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TOOELE CITY PERSONNEL POLICIES AND PROCEDURES



EFFECTIVE AUGUST 21, 1991  
As Amended

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# MISSION, VALUES, VISION, & MOTTO

Revised December 2022

## **Mission – Why do we exist?**

We provide required and essential services to maintain a safe, clean, and healthy City. We also strive to provide enriching amenities and services that enhance the quality of life for our residents in a fiscally responsible manner.

## **Vision – What do we desire to be?**

In partnership with our community, Tooele City's vision is to keep true to our traditions while progressing forward. We strive to be a community that is a desirable place to live, learn, work, and engage.



## **Values – Our values make us an “E.P.I.C T.E.A.M”**

**What are our principles that shape our culture and support our Mission and Vision?**

**Ethics & Integrity.** We serve the public interest with ethical awareness and ethical actions. While doing the work of the City, ethics and integrity should be at the forefront.

**Professional & Respectful Service.** We strive to be an example of professionalism, valuing those we serve and treating all with respect.

**Innovation.** We embrace technological advancement, demonstrate creativity, encourage new ideas, and solve challenges in ways that create value.

**Communication.** We strive to communicate effectively with others. We strive to keep the business of the City open and transparent.

**Teamwork.** We approach opportunity and challenges as a team and find ways to help each other succeed, which contributes to a positive and productive workplace.

**Excellence.** We believe excellence is achieved through thoughtful planning and careful decision making.

**Accountability.** We believe a healthy system of accountability promotes responsibility, improvement, good stewardship of public resources, and enables a degree of feedback between the City and the public that we serve.

**Manage Finances Responsibly.** We are trusted stewards of taxpayer money. We allocate it responsibly and for the purpose of fulfilling the mission of the City

## **Motto – #TAKEPRIDETOOLE!**

The call to “*Take pride Tooele*” began with our annual community clean-up initiative and has become the guiding motto within the community and for our staff. When we work in partnership with our citizens, we build upon our mission, vision, and values collectively. Together we **#TAKEPRIDETOOLE!**

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## **ABOUT THIS MANUAL**

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### **A. PURPOSE OF MANUAL**

1. The policies and procedures that comprise this Manual have been prepared to comply with posting and notice requirements pertaining to various employment laws, to provide information regarding employment with Tooele City Corporation, and to communicate many of Tooele City's desired goals and expectations relating to our workforce.
2. Employment with Tooele City is subject to City ordinances, policies, practices, and procedures as well as state law, federal law, and constitutional limitations on the City as a governmental entity. This Manual does not limit, affect, or alter any legal or constitutional rights the City or its employees may have.
3. This Manual cannot and does not address all circumstances and situations in which Tooele City Corporation employees might find themselves, nor does it describe all policies, procedures, and practices that might affect the employment relationship.

### **B. NOT A CONTRACT**

Employees have no contractual rights, either express or implied, except as contained in the Tooele City Charter, this Manual, or by a written contract signed by the employee and the Mayor.

### **C. ORGANIZATION OF MANUAL**

This Manual is divided into Sections covering main topics. Each Section is divided into various Parts. For example, this is Tooele City Personnel Policies and Procedures Manual, Section 0: Disclaimer, Part B. Pages are numbered first according to the Section number and then each page within that Section. For example, this is page 0-1 meaning page 1 of Section 0.

### **D. EMPLOYEES RESPONSIBILITY TO BE FAMILIAR WITH MANUAL**

Employees are responsible for reading and being familiar with the contents of this Manual. Various methods are used to keep employees informed of changes to this Manual including, but not limited to: posting the policies on the City website, e-mailing notices of changes, and/or disseminating revised copies. Employees are encouraged to reference the Tooele City website at [www.tooelecity.gov](http://www.tooelecity.gov) for the most current version.

# ETHICS & CONFLICTS OF INTEREST

Revised December 2022

## SECTION: 1

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### A. POLICY

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

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

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

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



## ETHICS & CONFLICTS OF INTEREST

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

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

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

If an employee is still not sure, ask for guidance!

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

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

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

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

## ETHICS & CONFLICTS OF INTEREST

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### SECTION: 1

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

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

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

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

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

#### E. PENALTIES

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

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

# EQUAL EMPLOYMENT OPPORTUNITY & WORKPLACE ACCOMODATIONS

Revised June 2023

## SECTION: 2

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### A. EQUAL EMPLOYMENT OPPORTUNITY

Tooele City's goal is to foster a workplace culture that values diversity and provides equal opportunities in all aspects of employment. To help achieve this, all employees are expected to comply with:

1. Title VII of The Civil Rights Act of 1964, as amended, the Age Discrimination Act, as amended, and the Utah Antidiscrimination Act, as amended, and not discriminate in employment opportunities or practices on the basis of: race, color, religion, sex, pregnancy, pregnancy-related conditions, childbirth, national origin, age, if the individual is 40 years of age or older, gender identity, or sexual orientation;
2. The Equal Pay Act and not base pay decision on the basis of race, color, religion, sex, national origin, age, or disability. Tooele City policies provide those employees be compensated on the basis of equal pay for equal work;
3. The Americans with Disabilities Act of 1990 (ADA), as amended, and the Utah Antidiscrimination Act, as amended, and not discriminate against any individual with a disability in the admission or access to, employment, work programs, or activities;
4. The Genetic Information Nondiscrimination Act of 2008 (GINA) and not use genetic information of an individual in the hiring process or to affect the terms, conditions, privileges, benefits, or termination of employment unless there is a legitimate job related need that is consistent with business necessity or as otherwise mandated by law. Tooele City will not require collection or disclosure of genetic information prior to a conditional offer of employment. "Genetic information" is information about genes, gene products or inherited characteristics that may derive from the individual or a family member;
5. The Uniform Services Employment and Reemployment Rights Act and not deny initial employment, reemployment, promotion, or any benefit of employment to a person who is obligated to perform in a uniformed service;
6. Titles VI and VIII of the Civil Rights Act of 1964 and not excluded individuals from participating in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, or national origin, under any program or activities for which Tooele City has received any federal financial assistance; and,
7. Any other law that provides for non-discrimination or equal opportunity.

# EQUAL EMPLOYMENT OPPORTUNITY & WORKPLACE ACCOMODATIONS

Revised June 2023

## SECTION: 2

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### B. WORKPLACE ACCOMODATIONS

1. Tooele City provides reasonable workplace accommodations in the following circumstances:
  - a. **Religious Accommodation.** Tooele City respects the sincerely held religious beliefs and practices of all employees and will make, on request, a reasonable accommodation(s) for such observances when a reasonable accommodation is available and does not create an undue hardship for the City. *Title VII & Utah Antidiscrimination & Workplace Accommodation Act*
  - b. **Disability Accommodation.** Tooele City recognizes some qualified individuals with disabilities (meaning the employee has a mental or physical impairment substantially limiting one or more of the major life activities) may need reasonable accommodation to perform the essential functions of his/her position, to make the workplace readily accessible and usable for the employee, or to otherwise allow the employee to enjoy equal benefits and privileges of employment. Tooele City will make, on request, a reasonable accommodation when doing so does not create an undue hardship to the City. *Americans with Disabilities Act, as amended*
  - c. **Pregnancy Accommodation.** Tooele City will make, on request, a reasonable accommodation(s) to qualified individuals related to pregnancy, childbirth, or related conditions when a reasonable accommodation is available and does not create an undue hardship for the City. *Utah Antidiscrimination & Workplace Accommodation Act & Federal Pregnant Workers Fairness Act (PWFA)*
  - d. **Breastfeeding Accommodation.** Unless compliance would create an undue hardship, Tooele City will, on request, provide for at least one year after the birth of a public employee's child: reasonable breaks (see Section herein for information regarding paid vs. unpaid break) for each time the public employee needs to breast feed or express milk; a room or other location, other than a bathroom or toilet stall, that is clean and sanitary, provides privacy shielded from view of and intrusion from coworkers or the public, and that has an outlet; and a reasonable means of storage. The City is not required to permit an employee to have the employee's child at the workplace for purposes of accommodation. *Utah Antidiscrimination & Workplace Accommodation Act and Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act*
2. To request an accommodation consideration, employees should discuss the circumstances with his/her supervisor or contact the City's Human Resource Director to begin the discussion/interactive process. This may include discussing specific needs, limitations, and possible accommodations that may be needed. Tooele City reserves the right to require documentation or more information to

## EQUAL EMPLOYMENT OPPORTUNITY & WORKPLACE ACCOMODATIONS

Revised June 2023

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assist us in evaluating accommodation requests including, but not limited to, verification from religious leaders or medical providers; guidance from job accommodation consultants and advocates; and tools available under the Family and Medical Leave Act including obtaining 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> opinions.

#### C. FEDERAL CONTRACTS

In employing persons to carry out a federal contract, Tooele City, when contracting with the United States, will take affirmative action to employ and advance in employment qualified disabled individuals and qualified disabled veterans and veterans of the Vietnam era.

#### D. FILING A COMPLAINT OF DISCRIMINATION OR FAILURE TO REASONABLY ACCOMMODATE WITH TOOELE CITY

1. An employee who believes he/she has been discriminated against or that the City has failed to provide a reasonable accommodation in violation of this Section or law may file a discrimination complaint with Tooele City pursuant to Tooele City's Grievance Procedure herein this Manual; or,
2. An employee who believes that the nature of the complaint is harassment or retaliation may instead choose to file a complaint pursuant to Tooele City's Anti-Harassment policy (i.e. Sexual and Other Forms of Harassment) herein this Manual.

## HIRING & JOB ASSIGNMENTS

Revised December 2022

### SECTION: 3

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#### 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 Americans 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 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.

## HIRING & JOB ASSIGNMENTS

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### SECTION: 3

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#### 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.

#### 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, police department personnel, or personnel in positions deemed to provide support to police personnel and requiring the confidence and trust of Tooele City in fulfilling their duties in support of public safety.*

## HIRING & JOB ASSIGNMENTS

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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 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:



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- (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, 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.

## HIRING & JOB ASSIGNMENTS

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3. The following guidelines are not exclusive:
  - 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.
  - 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,

## **HIRING & JOB ASSIGNMENTS**

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- (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.
4. 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.

**EMPLOYEE CLASSIFICATIONS,  
INDEPENDENT CONTRACTORS, & VOLUNTEERS**

Revised July 2013

SECTION: 4

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**A. PURPOSE**

The proper classification of City employees, independent contractor, and volunteers is important in administering City personnel policies & procedures including, but not limited to, benefit and compensation plans, eligibility for grievance and appeal rights, and employment law compliance. This Section provides guidelines for such classification.

**B. EMPLOYEE EMPLOYMENT STATUS**

1. Regular – Regular status employees are considered the City’s core workforce. Work assignment is expected, but not guaranteed, to exist for a period of more than 1 year and, after completing the applicable orientation period, regular status employees are provided additional rights pertaining to benefits, discipline, or grievances, as outlined in this Manual. Regular status employees are subcategorized as follows:

- a. Newly Hired Orientation Period Employee – A newly hired regular status employee who has not yet successfully completed 12 months of service from their date of hire. The newly hired employee orientation period may be extended for up to 6 calendar months at the supervisor’s discretion. The supervisor should document reasons for any extension and discuss them with the employee. The employee may be dismissed at any time during the orientation period or extension except for reasons prohibited by law.
- b. Police Officers – Employees that are assigned to positions requiring Police Officer certification from Utah Peace Officer Standards and Training (POST) or police cadet training positions while preparing to attend or attending POST.
- c. Police Officer Orientation Period Employee – An officer who has not yet successfully completed 12 months of service after completion of their departmental field officer training program as a certified officer by the State of Utah. The employee orientation period may be extended for up to 6 months at the supervisor’s discretion. The supervisor should document reasons for any extension and discuss them with the employee. The employee may be dismissed at any time during the orientation period or extension except for reasons prohibited by law.
- d. Sergeant Promotional Orientation Period Employee – The Tooele City Police Department includes a 12 month orientation period as the final step in the promotional process to the position of sergeant as a safeguard against the advancement of officers beyond their capability. This promotional orientation period may be extended for up to 6 months at the supervisor’s discretion. The supervisor should document reasons for any extension and discuss them with the employee. The employee may be returned to his/her former rank and grade (example: police officer III - not necessarily same specialty assignment) within the

**EMPLOYEE CLASSIFICATIONS,  
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second half of the 12 month orientation period, when in the judgment of the supervisor, the employee's performance is not such as to merit continuation in the sergeant position. Such action is not considered disciplinary and does not eliminate the employee from consideration for later advancement. No new orientation period is required when moved to the former rank and grade position. The employee retains all of his/her seniority in his/her former rank and grade position.

2. Contingent – Contingent status employees serve at-will and have no expectation of continued employment or employment rights under merit protection principles, except as required by law or as provided for in this Manual. Tooele City maintains the at-will status of contingent employees and any discrepancies or conflicting interpretations will be regarded under the Utah at-will doctrine. For various administrative purposes, contingent employees are subcategorized as:
  - a. Cyclical Employee – Work assignment is typically ongoing throughout the year but generally includes periods of substantial reduction in work hours and/or includes periods with zero work hours due to cyclical patterns of the work area. Examples of cyclical assignments include lifeguards or some golf course operations staff.
  - b. Temporary Employee – Work assignment is typically short-term, is generally expected to be less than 120 work days per year (approximately 6 months), and includes an anticipated termination date.
  - c. Seasonal Employee – Work assignment is typically consistent with a recognized seasonal work period that is generally expected to be less than 150 work days per year (approximately 7 months) and incurs an “off season” with prolonged periods of layoff due to complete lack of work or very limited, incidental work. Examples of seasonal assignments include spring/summer landscape maintenance, winter snow removal, limited operation museums, and most golf course staff.
  - d. On-call Employee – Work assignment is established to have intermittent work hours with periods of prolonged lack of work, except that if the period exceeds 18 months, the on-call employee is generally removed from active status on payroll. Examples of on-call employees include those placed on substitute rosters or those placed on rosters that can be called upon to assist the City in meeting limited staffing needs associated with special events or a special program.
3. Elected Official – Elected by the citizens of Tooele City through a formal public vote pursuant to Utah election law and the Tooele City Charter.

