

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, September 15, 2021, at 5:30 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 logging on to the Tooele City Facebook page at <https://www.facebook.com/tooelecity>.


1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Member's Report**
5. **Ordinance 2021-34** A Discussion to Amend the Tooele City Policies and Procedures Manual
Presented by Kami Perkins, Human Resources Director
6. **Crime Statistics**
Presented by Chief Adrian Day, Police Department
7. **Discussion on Mosquito Abatement District**
Presented by Roger Baker, City Attorney
8. **Closed Meeting**
- Litigation, Property Acquisition, and/or Personnel
9. **Adjourn**

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, Prior To The Meeting.

MEMORANDUM

TO: Tooele City Council

FROM:  Kami Perkins, HR Director & Member of P&P Committee

DATE: September 8, 2020

SUBJECT: Proposed Changes to Sections of the Personnel Policies & Procedures Manual

The Tooele City Personnel Policies & Procedures Committee has met and is proposing changes to certain Sections of the Personnel Policies & Procedures as surmised in Ordinance 2021-34. Mayor Winn has given her support for the proposed changes. Employee feedback was solicited on August 30, 2021 and has been reviewed and incorporated as deemed appropriate by the Committee and/or Mayor.

Some of these policies were brought before the Council in early 2020 before COVID hit. The Council gave support for changes to the Holiday Policy (designating the day after Thanksgiving as a paid holiday benefit as opposed to a day of administrative leave) & the Purchasing Policy. The policies were not approved at that time though because questions were asked regarding changes to the Drug & Alcohol Free Workplace policy. The Committee took it back for further discussion and policy clarification. When COVID hit, our work transitioned to the crisis and these policy changes were put on hold, but we are now bringing these back for approval as part of Ordinance 2021-34.

Ordinance 2021-34 also includes additional policy changes. Some are editorial in nature while others are more significant changes including:

- Section 10: Compensation – Authorizes administration to establish a phone allowance program in lieu of a City-issued cell phone and proposes the severance package for appointed employees be available only in exchange for a release of all claims against the City, except where prohibited by federal or state law.
- Section 17: Drug & Alcohol Free Workplace – Incorporates the discussion items from the meeting in early 2020 but also changes our pre-employment drug testing to only be applicable to safety-sensitive or CDL-required positions (as specified on the job description and determined by precedence and case law guidelines)
- Section 24: Annual Leave – Removes the provision for employees completing their orientation period to repay used annual leave to the City in some circumstances. This is an outdated that has not been enforced as it is minimal and would be difficult to recoup payment. Recouping would run into illegal withholdings from payroll and the minimum wage requirement or would be difficult to collect through collection efforts. This policy revision also proposes the annual leave cash out upon retirement be limited to the maximum accrual limit of 280 hours.
- Section 29: Benefits – Raises the flexible spending account limit from \$2,500 to the approved annual IRS limit.

- Section 39: Driving & City Vehicles – Adds policy information on GPS devices and updates the list of positions that may be required to commute in a City vehicle for the benefit of the City. The commute requirement is necessary to ensure that the City complies with IRS guidelines regarding taxation of commute use of company vehicles.

We did receive some employee feedback that was not incorporated into the Committee's recommendations but is given for your reference:

- Section 17: Drug & Alcohol Free Workplace – Opinion that the employees subject to testing should include anyone who drives a City vehicle, has access to personal information, or deals with company finances. The employee was apprised of the legal evaluation that has been conducted regarding drug testing of public employees and the standard that appears must be met due to the Constitutional protections. After explanation, the feedback was that they don't like it but understood there must be some reason we've limited our testing.
- Section 23: Holidays – Question was asked about Tooele City adding "Juneteenth" as a paid holiday. The employee was apprised of the discussion about this holiday being newly approved for Federal employees and that there has been discussion about adding this holiday in the future or swapping it for Columbus Day. General discussion among Committee is that June is already challenging with work schedules due to annual leave use or lose deadline that month and the 4th and 24^h holidays being so close. Discussion also included this being so new and that it may be worthwhile to see how other local governments and businesses address it. The topic is under further discussion but not likely to be addressed this upcoming year.
- Section 24: Annual Leave – Disagreement that there should be a cap on annual leave upon retiring. Employee expressed the desire to bank their entire leave accrual from July to June and add that to the 280 limit to be cashed out if they retire on June 30th. Discussion with finance department is that this creates a fiscal challenge and we need to have some control. Committee has discussed having ongoing challenge with employees not planning appropriately to use their leave and then being in a use or lose situation in May/June. This results in employee requesting to be off for significant amounts of time and placing a hardship on the organization with staffing at the peak of summer.
- Section 39: Driving & City Vehicles – Some employees do not like the GPS systems. Feedback was given to expand the list of employees who can commute in a City vehicle. Mayor made this final determination and is not recommending changes other than those included in the draft policy update.

KP

TOOELE CITY CORPORATION

ORDINANCE 2021-34

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 2: Hiring & Job Assignments – Editorial corrections. (Exhibit A)
- Section 10: Compensation – Adds provision for payment of a phone allowance in lieu of a City-issued cell phone, at a rate established with the fiscal year budget. Adds that payment of a severance package for appointed employees shall be in exchange for the employee's release of all claims against the City related to his/her employment, asserted or unasserted, except where prohibited by federal or state law. (Exhibit B)
- Section 17: Drug & Alcohol Free Workplace – Updates the policy to address changes in Utah Code Chapters 26-61A and 58-37, as amended, for matters relating to medical cannabis. This revision addresses how medical cannabis and CBD products relate to our workplace including matters such as fitness for duty, testing, and referral. Includes technical and housekeeping revisions. Changes pre-employment drug testing requirement to safety-sensitive or CDL-required positions only. (Exhibit C)
- Section 23: Holidays – Adds the Friday after Thanksgiving to the list of recognized holidays. For at least the past 15 years, the Mayor has declared the Friday after Thanksgiving as an Administrative Leave Day (pursuant to the Administrative Leave policy in the Manual). This has become a practice in the organization, and it is being proposed that this be incorporated into the Holiday policy. This change clears up record keeping, payroll administration, and other related administrative matters that periodically have arisen by having defined policies applicable to the Friday after Thanksgiving. The revision also addresses other special considerations relevant to eligibility for paid holiday benefits such as hire and termination dates. (Exhibit D)

- Section 24: Annual Leave – Removes the provision for employees completing their orientation period/requirement to repay used annual leave to the city if they failed to complete six months continuous service or failure to complete the established orientation period, whichever is later. This is an outdated policy that has not been enforced and is difficult to recoup payment. Also clarifies that the payout at termination shall not exceed 280 hours. (Exhibit E)
- Section 29: Benefits – Edits the table of benefits for part-time elected officials to coincide with State Code to show Tier 2 part-time elected officials are not eligible for PEHP Long-term Disability benefits. This was updated in benefit summary documents and needs to be updated in the policy. Updates the flexible spending account limit to coincide with the IRS limit which has changed over the years and makes this change effective with the 2022 reenrollment period. Removes reference to post-retired rehired prior to June 30, 2010 employees 401k contribution as there are no employees remaining on payroll that fall under this criteria. (Exhibit F)
- Section 38: Purchases & Reimbursements – Adds to policy a notice that employees shall follow the approved Tooele City Purchasing Policy and provides instruction on how employees may obtain a copy of the approved policy. (Exhibit G)
- Section 39: Driving & City Vehicles – Add to policy information about GPS or tracking device installed on a City's vehicle. Updates the list of positions that may be required to commute in a City vehicle for the benefit of the City. (Exhibit H)

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 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 policies, 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 H;

2. the revisions shall take effect _____ 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 _____, 2021.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, Tooele City Attorney

A

HIRING & JOB ASSIGNMENTS
Revised ~~November 2018~~August 2021

SECTION: 2

A. GENERAL POLICY

1. Tooele City reserves the right to hire, fill vacancies, and otherwise make job assignments at management's discretion to meet changing business conditions and staffing needs.
2. When vacancies do occur, Tooele City generally prefers to give first consideration to current Tooele City employees who meet the minimum qualifications for the vacant position by opening a preferential internal posting. The Mayor may authorize waiving a preferential internal posting when it is deemed necessary or beneficial. Although this is not an exclusive list, preferential internal postings may be waived:
 - a. For part-time, temporary, seasonal, appointed, or sworn law enforcement positions;
 - b. When it is believed that only one or no employees possess the required minimum qualifications for the open position;
 - c. When moving a person to another position will maintain an individual's employment with Tooele City due to a layoff;
 - d. When moving a person to another position is prudent to meet legal requirements of the American's with Disabilities Act or other laws;
 - e. When an individual has been involuntarily demoted or transferred to the new position, thus opening another position elsewhere;
 - f. When management believes that transferring or demoting an employee is necessary to meet business needs, to comply with Tooele City policies and procedures, or is in the best interest of the City;
 - g. When an employee who separated employment from Tooele City has requested reinstatement to the same position he/she held prior to separation and the employee had at least one full year experience in that position with Tooele City, and has requested reinstatement within 1 year of separation. *Terms and conditions pertaining to compensation, benefits, and seniority are established under the respective policies in this Manual; or*
 - h. When a voluntary lateral transfer is desirable between two employees and their respective department heads.
3. A position may be filled by transferring an employee from one position to another provided that both are of the same salary grade. Transfers fall into two categories: voluntary and involuntary. A voluntary transfer is deemed to be acceptable by the

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effected employee and department head(s) and may be initiated at either the employee's or the City's request. An involuntary transfer is made by the City with or without the employee's consent as deemed necessary to meet the needs of the City.

