\$4.00
Aerobics Senior Circle	\$3.00	Remove senior circle	
		Age Group Swim Team	\$4.00
<b>10 Punch Pass</b>			
Youth 4-12	\$16	Youth 3-17	\$25
Students 13 -18	\$22	combine with youth	
Adult 19-61	\$28	Adult 18-60	\$35
Senior 62 +	\$22	Senior 61+	\$25
Military	\$14		\$25
Age Group Swim Team	\$25		\$35
Aerobics Adult 19-61	\$35	Aerobics Adult 18-60	\$40
Aerobics Senior 62 +	\$30	Aerobics Senior 61+	\$35
Aerobics Senior Circle	\$25	Remove senior circle	
<b>20 Punch</b>			
Youth 4-12	\$28	Youth 3-17	\$40
Students 13 -18	\$40	combine with youth	
Adult 19-61	\$50	Adult 18-60	\$60
Senior 62 +	\$40	Senior 61+	\$45
Military	\$25		\$45
Age Group Swim Team	\$40		\$55
Aerobics Adult 19-61	\$65	Aerobics Adult 18-60	\$70
Aerobics Senior 62 +	\$55	Aerobics Senior 61+	\$60
Aerobics Senior Circle	\$50	Remove senior circle	
<b>Annual Memberships</b>			
Youth 4-12	\$105	Youth 3-17	\$105
Students 13 -18	\$145	combine with youth	
Adult 19-61	\$180	Adult 18-60	No fee change
2-Party Adult	\$290		No fee change
Senior 62 +	\$145	Senior 61+	No fee change
		2-Party Senior (new)	\$250
Family	\$290+\$35 kid \$430max		No fee change
Single Parent	\$180+\$35 kid \$320max		No fee change
Military Family	\$180+\$35 kid \$320max		\$220+\$35kid \$400 max
Military Single Adult	\$150		\$145
Age Group Swim Team	\$265		No fee change
Add to existing membership	\$185		No fee change



	<b>Deseret Peak Pool</b>	<b>Current Rates</b>	<b>Layton City Surf &amp; Swim</b>	<b>Current Rates</b>
	<b>Daily Admission</b>		<b>Daily Admission</b>	
	Youth	\$4	Youth/student 3-17	\$3 winter/\$4.50 summer
	Student	\$4		
	Adult	\$4	Adult 18-61	\$3 winter/\$4.50 summer
	Senior	\$4	Senior	\$3 winter/\$4.50 summer
	Military	\$4	Military	n/a
	3 & under	\$4	3 & under	free
	Water Aerobics Adult	n/a	Water Aerobics Adult	\$3
	Water Aerobics Senior	n/a	Water Aerobics Senior	\$3
	<b>10 Punch Pass</b>		<b>10 Punch Pass</b>	
	Youth	\$30	n/a	
	Student	\$30		
	Adult	\$30		
	Senior	\$30		
	Military	\$30		
	<b>20 Punch</b>		<b>20 punch</b>	
	Youth	\$60	Youth/student 3-17	\$60 winter/\$80 summer
	Student	\$60		
	Adult	\$60	Adult 18-61	\$60 winter/\$80 summer
	Senior	\$60	Senior	\$50
	Military	\$60	Military	n/a
	Water Aerobics Adult	n/a	Water Aerobics Adult	\$50
	Senior 62 +	n/a	Senior 62 +	\$50
	<b>Annual Memberships</b>		<b>Annual Memberships</b>	
	no annual memberships		Youth/student 3-17	\$225
			Adult 18-61	\$225
			Senior	\$225
			Family	\$375 up to 5 then \$30
				additional fam member
			Military	n/a
	<b>Rentals</b>		<b>Rentals</b>	
	Facility 2 hrs Sun-Thurs	\$300	Facility 3 hrs	\$500
	Facility 2 hrs Fri & Sat	\$400		

<b>Fairmont Pool SL County</b>	<b>Current Rates</b>	<b>Lehi City Aquatic Center</b>	<b>Current Rates</b>
<b>Daily Admission</b>		<b>Daily Admission</b>	
Youth/student 3-17	\$2	Child 4-11	\$4
		Youth 12-17	\$5
Adult 18-61	\$4	Adult 18-64	\$6
Senior 62-80	\$3	Senior 65+	\$4
Military	n/a	Military	n/a
2 & under	free	3 & under	free
Water Aerobics Adult	\$4	Water Aerobics Adult	
Water Aerobics Senior	\$4	Water Aerobics Senior	
<b>10 Punch Pass</b>		<b>10 Punch Pass</b>	
	n/a	<b>10 punch</b> not available	
<b>20 punch</b>		<b>20 punch</b>	
Youth/student 3-17	\$20		n/a
Adult 18-61	\$60		
Senior 62-79	\$40		
Military	n/a		
<b>Annual Memberships</b>		<b>Annual Memberships</b>	
			pool pass summer
Youth/student 3-17	76	Youth/student 3-17	
Adult 18-61	145	Adult 18-61	
Senior 62-79	125	Senior 62-79	
Senior family of 2	195	Senior family of 2	
Family	\$225 first 2	Family	\$193 up to 6
	\$20 add members		
Military	n/a	Military	n/a
		Age Group	
<b>Rentals</b>		<b>Rentals</b>	
Facility 2 pools/1 pool	\$300/\$200	Facility	\$375
Birthday party rm	\$60 1 hr		

<b>Payson City Pool</b>	<b>Current Rates</b>	<b>Private Lesson rates other facilities</b>	
<b>Daily Admission</b>		Lindon City Pool	
Child 4-11	\$5	1 student	\$25 for a 30 min lesson
Youth 12-17	\$5		\$100 for four 30 min lessons
Adult 18-54	\$5	semi private lesson	
Senior 55 +	\$2.5	2 students	\$35 for a 30 min lesson
Military	n/a		\$140 for four 30 min lessons
3 & under	\$1	3 students	\$52.5 for a 30 min lesson
Water Aerobics Adult			\$210 for four 30 min lessons
Water Aerobics Senior			
<b>10 Punch Pass</b>			
Child 4-11	\$40	Clearfield city pool	
Youth 12-17	\$40	1 student	\$20 for a 30 min lesson
Adult 18-54	\$40		\$80 for four 30 min lessons
Senior 55 +	\$40	2 students	\$25 for a 30 min lesson
Military	n/a		\$100 for four 30 min lessons
		3 students	\$30 for a 30 min lesson
			\$120 for four 30 min lessons
<b>25 punch</b>		Provo city pool	
Child 4-11	\$40	1 student	\$20 for a 30 min lesson
Youth 12-17	\$40		\$80 for four 30 min lessons
Adult 18-54	\$40		
Senior 55 +	\$40		
Military	n/a		
<b>Annual Memberships</b>			
memberships not avail			
<b>Rentals</b>			
facility/shared facility	\$750/\$375		
Birthday party rm	\$30 2 hours		