**EMPLOYEE CLASSIFICATIONS,  
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4. Appointed –

- a. Department Head/Special Appointment - A department head or other employee in a position which is filled through appointment by the Mayor with consent from the City Council. Appointed employees have no expectation of continued employment and serve at the pleasure of the current Mayor unless specified otherwise in the Tooele City Code, Tooele City Charter, or Utah law.
- b. City Council Appointment – An employee in a position which is filled through appointment by the City Council majority. Council appointed employees have no expectation of continued employment and serve at the pleasure of the City Council unless otherwise specified in the City Charter.
- c. Assistant Chief (Captain) or Lieutenant (Division Commander) – Sworn police officers who are appointed by the Chief of Police to the position of Assistant Chief (Captain) or Lieutenant (Division Commander) are classified as Regular status employees on the official City personnel record and are not considered as appointed employees for purposes of this Manual. They are, however, subject to the Police Department Policies & Procedures, as amended, regarding appointment to and revocation from these positions.

C. EMPLOYEE SCHEDULE STATUS

1. Full-time – At the time of assignment to position, schedule is contemplated to be at least 30 hours per week.
2. Part-time – At the time of assignment to position, Schedule is contemplated to be fewer than 30 hours per week. Part-time employees are subcategorized as:
  - a. 20 to 29.75 hours per week; or,
  - b. Less than 20 hours per week.
3. Variable Hour – Schedule will vary but may not exceed a total of 1,508 hours between April 1 and March 31. The total will include actual hours worked, over-time, and compensatory-time hours used/cashed out, and is a combined total for Tooele City not per department or job.

D. INDEPENDENT CONTRACTORS

1. Independent contractors are not City employees.
2. In general, this Manual does not apply to independent contractors.

**EMPLOYEE CLASSIFICATIONS,  
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3. Independent contractors should have general liability insurance appropriate for their business, a business license appropriate for the services rendered, and worker's compensation coverage or a worker's compensation Statutory Exclusion (waiver) policy, whichever is applicable. The Fair Labor Standards Act (FLSA) and the Internal Revenue Service (IRS) specify that independent contractors should in general also:
  - a. Offer their services to the general consumer base rather than exclusively to Tooele City;
  - b. Have an opportunity for profit/loss;
  - c. Cover their own overhead and related operational expenses; and,
  - d. Have a written agreement for results rather than specifying how the work is to be done and while doing so the independent contractor should be independent of Tooele City in all that pertains to the execution of the work.

**E. VOLUNTEERS**

1. Volunteers are not City employees.
2. In general, this Manual does not apply to volunteers.
3. Volunteers perform service for civic, charitable, or humanitarian reasons and without promise, expectation, or receipt of compensation for services rendered. Members of advisory, review, and appeal boards, or similar bodies, volunteers in police services, and firefighters are examples of volunteers.
4. At the City's discretion, volunteers may be reimbursed for expenses, provided reasonable benefits, a nominal fee (as defined by FLSA guidelines, nominal fee may not exceed 20% of what would be paid to a City employee providing the same or similar service), and/or a stipend to perform the services for which the individual volunteered.
5. Utah State Code, Chapter 67-20, the Utah Volunteer Government Workers Act, provides regulation for the authorized use of volunteer government workers and applicable insurance including worker's compensation, and general liability and indemnification.
6. Additional guidelines for use of volunteers are available from the Human Resource Department.

## **CORRECTIVE ACTION, DISCIPLINE, & SEPARATION**

Revised December 2022

### SECTION: 5

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#### A. POLICY

Although Tooele City seeks to use progressive principles to address workplace concerns, the City reserves the right to initiate corrective action or discipline at any stage as deemed by management to be appropriate. Temporary, seasonal, on-call, appointed, or employees completing their orientation period have no expectation of continued employment and may be terminated at any time with cause or without cause and with or without following progressive discipline.

#### B. CORRECTIVE ACTION

Tooele City believes it is important to bring matters or concerns needing correction to the attention of employees so that employees may realize success.

1. Corrective action measures are deemed prudent management principles relating to the ongoing performance management processes and are non-punitive.
2. For records classification purposes corrective actions are not considered formal disciplinary actions.
3. Corrective action measures may include, but are not limited to:
  - a. Verbal notices;
  - b. Written notices of correction;
  - c. Notation of Significant Incidents via a level 1 or 2 “SIR”;
  - d. Meeting with the employee for counseling, discussion, or additional training;
  - e. General memos;
  - f. General orders or directives;
  - g. Indications on annual and other performance evaluations; or,
  - h. Corrective action plans.

#### C. DISCIPLINE/DISCIPLINARY ACTION

Sometimes corrective action measures are not successful or are deemed by management to be inappropriate for the circumstances. In such cases, disciplinary action may be warranted.

1. In no specific order, disciplinary action may include, but is not limited to:
  - a. Written reprimand;
  - b. Suspension (time off) without pay for up to 80 hours;
  - c. Involuntary demotion;
  - d. Reduction in salary; or
  - e. Termination.



## CORRECTIVE ACTION, DISCIPLINE, & SEPARATION

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2. Prior to issuing discipline the supervisor and/or department head should meet with the employee to discuss the concern and provide the employee with the opportunity to respond and present his/her side of the story.
3. The supervisor and/or department head should take under advisement the information provided by the employee and other relevant information, and issue discipline deemed appropriate for the severity, consistent with policy guidelines, and consistent with discipline issued to other employees for similar severity.
4. The disciplinary record is to be documented and delivered to the employee for a signature of acknowledgment of receipt and returned to the Director of Human Resources. In circumstances where the employee is not available for signature, other notation should be made on the record showing how the employee was notified of the discipline. Investigations files, notes, or other supplementary materials should be kept in a file separate from the personnel file. It is recommended that these be forwarded to the Director of Human Resources or kept in locked or confidential files by the supervisor.
5. Employee may appeal certain disciplinary actions via the Tooele City Grievance Procedure, herein this Manual.
6. Disciplinary actions remain in the employee's personnel file and may not be expunged once the grievance period relating to the original issuance of the discipline has passed.

#### D. EXAMPLES OF OFFENSES AND APPROPRIATE DISCIPLINARY ACTION

The following examples serve as a guideline. They are not intended to cover every possible type of offense and do not preclude the issuance of disciplinary action for specific action or inaction that is detrimental to the efficient operation of the City.

1. **Grounds for Immediate Dismissal.** The following types of offenses warrant dismissal upon first occurrence:
  - a. Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful and safe directives and orders from any supervisor or person of authority; or challenging the authority of any supervisor or person of authority;
  - b. Conviction of any criminal offence which in the opinion of management adversely affects the employee/employer relationship, whether on- or off-duty;
  - c. Conviction of any felony crime, any sexual crime, any crime involving violence (i.e. domestic abuse, assault, etc.), any crime of dishonesty (i.e. theft, forgery, etc.), or any crime directly related to the employee's ability to perform his/her job (i.e. DUI when the job requires driving);

## CORRECTIVE ACTION, DISCIPLINE, & SEPARATION

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- d. Misappropriating or misusing public funds;
- e. Engaging in disorderly or indecent (lewd, sexual, etc.) conduct,
- f. Engaging in acts of workplace violence or threats, whether on or off duty, whether direct or implied;
- g. Using profane, obscene, or demeaning language toward others;
- h. Engaging in conduct which has the potential to endanger the health or safety of others;
- i. Inducing or attempting to induce any employee in the service of the City to commit an unlawful act in violation of law or City policies, procedures, or regulations;
- j. Using, threatening to use, or attempting to use personal or political influence in an effort to secure special consideration as a City employee;
- k. Offering or accepting a bribe or other valuable consideration with a view of corrupting the behavior of a person;
- l. Continued incompetency and inefficiency in the performance of job duties despite prior disciplinary action;
- m. Recklessness (when a person knows or should have known that an action would cause a certain result) or negligence (when a person disregards the potential risks of committing an action) with City monies or property;
- n. Theft or the wrongful borrowing, loaning, selling, giving away or appropriating any City property for the personal use of the employee or any unauthorized person;
- o. Falsifying any work-related records, the making of misleading entries or statements which can reasonably be inferred to be done so with malicious intent or intent to deceive, or the willful and unauthorized destruction and/or mutilation of any City records, book, paper, or documents;
- p. Failing to disclose, or misrepresenting material facts, or the making of any false or misleading statement either verbally or in writing form including, but not limited to, examinations, official documents, report forms, or during the course of any work-related investigation;
- q. Refusing to cooperate fully or to provide complete and accurate information during an internal administrative investigation;
- r. Engaging in deliberate acts of discrimination or harassment or instructing or aiding someone to commit an act of discrimination, harassment, or victimization in breach of the Equal Opportunities and Harassment policies herein this Manual;
- s. Retaliating against an employee who has engaged in a legally protected right;
- t. Violating a serious safety rule or practice such as driving recklessly, operating equipment employee is not authorized to operate, removing safety devices from equipment, horseplay and other related kinds of conduct that has the potential to put other's safety in jeopardy;
- u. Smoking in posted "No Smoking" or unauthorized areas;
- v. Sleeping while on duty except as provided for in official City regulations;

## CORRECTIVE ACTION, DISCIPLINE, & SEPARATION

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- w. Failing to obtain or maintain - any certification, license, or other qualification necessary to perform the job. Any certification, license or other necessary qualification lost due to a temporary disability must be regained within a reasonable time, as determined by the supervisor or department head, upon the disability being removed; or,
  - x. Other reasons deemed valid by the Mayor to have the potential to bring the City into disrepute or to disrupt the workforce.
2. **Grounds for Dismissal Following Prior Notice.** The following types of offenses warrant progressive discipline and may result in dismissal if the employee has received a first disciplinary action for the same or different offenses of the following list within a twelve-month period:
- a. Failing or refusing to properly perform the assigned functions and duties;
  - b. Violating attendance policies or universally understood expectations such as poor attendance, poor punctuality, quitting work early, or leaving the work premises without authorization from the appropriate supervisor;
  - c. Unsatisfactory work performance, including but not limited to, poor quality work, failing to perform assigned tasks, incompetence, inefficiency or delay in performing and/or carrying out proper instructions, work assignments or directions of supervisors without reasonable and bona fide and acceptable reason;
  - d. Being inattentive to work, wasting time, or inefficiently using City time including but not limited to, excessive time on a telephone, e-mail, or text messaging; excessive visiting for non-City business; driving longer distances than necessary to get from one location to another; and loitering in others' work areas for non-City business;
  - e. Being careless with or improperly using equipment, such as at fault vehicle or equipment accidents deemed to be minor, leaving tools unattended, and failure to report damage to vehicles or equipment;
  - f. Failing to follow dress and grooming standards;
  - g. Failing to report a work-related accident within 24 hours unless it was impractical to do so;
  - h. Engaging in horseplay and related kinds of activity which create safety hazards;
  - i. Violating a minor safety rule or practice such as failure to wear protective clothing or use required safety equipment;
  - j. Smoking in posted or unauthorized areas;
  - k. Engaging in unauthorized and/or excessive personal use of any means of City-issued equipment including the telephone system, electronic mail, internet, cellular phones, and radios; or,
  - l. Vending, soliciting, or collecting contributions on the City's time or premises without proper authorization.

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E. **DISMISSAL OF APPOINTED DEPARTMENT HEADS/ASSISTANT TO THE MAYOR**  
The Tooele City Charter specifies the procedures for dismissal of appointed department heads and the assistant to the Mayor.

F. **DISMISSAL OF EMPLOYEES WHO HAVE NOT COMPLETED THEIR ORIENTATION PERIOD**

Employees who have not successfully completed their orientation period may be dismissed from employment at any time with or without cause. The dismissing supervisor or department head should document the circumstances of the dismissal and provide that documentation to the Director of Human Resources. Employees who have not completed their orientation period may not appeal a dismissal through the Tooele City Grievance Procedure, herein this Manual.

G. **LAYOFFS/REDUCTION IN FORCE**

1. When circumstances such as lack of funds, restructuring, or lack of work dictate the need for a reduction in force, the necessary number of employees may be laid off.
2. The selection of employees to be laid off is based on the ability to perform the duties of the job being kept on staff either as it exists or as it is expected to exist due to restructuring or other changes in task assignments. As a minimum, applicable experience and qualifications for the remaining job, performance reviews for current and past jobs, and certifications/licenses applicable to the remaining job may be reviewed and evaluated. Seniority in the Department serves as a tiebreaker when review of such factors indicates that employees' abilities are similar. For purposes of this Section, seniority will be calculated first by the credited service time as a benefit eligible employee in the Department, and will then take into consideration credited service time as a benefit eligible employee for the City, and then will take into consideration credited service time as a seasonal, and then credited service time as a temporary employee.
3. Once an employee has been identified for lay-off, the City may make reasonable efforts to maintain the job security of such employees by considering the following alternatives, if available and practical, in no particular order of priority:
  - a. Demoting employee(s) to previous position within the same department or demoting to other open position;
  - b. Promoting employee (s) based on merit and qualifications;
  - c. Transferring employee(s) to an open position; or
  - d. Replacing employee(s) within the City with lower qualifications for the remaining position and less seniority in favor of employees with better qualifications for the remaining position and more seniority.