B. ONLINE APPLICATION SYSTEM & SELECTION PROCESS

In general, applicants apply online. Hiring supervisors shall follow all employment laws and regulations pertaining to the selection process. Numeric rating or a ranking, general job criteria, or other job-related criteria should be used in the selection process. In addition, examinations or other tests may be administered when such tests are valid and reliable predictors of an individual's ability to perform the job.

C. VETERAN'S PREFERENCE

In accordance with Title 71, Chapter 10 of the Utah Code Annotated, 1953, as amended, Tooele City grants veterans preference upon initial hiring with Tooele City to a preference eligible veteran or preference eligible spouse that meets the minimum qualification for the position as follows:

1. When a scored examination or other numeric rating mechanism is used and the applicant receives a passing score, Tooele City will give preference in hiring by adding to the applicant's score as follows:
 - 5% of the total possible score, if the individual is a veteran;
 - 10% percent of the total possible score, if the individual is a disabled veteran or a Purple Heart recipient; or

In the case of a preference eligible spouse, widow or widower, the same percentage the qualifying veteran is, or would have received, is added.

2. If a non-numeric ranking mechanism is used, Tooele City will give veteran's preference in interviewing and hiring, generally by extending a first interview.

D. RANKED POSITION ROSTER

Once the selection process has been completed, applicants may be held on a roster for future consideration. This roster may, at the hiring manager's discretion, be reused for a one-year period following the date the first offer for employment was made.

E. OFFERS FOR EMPLOYMENT

All offers for employment are made in writing generally by the human resource office.

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F. **BACKGROUND SCREENING & INVESTIGATIONS**

In most circumstances the results of pre- and post- offer screenings and investigations are not made available to the applicant or employee. Information obtained from the background screening or investigation is deemed confidential and shared only with individuals involved in employment decisions.

The Tooele City Police Department maintains guidelines relating to background screening and investigations of applicants and employees for positions as police officers, ~~and~~ other police department personnel, or positions deemed to be providing support to police personnel and requiring the confidence and trust of Tooele City in fulfilling their duties in support of our public safety applicants and employees.

1. **Screening - Pre-Offer.** Tooele City may conduct a pre-offer screening to assist in the selection process.

The pre-offer screening may include, but is not limited to:

- a. Verifying past employment and rehire eligibility;
 - b. Evaluating the applicant's past employment performance and recommendations from prior employers/supervisors/associates;
 - c. Contacting references or other individuals with knowledge of the applicant's performance or suitability for the position;
 - d. Verifying the validity and accuracy of an individual's education, certifications, and training; or,
 - e. Verifying the validity and accuracy of information provided by the applicant in written or oral communications.
2. **Background Investigation – Post-offer.** Tooele City may conduct further background investigation after a conditional offer of employment has been made. Based on the job requirements, a post-offer background investigations may include, but is not limited to:
 - a. **Driving Records.** Reviewing driving records for jobs with driving responsibilities to determine the applicant's insurability and risk level;
 - b. **Credit Reports.** Reviewing personal credit reports for jobs with access to City bank accounts or other highly responsible financial matters;
 - c. **Sex Offender Registries.** Reviewing sex offender registries or other

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public databases for jobs working in positions of trust or proximity to children to verify that the individual does not appear in the database of persons who have been convicted of certain sex crimes;

- d. **Web Based Information.** Reviewing information available via the internet, social networking sites, trade association sites, or other web based sites to determine whether information publicly available to the general public via electronic means may be perceived as being derogatory to a protected class, sexually objective, offensive, violent, threatening, criminal, illegal, harassing, discriminatory, or as having other publicly available information may have the potential to compromise the applicant's credibility, present an unprofessional image for the City, compromise the public's confidence in the individual as a City employee, or be contrary to position for which the applicant is being considered. These types of inquiries may be made for jobs with the following types of responsibilities:
- (1) Senior and mid-level management such as department heads and supervisors;
 - (2) Representing the City in a position that is highly visible including positions that serve as first point of contact for the public;
 - (3) Responsibility for the care, safety, or security of people including children and minors;
 - (4) Working in a position of trust or in proximity to children and minors;
 - (5) Having access to private residences, yards, buildings, or other properties not otherwise accessible to the general public;
 - (6) Working in a position with access to controlled substances, drugs, paraphernalia, restraint systems, or other safety sensitive materials; and/or,
 - (7) Working in a position established to protect and preserve public safety, confidential or highly sensitive information, or other enforcement or legal proceedings.
- e. **Criminal History Records.** Reviewing the applicant's criminal history records obtained from various sources, including but not limited to, the Utah Bureau of Criminal Identification, other State Criminal Records,

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prosecution and court records, for all City jobs.

G. CRIMINAL HISTORY RECORD GUIDELINES

1. Generally only criminal convictions, guilty pleas, pleas of no contest and deferred adjudication will be considered in determining an applicant's suitability for employment or reassignment. Detention or arrest without conviction typically do not constitute valid grounds for employment decisions.
2. In determining an individual's suitability for employment or reassignment where the individual has criminal convictions, a committee comprised of the Human Resource Director, City Attorney, and the Department Head (or substitutes if deemed necessary or prudent) evaluates such factors as: the specific duties of the position, nature and seriousness of the crime; the relationship of the conviction to the requirements of the job; all circumstances relative to the crime, including mitigating circumstances; the age at the time of the crime; the time elapsed since the crime; and all other competent evidence of rehabilitation and fitness for duty, including but not limited to, letters or references by persons who have been in contact with the applicant since the applicant's conviction. The Mayor makes the final determination regarding approval to hire or reassign the applicant.
4. The following guidelines are not ~~in~~clusive:
 - a. Felony convictions within the past seven (7) years for the following crimes, including convictions for attempt or conspiracy to commit the following crimes, will make an individual ineligible for hire:
 - (1) Murder;
 - (2) Arson;
 - (3) Criminal sexual conduct where the victim's failure to affirmatively consent is an element of the crime, such as sexual assault, or felonies involving the sexual or physical abuse of children, the elderly or the infirm, such as sexual misconduct with a child, making or distributing child pornography, or using a child in a sexual display, or incest involving a child;
 - (4) Robbery whether simple or aggravated;
 - (5) Burglary;
 - (6) Federal or State Civil Rights Convictions; or,
 - (7) Felony controlled substance crimes where intent to distribute is an element of the crime.

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- b. Other convictions within the past seven (7) years for the following crimes, including convictions for attempt or conspiracy to commit the following crimes, are considered serious concerns for any position but generally do not automatically disqualify an individual from hiring or reassignment:
 - (1) Crimes of violence;
 - (2) Theft;
 - (3) Drug convictions without successful completion of post-rehabilitation program;
 - (4) Alcohol convictions;
 - (5) Weapons violations;
 - (6) Other sexual convictions not listed above;;
 - (7) Fraud;
 - (8) Financial Crimes; or
 - (9) Falsification in official matters.

- c. Regardless of the time period, other convictions for certain types of crimes generally preclude hiring or reassigning an employee into certain positions. For example:
 - (1) Individuals with convictions for theft, embezzlement, identity theft, or fraud cannot be hired into positions with fiduciary responsibilities; or,
 - (2) Individuals with convictions for child molestation and other sex offenses can not be hired or reassigned to positions that involve direct unsupervised contact with minors and children.

- 5. When disqualification occurs because of criminal conviction information obtained from a third party vendor or other consumer report, Tooele City will notify the individual in writing of their disqualification within five (5) business days and provide the individual with reasonable time to contest the validity of the information.

B

COMPENSATION

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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

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limited to: under fills, budget constraints, and disciplinary actions.

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

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sworn law enforcement officers.

- 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

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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 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

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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 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

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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
 - 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

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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.

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 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. 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

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included in calculating hours worked for overtime purposes.

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- 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 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

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- 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 authorize the accrual of comp-time hours, 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.

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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.
 - 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.

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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 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

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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 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

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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.

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T. DAYLIGHT SAVINGS TIME CHANGES

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

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

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~~U. WORKING OUTSIDE OF NORMAL WORK SCHEDULE~~

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~~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.~~

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~~1.2. 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:~~

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- 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

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instructions, or relay information.

~~2.3.~~ 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;
 - 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

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- 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 ~~an unearned~~ 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 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.

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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

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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 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. All time reports need to be approved and ready for payroll by 12:00 p.m., Monday, following the end of the pay period unless called for earlier due to a holiday or other circumstance. Reports received after that time may be processed the following pay period. In the event an employee is unavailable or unable to complete a time card or approve a time report, 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 ("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

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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.