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#### **H. VOLUNTARY RESIGNATION**

An employee who resigns from employment is encouraged to provide their supervisor with written notice at least fourteen (14) calendar days prior to their last day of work. It is also appropriate to notify the Director of Human Resources.

#### **I. CREDITED SERVICE TIME AND BENEFIT REINSTATEMENT IF REHIRED**

An employee who is rehired within twelve (12) months of their separation date receive credit for prior service (not including the break in service). An employee who is rehired after twelve (12) months of their separation date is not entitled to any reinstatement of prior service or benefits except for any legally required benefits. Respective sections in this Manual address reinstatement of benefits, specifically, see Section 26 for reinstatement of forfeited sick leave.

#### **J. SEPARATION NOTICE AND EXIT INTERVIEW**

An employee's department head or supervisor should complete a Separation Notice form, and when possible, an exit interview, and return it to the human resource department.

#### **K. FINAL PAYCHECK**

When an employee resigns voluntarily, the final paycheck is issued with the regular pay period. When an employee is separated involuntarily, the final paycheck is issued within 24 working hours of notification of separation.

**NEPOTISM**  
**(Employment & Supervision of Relatives)**  
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A. POLICY

Tooele City desires to avoid the appearance of favoritism that may result from employment relationships with relatives and to minimize the potential for disruption or limitations in the workplace that may result from employment relationships with relatives. It is the policy of Tooele City that no City employee may do any of the following:

1. Participate in the process of hiring or reassigning a relative (including serving on interview panels or other applicant evaluation boards while the relative is still being considered);
2. Hire or cause to be hired a relative (signing final paperwork for administrative purposes when not otherwise involved in the hiring or reassigning of a relative does not constitute a violation of this provision);
3. Reassign or cause to be reassigned a relative (signing final paperwork for administrative purposes when not otherwise involved in the reassigning of a relative does not constitute a violation of this provision);
4. Accept employment or reassignment to a regular/appointed status position, when doing so would place him/her under the supervision of a relative;
5. Hear or investigate a grievance or an appeal from a relative; or,
6. Supervise a relative, unless one of the following exceptions apply:
  - a. Two employees in a supervisory relationship, or an employee who is employed in a position before a relative assumed a supervisory position over the relative, may on a temporary, transitional basis, retain employment in their existing positions until such time as Tooele City is able to reasonably transfer one of the employees on a lateral basis to another position outside the supervision of the relative. Tooele City retains the right to decide which employee is to be involuntarily transferred on a lateral basis, taking into consideration the needs of the organization. During the transitional period, measures should be put into place by the department head to ensure that the relative does not evaluate the employee's performance, recommend changes in pay, or make other employment decisions that could give rise to a perception of favoritism resulting from nepotism. Such actions may include having another manager review and approve such actions.
  - b. The new or reassigned employee is the only person available, qualified, or eligible for the position;
  - c. The new or reassigned employee is compensated from funds designated for vocational training;

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- d. The new or reassigned employee is employed for a period of 12 weeks or less per 12-month look back period;
- e. The new or reassigned employee will be working in a contingent position (i.e. temporary, seasonal, cyclical, or on-call) with no expectation for continued employment or appeal rights, and there is an intermediate supervisor (as opposed to a lead) between the relatives;
- f. The new or reassigned individual is a volunteer as defined by this Manual;
- g. The Mayor has determined that the new or reassigned employee is the only employee available or qualified to supervise the relative; or,
- h. The new or reassigned employee is employed by Tooele City before a relative is elected as Mayor or a member of the City Council. Elected officials have the duty to minimize the appearance of favoritism resulting from nepotism whenever possible.

NOTE: If one of the above exceptions applies, but the individual is a relative of an elected official, consent must be given by both the Mayor and majority vote from the city council.

**B. TWO EMPLOYEES MARRY – ONE IS THE SUPERVISOR**

When two existing employees within a supervisory chain of command marry, Tooele City will consider moving one of the employees to a position outside the supervisory chain of command by either lateral transfer or demotion. When such efforts are not practical for Tooele City, are not in the best interest of the organization as determined by the Mayor in consultation with the department head, or are not accepted by the employee subject to the transfer or demotion, the City will then notify both employees that one of the employees must separate from City employment within 60 days. In the event neither employee chooses to separate from City employment, the employee with the least seniority will be separated from City employment. For purposes of this Section, seniority will be calculated first by the credited service time as a benefit eligible employee and then take into consideration credited seasonal, then credited temporary time.

**C. REQUIREMENT TO DISCLOSE**

Both applicants for positions and any individual involved in any capacity with a selection process involving a relative are required to make a complete written disclosure of such relation at time of application or prior to becoming involved in any selection process. Failure to make the disclosure is a violation of this nepotism policy and may result in disciplinary action, up to and including dismissal from employment, as well as the applicant for employment no longer being considered for employment.

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D. **EMPLOYMENT OF RELATIVES WHEN NO SUPERVISORY RELATION EXISTS**  
Tooele City reserves the right to refuse to hire, promote, transfer, or otherwise reassign a person to a position, shift, or other condition of employment in the same department, division, or work area, wherein his/her relationship to a relative has the potential to adversely impact the workplace.

E. **CITY'S RIGHT TO TRANSFER**  
Notwithstanding any of the above, Tooele City reserves the ultimate right to involuntarily transfer an employee on a lateral basis, to a position of similar duties at such time as the relationship between two or more relatives has the potential for creating adverse impact on the workplace (such as, but not limited to, supervision, safety, security, or morale), or involves a potential conflict of interest, and such a position becomes available.

F. **DEFINITIONS**

1. Relative –

For the purposes of this policy, an employee's relative is defined as (blood relationship, including half-siblings) or as affinity (marriage, step-relations, or adoption): Spouse, Parent, Sibling, Child, Grandparent, Grandchild, Uncle, Aunt, Nephew, Niece, First Cousin or any of the following In-Laws: Mother, Father, Son, Daughter.

Relative does not include: grandparent-in-law, uncle-in-law, aunt-in-law, nephew-in-law, niece-in-law, cousin-in-law, second cousins, or other similar distant relationships.

Relative also includes cohabitants, such as a husband and wife by common-law marriage, domestic partners (a person with whom the employee's life is interdependent and who shares a common residence), any person claimed as a dependent for income tax purposes for the most recent two tax years, and individuals living in the residence of the employee for a cumulative period of six months or longer over a two year look back period. Relative also includes non-married cohabitants, roommates, foster children, etc.

A legal divorce dissolves affinity relationships but not cohabitant relationships.

2. Supervise, Supervision, and Supervisor - an employment relationship in which an employee's relative is in the employee's "chain of command" or in the direct line of managerial oversight; or, the elected Mayor or member of the City Council is a relative of an employee or applicant for employment.

3. Chain of Command - the vertical employment relationship in which an employee is accountable to a direct supervisor, and that supervisor is accountable to another supervisor, and so on. Any person in this line is in the chain of command.



## WORK SCHEDULES & ATTENDANCE

Revised March 2011

### SECTION: 7

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#### A. PURPOSE

1. The purpose of this Section is to communicate Tooele City's policy regarding work schedules and to provide employees with notice of some of their responsibilities relating to attendance and punctuality. This Section does not identify every schedule or attendance 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.
2. Tooele City recognizes that time off work is unpaid unless the City has established a policy to provide paid leave benefits such as annual leave, sick leave, funeral leave, etc. The respective Section in this Manual should be referenced when determining if an absence may be paid or unpaid.

#### B. WORK SCHEDULES

1. Work schedules may vary and are set by the department head and/or supervisor, with concurrence from the Mayor, to meet the needs of Tooele City and the general public.
2. Tooele City complies with federal regulations and limits work hours for employees under age 16 as follows:
  - a. Outside of school hours;
  - b. not more than 40 hours in any one week when school is not in session;
  - c. not more than 18 hours in any one week when school is in session;
  - d. not more than 8 hours in any one day when school is not in session;
  - e. not more than 3 hours in any one day when school is in session; and,
  - f. between 7 a.m. and 7 p.m. in any one day, except during the summer (June 1 through Labor Day), when the evening limit is 9 p.m.
3. Employees age 16 to 17 may work any hours for unlimited hours as long as outside of school hours.

#### C. ATTENDANCE & PUNCTUALITY

Reliable and predictable attendance is expected of all employees. Attendance encompasses not only being at work, but also being punctual and being ready to work. Although this is not an exclusive list, employees have the following responsibilities:

1. **Be on Time & Begin Working at the Scheduled Start Time.**  
Be at the work station ready for work by the scheduled start time. Begin working at the scheduled start time. In order to be "ready" employees should arrive to work with sufficient time to attend to personal needs such as hanging up coats, storing food items, visiting restrooms, obtaining a morning drink, etc. prior to the beginning of their scheduled start time. Although the City does not "dock" employees for the first 7 minutes of the shift, employees should not

## WORK SCHEDULES & ATTENDANCE

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assume this permits them to be late. For the purpose of determining tardiness, an employee is late if he/she reports for work any time after the designated start time.

2. Leave as Scheduled.

Do not leave prior to the scheduled end time unless approved to leave earlier. Leave no later than 7 minutes past the end time. Tooele City recognizes that exceptions may be approved such as when given advance approval from the supervisor to work longer or when staying later is appropriate to assist a customer or assist with an emergency situation. In such cases, the supervisor should be notified of the circumstances in a timely manner.

3. Give Proper Notice of the Need to be Absent or Tardy.

a. Pre-Scheduled Absence.

When the need to be absent is known, submit an absentee request in a timely manner pursuant to the department's policy for requesting to be absent. In absence of department policies, Form #8 Absentee Request should be submitted.

b. Unscheduled Absence or Tardy.

When the need to be absent is not pre-scheduled, follow the department's procedure for making proper notification of an unscheduled absence or tardy. Tooele City recognizes that department needs will vary and has authorized each department head to adopt a procedure for employees to give notification of unscheduled absences. Each department is expected to notify employees of their respective procedure. In the absence of a department procedure or if an employee is unaware of the department's procedure, an employee (or designee) is expected to contact his/her supervisor within 10 minutes of the scheduled start time. Notification does not excuse the absence or tardy but simply notifies the supervisor so that appropriate adjustments can be made.

Chronic absenteeism is unacceptable. Chronic absenteeism is frequent or repetitive absences from the workplace for one or a multiplicity of reasons. This does not include pre-scheduled absences or absences protected through legal rights such as the FMLA or ADA.

4. Be at the Assigned Work Station.

Be at the assigned work station as scheduled unless excused, on break, or the needs of the job require being elsewhere.

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5. Return from Breaks and/or Meal Periods in a Timely Manner.  
Take only the time allowed for breaks and meal periods and return at the appropriate time.

6. Obtain Proper Approval for Leave without Pay.  
For benefit eligible employees, ensure that adequate paid leave is available prior to requesting to be absent. If adequate paid leave is not available, receive advanced approval for leave without pay or reduced pay pursuant to Section 27: FMLA and City Approved LOA, herein this Manual.

#### D. CORRECTIVE ACTION & DISCIPLINE

Attendance violations are grounds for corrective and/or disciplinary action pursuant to Section 5: Corrective Action, Discipline, & Separation, herein this Manual.

#### E. JOB ABANDONMENT

In the event an employee is absent for three or more consecutive work days, without prior notice or approval, such absence is viewed as job abandonment. The employee is then considered to have abandoned their job and the City may process separation paperwork as a voluntary resignation.

#### F. COORDINATION OF LEAVE

Tooele City reserves the right to coordinate absences with any other applicable leave policies, legal rights, or benefits.

#### G. VERIFICATION

Tooele City reserves the right to require an employee to submit verification for reasons such as chronic absenteeism, a reasonable belief that the employee has misrepresented his/her need for leave, and except for approved FMLA-protected leave, for medical reasons exceeding three days.

**REST & MEAL PERIODS**  
**Revised December 2008**

SECTION: 8

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**A. REST PERIODS/BREAKS**

A 15-minute rest period is provided to each employee for every 4 hours of work, up to two per day. Rest periods are generally scheduled by the immediate supervisor or work lead. Rest periods may not be taken in conjunction with a lunch break or at the beginning or end of a work shift. Rest periods may not be allowed to accumulate; neither can they be carried over to another 4-hour period if not used.

**B. MEAL PERIODS**

1. Meal periods are scheduled by the immediate supervisor or work lead, with concurrence from the department head, to meet the needs of the City. Employees may not perform any work during their meal periods (example, may not answer phones while eating at their desk). Supervisors should ensure that employees are relieved of duty during their meal period. If not, the meal period is considered hours worked and must be recorded on their time card.
2. Special Provision for Employees Age 17 or younger. Utah State law requires that employees age 17 or younger be provided with a 30-minute meal period not later than five hours after beginning of his/her shift. Supervisors must ensure that these employees take the required meal period and are relieved of duty during their meal period.

**COMPENSATION**  
Revised December 2022

SECTION: 9

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**A. PURPOSE**

This Section:

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

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

**B. DEFINITIONS**

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

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qualification requirements to successfully perform the job. Each job description is descriptive but not exclusive or restrictive. A job description describes the more typical duties and responsibilities that may be assigned to an employee performing the job; however, it does not contain an exclusive list of duties or restrict the assignment of other duties. Other duties may be assigned to any job at any time. Job descriptions are subject to change at any time as needed to meet the changing needs of the City.