C

DRUG AND ALCOHOL FREE WORKPLACE

DRAFT - Revised November 2020

SECTION: 17

A. PURPOSE

This Drug and Alcohol Free Workplace policy has been established to support the City's goals of: (1) assuring employees report to work fit for duty and able to safely and effectively perform their work duties, (2) fostering a workplace that is safe, productive, and free from the effects of unlawful drug and alcohol use and activity, and, (3) to reasonably protect City assets.

This policy establishes our drug and alcohol free workplace standard, communicates what is expected of employees, and identifies initiatives the City uses to monitor and enforce the policy.

This policy provides information on our Employee Assistance Plan (EAP)/Voluntary treatment program and other matters that may arise.

This policy provides procedural information regarding Tooele City's limited drug and alcohol testing program of safety-sensitive employees ("company authority testing") as well as our testing of CDL-required employees ("DOT required testing").

B. POLICY

1. Employees are to report to work fit for duty and able to safely and effectively perform their work duties.
2. Employees may not unlawfully use or be impaired/under the influence of drugs or alcohol while on duty or while operating a City vehicle after hours.
3. Employees may not engage in illegal activity while on duty nor use City equipment, facilities, or resources as part of illegal activity such as the unlawful sale, purchase, transfer, manufacture, dispense, possession, storage, or distribution of alcohol, drugs, or paraphernalia.

To maintain a positive public perception, employees may not use a City vehicle or equipment to patron a liquor store or establishment deemed a bar, nor may alcohol be stored in City equipment, facilities, or resources.

City approved exceptions include, but are not limited to:

- Employees may possess paraphernalia in the workplace that is required for their lawful use of prescriptions (i.e. needles for injections of prescriptions) and provided the employee takes prudent safety measures to prevent potential for injury to another person (i.e. sharps container disposal).
- Employees may possess drug paraphernalia in performance of their work duties such as cleaning up needles.
- Non-CDL drivers may have and use alcohol-containing products that are not

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designed for consumption such as hand sanitizer and disinfecting products.

- Police department employees may be exempt from policy requirements in performance of official police business and in compliance with police department policies & procedures.
- Authorized golf course staff may sell, purchase, transfer, dispense, possess, store and distribute alcohol for patron consumption when part of their job duties.

4. Use of Prescriptions & Over the Counter Drugs

Employees may not unlawfully use or misuse prescriptions, including medical cannabis, and over the counter drugs while on duty, while on City premises, or in the workplace.

Employees may lawfully use prescribed or over the counter drugs, including medical cannabis, provided the use does not adversely affect their fitness for duty and/or their ability to safely and effectively perform their work duties.

Any employee lawfully taking a prescribed or over the counter drug are expected to consult with their prescribing physician and/or pharmacist to determine whether the drug has the potential to adversely affect their fitness for duty and ability to safely and effectively perform their work duties. Employees shall use appropriate personnel procedures (i.e. call in sick, use accrued leave, request change of duty, notify supervisor, notify human resources, exercise FMLA rights, request accommodation, etc.) to ensure they do not violate any provision of this policy.

In general, employee's lawful use and possession of **medical cannabis** is handled in the same manner as the lawful use of any other prescribed drug, unless:

- Use of medical cannabis would jeopardize federal funding for the employee's position;
- Use of medical cannabis would jeopardize a federal security clearance required for the employee's position;
- The employee's position is dependent on a license that is subject to federal regulations; or,
- Use of medical cannabis conflicts with any other federal background determination required for the employee's position. This provision restricts CDL drivers' use of medical cannabis due to the Federal DOT testing requirements.

Employees lawfully using medical cannabis, pursuant to Utah State law, are subject to the same policy requirements for lawful use of other prescriptions.

DRUG AND ALCOHOL FREE WORKPLACE

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Employees are encouraged to carefully consider the risk that **Cannabidiol (CBD) products** may result in a positive drug test in violation of this policy.

Cannabidiol (CBD) products are an unregulated industry and many CBD products contain trace amounts of delta-9-tetrahydrocannabinol (THC), marijuana's main active ingredient. For purposes of this Section, CBD products are not considered an over the counter drug and does not negate a positive drug test.

C. WORKPLACE INSPECTIONS

Tooele City reserves the right to conduct unannounced inspections of the workplace, equipment, facilities, and resources whether used solely by the employee or shared with others. Tooele City recognizes that employees have a reasonable expectation of privacy to be free from unwarranted searches of their personal items such as their personal bags, purses, coats, wallets, etc. This expectation of privacy does not apply, however, if alcohol, drugs, or paraphernalia are in plain view. Tooele City also reserves the right to utilize detection methods including, but not limited to electronic detection equipment and trained animals.

D. FITNESS FOR DUTY EVALUATION/VERIFICATION

Tooele City reserves the right to establish that an employee is fit for duty and able to safely and effectively perform their work duties. This includes, but is not limited to, requiring an employee to produce documentation from the prescribing medical provider assuring that the employee is/was deemed fit for duty. Tooele City also reserves the right to obtain second and third opinions, at the City's expense, and to use resources available under other applicable laws including, but not limited to, the American's with Disabilities Act and Family & Medical Leave Act.

E. EMPLOYEE ASSISTANCE/VOLUNTARY TREATMENT

Early recognition and treatment is important for successful rehabilitation. Employees are urged to seek treatment prior to being identified for testing, and are reminded that treatment and counseling services may be available through the employee assistance program (EAP) and group health insurance plan.

F. CRIMINAL CONVICTIONS & OTHER RELIABLE EVIDENCE

An employee who is convicted for violation under federal or state criminal statute which regulates manufacturing, distributing, dispensing, possessing, selling, purchasing, or consuming a controlled substance shall notify their supervisor of the conviction no later than 5 calendar days after the conviction. Convictions are not necessarily disqualifiers from employment. A case-by-case analysis is conducted for workplace safety and job relevancy. An employee who is required to drive a vehicle as an essential function of the job, may no longer qualify for the job where the employee's driver license is suspended or revoked due to a drug or alcohol conviction or offense.

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Test results generated by law enforcement officers, emergency responders, or health care providers may also be considered by Tooele City for determining policy compliance. For example, an employee is arrested for DUI in their personal vehicle on their way home for lunch. The test results are deemed credible and indicate that the employee was likely to have been under the influence while on duty as the employee had only recently left the workplace.

G. LIMITED DRUG & ALCOHOL TESTING OF SAFETY SENSITIVE EMPLOYEES & CDL DRIVERS

While all employees are required to maintain a drug and alcohol free workplace pursuant to this policy, only certain employees are subject to workplace testing for drugs and alcohol. Tooele City's drug and alcohol testing program applies to safety-sensitive employees ("company authority testing") and CDL-required employees ("DOT required testing").

1. Testing of Safety-Sensitive & CDL-required Drivers

Pre-employment Testing. Pre-employment drug testing is a condition of offers of employment and offers of reassignment to existing employees who have applied for and been offered a new safety-sensitive or CDL-required position. Pre-employment tests for alcohol will not be given.

Random Testing. Random drug and/or alcohol testing is required of employees in safety sensitive positions and/or CDL-required positions. To ensure that employees are selected on a random basis, Tooele City uses a third-party administrator to manage random selections. Employees are subject to random testing anytime they are on duty. If an employee is absent at the time of testing, another employee is selected from the alternate list except for when a police officer or lifeguard is off-duty, they are sent for testing when next at work, or as soon as practical.

Reasonable Suspicion Testing. Reasonable suspicion drug and/or alcohol testing may be required of employees in safety sensitive positions and/or CDL-required positions if a supervisor or company official who has been trained in recognizing the signs and symptoms of drug or alcohol use suspects an employee is under the influence of drugs and/or alcohol while on duty. Testing cannot be required based solely on a guess, hunch, complaint, or tip from another person. The suspicion must be based on specific, contemporaneous, articulable, and documented observations consistent with the signs and symptoms of drug and alcohol use such as the following: odors (e.g., smell of alcohol, body odor, urine); movements (e.g.,

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unsteady, fidgety, dizzy); eyes (e.g., dilated, constricted or watery eyes, involuntary eye movements); face (e.g., flushed, sweating, confused or blank look); speech (e.g., slurred, slow, distracted mid-thought, inability to verbalize thoughts); emotions (e.g., argumentative, agitated, irritable, drowsy); actions (e.g., yawning, twitching); inactions (e.g., sleeping, unconscious, no or slow reaction to questions).

When reasonable suspicion testing is warranted, management should relieve the employee from performing safety sensitive work duties and meet with the employee to explain the observations. The employee shall be given an opportunity to offer an explanation of the observations. If, after the explanation, management continues to have reasonable suspicion of drug or alcohol use in violation of this policy, or would need further verification, the employee will be notified of the requirement to undergo a drug/alcohol test. In a rare circumstance where an employee is unconscious and unable to give an explanation or to test, reasonable suspicion testing may not be administered (i.e. as it relates to employment testing, Tooele City cannot catheterize an unconscious employee nor take blood for reasonable suspicion testing). Other means shall be used to address the situation.

Where reasonable suspicion of drug/alcohol use exists, under no circumstances should the suspected employee be allowed to drive to the testing facility or away from the workplace. A member of management is required to transport the employee or arrange for the employee's transportation.

The suspected employee may not perform safety sensitive duties until negative test results are received.

Post-accident/Incident Testing. Post-accident/incident drug and/or alcohol testing is required of employees in safety sensitive positions and/or CDL-required positions under certain circumstances. **Any employee required to be tested but needing medical assistance, must get the needed medical assistance first.** In a rare circumstance where an employee is unconscious and unable to give an explanation or to test, post-accident/incident testing may not be administered (i.e. as it relates to employment testing, Tooele City cannot catheterize an unconscious employee nor take blood for post-accident testing). Other means shall be used to address the situation.

The supervisor at the scene of the accident/incident or receiving information about the accident/incident away from the scene or thereafter, should review the testing criteria and make a good faith decision to test or not test and who is to be tested (e.g. testing is overbroad when it includes all employees in a vehicle, especially

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those whom the facts indicate could not have caused the accident) based on the information available at the time. If a test cannot happen within the established time limit, the supervisor should document the reasons.

Under no circumstances should the employee involved in an accident and subject to post-accident testing be allowed to drive to the testing facility or away. A member of management is required to transport the employee or arrange for other transportation.

Type	When Required	Time Limits
Safety-sensitive Drug Testing Company Authority	1. When there is a reasonable basis for concluding that: (a) the employee caused or contributed to an accident that seriously damaged a City vehicle, machinery, equipment, or property making it inoperable and/or resulting in immediate disruption to the work process; (b) the employee received or is likely to receive a moving traffic violation in relation to an accident; and/or, (c) the employee caused or reasonably appears may have caused an accident or incident that resulted in an injury to themselves or another person, requiring off-site medical attention; except that sworn police officers are not subject to automatic post-accident drug and alcohol testing in the instance of an injury to the officer or a suspect, when such injury occurs in the normal scope of their duties or in the course of a suspect's lawful constraint. Sworn police officers are, however, subject to post-accident/incident drug and alcohol testing following any incident deemed to be an officer's use of deadly force whether an injury occurred or not. Note: Deceased employees are not tested.	Within 12 hours, but cannot exceed 32 hours from time of event.
Safety-sensitive Alcohol Testing Company Authority		Within 2 hours, but cannot exceed 8 hours from time of event.
CDL Drivers Drug Test DOT- required	1. When there is one or more fatality; or 2. The driver is cited for a moving violation AND either: (a) The vehicle is towed from the scene; or (b) Someone incurs bodily injury with medical treatment away from the scene.	Within 12 hours, but cannot exceed 32 hours from time of event.
CDL Drivers Alcohol Test DOT- required	Note: If these requirements cannot be met, the employee might still be tested pursuant to safety-sensitive drug or alcohol testing under company authority.	Within 2 hours, but cannot exceed 8 hours from

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		time of event.
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Return-to-duty Testing/Follow-up Testing. Return-to-duty/follow-up drug and/or alcohol testing may be required of employees in sensitive positions and/or CDL-required positions when administered in conjunction with a City-approved program of return to duty, rehabilitation, counseling, education, and/or treatment. Return-to-duty testing shall be for a period of not less than 12 months, and generally not to exceed 36 months, and generally should be tested a minimum of 6 times in the first 12 months following their return to duty. Return-to-duty/follow-up testing shall be at the employee's expense. This policy does not alter the City's policies on leave or disability.

2. Testing Notice & Sample Collection / Testing Procedures / MRO Verifications

a. Testing Notice

Before performing an alcohol or drug test, the employee shall be notified whether the test is required pursuant to Tooele City's "company authority" testing of safety-sensitive employee or Tooele City's DOT testing of CDL drivers, and whether the test is pre-employment, reasonable suspicion, random, post-accident, or return-to-duty/follow-up testing.

b. Alcohol Testing

Alcohol testing is conducted at a City-designated location/facility and is a breath specimen. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .02 or more, a second breath specimen will be tested approximately 20 minutes later. If an employee's second breath alcohol concentration is at or exceeds .04, the second confirmation test will be used for determination of under the influence. The tests results will be sent to the MRO who verifies the testing process and results, and makes a final determination of the test result.

Under no circumstances should the employee be allowed to drive following a test for alcohol when the second confirmation test result is at or exceed the positive cut off limit. A member of management is expected to transport the employee or arrange for other transportation.

c. Drug Testing

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Drug testing is conducted at a City-designated location/facility and is a urine specimen of required volume. Specimens are provided in private unless they appear to be altered, adulterated, or substituted specimens.

Collected specimens will be split-sample, sent to a federally or state certified laboratory, and tested for:

Testing Authority	Tested for
Safety-sensitive Company Authority	9 Panel Opiates, cocaine, phencyclidine, amphetamines, marijuana, barbiturates, benzodiazepines, propoxyphene, methadone.
CDL Drivers DOT-required	5 Panel Opiates, cocaine, phencyclidine, amphetamines, and marijuana

The laboratory screens all specimens and confirms all positive screens. The laboratory preserves the chain of custody from the time specimens are collected through testing and storage.

The laboratory transmits all positive drug test results to a medical review officer (MRO) retained by Tooele City who offers individuals with positive results a reasonable opportunity to rebut or explain the results prior to reporting test results to Tooele City. An individual has 72 hours from notice of a positive test result to ask the MRO to perform a confirmation test at another federally or state certified laboratory, at the individual's own expense.

3. It shall be a violation of policy and a presumptive positive test if an employee:
 - Fails to appear for a drug/alcohol test as requested without a reasonable or verifiable explanation.
 - Refuses to submit to an authorized drug/alcohol test without a medically verifiable reason, as determined by the testing coordinator or the person responsible for administering the test.
 - Refuses to contact and cooperate with the drug/alcohol testing official or sign related paperwork.
 - Substitutes, alters, or tampers with a drug/alcohol test sample.
 - Fails to give a sufficient drug/alcohol test sample without a verifiable medical condition that impacts the employee's ability to provide a sufficient sample.

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- Falsifies or attempt to falsify a drug/alcohol test sample or test result.
- Refuses to report for an evaluation by a substance abuse professional.
- Fails to remain readily available for post-accident testing, if applicable, following an accident.

4. Cancelled Tests & Unique Situations

At times, a problem with a drug test may be identified that cannot or has not been corrected, or which federal regulations require it to be cancelled. In these situations, a cancelled test is reported. A cancelled test is neither positive nor negative.

Additionally, Tooele City recognizes that situations may arise which are not specifically covered by this policy. These may be addressed on a case-by-case basis.

5. Compensation for Testing & Record Keeping

An employee's time spent participating in random, reasonable suspicion, or post-accident drug or alcohol testing is considered paid work time. Individuals participating in pre-employment testing, rehabilitation testing, or return-to-duty testing, whether or not related to a disciplinary or corrective action, is not compensable work time.

All information relating to Tooele City's drug and alcohol testing shall be treated as confidential except as otherwise indicated herein or as provided by law.

J. POLICE DEPARTMENT ALCOHOL LIMITS & POLICY

The Tooele City Police Department may establish lower limits pertaining to alcohol positive tests as identified in their department policies and procedures.

Additionally, at the time this policy revision was approved, sworn law enforcement officers' use of medical cannabis is prohibited pursuant to department policy. However, the Utah State Code regarding medical cannabis was still being evaluated to determine the impact it may have on law enforcement officers. The City recognizes that the Police Department may make changes to their policies that may be more, but not less, restrictive than this City policy.

E. CONSEQUENCES FOR POLICY VIOLATION OR POSITIVE TESTS

1. Applicants who refuse to participate in a required drug test or who test positive

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generally will not be hired.

- a. Employees who violate any provision of this policy may be subject to disciplinary action, up to and including dismissal.
- b. Employees may be referred to a substance abuse professional for initial evaluation at the City's discretion and the City's expense. Recommended rehabilitation, even if imposed as part of discipline, is at the employee's expense. An employee's refusal or failure to submit to an evaluation or to successfully complete the recommended rehabilitation may result in additional disciplinary action, up to and including dismissal.

K. DEFINITIONS – The following definitions are provided for general understanding.

Abuse or Misuse - The possession or use of a controlled substance obtained without a lawful prescription issued to the possessor or user; the use of a controlled substance contrary to the prescription indications; or, the use of alcohol or a controlled substance to a degree which renders the user unfit to safely operate a motor vehicle or to safely perform safety sensitive functions or other job requirements while on duty.

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how the alcohol is packaged or in what form the alcohol is stored, utilized, or found.

Applicant/Final Applicant/Applied for and Been Offered - An individual who has made written or oral application to become an employee of Tooele City and has been extended a conditional offer of employment; or, an employee who applies for, and is subsequently selected to fill an internal vacancy through a competitive selection process.

City Premises - Buildings, parking lots, grounds, parks, properties, equipment, and vehicles owned or leased by the City, and personal vehicles being used for City business. See workplace.

Commercial Driver License (CDL)/CDL-required Position/Employee - a position requiring the employee possess and maintain a license required by **Utah Code §53-3-404**, as amended, and/or the Federal Motor Carrier Safety Administration (FMCSA) to operate a commercial motor vehicle.