8. Lateral Transfer - A move from one job at a salary grade to another job at the same salary grade regardless of whether the lateral transfer is within or between departments. A lateral transfer may be voluntary or involuntary.
9. Promotion - A move from a job at a salary grade to another job at a higher salary grade regardless of whether it is within or between departments. Promotions may occur by selection or by advancement through a career ladder (i.e. Operator I, II, and III). Career ladder promotions are not guaranteed to any employee. The supervisor retains the discretion to determine whether the employee meets the minimum qualifications for the higher level, whether the employee possesses the required knowledge, skills, and abilities, and whether the employee will be assigned the duties associated with the higher level.
10. Red Circled - An employee whose rate of pay exceeds the maximum step of their job's salary grade or for other purposes has been "frozen" until certain conditions have been met. An employee who is red circled is ineligible for further pay increases of any kind until the maximum pay for the assigned salary grade is equal to or exceeds the employee's current rate of pay.
11. Salary Review Date - Scheduled date to review an employee's pay.
12. Transfer - A move from one department, or one job, to another. Transfers may be lateral transfers, demotions, or promotions. Transfers may be voluntary or involuntary.
13. Under fill - Assignment of an employee to a lower salary grade than their job's classification while the employee obtains necessary training and/or experience to meet the minimum qualifications for the job with the goal of being fully assigned to the job.
14. Upgrade - Reclassification of a job that results in the job being assigned to a higher salary grade.

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**C. COMPENSATION OBJECTIVE & JOB CLASSIFICATION**

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

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

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

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

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



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

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

**G. APPOINTED EMPLOYEES' COMPENSATION**

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

**H. ELECTED OFFICIALS' COMPENSATION & ALLOWANCES**

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

**I. COST OF LIVING**

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

**J. PROMOTION**

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

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**K. TEMPORARY PROMOTION**

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

**L. DEMOTION**

1. Involuntary demotion due to:

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

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

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

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**M. RECLASSIFICATION**

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

**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.

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2. Sworn Law Enforcement Officers Assigned to Patrol and a Recognized City Holiday Falls on their Normally Schedule Day Off –
  - a. Tooele City will pay these officers (in lieu of providing paid holiday leave time off) at the officer’s straight time rate of pay for the recognized holiday. This is also referred to as a “patrol officers’ holiday buy back.”
  - b. These hours off are not counted in the calculation of hours worked for overtime purposes, do not impact the regular rate of pay for overtime earned during the pay period, and cannot be broken into incremental hours nor banked for use at a later time.
  
3. Holiday Worked -
  - a. Eligible employees who are required to work on a recognized holiday are paid at a premium rate of 1½ times the employee’s hourly rate of pay for the hours worked or are accrued as earned comp-time off in lieu of monetary compensation pursuant to comp-time policy.
  - b. Hours worked on a holiday are not included in calculation of hours worked for overtime purposes because they are already paid at an over-time rate.
  
4. Examples -
  - a. If an employee’s number of hours regularly scheduled to work per day is 8 hours and the employee works 10 hours on a recognized holiday, he/she will accrue comp-time or be paid at a premium rate of 1½ times the employee’s regular rate of pay for 10 hours. He/she will record eight (8) holiday hours off and 10 holiday hours worked. The **eight (8) holiday hours off** are included in calculating hours worked for overtime purposes.
  - b. If an employee’s number of hours regularly scheduled to work per day is 8 hours and the employee works 2 hours on a recognized holiday, he/she will accrue comp-time or be paid at a premium rate of 1½ times the employee’s 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 1 ½ 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

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the Fair Labor Standards Act, unless paid compensatory time off in lieu of overtime. *(Effective February 6, 2005)*

2. For purposes of calculating overtime, hours worked includes hours paid for jury duty and holiday pay. It does not include any other time not worked including sick leave, annual leave, comp-time, funeral leave, or third-party sick pay.
3. Other Overtime Pay
  - a. At the City's discretion, regardless of hours worked, both FLSA exempt and non-exempt employees may be paid overtime pay at 1½ times the employee's regular rate of pay for actual hours worked on special assignments when wages are reimbursed to Tooele City.
  - b. When deemed necessary to meet unique work requirements, the Mayor may authorize that both FLSA exempt and non-exempt employees be paid at a premium rate of 1½ times his/her regular rate of pay, regardless of the number of hours worked during the workweek.

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

1. For FLSA non-exempt employees, each department head or designee has the discretion to approve/designate accrual of compensatory time (comp-time) off in lieu of monetary overtime pay or in lieu of other monetary premium pay that is calculated at 1½ times the employee's regular rate of pay. Supervisors may approve/designate any combination of comp-time and overtime pay as long as the principle for "time and one-half" is maintained.
2. Comp-time will accrue at a rate of 1½ hours of comp-time for each hour of overtime worked or each hour otherwise paid at a monetary premium pay.
3. When deemed necessary to meet unique work requirements, the Mayor may authorize comp-time, regardless of the number of hours worked.
4. Acceptance of comp-time off in lieu of overtime is a condition of employment due to the fact that departments may not be allocated overtime budgets or the budget allocated may not be sufficient to meet business needs.
5. Employees may accumulate up to 200 hours of comp-time. All additional hours are paid as monetary overtime pay.
6. Requests to use comp-time follow the same procedures for requesting to be absent except 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.

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8. Employees may carry over a maximum of 80 hours. Hours in excess of the carry over limit must be used by the last day of the pay period that includes March 31 of each year; except that:
  - a. Snow Removal. Employees who accumulate comp-time during the months of December, January, February, and March as a result of snow removal may submit a written request to the payroll office to have the hours accumulated during these months carried over up to the last day of the pay period following September 30;
  - b. Work Needs Limit Ability to Use. The Mayor may authorize an amount to carry-over up to the last day of the pay period following September 30 when work needs limit the ability to use comp-time; or
  - c. Department heads may establish earlier required use dates.
9. Hours not used by the approved use deadlines are paid out to the employee and the comp-time account balance is reset.
10. Upon separation from employment, remaining comp-time is paid to the employee. Comp-time hours are not forfeited by the employee.

**R. CALL-OUT PREMIUM PAY**

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

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- 4) Any situation where an employee provides incidental assistance while present in the work place for non-work purposes such as when an employee is golfing and while waiting for his t-time shows a co-worker how to ring in a concession sale;
  - 5) A requirement to stay in the work place and work additional hours at the end of the workday; or
  - 6) An employee responding to inquiries via telephone or other electronic communications or remote access when doing so does not requiring the employee to physically return to the work place.
2. Call-out premium pay is equal to 1½ times the employee's hourly rate of pay or is paid to the employee as accrued comp-time.
  3. When called out, an employee is paid a minimum of 2 hours at the premium rate for the first call-out event in a single day, even if the actual time worked is less. If an employee receives several calls within the two-hour time frame or while en route home at the conclusion of the last call, it is considered one call-out. If an employee returned home and received another call-out it is considered two call-outs.
  4. Travel time when called out is included in the 2-hour minimum. However, if the call-out assignment actually required more than 2 hours of work, employees may be paid for travel time occurring within the Tooele City limits (i.e. an employee living outside of Tooele City limits is not paid for travel time getting to/from 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.

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2. FLSA non-exempt employees are provided on-call premium pay while serving the on-call rotational assignment. The on-call premium pay is a daily amount that is established each year with the fiscal budget. On-call pay is included in the employee's regular rate of pay for calculating overtime.
3. The on-call employee is able to use his/her time in pursuit of personal activities subject to the following:
  - a. The employee must carry a telephone or other communication device which Tooele County Dispatch or Tooele City officials call when emergency services are needed outside of the normal work hours;
  - b. The employee is expected to answer all calls and whenever possible, avoid having them go to voicemail. Tooele City recognizes that there may be situations where it is necessary or appropriate for a call to go to voicemail. The employee is expected to check the phone to ensure there are no messages and if there are, return the call immediately.
  - c. The employee must remain in a condition to respond in a safe manner including abstain from alcohol or other substances which would impair ability to safely respond; and,
  - d. When called and response to a work site is necessary, the employee must 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.



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- (d) The Mayor calls the water department on-call phone to report that she/he noticed some water running but that he thinks it may be a minor problem. The employee was asked to take a look at it sometime this morning to see if there is a leak. The Mayor told the employee that it was reasonable to respond “sometime this morning.”
  - 4. The department head, with approval from the Mayor, may discontinue on-call requirements as necessary to adjust for work and seasonal requirements.
  - 5. An employee who is on-call and does not respond in accordance with the on-call provision may be subject to disciplinary action.
  - 6. An employee who is unable to meet the on-call requirements of the position may be subject to disciplinary action, up to and including dismissal from employment.
- T. **DAYLIGHT SAVINGS TIME CHANGES**  
One hour worked is granted when an employee works through the time change from daylight savings to standard time (fall). One hour of Administrative Pay is granted when a work shift would otherwise be adversely affected by the time change from standard to daylight savings time (spring).
- U. **PHONE ALLOWANCE & AFTER HOUR WORK ON SMART-PHONES, I-PADS, LAPTOP COMPUTERS, AND OTHER TECHNOLOGY FOR FLSA NON-EXEMPT EMPLOYEES**
- 1. The Mayor may authorize that in lieu of a City-issued cell phone, an employee be paid a phone allowance at a rate established with the fiscal budget.
  - 2. Technology has created circumstances whereby a FLSA non-exempt employee may perform work outside of his/her normal work schedule or work location. When such work is not de minimis, see definition above, the time must be recorded on the time report as hours worked. Examples of such situations include:
    - a. The employee has a technological device such as a smart phone, cell phone, personal data assistant, etc. and checks and/or responds to work-related messages after their normal work hours;
    - b. The employee accesses the City network remotely to complete a work task; or,
    - c. The employee is called at home and asked to complete a work task, give instructions, or relay information.
  - 3. Supervisors may restrict or prohibit an employee from using technological devices outside of their normal work hours.

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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 received as jury or witness fees, or for temporary military duty pay;
  - e. For absences due to a budget required furlough of one or more full days and in full day increments only;
  - f. For unpaid disciplinary suspensions of one or more full days if imposed in good faith for workplace conduct rule infractions or imposed in good faith for infractions of safety rules of major significance. A 2½ -day suspension, for example, is not permitted but three (3) full days is; or
  - g. Any other purpose permitted by law.
3. See Overtime above for policy regarding overtime pay for FLSA exempt employees.

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4. Safe Harbor Rule. Improper pay reductions are prohibited. If an exempt employee believes that his/her pay has been improperly reduced, he/she must file a written complaint with the human resource office. The human resource office will review the complaint and issue a finding. If the employee's pay was found to have been improperly reduced, Tooele City will correct the error and will make a good-faith commitment to prevent such error from reoccurring.

**W. PAY ADVANCEMENTS**

An employee may not receive a pay advancement.

**X. SEVERANCE PAY**

1. Regular Employees. A regular employee who has completed his/her orientation period and is separated from employment due to a reduction of force through no fault of the employee will be paid two (2) weeks severance pay if such a 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 as prohibited by federal or state law (for example, the Age Discrimination in Employment Act of 1967). The release of claim documentation shall be coordinated with the City Attorney's Office and signed by the employee prior to payment.

**Y. WORK PERIOD & WORK DAY**

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

**Z. PAY DAY**

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

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**AA. APPROVING PAY CHANGES**

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

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

1. A time report/card is an invoice to Tooele City for hours worked.
2. Ensuring that time is accurate is the responsibility of each employee and his/her supervisor. Time reports need to be approved and ready for payroll by 12:00 p.m., Monday, following the end of the pay period unless called for earlier due to a holiday or other circumstance. Reports received late may be processed the following pay period. If an employee is unavailable or unable to complete or approve a time card, it may be completed for the employee by the department head, supervisor, or Human Resource/Payroll Department. Attempts should be made to obtain the employee's approval when available.
3. Electronic time keeping systems are in place throughout the City and are the preferred method for collecting and reporting hours worked. When such systems are down or unavailable, paper time cards should be used.
4. Working without clocking in or accurately accounting for work hours ("off the clock work") is prohibited.
5. Buddy punching is prohibited. Other than the supervisory staff members or authorized payroll administrators, no one may clock in/out for another individual under any circumstance. Such an action is a violation of City Policy, is dishonest, and is a falsification of time records. Employees are expected to not give their ID card to any co-worker to swipe for them. Employees are expected to not ask another employee to put in his/her employee number to clock him/her in. Employees have the opportunity to make a correction later or have his/her supervisor make entries under the supervisor's login.

**CC. DIRECT DEPOSIT**

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

**DD. EMPLOYEE VERIFICATION OF PAYCHECK ACCURACY**

Employees are responsible for reviewing their pay checks 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.

## **PERFORMANCE REVIEWS**

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### **A. POLICY**

Performance criteria are established for each full-time and part-time regular job. Seasonal employees may be given a performance review at the discretion of the department head/supervisor. Performance criteria may change as positions change and the official criteria may be obtained from the human resource office or by accessing the electronic performance evaluation system and clicking on “jobs.” Employees are evaluated at the following time periods:

1. Each employee completing his or her orientation period is evaluated at the completion of the orientation period or more frequently as deemed necessary by the department head/supervisor.
2. Employees should be evaluated at least once during a full year of service with Tooele City. They may also be evaluated at the department head/supervisor’s discretion, especially as some noteworthy incident occurs, either positive or negative that should be noted in the employee’s file for future reference.
3. Attempts should be made to evaluate an employee who changes jobs outside of a natural progression series (i.e. Equipment Operator I to Equipment Operator II) upon conclusion of the prior job.

### **B. EMPLOYEE SUPPLEMENTAL STATEMENT**

Employees may attach their own supplemental statement to the review.