Confirmation Test - For alcohol testing, a second test that provides quantitative data of alcohol concentration in the test subject's body; and, for drug testing, a second analytical procedure using a split sample to identify the presence of a controlled substance or substance metabolites, analogs, homologs, or synthetic equivalents in the test subject's body, which procedure is independent of the initial screen.

Consume/Consumption - To inhale, ingest, inject, or otherwise take into the body. See Use.

Controlled Substance - Those substances defined by the Utah Controlled Substances Act, Utah Code §58-37-4 and §58-37-4.2, as amended, and the federal Controlled Substance Act, 21 United States Code §812.

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States Code §802(6), as amended. Also referred to herein as “drug” and “drugs.”

Company Authority/Safety-sensitive - Drug and/or alcohol testing program that is established pursuant to the policies and procedures of Tooele City as opposed to DOT-regulations.

Department of Transportation/DOT – See Commercial Driver License

Drug Paraphernalia - Objects used for the consumption of controlled substances. Drug Paraphernalia is further defined to include the definitions in Utah Code §58-37a-3, as amended.

Drug/Drug Testing – See Controlled Substance.

Employee – As used herein this policy, the term employee means the entire workforce, except those identified as not employees pursuant to Section 5 herein this Manual. Within this policy, employees may be further classified as Safety Sensitive Employee/position and Commercial Driver License (CDL)/CDL-Required Employee/Position to differentiate the special and specific provisions relating to permissible drug and alcohol testing of these classes of employees. See Safety Sensitive Employee/Position/Function/Duty and Commercial Driver License (CDL)/CDL-required Position/Employee.

Impaired/Impairment – See Under the Influence

Medical Review Officer - A licensed medical provider who has knowledge of substance abuse disorders and the effects of controlled substance consumption on the human body and has the training to interpret and evaluate drug and alcohol test results.

Possess - To be located on one’s person, in one’s clothing, in one’s immediate vicinity or control (such as, wallet, purse, desk, drawer, locker, vehicle), or in one’s body as evidenced by a positive test result. Includes “constructive possession” as defined by Utah law.

Sample - Any specimen of urine or breath to be used for testing pursuant to this policy.

Safety Sensitive Employee/Position/Function/Duty – See Work Duties.

Employees performing work in which a person performing the position while under the influence may constitute a threat to health or safety of themselves, a co-worker, or the public. Safety sensitive tasks include, but are not limited to: carrying a firearm or weapon; monitoring/inspecting for life-threatening risks to ensure life safety; inspecting buildings, facilities, and equipment for safety to others; having responsibility for performing life-saving or rescue procedures, working with hazardous or flammable materials; responsibilities pertaining to the safety of the City’s water system; having access to extremely confidential information that if compromised could be life-threatening or cause serious repercussion; having access to medicine or controlled substances; and, operating, repairing, maintaining, or monitoring heavy equipment and machinery that if compromised could be life-threatening or cause serious harm to the employee or others.

Employees required to hold CDL are also considered safety sensitive employees and may be tested pursuant to DOT regulations and/or company authority.

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Employees who are stopped from performing a safety sensitive duty, whether the duty was completed or not, will be deemed to have performed the safety sensitive duty for purposes of this policy.

Split Sample Testing - A method of testing where the tested sample is divided into two similar quantities prior to testing. The first one-half is tested while the second one-half is preserved for a limited time for confirmation or other testing purposes.

Test - The scientific analysis for the presence of drugs and/or alcohol or their metabolites in the human body. Also referred to as “alcohol test,” “drug test,” and “testing.”

Under the Influence - The impaired physical or mental condition of an employee, resulting from the consumption of alcohol or a controlled substance, that causes the employee to be unable to safely operate a motor vehicle or to safely perform safety sensitive functions, including but not limited to an alcohol test result of 0.04 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath. See Impaired/Impairment

Use – See Consume/Consumption

Work Duties/On Duty - The duties, or the performing of the duties, on behalf of Tooele City, which are contained within an employee’s job description or which are assigned to an employee. Includes being on-call.

Workplace - The workplace includes, but is not limited to, City owned buildings, grounds, and vehicles, and/or any other location where the employee conducts City work during work hours or while on duty. See City Premises.

D

HOLIDAYS

Revised ~~December 2019~~ Draft August 2021

SECTION: 23

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.

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B. A. PAID HOLIDAYS

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

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<u>January 1</u>	<u>New Year's Day</u>
<u>Third Monday in January</u>	<u>Observed as the anniversary of the birth of Dr. Martin Luther King, Jr., also known as Human Rights Day</u>
<u>Third Monday in February</u>	<u>Presidents' Day</u>
<u>Last Monday in May</u>	<u>Memorial Day</u>
<u>July 4</u>	<u>Independence Day</u>
<u>July 24</u>	<u>Pioneer Day</u>
<u>First Monday in September</u>	<u>Labor Day</u>
<u>Second Monday in October</u>	<u>Columbus Day</u>
<u>November 11</u>	<u>Veterans' Day</u>
<u>Fourth Thursday in November</u>	<u>Thanksgiving Day</u>
<u>Generally the Fourth Friday in November</u>	<u>Friday After Thanksgiving Day</u>
<u>December 25</u>	<u>Christmas Day</u>

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1. ~~January 1, called New Year's Day;~~
2. ~~The third Monday in January observed as the anniversary of the birth of Dr. Martin Luther King, Jr., also known as Human Rights Day;~~
3. ~~The third Monday in February observed as the birth of George Washington and Abraham Lincoln, also known as President's Day;~~
4. ~~The last Monday in May, called Memorial Day;~~
5. ~~July 4, called Independence Day;~~
6. ~~July 24, called Pioneer Day;~~
7. ~~The first Monday in September, called Labor Day;~~
8. ~~The second Monday in October, called Columbus Day;~~
9. ~~November 11, called Veterans' Day;~~
10. ~~The fourth Thursday in November, called Thanksgiving Day;~~
11. ~~December 25, called Christmas Day.~~

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C. B. HOLIDAYS ON WEEKENDS

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

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HOLIDAYS

Revised ~~December 2019~~ Draft August 2021

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employees whose shift begins on the date of the holiday.

D. HOLIDAY ON NORMAL DAY OFF

When a holiday falls on ~~an eligible employee's~~ 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.

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E. ~~D.~~ 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.

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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.

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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 paid holiday.

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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.

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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 x 30% = 2.4, rounds to 2.25). The human resource office can assist with making these calculations as needed.

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E

ANNUAL LEAVE
Revised ~~July 2013~~ August 2021

SECTION: 24

A. PURPOSE

In order to minimize the financial hardships that may result from absences from work, Tooele City provides annual leave benefits to qualifying employees who are approved to be absent from work.

B. ANNUAL LEAVE ACCRUAL

1. Regular and Appointed status employees accumulate annual leave based on their years of service as a benefit eligible employee and their work schedule. Service must be continuous as a benefit eligible employee, however, in some circumstances employees may receive reinstatement of prior service (See Section 5: Discipline & Separation).

2. Employees whose contemplated work schedule is 40 hours per week accrue annual leave as follows:

Up to 5 years of eligible service	4 hours per pay period
5 to 10 years of eligible service	4.93 hours per pay period
10 to 15 years of eligible service	6.77 hours per pay period
15 or more years of eligible service	8 hours per pay period

3. Employees whose contemplated work schedule is less than 40 hours per week accrue annual leave on a prorated basis according to the number of hours they work each pay period.

4. Employees whose compensation from Tooele City payroll falls below their regular bi-weekly salary (off work due to FMLA, workers compensation, disability, LOA, etc.) accrue annual leave on a prorated basis according to the number of hours they receive payment from Tooele City payroll.

C. ALLOWABLE USES

1. Use of annual leave is a privilege extended to employees by their supervisor and use is not an acquired right. Established attendance policies apply regarding approval for absences.

2. Annual leave may be used for personal reasons such as: vacations, rest and relaxation, to conduct personal business or affairs, or for emergencies. Annual leave may also be used in lieu of sick leave; however, Tooele City reserves the right to obtain verification of the need for such absence when the absence is expected to exceed five working days or when excessive or recurring annual leave is being taken for such purposes. This includes the right to use tools available under the Family and Medical Leave Act to verify the need for leave, including obtaining 1st, 2nd, and 3rd opinions.

3. Employees who are absent from work due to a City-sponsored and approved

ANNUAL LEAVE
Revised ~~July 2013~~ August 2021

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workers compensation, short-term disability, or long-term disability claim, and remain active on Tooele City payroll, may use accrued paid leave to supplement the insurance benefit to receive a combined total not exceeding 100% of pre-injury pay.

D. MAXIMUM ACCUMULATION

An employee may elect to accumulate up to, but no more than, 280 hours of annual leave as of the last day of the pay period that includes June 30, the end of the fiscal year. Annual leave in excess of 280 hours will be forfeited. If an employee has made timely application for leave and the supervisor couldn't approve the leave due to the needs of the department, the department head may permit annual leave to be carried over into the following fiscal year, which leave hours may then exceed the 280 hours limit.