### **C. RECORDS**

Supervisors meet with the employee to discuss the review and to obtain the employee’s signature on the review. Employees sign the review to acknowledge receipt but not necessarily agreement. The completed Performance Review Form and any attachments, including any employee generated supplemental statement, are forwarded to the human resource department for inclusion in the employee’s personnel file.

**COMPUTER SYSTEMS, INTERNET,  
AND ELECTRONIC MAIL (E-mail)**

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A. APPLICABILITY & DISCLAIMER

1. This policy has been developed to:
  - a. Provide for efficient operation of Tooele City's comprehensive computer systems;
  - b. Help maintain the integrity of the City's computer systems; and,
  - c. Provide guidelines to employees.
2. Due to changes in technology and harmful viruses and programs, Tooele City reserves the right to announce temporary or immediate changes to this Section.

B. DEFINITIONS

As used in this Section, the following have the stated meanings:

1. Access to or accessing – opening or searching for material that the employee knew or should have known what the material contained.
2. Computer systems – all hardware, software, computers, laptop computers, tablets, networks, computer hard drives, electronic records, files, disks, Internet access, portable electronic devices, mobile and smart phones, radios, electronic mail (e-mail) systems, social media, equipment, other technological devices, and stored data, including electronic communications and records, on those devices. Computer systems also includes cloud-based or remote systems contracted with Tooele City to be used for City business.
3. Electronic records – all data and records created, stored, deleted, or used on the City's computer systems or personal devices. This includes, but is not limited to, e-mail, computer files, deleted records, data on personal devices used for City business, and social media.
4. Government Records Access and Management Act (GRAMA) - the records law for the State of Utah. GRAMA defines what a record is and establishes the criteria for accessing government records.
5. IT or IT Department – City staff members assigned to Information Technology (IT) Department or provided with duties in support of the IT Department.
6. Social media – all means of communicating or posting information or content of any sort on the Internet, including employees' own or other web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or chat room.

C. PROPERTY OWNERSHIP, PRIVACY, & MONITORING

1. The City's computer systems are City property provided to facilitate City business.

**COMPUTER SYSTEMS, INTERNET,  
AND ELECTRONIC MAIL (E-mail)**

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2. Employees have no expectation of privacy in use of the City's computer systems. Any use or communications, whether City-related or personal, may be monitored and reviewed by the City or designee at any time. The City is authorized, but not obligated, to monitor and review employee use or communications.
3. The use of computer systems is subject to guidelines and rules as outlined further in this Section.
4. When necessary to conduct City business or as permitted or required by law, the City may disclose the contents of and copy data from any component of the City's computer systems, without the employee's consent.

D. **HARDWARE, SOFTWARE & LICENSES**

1. The City has invested significant time and money to secure its computer systems from intrusion of harmful viruses and programs. Some hardware is not compatible with the City's computer systems. Employees may not use or install software or hardware without approval from the IT division.
2. The City purchases, owns, and administers the hardware, software, and licenses installed on City computer systems. Employees may not rent, copy, or loan the software, licenses, or documentation.
3. Requests for new hardware or software are submitted to the department head for approval. Each department head discusses such requests with the IT division for compatibility, pricing, and other recommendations.
4. To maintain the integrity of the City systems and license agreements, employees shall not install City-owned software for personal use or on employee-owned devices without approval from their department head and the IT division (refer to Section H).

E. **PASSWORDS & COMPUTER SYSTEMS SECURITY**

1. **Importance of Strong Passwords & Systems Security** - The data employees work with may be classified as private or protected by law. As such, every employee of Tooele City is a data steward, a protector of information others have entrusted to the City. If a non-authorized individual or entity gains access to City systems it can result in loss of information, theft/release of private or protected information, system unavailability, and other damage including erosion of public trust.
2. **Setting Passwords/Password Requirements** - Passwords are the first level of defense in protecting data and our computer systems. A memorable and strong

**COMPUTER SYSTEMS, INTERNET,  
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password usually consists of a phrase with changed characters. For example, the phrase “This May Be One Way To Remember!” could have a matching password like: “TmB1w2R!” or “Tmb1W>r~” or some other variation (do not use this example). Using a variation of the full sentence as a password is recommended as it is longer and harder to hack. Employees are required to establish strong passwords that as a minimum, meet these requirements:

- a. Length of password must be longer than 8 characters.
- b. Passwords must be changed every 180 days. Some departments may require passwords to be changed every 90 days.
- c. Passwords must include at least 3 of the following:
  - (1) Uppercase Letters
  - (2) Lowercase Letters
  - (3) Numbers
  - (4) Symbols
- d. Passwords may not contain any part of the following:
  - (1) Employee's personal identity information (DOB, name, address, family members, pet's names, etc.)
  - (2) The words Tooele or City
  - (3) Employee's position or job title
- e. New passwords must not include the old password with minimal changes (i.e. password1 -> password2).
- f. Do not use the same password across multiple logins unless directed to by IT (i.e. using the same password to login to the network as the password for a department specific software system or website).
- g. Passwords established for work purposes may not also be used for personal passwords (i.e. do not use work passwords for personal bank account, a home computer, or other personal access).
- h. Passwords stored in browsers (such as autofill or “save password prompts”) are considered insecure and are at risk of exposure. Employees are advised to utilize a password storage program approved by the IT Department such as LastPass or MyGlue to minimize exposure of City credentials.
- i. Devices equipped with pin codes or passcode (smart phones, tablets, or other devices) that access ANY City data are required to have a pin code or passcode set.
- j. Passwords must be kept secured. Example:
  - (1) **Not Secured.** Password is written on sticky notes or any other similar physical item attached to the employee's desk, computer, or other easily accessible location; password is written in a notebook with other passwords and login information and stored in a desk drawer accessible



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to other employees; password is stored in a web browser that has not been secured by a storage program approved by the IT department.

If an employee is having issues remembering passwords, contact IT for suggestions on a secure password manager which allow users to store passwords in a highly protected space.

- (2) **Secured.** Password is maintained in a secure password manager system which allow users to store passwords in a highly protected space electronically; password is written down and stored in a locked drawer where others don't have access to it and others are unlikely to know what it is (i.e. a book that says "passwords or login info" is not secure); password and username are not written down or stored together; password is noted on a personal device with a pin or secure access and does not have any identification as to the website, system, login, etc. that it belongs to (i.e. my phone has a simple note in it "Qr\$%2lrpr" and nothing else & my phone has a pin number to get into it).

3. **Sharing of Passwords / Password Requests -**

- a. Passwords are unique to individual employees and group passwords are not in line with Tooele City's IT security standards. If multiple employees need access to the same data, contact IT.
- b. Never, under any circumstances should passwords be shared with an outside vendor. Any outside vendor request must be referred to IT for a temporary password.
- c. There may be times where IT will need employee's passwords to troubleshoot an issue. IT will never ask an employee for his/her password over a phone call, email, or text message. If a password is provided to IT, employees will be required to change it once IT is finished with the ticket.
- d. Be aware of scams and phishing attempts. If you are concerned that your password may have been compromised, contact the IT department as soon as possible to get assistance with resetting passwords.

4. **Exceptions** – Tooele City may utilize software, cloud-based, or similar external systems where their password programming does not meet the above requirements (i.e. pin number is used, doesn't reset, etc.). The IT department should be consulted to identify the potential security risk and provide best practice recommendation.

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F. PERSONAL USE – ALLOWED & PROHIBITED

Tooele City’s computer systems, in general, may not be used for personal use. Tooele City does recognize that incidental/occasional personal use may occur while working and such incidental/occasional use is allowed, provided it is not for one of the following:

1. Any illegal activity;
2. Pornographic material;
3. Classified ads for personal interests;
4. Potential SPAM generators;
5. Downloading, copying, or pirating software or electronic files that are copyrighted or without authorization;
6. Use for personal gain such as business ventures, solicitations, etc.;
7. Use to endorse, support, oppose or contradict any social issue, cause or religion;
8. Introducing malicious software onto the City’s network and/or jeopardizing the security of the City’s electronic communications systems;
9. Use that violates Tooele City’s Equal Employment Opportunity, Anti-Harassment and Anti-Retaliation policies;
10. Use that discourages productivity such as group or mass mailings of jokes, chain letters, and non-business-related photographs, Internet surfing, and computer games;
11. Accessing or participating in non-work-related chat rooms;
12. Downloading screen savers, music, movies, or other non-work-related material;
13. Use by family or non-City employees;
14. Use of network sniffer or hacker software;
15. Any other use that may compromise the integrity of the City computer systems.

G. EMAIL GUIDELINES

1. E-mail should be used with the same level of professionalism as any other written communication.
  - a. E-mail could be classified as a public document and disclosed.
  - b. E-mail should not be used to transmit sensitive materials, such as personnel decisions and other similar information that may be more appropriately communicated in writing or personal conversation.
  - c. E-mail messages can be forwarded without the express permission of the original author.
  - d. E-mails are relatively insecure communications and can be easily intercepted and viewed. Employees should use caution in the transmission and dissemination of messages outside of the City.
  - e. E-mail should not be used to transfer large files. Contact IT for other means of transferring large files.

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- f. E-mail signatures are expected to follow the template provided by the City.
2. Passwords should not be communicated through e-mail.
3. E-mails often include links to websites or advertisements that are set up with the intent to trick users into installing software that will hijack a computer. Employees are reminded to be very cautious of e-mails opened with City computers and to NOT click on the link or open attachments of suspicious e-mail.
4. Tooele City understands that employees may involuntarily receive or inadvertently open e-mails containing material that is listed as prohibited.

**H. USE OF PERSONAL DEVICES**

1. Department head permission is required when employees use personal devices, such as phones, tablets, iPad, etc., for work-related duties. Personal devices must be secured consistent with Section E above. If the personal device is stolen or lost, employees are to contact IT and their department head immediately.
2. The employee is ultimately responsible for proper operation and functionality of any personal devices. The IT division may assist the employee with personal devices used for City business with the understanding that they are doing so in good faith and within their own level of expertise. The City is not responsible for the functionality of the personal device even if worked on by the IT Department. Circumstances may necessitate resetting devices and may result in data loss. Employees are responsible for backing up or securing their data prior to requesting assistance from IT.
3. Employees are reminded that using personal devices for City business may subject those devices to search and discovery in legal proceedings which may require the device to be taken for a period of time. The City is under no obligation to provide a replacement.
4. See M below for additional information regarding storage & retention of electronic records including cloud storage.

**I. CITY WEBSITES**

City websites, including [tooelecity.gov](http://tooelecity.gov) and specific department websites, may be used to enhance communications subject to the following rules and guidelines:

1. All Tooele City websites are to be approved by the Mayor.
2. Examples of prohibited postings include:

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- a. Classified advertisements;
  - b. Advertisements that endorse, support, oppose or contradict any social issue, cause or religion (unless they are local events open to the public); or
  - c. Commercial business advertisements that are not of global public interest or are not for City-sponsored projects such as downtown revitalization or sponsors for community activities.
3. Only employees designated as webmasters are authorized to post information to City websites.
  4. All content created or posted on a City social media site belong to Tooele City.
  5. The Mayor makes all final decisions about information posted to City websites.

**J. CITY USE OF SOCIAL MEDIA**

City social media, including the City's Facebook page and specific department social media efforts, may be used to enhance communications with citizens and program participants subject to the following rules and guidelines:

1. All Tooele City social media sites are approved by the Mayor.
2. Tooele City social media sites are generally used for:
  - a. Marketing/promotional channels which increase the City's ability to broadcast its messages to the widest possible audience;
  - b. Public information updates; and
  - c. The dissemination of time sensitive information (i.e. emergency information).
3. Content posted to Tooele City social media sites are expected to portray a professional image of Tooele City.
4. Content should also be made available on the City's main website whenever possible. Content posted to the City social media sites should contain links directing users back to the City's official website for in-depth information, forms, documents, or online services necessary to conduct business with Tooele City.
5. City social media sites may be used only for communication of City-related information and may not be used for personal purposes.
6. Examples of prohibited articles and comments include:
  - a. Comments in support of or opposition to political campaigns or ballot measures;
  - b. Profane or obscene language or content;

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- c. Content that violates Tooele City’s Equal Employment Opportunity, Anti-Harassment and Anti-Retaliation policies, including sexual content or links to sexual content;
  - d. Content that markets or promotes other businesses, unless such business is a sponsor of a City event or program, or is a business partner with Tooele City for public services;
  - e. Conduct or encourage illegal activity;
  - f. Information that may tend to compromise the safety or security of the public or public systems; or
  - g. Comments not typically related to the particular social media article being commented upon, including random or unintelligible comments.
7. The guidelines described above should be displayed to users or made available by hyperlink.
  8. Tooele City reserves the right to restrict or remove any content that is deemed to be in violation of this Section, has the potential to bring discredit to the City, violates any law, or is contrary to the public interest. A copy of any content removed based on these guidelines must be retained, including the time, date, and identity of the poster when available for a period of time determined by the City records officer consistent with state retention schedules.
  9. All content created or posted on City social media sites belongs to Tooele City.
  10. The City webmaster either collects and maintains all passwords to approved social media sites, or has administrative access to these sites. Passwords follow the password policy in this Section.
  11. Final decisions about information posted to social media are approved by the Mayor.

**K. EXCEPTION TO CITY USE OF SOCIAL MEDIA**

Law enforcement personnel and legal staff may engage in use that is listed as prohibited when such use is necessary to perform their law enforcement and legal duties and he/she has received advance approval from his/her supervisor. It is recommended that supervisors provide the IT Department with notice of authorized use.

**L. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA**

Employees’ personal use of social media may create workplace implications. Therefore, the following guidelines and reminders are provided to employees:

1. **Workplace Implications** – The same principles and guidelines found in Tooele City’s policies and procedures apply to social media activities. Conduct that adversely affects job performance, the workplace, the performance of fellow

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associates or otherwise adversely affects members, citizens, suppliers, people who work on behalf of Tooele City may be job-related. Employees are responsible for what they post online and are encouraged to consider some of the risks and rewards that are involved with social media activities.

2. **Know Policies and Procedures** – Employees are expected to carefully read these guidelines and the City’s Personnel Policies and Procedures giving special attention to EEO, No-Harassment & No-Retaliation, and Disciplinary Sections to ensure that postings are consistent with these policies. Employees are specifically expected to refrain from social media activities that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparage citizens, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law.
3. **Be Respectful** – Employees should be fair, courteous, and respectful to fellow employees, citizens, suppliers or people who work on behalf of Tooele City.
4. **Consider Available Internal Resources to Resolve Workplace Complaints** – Workplace complaints are more likely to be resolved by speaking directly with co-workers or by utilizing the City’s internal grievance procedure than by posting complaints to a social media outlet.
5. **Be Honest and Accurate** – Employees are expected to convey a true and accurate impression of the facts and circumstances, to be honest, and to be accurate when posting information or news, and if a mistake is made, to correct it quickly.
6. **Confidentiality and GRAMA** – Employees are expected to maintain the confidentiality of private, confidential, and protected information. Employees may not post internal reports, other internal business-related confidential communications or records that have not been obtained pursuant to GRAMA.
7. **Disclosure** – Express only personal opinions. Employees may not represent themselves as a spokesperson for Tooele City. If Tooele City is a subject of the content being created, employees should be clear and open about the fact that they are an employee and make it clear that the views do not represent those of Tooele City, fellow associates, members, citizens, suppliers or people working on behalf of Tooele City. If employees do publish a blog or post online related to their work or subjects associated with Tooele City, they must make it clear that they are not speaking on behalf of Tooele City. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Tooele City.”

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8. **Permanent Records** – The Internet archives almost everything; therefore, even deleted postings can be searched. Employees are reminded that their social media activities can become permanent records. Often times messages on social media reach a broader audience than was intended when the message was posted and these messages may be difficult to edit or retract once posted.

M. STORAGE & RETENTION OF ELECTRONIC RECORDS

1. Department heads set standards for retention of electronic records. Individual department policy should follow the Utah Municipal General Records Retention Schedule.
2. Cloud services should not be used to store data unless approved by IT and the employee's supervisor. Sensitive data should be encrypted before being stored on Cloud services. Cloud services should not be used on personal devices unless it is password protected, and, if it contains sensitive information, that information should be encrypted. Other Cloud services should be reviewed with IT for approval and security just like any other application.
3. Electronic records generated or received on the City systems may be public records and may be subject to public inspection. This includes, but is not limited to:
  - a. E-mails;
  - b. Social media;
  - c. Deleted files;
  - d. Data on personal devices used for City business; and,
  - e. City's computer systems.
4. Public requests for electronic records will be handled in compliance with GRAMA.
5. Deleted records, including deleted e-mail messages from a workstation mailbox, might not be deleted from the central computer systems. Records may be stored on the computer's back-up system for an indefinite period.
6. Employees should archive all official and/or substantive e-mail messages, as they would paper letters and memoranda. Casual, personal, non-substantive, advertisements, and other such e-mail messages should be deleted as soon as possible after receiving them.

N. SOFTWARE VENDORS, GUESTS, AND CONTRACTORS

1. When software vendors are visiting or accessing Tooele City and request a need to access the City's computer system, they may be granted limited access to the City

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network to administer, upgrade, or update their software. This shall be done under careful guidance of IT.

2. Guests, sales agents, and other non-City business related access can be allowed to use the Internet through a special visitor logon account to prevent access to City data, network, and equipment. Also, credentials may be shared for the use of non-internal Internet access, utilizing a wireless access point, by contacting an IT employee, when service is available. No one should connect to the City's network without IT permission.
3. Contractors may be granted the right to access the City's computer systems, with the Mayor's approval. Contractors are required to abide by this policy regarding acceptable use guidelines.

O. **REPORTING VIOLATIONS**

Employees should report violations of this policy to their immediate supervisor, or, if the violation is allegedly being committed by the supervisor, the employee may choose to report the violation to the department head, the human resource director, or the Mayor. To the extent possible, reports will be handled with confidentiality.

P. **PENALTIES**

Violations of this Section may be considered sufficient cause for disciplinary action in compliance with Tooele City's disciplinary policies, up to and including termination. Employees may be held responsible for any damages caused by unauthorized software or viruses they introduce into the computer system. In addition, violations of this Section or misuse of the e-mail, Internet system, or social media may be referred for criminal prosecution if warranted.



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A. PURPOSE

Normal day-to-day discussions between an employee and a supervisor regarding working conditions and employment-related matters are the most constructive and expeditious means of developing and enhancing favorable and effective work relationships. Tooele City encourages employees and supervisors to attempt resolution of a situation by using informal problem-solving techniques before filing a grievance pursuant to this Section.

This Section outlines the policy and procedures to be used if an employee declines to use informal means to resolve certain eligible grievances, or has done so but the concern was not resolved to the employee's satisfaction.

B. GRIEVANCE

1. The following may be grieved pursuant to this Section:

- a. Issues of violation of law, committed by the City that adversely affects the grieving employee. This includes, but is not limited to, issues of illegal discrimination, illegal pay practices, illegal retaliation, etc.;
- b. Issues of differences of interpretation or violations of the policies and procedures set forth in this Manual, committed by the City, that adversely affect the grieving employee;
- c. Regular status employees, as defined in Section 4 herein this Manual, may also grieve an adverse employment action that affects him/her if the adverse action occurred after the employee successfully completed his/her orientation period. Adverse employment actions are defined as:
  - 1) Involuntary separation/dismissal;
  - 2) Written reprimand;
  - 3) Suspension without pay;
  - 4) Involuntary transfer to a position of less remuneration. "Less remuneration" is defined as a reduction in the employee's current hourly equivalent rate of pay and does not include any premium pay, differential pay, or overtime pay. Movement to a lower salary grade or red-circle pay status does not constitute less remuneration for purposes of this Section;
  - 5) Involuntary demotion to a position of less remuneration; or,
  - 6) For purposes of this Manual, a Significant Incident Record (SIR), verbal warning, or a written corrective action plan, in and of itself, is not considered an adverse employment action.
- d. Appointed employees may grieve their involuntary separation or dismissal pursuant to Section 2-10 of the Tooele City Charter, as amended.

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2. The grievance procedure is as follows:

a. STAGE 1 –

**Filing Procedure.** An employee may initiate a formal grievance by submitting Tooele City's Statement of Grievance Form, to the Stage 1 supervisor within 20 working days after the act or occurrence or the date the employee became aware of the act or occurrence that caused the employee to be aggrieved. In an extenuating circumstance, the Stage 1 supervisor may consider a grievance received after the deadline if extenuating circumstances exist except that, for purposes of this Section, an employee may not grieve matters that occurred more than one year prior.

The Stage 1 supervisor is the first supervisor within the Department who has authority over the matter at issue. This is usually the supervisor who made the decision or committed the act or omission about which the employee is grieving. Examples:

- Disciplinary action is initiated by the employee's immediate supervisor; the immediate supervisor is the Stage 1 supervisor.
- Disciplinary action is initiated by the employees' department head (not the supervisor); the department head is the Stage 1 supervisor.
- A department head is believed to have violated a policy set forth in the Manual that adversely affected the grieving employee; the department head is the Stage 1 supervisor.

**Decision.** As soon as possible, but no later than 15 working days after receipt of the grievance, the Stage 1 supervisor must inform the employee in writing of the decision and the reasons therefore. This time limit may be extended for good cause, provided the Stage 1 supervisor, or in the absence of the Stage 1 supervisor a higher stage supervisor, advises the employee that the decision will be delayed and the expected date of the decision.

**Failure to Issue Timely Decision:** If the Stage 1 supervisor fails to issue a decision within the applicable time limits and the employee has not been notified of a need for extension, the employee may, at his or her option, proceed directly to Stage 2 within 15 working days of the expiration of the time limit.

b. STAGE 2 –

**Filing Procedure.** If the Stage 1 supervisor does not resolve the matter to the grieving employee's satisfaction, the employee may request further consideration of the grievance by submitting Tooele City's Statement of Grievance Form, to his/her Stage 2 supervisor, if one so exists, within 15

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working days. The Stage 2 supervisor is the individual who has supervision over the Stage 1 supervisor. This may be a Lieutenant, Captain, Department Head, or the Mayor, for example.

**Decision.** As soon as possible, but no later than 15 working days after receipt of the grievance, the Stage 2 supervisor must inform the employee in writing of the decision and the reasons therefore. This time limit may be extended for good cause, provided the Stage 2 supervisor or, in the absence of the Stage 2 supervisor, a higher-level supervisor, advises the employee that the decision will be delayed and the expected date of the decision.

**Failure to Issue Timely Decision.** If the Stage 2 supervisor fails to issue a decision within the applicable time limits, the employee may, at his or her option, proceed directly to Stage 3 within 15 working days of the expiration of the time limit.

c. STAGE 3a, 3b, etc.

**Filing Procedure.** An employee may request that the grievance be reviewed by a higher-level supervisor, if one so exists, by following the Stage 2 procedure for each consecutive supervisor, up to the Mayor, and replacing the terms “Stage 2 supervisor” with “Stage 3a supervisor, Stage 3b supervisor, etc.”

Examples:

	Police Sergeant has authority over the matter at issue	Police Lieutenant made the decision and Sergeant does not have authority over the matter at issue	Police Sergeant has authority over the matter at issue. No Captain exists at the time.	Supervisor has authority over the matter at issue	Department Head made the decision and Supervisor does not have authority over the matter at issue	Mayor made the decision and Department Head does not have authority over the matter at issue
Stage 1	Police Sergeant	Police Lieutenant	Police Sergeant	Supervisor	Department Head	Mayor
Stage 2	Police Lieutenant	Police Captain	Police Lieutenant	Department Head	Mayor	
Stage 3a	Police Captain	Chief of Police	Chief of Police	Mayor		
Stage 3b	Chief of Police	Mayor	Mayor			
Stage 3c	Mayor					
Appeal Board	Some matters at issue may be appealed to the Appeal Board as described herein this Section.					

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- d. **Alternative Procedure for Discrimination Complaints.** Employees may file a discrimination complaint through this Grievance procedure; or, if it is alleged that the discrimination is being conducted by an individual to whom the complaint would be filed, the employee may choose to file a complaint directly with the Director of Human Resources, City Attorney, or the Mayor by submitting Tooele City's Statement of Grievance Form or by other written or verbal notification. In such cases, the complaint will be reviewed to determine if further investigation is either warranted or needed. Tooele City's desire is to review such complaints expeditiously but the time periods will vary based on the nature and complexity of the complaint.
- e. **Alternative Procedure for Harassment or Retaliation Complaints.** Employees may file a complaint of harassment or retaliation pursuant to this Section or pursuant to Section 16: No-Harassment & No-Retaliation. In such cases, the complaint will be reviewed to determine if further investigation is either warranted or needed. Tooele City's desire is to review such complaints expeditiously but the time periods will vary based on the nature and complexity of the complaint and the procedure will be as specified in that Section.

### C. APPEAL BOARD

1. Regular status employees who have completed their orientation period may appeal the following to the Appeal Board:
  - a. After exhausting the formal grievance procedural steps identified in part B above:
    - 1) Involuntary separation (i.e. termination or dismissal);
    - 2) Suspension without pay for more than two days;
    - 3) Involuntary transfer from one position to another with less remuneration;
    - 4) Involuntary demotion to a position of less remuneration; or
  - b. Any adverse employment action if the Mayor failed to render a decision in accordance with part B above.
2. The Appeal Board will conduct its hearings in accordance with the procedures set forth in the Tooele City Code.
3. Appeals to the Appeal Board must be submitted on Tooele City's Statement of Grievance Form, and received by the City Recorder's Office within ten (10) working days after receiving the Mayor's decision or after the Mayor's decision should've been received. The City Recorder will promptly refer a copy of the

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appeal to the Appeal Board members. Upon receipt of the appeal, the Appeal Board will have up to twenty (20) working days to schedule a hearing.

4. Appealing employees have the right to appear before the Appeal Board in person, to be represented by legal counsel, to present their own witnesses and evidence, to have a public hearing, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeal Board. Appealing employees do not have the right to require the City to compel the attendance of witnesses not under the City's direct control.
5. The defending City representative has the right to appear before the Appeal Board in person, to be represented by counsel, to present their own witnesses and evidence, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeal Board.
6. The Appeal Board may determine the following:
  - a. Whether the appealing employee was afforded adequate due process;
  - b. Whether the adverse employment action was lawful;
  - c. Whether the adverse employment action was supported by substantial evidence; and,
  - d. Whether applicable, established Tooele City Policies and Procedures were substantially followed.
7. The Appeal Board may not decide an appeal based upon an interpretation of law or policy different from that of managers, override or modify policy previously approved by the City Council by ordinance, override or modify duly enacted laws or regulations, or render findings based on superceded laws, policies, procedures, or practices.
8. Each decision of the Appeal Board is by secret ballot. The Appeal Board will communicate to the City Recorder the results of the vote within five (5) working days from the date the appeal hearing. For good cause, the Appeal Board may extend the 5-day period to fifteen (15) working days. The City Recorder, in turn, will communicate the decision to the appealing employee and to the Mayor.
9. If the Appeal Board finds in favor, in full or in part, of the appealing employee, the Appeal Board must provide that the employee receives:
  - a. The employee's salary for the period of time during which the employee is discharged or suspended without pay;
  - b. Any deficiency in salary for the period during which the employee was transferred or demoted to a position of less remuneration; and,
  - c. May provide that any reinstatement of salary be offset by any compensation

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the employee received from other sources such as unemployment, disability, or other employment during the pendency of the appeal. Insurance reinstatement is under the control of the respective insurer and reinstatement may still result in the employee being subject to re-hire status, pre-existing condition clauses, etc.