E. REQUIREMENT TO USE

1. When an employee is absent and has an annual leave balance, Tooele City will reduce his/her available annual leave balance by an amount equivalent to 100% of the normal bi-weekly pay less equivalent payments made by a City-sponsored insurance provider, if applicable. Employees may opt-out of the reduction requirement if the absence is covered by Tooele City's sick leave policy, due to military leave or, if the employee is receiving full or partial wage replacement from the City's worker's compensation or disability insurance provider.
2. For a part-time employee, the calculation used to determine the necessary leave reduction, will be their normal bi-weekly rate of pay or their established benefit eligibility hours, whichever is less.

F. SAME DAY AS HOLIDAY

A holiday that falls on an employee's regular working day within a period when annual leave is being taken will be credited as a holiday and not as a day of annual leave.

~~**G. PROVISIONS FOR EMPLOYEES COMPLETING THEIR ORIENTATION PERIOD/REQUIREMENT TO REPAY USED ANNUAL LEAVE TO CITY**~~

~~Employees are eligible at any time after first accrual to take up to the amount accumulated with the understanding that annual leave pay will be deducted from their final paycheck upon failure to complete six months continuous service following the first date of accrual or upon failure to complete the established orientation period, whichever is later.~~

H.G. PROVISIONS RELATING TO SEPARATION FROM EMPLOYMENT

An employee may not use annual leave to extend his/her effective date of separation beyond his/her two-week notice of resignation. Separating employees will be paid the balance of the accumulated annual leave, not to exceed 280 hours, ~~plus the current fiscal year's accumulated hours of annual leave.~~

F

BENEFITS

Revised ~~November 2018~~ August 2021

SECTION: 29

A. PURPOSE

1. The purposes of this Section are to:
 - a. Provide employees with some information about the Tooele City benefit package;
 - b. Summarize employee benefit eligibility;
 - c. Establish City policy regarding certain elements of the benefit package; and,
 - d. Comply with federal notification requirements.
2. This Section does not:
 - a. Establish a contract with employees regarding future benefit coverage or eligibility. Tooele City reserves the right to change, modify, and/or otherwise discontinue the benefit package for any or all employees at any time in the future (See Section 0: About This Manual, or as amended, herein this Manual for more information on contractual limitations);
 - b. Provide employees with specific information about all benefits. Tooele City utilizes third-party benefits administrators for many of the benefits offered to employees. In cooperation with the Tooele City human resource department, the third-party administrator will make available summary plan descriptions and employee information. This information can be obtained from the human resource department, by contacting the insurance provider's customer service, or through various websites. Additional Sections in this Manual may also provide more detailed information regarding specific benefits;
 - c. Provide a guarantee of benefit coverage, payment, or any other term or condition that is otherwise determined by a benefit provider. Benefits may change as providers, rules, or plans change. In the event of a conflict between this Section and the insurance providers' documents or contracts, the providers' documents or contracts will prevail; and,
 - d. Provide important detailed information regarding benefits. These documents are available from the human resource office, directly from the insurance provider, or through providers' websites.

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B. BENEFIT ELIGIBILITY

Employees benefit eligibility is determined by the ~~assigned Employment Status, and Schedule Status, and benefit provider contracts.~~ **In general, eligibility and** is as follows:

Full-Time Employees			
	Full-time Regular or Appointed		Full-time Mayor
	40 Hours	30-39.75 Hours	
401K	Yes	Yes	Yes
Annual Leave	Yes	Prorated	No
Dental	Yes	Yes	Yes
EAP Program	Yes	Yes	Yes
Flexible Spending Account	Yes	Yes	Yes
Holiday Pay	Yes	Prorated	No
IRA/Roth IRA	Yes	Yes	Yes
Leave, Misc. Paid – Funeral, Jury & Witness, and Military	Yes	Prorated	No
Life Insurance & AD&D	Yes	Yes	Yes
Long-term Disability ⁺	Yes	Yes	Yes
Medical – Health Insurance or Waiver payment in lieu of coverage if evidence of other coverage is provided to Tooele City	Yes	Yes	Yes
Short-term Disability	Yes	Yes	No
Sick Leave	Yes	Prorated	No
	Yes	Yes	Yes
State Retirement Benefits			
Vision	Yes	Yes	Yes
Wellness/Recreation Pass	Yes	Yes	Yes
Worker's Compensation	Yes	Yes	Yes

Prorated = Benefits are prorated as percentage of hours worked as compared to a 40 hour schedule. See specific policies regarding paid leave and holiday for additional information.

⁺URS Post-rehired employees are not eligible for LTD benefits pursuant to Title 49, Chapter 21 of the Utah Code; Employees exempting from participation in Tier-1 benefits coverage LTD benefit eligibility may vary; URS retirement eligible employees are not covered by LTD.

BENEFITS

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(BENEFIT ELIGIBILITY CONTINUED)

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Part-time Employees				
	Part-time Regular or Appointed		Part-time Elected Officials	
	20-29.75 hours	1-19.75 hours	Part-time Mayor	Council Member
401K	Yes but no City Contribution	Yes but no City Contribution	Yes	Yes
Annual Leave	Prorated	Prorated	No	No
Dental	No	No	Yes	Yes
EAP Program	No	No	Yes	Yes
Flexible Spending Account	Yes	No	Yes	Yes
Holiday Pay	Prorated	Prorated	N/A	N/A
IRA/Roth IRA	Yes	Yes	Yes	Yes
Leave, Misc. Paid – Funeral, Jury & Witness, and Military	Prorated	Prorated	N/A	N/A
Life Insurance & AD&D	No	No	Yes	Yes
Long-term Disability ²	Yes	No	Tier 1 = Yes If Salary Meets URS eligibility criteria Tier 2 = Yes	
Medical – Health Insurance, or Waiver payment in lieu of coverage if evidence of other coverage is provided to Tooele City	No	No	Yes	Yes
Short-term Disability	No	No	No	No
Sick Leave	Prorated	Prorated	N/A	N/A
State Retirement Benefits ³	Yes	No	Tier 1 = Yes If Salary Meets URS eligibility criteria Tier 2 = No, but equivalent URS rate is put into 401k plan as defined in this Section	
Vision	No	No	Yes	Yes
Wellness/Recreation Pass	No	No	Yes	Yes
Worker's Compensation	Yes	Yes	Yes	Yes

Prorated = Benefits are prorated as percentage of hours worked as compared to a 40 hour schedule. See specific policies regarding paid leave and holiday for additional information.

²URS Post-rehired employees are not eligible for LTD benefits pursuant to Title 49, Chapter 21 of the Utah Code; Employees exempting from participation in Tier 1 benefits coverage for LTD benefits may vary; URS retirement eligible employees are not covered by LTD.

³URS Post-rehired employees will be subject to limitations and benefit eligibility as specified by the Utah Retirement System.

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(BENEFIT ELIGIBILITY CONTINUED)

Variable Hour Employees Contingent: Temporary, Seasonal, Cyclical, or On-call	
401K	Yes, may make personal contributions but not eligible for any City Contribution
IRA/Roth IRA	Yes, may make personal contributions
Medical – Health Insurance	<p>No, except an employee may become eligible pursuant to the Patient Protection and Affordable Care Act (PPACA) which requires coverage if an employee's average workweek was greater than or equal to 30 hours/week following certain measurement periods. Tooele City has adopted the PPACA Safe Harbor provision for calculating the average workweek for variable hour employees as it applies to PPACA. The average workweek will be calculated as follows:</p> <p>New Hires - A newly hired employee's average workweek will be calculated following an Initial Measurement Period of 12-month from date of hire. It will be calculated by adding hours worked + overtime hours + comp-time paid, and dividing the sum by 52. If the employee is deemed eligible, an administrative period will be applied from the end of the initial measurement period through the end of the second full pay period beginning after the end of the initial measurement period to provide time to facilitate enrollment. The employee remains eligible for coverage for a 12 month Stabilization Period provided employee premiums are paid and the employee remains an employee, or is on seasonal layoff status on payroll and employee premiums are paid.</p> <p>Ongoing - Once the Initial Measurement Period has passed, employee's future eligibility will be determined pursuant to the City's Standard Measurement Period which coincides with the City's fiscal budget preparation each year. The average workweek will be calculated by adding hours worked + overtime hours + comp-time paid during the period of April 1st of the prior year and March 31 of the current year, and dividing the sum by 52. If the employee is deemed eligible pursuant to PPACA, an administrative period will be applied from April to June 30 to provide time to facilitate enrollment. Coverage becomes effective July 1 and the employee remains eligible for coverage for a 12 month Stabilization Period (the fiscal year) provided employee premiums are paid and the employee remains an employee, or is on seasonal layoff status on payroll and employee premiums are paid. Future eligibility will be determined by recalculating the Standard Measurement Period each respective year.</p> <p>Tooele City's Health Insurance Waiver Payment is not available to Variable Hour employees who become eligible for health insurance coverage due to PPACA but decline coverage.</p> <p>Plan eligibility and premiums are established with each fiscal year budget.</p>
State Retirement	No
Worker's Compensation	Yes
No other benefits are offered to variable hour employees.	