10. The Appeal Board will deliver to the City Recorder written findings supporting the majority vote.
11. The City Recorder will keep a record of the appeal and the appeal proceedings. This record will include, among other things,
  - a. The marked ballots;
  - b. The findings;
  - c. Any recording of the appeal proceedings; and,
  - d. All evidence and materials submitted to the Board by the City and by the appealing employee.

### **D. COURT OF APPEALS**

The result of the Appeal Board's secret ballot vote may be appealed by either the City or the appealing employee to the Utah Court of Appeals by filing with that Court a Notice of Appeal pursuant to U.C.A. §10-3-1106 (1953), as amended. In the event an appeal is filed with the Court of Appeals, the decision of the Appeal Board, including payment of back wages, will be automatically stayed from the date of the Appeal Board's vote until a ruling has been rendered by the Court of Appeals.

### **E. COSTS**

Each party pays its own costs and legal fees associated with any grievance or appeal.

### **F. NOTIFICATION WHEN EMPLOYEE IS NOT AVAILABE FOR HAND DELIVERY**

For purposes of this Section, if an individual is not available for hand delivery of a notice or other communications, Tooele City may deem that respective communications were received on the date that the notice was sent to the e-mail address or three days after the notice was mailed by US Postal Service. Notice to any agent acting on behalf of or representing the employee, as listed on the submitted Tooele City Statement of Grievance Form or through other legal notice, will be deemed to be notice to the employee.

## OUTSIDE EMPLOYMENT

Revised June 2023

SECTION: 14

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### A. POLICY

1. Employees may engage in employment outside of their City work hours if such employment:
  - a. Does not interfere with the proper and effective performance of their official duties or adversely affect their independence of judgment in the exercise of those duties;
  - b. Does not have the potential to impair physical and mental capability of the employee to perform their official duties nor have the potential to create a safety risk (such as insufficient sleep, etc.); and,
  - c. Does not present actual or potential conflict of interest for the employee or Tooele City.
2. Employee must give priority to their employment with Tooele City.
3. The Police Department Policies & Procedures Manual may provide additional information regarding outside employment of sworn law enforcement officers.

### B. DEFINITIONS

For purposes of Section, “outside employment & employed/employment” means the receipt of wages, compensation or other consideration of value from another employer, organization, or individual other than Tooele City for services, product(s) or benefits rendered. It also includes those employees who are self-employed, and/or have a substantial interest or ownership in a business. This does not include volunteer services.

### C. DISCLOSURE REQUIREMENTS

The Utah Municipal Officers’ and Employees’ Ethics Act, as amended, requires public officials and employees of the municipality to make certain disclosures both prior to and annually thereafter certain actions. Outside employment, in some circumstances, falls under this requirement. (See Section 0: Ethics & Conflicts of Interest herein this Manual)

To comply with State Code and ensure compliance with Tooele City’s Outside Employment policy, employees considering or engaged in outside employment shall complete and submit to their department head the Outside Employment Disclosure Form which provides certification that the outside employment complies with State Code and this policy.

Employees shall submit a new Disclosure if the circumstances relevant to the original disclosure change.

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**D. DENIAL OR REVOKATION OF PRIOR APPROVAL**

In the event Tooele City determines that outside employment does not comply with State Code or this policy, a statement of the reason and/or notice of policy violation shall be given to the employee.

Tooele City reserves the right to revoke any previous approval at any time. Notice of revocation shall be provided to the employee in writing with an explanation.

**E. WORKING OUTSIDE EMPLOYMENT WHILE ABSENT FROM TOOEELE CITY**

Employees should reference appropriate policies regarding paid leave benefits to determine any limitation on use of paid leave benefits while working outside employment.



## **POLITICAL ACTIVITY**

Revised September 2005

SECTION: 15

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### **A. VOLUNTARY PARTICIPATION IN POLITICAL ACTIVITY**

City employees may voluntarily participate in political activity subject to the following:

1. An employee may not hold an elected Tooele City political office while employed by Tooele City.
2. An employee who is elected to any partisan or full-time nonpartisan political office shall be granted a leave of absence without pay for times when monetary compensation is received for service in the political office.
3. An employee may not engage in any political activity during the hours of employment, nor may any person solicit political contributions from employees of the executive branch during hours of employment for political purposes.
4. Partisan political activity may not be a basis for employment, promotion, demotion, or dismissal.

### **B. POLITICAL SUPPORT**

Nothing contained herein may be construed to preclude voluntary contributions by an employee to the party or candidate of the employee's choice, or permit partisan political activity by any employee who is prevented or restricted from engaging in the political activity by the provisions of the federal Hatch Act.

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**A. PURPOSE**

This Section:

1. Establishes and communicates Tooele City's no-harassment and no-retaliation policy;
2. Gives employees examples of conduct that is inappropriate;
3. Informs employees of the avenues available to address or report harassment or retaliation including the City's internal reporting and complaint procedures;
4. Communicates employee and management responsibilities; and,
5. Communicates the City's procedural guidelines used to review and investigate reported violations of this Section and/or complaints.

**B. POLICY SUMMARIZED**

1. Employees may not engage in unwelcome verbal or physical conduct based on sex, race, color, religion, national origin, age, disability, pregnancy, genetics, gender identity, sexual orientation, and/or any other legally protected status under state or federal law.
2. Employees may not engage in conduct that creates or has the potential to create a violent workplace.
3. Employees may not be retaliated against for engaging in a legally protected activity.
4. Employees may, but are not required to, speak with any individual engaging in offensive conduct and ask that it stop immediately. If any employee chooses not to do so, or has done so but the conduct continues, employees have a duty to promptly report it to management, regardless of whether the harassment was committed by a manager, elected official, coworker, customer, vendor, or anyone else with whom the employee had contact as a result of his/her employment with Tooele City and whether or not the conduct occurred in or outside the workplace.
5. Employees who violate this Section may be subject to disciplinary action, consistent with Tooele City's disciplinary policy, up to and including dismissal from employment.

**C. TYPES OF HARASSMENT & CITY'S EXPECTATIONS**

For purposes of this Section, Tooele City defines harassment as follows:

**1. Sexual Harassment.**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1)(a) submission to such conduct is made either explicitly or implicitly as a term or condition of employment; or (b) submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual (i.e. "quid-pro-quo" harassment), or

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(2)(a) such conduct is severe or pervasive; and (b) has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile work environment (i.e. "hostile work environment" harassment).

Examples of inappropriate conduct include, but are not limited to:

- Sexual comments or innuendos; adult-oriented language, turning work discussions to sexual topics; sexual or "dirty" jokes or stories; innuendos of a sexual nature including rumors of a sexual nature or gossip about sexual matters; asking about sexual fantasies, preferences, or history;
- Whistling at someone or making "cat calls," kissing sounds, howling, and smacking lips; massaging others in the workplace or other physical contact that may be viewed as intimate;
- Unwelcome sexual advances; looking a person up and down (elevator eyes), staring at someone; blocking a person's path, or refusing to let a person leave a room;
- Engaging in sexual harassment outside of work with a co-worker;
- Obscene, sexual, or pornographic photos, images, telephone calls, e-mails, electronic communications, letters, notes, or other objects; pornography or sex objects/toys;
- Demanding/requesting sexual favors or actions in exchange for favorable employment conditions or treatment or for continued employment;
- Posting sexual material about other employees on social networking or other electronic mediums; or,
- Illegal activity such as sexual assault, rape, lewdness, or groping; unwelcome physical contact such as touching, patting, pinching, or brushing against another's body.

**2. Discriminatory Harassment.**

Conduct that disparages an individual based on their protected characteristic of race, ethnicity, color, religion, gender, marital status, pregnancy, national origin, age, disability, veteran status, gender identity, sexual orientation, or any other legally protected characteristic constitutes harassment when it is: (1) unwelcome; (2) creates an intimidating, hostile, or offensive work environment; and (3) is sufficiently severe or pervasive as to alter the terms and conditions of employment in the mind of the victim and from the perspective of a reasonable person in the victim's position.

Some examples of inappropriate conduct include, but are not limited to:

- Derogatory or offensive comments, gestures, innuendos, jokes, or actions based on a protected characteristic, such as: racial slurs, jokes, stereotypes, mimicking the way someone speaks or moves;
- Mocking, mimicking, or otherwise making offensive or derogatory sounds or put-downs based on a protected characteristic;
- Continuing to express religious or moral beliefs and commitments in the workplace (including preach, proselytize, or direct other forms of religious solicitation and expression) in an unreasonable, disruptive, or harassing way such as continuing solicitation and expressions to another employee after being asked to not do so or when the expression is in direct conflict with the essential business-

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- Targeting an individual because he/she chooses to practice a specific religion, mocking another's religious beliefs;
  - Telephone calls, e-mails, electronic communications, letters, notes, photos, or other objects that are offensive and based on a protected characteristic;
  - Accessing websites that are offensive, discriminatory, and based on a protected characteristic.
- related interests of the employer such as derogatory comments about a particular religious segment of the community the employee serves; or,

**3. Workplace Violence.**

Violence can include more than inflicting physical harm to others or self. Violent behavior also consists of threats of harm to others and acts of aggression. Such behavior constitutes prohibited harassment if it is: (1) unwelcome; (2) creates an intimidating, hostile, or offensive work environment; and (3) is sufficiently severe or pervasive as to alter the terms and conditions of employment in the mind of the victim and from the perspective of a reasonable person in the victim's position.

Examples of inappropriate conduct include, but are not limited to:

- Threatening statements, telephone calls, letters, or other communications including threats made by electronic devices or mediums including social media;
- Vandalism of personal or City property;
- Assaults on employees or their families or pets;
- Direct or implied threats of physical harm to an employee or someone the employee cares about;
- Pushing, fighting, shoving, or touching in an angry, aggressive, or threatening manner;
- Violence or retaliation toward an employee;
- Following or stalking an employee;
- In an intimidating manner, carrying, showing, or displaying dangerous weapons, except for police officers using such devices in performance of their duties or in necessary self-defense.

**4. Not Harassment.**

For purposes of this Section, the following generally does not constitute harassment for purposes of this Section:

- Although unprofessional for the workplace and may be addressed as a performance or other workplace conduct matter:
  - The occasional use of swear words or language that is characterized as merely rude, unprofessional, or unpleasant;
  - General workplace disagreements, boorish conduct, juvenile conduct, personality differences, or verbal "butting of heads"; or,
  - The incidental rising of voices during workplace discussions or disagreements.
- Bona fide changes in the workplace even though the employee objects;
- Expressing religious or moral beliefs and commitments in a reasonable, non-disruptive, and non-harassing way, unless the expression is in direct conflict with the City's essential business-related interests.
- Bona fide requests or demands by a supervisor that the employee improve performance, change methods of performing work, comply with City or department policies, procedures, rules, or regulations,

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and other appropriate work-related communication between supervisor and employee even though the employee may not welcome the communication or may feel uncomfortable with the communication; or,

- Acts or omission based on occupational qualifications under the law, e.g., a peace officer making a lawful arrest or brandishing a weapon in official police capacity.

**D. RETALIATION**

In general, retaliation is conduct that dissuades an employee from exercising his/her legally protected rights. Retaliation may consist of, but is not limited to, actions such as taking adverse action against an employee because he/she has: (1) opposed employment discrimination or harassment (2) participated in investigative proceedings such as conducting, testifying, assisting, or participating in any manner; or (3) engaged in legally protected “whistle blowing” activities such as communicating, in good faith, allegations of waste, misuse of public funds, property, or labor (see Utah Code 67-21-1 known as the “Utah Protection of Public Employees Act”), or reporting violations of health, safety, or environmental standards; or (4) otherwise asserted rights under laws or policy. Conduct may be retaliation regardless of whether it occurred on- or off-duty, in or outside of the workplace, or whether a victim is employed or separated from the City.

In the context of retaliation, examples of adverse actions include, but are not limited to:

- Open hostility, threats, name calling, or intentional actions that the reasonable person would find to embarrass;
- Exclusion/ostracism;
- Tokenism or patronizing conduct;
- Unwarranted negative remarks, reprimands, or evaluations;
- Giving unwarranted negative job references;
- Increased supervisory attention such as: increased review of work product, intentionally searching computer e-mail or other records for no legitimate business reason or inconsistent reasons, asking others to pay more attention to an employee and to report any violations, reviewing problems that occurred before the employee filed the complaint and that the supervisor knew about but at the time did not take action;
- Unwarranted demotion, suspension, or termination without cause;
- Refusal to hire or promote an otherwise best qualified individual;
- Taking adverse action against or conduct towards an employee because he/she supported someone in the workplace in his/her complaint or participation in an investigation (i.e. retaliating against an employed family member of someone who opposed allegedly unlawful employment practices);
- Substantial and unjustified changes in individual work assignments including unwarranted change in over-time, on-call rotation, or other specialty assignments; or,
- Unreasonable supervisory-imposed time restrictions.