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C. SECTION 125 PREMIUM ONLY PLAN

Pursuant to Section 125 of the Internal Revenue Code of 1986, Tooele City has adopted a Premium Only Plan which allows certain insurance premiums to be excluded from the employees' income for federal tax purposes. Eligible employees are automatically enrolled in the Section 125 Premium Only Plan. If employees desire not to participate in this component, they may do so by signing a declination form available from the human resource office.

D. FLEXIBLE SPENDING ACCOUNT (FSA)

Pursuant to Section 125 of the Internal Revenue Code the Flexible Spending Plan includes dependent care reimbursement and medical reimbursement components. Eligible employees may obtain tax-advantaged opportunities by paying for eligible expenses with pre-tax dollars.

1. **Dependent Care and Medical Reimbursement.** Eligible employees may participate in the Flexible Spending Dependent Care or Medical Plan by completing an enrollment form each Plan Year. "The Plan Year is July 1 to June 30 of each fiscal year. Once enrolled, an employee may not make a change during the Plan Year unless the employee has a qualifying life event. The maximum allowed contribution for medical or dependent care reimbursement is set by the Internal Revenue Service each calendar year. \$2,500 per Plan Year. The maximum contribution allowed for Dependent Care will be the maximum allotment under Section 125 of the IRS tax rules.
2. **Plan Administration.** Tooele City utilizes a third-party benefits administrator. In cooperation with Tooele City human resource department, the third-party administrator will make available rules, guidelines, and information pertaining to the Plan. This information can be obtained from the human resource department and may change as plan guidelines change, tax laws, and/or administration guidelines change.

E. HEALTH SAVINGS ACCOUNT (HSA)

Tooele City has adopted a Health Savings plan option for eligible employees. Such accounts are individual trusts or custodial accounts, each established and maintained by the employee with a qualified trustee/custodian. Tooele City will withhold contributions from the employee's paycheck and forward the contributions to the trustee/custodian on behalf of the employee. The employee is responsible for using their account in compliance with all IRS regulations. Tooele City utilizes a third-party benefits administrator to assist with administering the HSA account. In cooperation with Tooele City human resource department, the third-party administrator will make available rules, guidelines, and information pertaining to the Plan. This information can be obtained from the human resource department and may change as plan guidelines change, tax laws, and/or administration guidelines change.

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F. UTAH STATE RETIREMENT PLAN

1. The Utah State Retirement program laws and regulations determine which retirement plan an employee is enrolled in. In summary, the plans are:

a. Tier 1 (*For employees enrolled in the Utah State Retirement System prior to July 1, 2011*)

- 1) Public Employees' Contributory Retirement Plan
- 2) Public Employees' Non-Contributory Retirement Plan
- 3) Public Safety Employees' Non-Contributory Retirement Plan

Tier 1 plans include a benefits protection contract between the Utah State Retirement Office and Tooele City that provides for continued service accrual in the event of a period of leave that is covered by worker's compensation insurance, Tooele City's group short-term disability insurance, or Tooele City's group long-term disability insurance, when approved for applicable benefit coverage.

- 4) Exemption from participation. Elected officials ~~and~~, appointed ~~department heads, employees, or others allowed to exempt out of participation-eligible for enrollment~~ in the Tier 1 Utah State Retirement System ~~plan~~ may file a formal request for exemption from membership in the retirement plan. In such cases, Tooele City will contribute to the employee's 401(k) plan, an amount equivalent to the Utah Retirement System's Total Cost Rate (URS normal cost + URS amortization of UAAL) for the respective plan applicable to the employee had he/she not exempted from participation. This amount is subject to change each year and is based on the rates established by the Utah Retirement System. This contribution must be included with any other Employer's 401(k) contributions in meeting the Internal Revenue Service (IRS) contribution limitations and therefore, may be limited if IRS limitations apply.

Employees who exempt from participation in Tier 1 plans are not covered by benefit protection with the Utah State Retirement System. Tooele City, by policy, however, provides for continued benefit contributions in the event of a period of leave that is covered by short-term disability insurance and for a period of up to 3 months when leave is covered by worker's compensation insurance. In the event such employee is approved for long-term disability benefits (LTD) or the leave exceeds 3 months, benefit continuation/contributions will cease at the end of the pay period following LTD benefit approval or the 3 month maximum.

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b. Tier 2 (*For employees first entering the Utah State Retirement System after July 1, 2011*)

- 1) Public Employees' Defined Contribution Plan Only
- 2) Public Employees' Hybrid Retirement Plan
- 3) Public Safety Employees' Defined Contribution Plan Only
- 4) Public Safety Employees' Hybrid Retirement Plan

Tier 2 plans do not include a benefit protection contract between the Utah State Retirement Office and Tooele City that provides for continued service accrual in the event of a period of leave that is covered by long-term disability (LTD). In the event an employee in Tier 2 plans is approved for long-term disability benefits, benefit continuation/contributions will cease at the end of the pay period in which the LTD benefits were approved and became effective.

Tier 2 plans include a benefit protection contract between the Utah State Retirement Office and Tooele City that provides for continued service accrual/URS required contribution in the event of a period of leave that is covered by Tooele City's worker's compensation insurance or Tooele City's group short-term disability insurance, when approved for applicable benefit coverage.

~~e. Post-retired Rehired Employees~~

- ~~1) Benefit eligible post-retired employees rehired by Tooele City prior to June 30, 2010 will receive a contribution to his/her 401(k) account up to the maximum allowed by the URS office.~~
- ~~2) Benefit eligible post-retired employees rehired by Tooele City on or after July 1, 2010 will not receive a contribution to his/her 401(k) account and will be subject to the rules and regulations of the Utah Retirement Office regarding post-retirement reemployment.~~

~~d-c.~~ Part-time Elected Officials

Tier 2 part-time elected officials are not eligible to participate in the URS plans pursuant to Utah State law. To equalize benefits for both Tier 1 and Tier 2 part-time elected officials, Tier 2 part-time elected officials who enroll in the URS 401(k) plan will receive a City contribution that is equal to the Utah Retirement System's Tier 2 Total Cost Rate (URS normal cost + URS amortization of UAAL). This amount is subject to change each year. This contribution must be included with any other Employer's 401(k) contributions in meeting the Internal Revenue Service (IRS) contribution limitations and therefore, may be limited if IRS limitations apply.

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2. Due to the complexity of the plans, employees should refer to the highlights handbooks prepared by the Utah State Retirement Office regarding questions concerning the systems. Employees can also contact the Utah State Retirement Office, 540 East 200 South, Salt Lake City, Utah 84102. Their telephone number is available from the Human Resource Department.
3. In all circumstances, Utah State Retirement benefit programs will be in compliance with established law and regulations of the Utah State Retirement Office.

G. 401(k) PLAN

Pursuant to Section 401(k) of the Internal Revenue Code, Tooele City offers eligible employees the opportunity to participate in a 401(k) plan.

1. Plan enrollment for eligible employees is as follows:
 - a. If enrolled in John Hancock 401(k) plan before June 30, 2011.
 - 1) If prior to June 30, 2011, an employee is enrolled in the Tooele City Employees' 401(k) Plan administered by John Hancock Financial, and remains an active status employee, he/she may continue to participate in the Plan.
 - 2) Employees may elect to discontinue making any future contributions to John Hancock and enroll in and contribute to the Utah Retirement 401(k) Plan. This is a one-time change. If an employee discontinues contributing to John Hancock and instead contributes to the Utah Retirement 401(k) Plan, he/she may not change back to John Hancock at a later time. IRS regulations specify whether or not account balances may be rolled from one plan to another. Employees are advised to carefully consider their options regarding each plan prior to making a decision. Employees may not contribute to both John Hancock and the Utah Retirement 401(k) Plan.
 - b. Employees who enroll in a 401(k) plan on or after July 1, 2011 may enroll ONLY in the Utah Retirement 401(k) Plan.
2. Enrollment Date. Employees may enroll upon eligibility. There is no waiting period for enrollment in a 401(k) Plan.
3. Employee Contributions. Eligible employees may have a portion of wages deducted from his/her paycheck and deposited into the 401(k) plan. These contributions are known as employee contributions or deferrals. Employee contributions are subject to each Plan's Adoption Agreement and limitations established by the IRS.

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4. City/Employer Contributions. Employer contributions (City Contributions) to employees' 401k accounts are determined each year as part of the City's fiscal budget. -Employer contributions to the 401k Plan may differ based on each employee's respective Utah State Retirement (URS) plan enrollment. City/employer contributions will be submitted as pre-tax traditional contributions and will be sent to the plan consistent with the employees' last employee contribution (i.e John Hancock or URS).
5. Plan Administration and Summary Plan Descriptions. The 401(k) Plans ~~is~~are administered in compliance with applicable IRS code regulations, the respective adoption agreements, and the provider's policies & procedures. Summary Plan Descriptions for each 401(k) plan are available from the human resource office.
6. Self Directed Plans. Neither Tooele City, nor any employee, may provide tax, legal, investment or any other advice or consultation to any employee regarding their 401(k) plan. Any communications, information, or assistance is provided for administrative and/or educational purposes only. Employees needing tax, legal, investment, or any other advice or consultation are encouraged to seek assistance from a licensed professional of their choosing.

H. TIER 2 PUBLIC SAFETY EMPLOYEES ENHANCED RETIREMENT BENEFIT

1. Tier 2 Public Safety Employees are those employees deemed eligible for enrollment in the Utah State Retirement Tier 2 Public Safety Retirement Plan.
2. A discretionary City contribution may be made to Tier 2 Public Safety Employees' 401k accounts for the purpose of providing an enhanced retirement benefit. The amount of the discretionary contribution is determined each year as part of the fiscal budget and is subject to change at any time, including reduction to no contribution. The contributions will be deposited to the Utah State Retirement 401k plan as pre-tax traditional 401k employer discretionary contribution and is subject to all rules and regulations pertaining to the Utah State 401k plan. This contribution is immediately vested. For payroll purposes, this amount is calculated in the same manner as any other discretionary City 401k contribution provided to the workforce. This generally is a percentage of gross salary paid by Tooele City and may be reduced while on leave, disability insurance, work comp, etc.
3. For IRS limitations/compliance purposes, this contribution is combined with all other City and employee contributions. This may limit employees' personal contributions.

I. HEALTH INSURANCE

1. Premiums. Premiums are established with the fiscal budget and may vary based on

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employment and schedule status. Failure to pay premiums by the due date may result in cancelation of coverage.

2. Automatic Enrollment/Default Plan. Employees eligible for medical insurance will be automatically enrolled in the least expensive plan offered to Tooele City employees at the time of eligibility unless the employee declines, waives, or makes another health insurance election within 30 days of eligibility.

J. COBRA CONTINUATION COVERAGE

If a qualifying event occurs that causes an insured employee, spouse, or dependent to lose coverage under Tooele City's group health or dental plan, they have a legal right under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to purchase a temporary extension of health coverage (herein called continuation coverage). This notice is intended to inform employees, in a summary fashion, of their rights and obligations under COBRA. Employees are encouraged to share this notice with their spouse.

1. Health, dental, or flexible spending account benefits may be continued through COBRA.
2. Employees and dependents can elect continuation coverage if one of the following qualifying events occurs:
 - 1) Voluntary or involuntary termination of employment for reasons other than gross misconduct; or
 - 2) Voluntary or involuntary reduction of work hours below the level required for participation in the group health and/or plan.
3. The spouse of an employee or other individual covered by Tooele City's group health care plan can elect continuing coverage if one of the following qualifying events occurs:
 - 1) The death of the employee or other covered individual;
 - 2) A termination of the employee's employment for reasons other than gross misconduct, or a reduction in the employee's hours of work below the level required for participation in the group health plan;
 - 3) A divorce or legal separation from the employee; or
 - 4) A retired employee's enrollment in Medicare.
4. The dependent child of an employee or other individual covered by Tooele City's group health care plan can elect continuing coverage if one of the following qualifying events occurs:

PURCHASES & REIMBURSEMENTS

Revised ~~July 2003~~ Draft August 2021

SECTION: 38

A. PURCHASING POLICY

Employees shall follow the approved Tooele City Purchasing Policy which is available through the designated City purchasing agent.

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A.B. PURCHASES BY DECEPTION

Employees may not use Tooele City's tax-exempt ID number for their private, personal use or benefit.

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~~Tooele City may have established discounts or special rates with vendors. These are preserved for the City's business use. Employees may not request or accept such discount for their own private, personal purchases or services, nor may they deceive the vendor by No employee may purchase any item for private use or consumption in the name of Tooele City, by giving the impression that the purchase or service the item is purchased is for the use or benefit of Tooele City. Employees are expected to promptly correct a vendor's error if applicable, if later discovered (i.e. an employee routinely makes purchases for the City with a local business and later discovers that the City discount was applied to a purchase that was for their personal items.) See Section 31: Gifts, Prizes, Awards, Wellness/Recreation, & Discounts herein this Manual for applicability of discounts provided to employees as part of the City's benefit or "perks" programs, or at a discount because of the employee's connection to and employment by Tooele City~~

Any person violating this Section may be subject to disciplinary action up to and including dismissal.

B.C. REIMBURSEMENTS

Requests for reimbursement must be accompanied by an original receipt and written explanation stating the City-related business purpose for the expenditure. If original receipts are unavailable, the employee may submit a signed statement, approved by the department head, indicating all information normally contained on a receipt.

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Revised ~~November 2018~~ August 2021

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- 1) The death of the parent employee or other covered individual;
 - 2) The termination of employment or reduction of work hours of the parent employee;
 - 3) The divorce or legal separation of the parents, if this causes the dependent child to lose coverage under Tooele City's group health plan;
 - 4) The enrollment in Medicare of the retired parent or employee; or
 - 5) The child's loss of dependent status due to attainment of the maximum age for coverage under the group health plan.
5. The employee or other covered individual has the responsibility to inform the Tooele City Human Resource Department of a divorce, legal separation, or a child's loss of dependent status within 60 days of the qualifying event or the date on which group coverage would be lost because of the event. If an employee fails to provide the proper notice within 60 days, continuation coverage might not be available.
6. When a qualifying event occurs, a written reminder of the right to elect continuation coverage will be sent to the address on file. There is a 60 days grace period to elect continuation coverage. If it is decided not to continue coverage, either through formal declination or lack of written response, group health insurance coverage will end effective the date of the qualifying event. If coverage is continued, the coverage will be identical to the coverage provided to similarly situated active employees and family members. If an employee had family coverage at the time of the qualifying event, family coverage or a less broad category of coverage may be elected.
7. Continuation coverage is available for up to 18 months if the qualifying event is the termination or reduction in work hours of the employee. If an employee or family member is disabled under the rules for Social Security Disability Benefits, the worker and family members are eligible for an additional 11 months of continuation coverage, for a total of 29 months. For other qualifying events, the spouse or dependent children are eligible for up to 36 months of continuation coverage. Furthermore, the 18-month period for termination or reduced work hours can be extended to 36 months for family members if a second qualifying event—for example, divorce, death, Medicare entitlement—occurs during the 18-month period.
- a. Continuation coverage can be cut short of the full coverage period when:
- 1) Tooele City no longer provides group health coverage to employees;
 - 2) The premium for continuation coverage is not paid in a timely fashion;
 - 3) The covered individual becomes covered or is eligible for coverage under another group health plan that does not penalize or subject the insured to restricted or limited coverage due to a preexisting medical condition;
 - 4) The insured becomes entitled to Medicare;
 - 5) The disabled individual is no longer defined as disabled under Social

BENEFITS

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Security rules during the 11 months of extended continuation coverage.

8. There is no required evidence of insurability. However, the insured is responsible for premium payment for the coverage and is allowed a 30-day grace period for timely payments. The premium will include the portion an employee now pays, plus the amount the City contributes, plus a two percent administrative fee. At the end of the 18, 29, or 36 months of continuation coverage, the insured may be allowed to enroll in an individual conversion health plan provided under Tooele City's group health plan.
9. Questions regarding rights and responsibilities under COBRA should be directed to the human resource department.

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PURCHASES & REIMBURSEMENTS

Revised ~~July 2003~~ Draft August 2021

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A. PURCHASING POLICY

Employees shall follow the approved Tooele City Purchasing Policy which is available through the designated City purchasing agent.

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A-B. PURCHASES BY DECEPTION

Employees may not use Tooele City's tax-exempt ID number for their private, personal use or benefit.

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Tooele City may have established discounts or special rates with vendors. These are preserved for the City's business use. Employees may not request or accept such discount for their own private, personal purchases or services, nor may they deceive the vendor by ~~giving the impression that the purchase or service the item is purchased is~~ for the use or benefit of Tooele City. Employees are expected to promptly correct a vendor's error if applicable, if later discovered (i.e. an employee routinely makes purchases for the City with a local business and later discovers that the City discount was applied to a purchase that was for their personal items.) See Section 31: Gifts, Prizes, Awards, Wellness/Recreation, & Discounts herein this Manual for applicability of discounts provided to employees as part of the City's benefit or "perks" programs, ~~or at a discount because of the employee's connection to and employment by Tooele City~~

Any person violating this Section may be subject to disciplinary action up to and including dismissal.

B-C. REIMBURSEMENTS

Requests for reimbursement must be accompanied by an original receipt and written explanation stating the City-related business purpose for the expenditure. If original receipts are unavailable, the employee may submit a signed statement, approved by the department head, indicating all information normally contained on a receipt.

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DRIVING & CITY VEHICLES

Revised: August 2021 ~~January 2016~~

SECTION: 39

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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Revised: August 2021/January 2016

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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 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

DRIVING & CITY VEHICLES

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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 ~~rules~~ 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 ~~that~~ 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 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

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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.

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G.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.
 - 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

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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.

H.I. PERSONAL AND COMMUTER USE OF CITY VEHICLE

1. Personal Use of a City Vehicle

a. Incidental use 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.

a. 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 by providing visibility and police response throughout the City.

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

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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
- ~~Golf Course Superintendent~~Parks Director
- Public Works Director
- Facilities Maintenance Lead
- ~~Electrician~~
- Streets Supervisor
- Water Distribution Supervisor
- Water Reclamation Superintendent
- Shops Supervisor

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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.