**E. MANAGEMENT RESPONSIBILITY TO ENFORCE & ACT**

1. Management plays a key role in helping to achieve a workplace culture that is free from harassment or retaliation. Disciplinary action, up to and including dismissal,

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may result if a manager engages in harassing behavior, condones such behavior, neglects to take appropriate measures to prevent or stop such behavior, neglects to properly report such behavior (whether observed first-hand, suspected, or reported), neglects to take appropriate corrective or disciplinary action against offenders, or retaliates against a person in violation of this Section.

2. In addition, managers who engage in harassment or retaliation in violation of federal or state laws while employed by the City may be sued and held personally liable for their actions.

**F. EMPLOYEE RESPONSIBILITY TO REPORT**

1. Employees play a key role in helping to achieve a workplace culture that is free from harassment or retaliation. Tooele City wants to know about inappropriate conduct so that it may be corrected promptly.
2. Employees may, but are not required to, speak with any individual engaging in offensive conduct and ask that it stop immediately. If any employee chooses not to do so, or has done so but the conduct continues, employees are expected to report harassment or retaliation promptly.
3. Any employee with knowledge of inappropriate conduct that may be in violation of this Section, are encouraged to report it promptly, even if they are not a victim or a party to the alleged inappropriate conduct.
4. To provide employees with reporting avenues that are free from bias, collusion, intimidation, or reprisal employees may use any of the following avenues to report conduct in violation of this Section:
  - a. Employees who are victims may file a report pursuant to Section 13: Grievance Procedure herein this Manual; or,
  - b. Employees may notify their supervisor, department head, director of human resources, the city attorney, or the mayor. Employees do not have to follow their chain-of-command to file a Report. Reports may be done through either verbal or written notification; however, written notification is preferred. Reports should be as detailed as possible, including the names of the individuals involved, the names of any witnesses, direct quotations when language is relevant, dates, times and any documentary evidence such as notes, pictures, cartoons, etc.

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5. To the extent possible, reports will be handled with confidentiality but they will need to be reviewed and/or investigated.
6. In most circumstances, employees are expected to continue to report to work. However, if they reasonably believe doing so would place them in danger, they are expected to report immediately to their supervisor, department head, the director of human resources, or the city attorney for further guidance.

**G. REVIEW & INVESTIGATION PROCEDURE**

**1. Preliminary Review**

- a. The individual to whom the report was made is expected to initiate a Preliminary Review of the allegations by convening the Preliminary Review Committee (“Committee”). The Committee generally consists of the department head of the accused and the department head of the alleged victim, the director of human resources, and the city attorney. If a Committee member believes that a conflict of interest exists or may arise, the Committee may be modified by the Committee members not conflicted, at their discretion.
- b. Reports of illegal conduct should be reported promptly to law enforcement.
- c. The Committee determines if a formal investigation is either warranted or needed. The Committee takes into consideration such things as whether the employee has shown a prima facie case of harassment or retaliation or whether there are any material facts in dispute and if so, whether a formal investigation may give a better picture of the material facts. The Committee may take preliminary steps such as reviewing records or witness statements, speaking with individuals to clarify information, or requesting additional documentation or information.
- d. The Committee will make a finding regarding whether a formal investigation is needed or warranted.
- e. The accused may be instructed to not contact the reporting employee or alleged victim regarding the conduct reported.
- f. If the Committee determines that an investigation is not warranted or needed, the alleged victim and accused should be notified accordingly.

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**2. Resolution by Mutual Agreement**

If the Committee determines that a formal investigation should be conducted, the Committee may attempt to resolve the complaint by discussing the possibility of resolving the matter by mutual agreement with the complainant and accused separately. Agreements are voluntary, and no party may be required to resolve a complaint by mutual agreement as a term of employment. Agreements must be in writing, signed by the accused and the alleged victim, with all parties receiving a copy. If a party refuses to comply with the terms of the agreement, or if harassment continues, a formal investigation may still be initiated.

**3. Formal Investigation**

- a. If a report of harassment cannot be resolved by Preliminary Review or by Mutual Agreement, as applicable, the Committee will promptly begin, or cause to begin, a Formal Investigation. From this point in time, the Preliminary Review Committee operates as an Investigative Committee. At the discretion of the Investigative Committee, the Investigative Committee may be modified and/or outsourced to an investigator outside of the City.
- b. The Formal Investigation differs from the Preliminary Review process. Its purpose is to discover relevant facts regarding the alleged misconduct and to render a finding. The formal investigation may include such actions as compelling employees to testify before investigators, speaking with a broad range of witnesses, and seeking out and reviewing information not otherwise provided by the reporting employee, the alleged victim, or the accused.
- c. When the investigation is complete, the Committee, investigator, or designee, will inform those in the “need to know” group (i.e. involved department heads, supervisors, the Mayor, City Council Chair, etc.), the complainant/victim, and the accused of the disposition.

**4. Procedure for Reports Against Elected Officials**

- a. If a complaint is made against an elected official, the individual to whom the report was made is expected to initiate a Preliminary Review of the allegations by convening the Preliminary Review Committee (“Committee”). The Committee generally consists of the department head of the alleged victim, the director of human resources, and the city attorney. If a Committee member believes that a conflict of interest exists or may arise, the Committee may be modified by the Committee members not conflicted, at their discretion.



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- b. The Committee makes no determination as to the validity of the complaint whatsoever. The Committee determines only if the topic of the complaint falls within the parameters of this Section.
  
- c. If the complaint does fall within the parameters of this Section, the complaint is sent for investigation to a qualified, external law firm or otherwise neutral external individual who is trained and competent in conducting harassment and retaliation investigations. The selection of such is made as follows:
  - (1) If the accused is the Mayor, the complaint is forwarded to the City Council who then shall select a qualified external individual to conduct a preliminary review and/or formal investigation.
  - (2) If the accused is a City Councilperson, the complaint is forwarded to the Mayor who then shall select a qualified external individual to conduct a preliminary review and/or formal investigation.

**H. RECORDS**

- 1. Tooele City's human resource office maintains protected files for harassment complaints for a minimum of 5 years and thereafter may be destroyed. Related material such as disciplinary actions, are maintained in the employee's personnel file.
- 2. Pursuant to this Section, all information contained in the file is classified as Protected and Private records pursuant to requirements of law, Government Records Access and Management Act, Section 63G-3-101 et. Seq. Information contained in the file is released by the Director of Human Resources or the City Attorney and only when classified in compliance with the requirements of law.
- 3. Participants in any harassment proceeding will treat all information as Private and Protected.

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### A. PURPOSE

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

This Section 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

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subject to the same policy requirements for lawful use of other prescriptions.

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

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revoked due to a drug or alcohol conviction or offense.

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

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as the following: odors (e.g., smell of alcohol, body odor, urine); movements (e.g., 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

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(e.g. testing is overbroad when it includes all employees in a vehicle, especially 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: <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the employee received or is likely to receive a moving traffic violation in relation to an accident; and/or,</li> <li>(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.</li> </ul> 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: <ul style="list-style-type: none"> <li>(a) The vehicle is towed from the scene; or</li> <li>(b) Someone incurs bodily injury with medical treatment away from the scene.</li> </ul> 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 12 hours, but cannot exceed 32 hours from time of event.
CDL Drivers Alcohol Test DOT- required		Within 2 hours, but cannot exceed 8 hours from 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.*



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### c. Drug Testing

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

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condition that impacts the employee's ability to provide a sufficient sample.

- 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.

### H. 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.

## DRUG AND ALCOHOL FREE WORKPLACE

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### I. CONSEQUENCES FOR POLICY VIOLATION OR POSITIVE TESTS

Applicants who refuse to participate in a required drug test or who test positive generally will not be hired.

Employees who violate any provision of this policy may be subject to disciplinary action, up to and including dismissal.

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.

### J. 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.

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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 §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

## DRUG AND ALCOHOL FREE WORKPLACE

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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.

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.

## WORKERS' COMPENSATION

SECTION: 18

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### A. WORKERS' COMPENSATION COVERAGE

Tooele City operates under the Workers' Compensation provisions found in the Utah Code, and in particular Utah Code 35-1-45 which provides:

"Each employee mentioned in Section 35-1-43 who is injured and the dependents of each such employee who is killed, by accident arising out of and in the course of his employment, wherever such injury occurred, if the accident was not purposely self-inflicted, shall be paid compensation for loss sustained on account of the injury or death, and such amount for medical, nurse, and hospital services and medicines, and, in case of death, such amount of funeral expenses, as provided in this chapter. The responsibility for compensation and payment of medical, nursing, and hospital services and medicines, and funeral expenses provided under this chapter shall be on the employer and its insurance carrier and not on the employee."

### B. REPORTING OF INJURIES

Any employee sustaining an injury arising out of and in the course of employment shall notify the supervisor immediately. If the employee is unable to provide notification, the employee's next-of-kin or attorney may provide notification of the injury to the supervisor. The supervisor shall immediately report the injury to the City's designated officer.

### C. EMPLOYER'S REPORTS

The City shall file a report of injury with the Industrial Commission of Utah within seven days after the occurrence of an injury after the City's first knowledge of the occurrence, or after the employee's notification of the same, on forms prescribed by the commission, of any work-related fatality or any work-related injury resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. The City shall file a subsequent report with the commission of any previously reported injury that later resulted in death. The subsequent report shall be filed with the commission within seven days following the death or the City's first knowledge or notification of the death. No report is required for minor injuries, such as cuts or scratches that require first-aid treatment only unless a treating physician files, or is required to file the Physician's Initial Report of Work Injury with the commission. The City shall provide the employee a copy of the reports submitted to the commission. Tooele City shall also provide the employee with a statement, as prepared by the commission, of the employee's rights and responsibilities related to the injury.

### D. MAINTENANCE OF RECORDS

Tooele City shall maintain a record in a manner prescribed by the commission of all work-related fatalities or work-related injuries resulting medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job.

## WORKERS' COMPENSATION

SECTION: 18

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E. LEAVE AND COMPENSATION:

Each employee eligible to receive workers' compensation is subject to the following:

1. The first three days of absence shall be taken as sick leave, if available.
2. Beginning with the fourth day, the employee will be required to discontinue sick leave benefits and begin workers' compensation benefits. If a benefit check has not been received by the time the next pay day is reached, an advance will be authorized for the approximate benefit amount due. When the benefit check is received by the employee, the advance must be immediately repaid. Once workers' compensation benefits begin, the employee will be placed on leave without pay but will continue to receive all regular City benefits at the City's expense at the current rate of contribution. If an employee is terminated, City benefits shall cease.
3. Under no circumstances shall an employee be permitted to receive a City paycheck while being paid compensation under the workers' compensation provisions.

F. RETURN TO WORK:

When an employee returns to work, the employee shall notify the mayor's designee who shall notify the commission to terminate the workers' compensation. An employee's right to return to City employment is governed by the following:

1. If an employee is on approved leave and returns to work within a one-year period, the employee shall be entitled to the previous position held or one with equivalent pay.
2. If the employee is on approved leave and desires to return to work later than one year after the injury, there is responsibility to find a position similar in pay to that previously held. The City may require medical evidence upon which to make a judgment.

## OCCUPATIONAL SAFTY AND HEALTH

### SECTION: 19

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#### A. POLICY

It is Tooele City's intent and purpose to preserve human resources by providing for the safety and health of workers, and to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act established by the federal law and Utah Code Title 35, Chapter 9.

#### B. HAZARD-FREE WORKPLACE

The City shall furnish each of its employees employment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees. Each employee shall comply with the occupational safety and health standards, orders, rules and regulations promulgated under the Utah Occupational Safety and Health Act.

#### C. INSPECTIONS

The City shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions and practice, defective equipment and materials, and where such conditions are found to take appropriate action to correct such conditions immediately.

#### D. ENFORCEMENT

Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. They shall warn all employees of dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.

#### E. RECORD OF ACCIDENTS

An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not time is lost. Accident records shall at all reasonable times be available to the Industrial Commission of Utah or its representatives upon request. Other records shall be kept as requested by the Industrial Commission of Utah.

#### F. POSTING EMERGENCY TELEPHONE NUMBERS

Each department head or supervisor shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. Such a list shall include:

1. The responsible supervisor;
2. A doctor;
3. The hospital;
4. An ambulance;
5. The fire department; and,
6. The police and sheriff.



## OCCUPATIONAL SAFTY AND HEALTH

SECTION: 19

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### G. CLEAN WORK AREAS

All supervisors and employees shall insure clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and shall be remedied within a reasonable period of time. When no other method or combination of remedies exists to minimize hazards due to toxic dust, fumes, gases, flying objects, dangerous rays, or burns from heat, acid, caustics or any hazard of a similar nature, the City shall provide each worker with necessary personal protection equipment such as respirators, goggles, gas masks, or certain types of protective clothing. Provision shall also be made to keep all equipment in good, sanitary working condition at all times.

### H. INVESTIGATION OF INJURIES AND OCCUPATIONAL DISEASES

The City shall investigate or cause to be investigated all work-related injuries and occupational diseases and any sudden or unusual occurrence or change of conditions that pose an unsafe or unhealthy exposure to employees.

### I. EMPLOYEE'S BELIEF OF IMMINENT DANGER

Any employee or representative of employees who believes that a violation of an adopted safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection of the violation or danger by giving notice to the authorized representative of the Occupational Safety and Health Division of the Industrial Commission of Utah. Any notice shall be in writing, setting forth with reasonable particularity the grounds for notice, and signed by the employee or representative of employees. A copy of the notice shall be provide to the City no later than at the time of inspection. Upon request of the person giving notice, such person's name and the names of individual employees referred to in the notice shall not appear in the copy or on any record published, released, or made available.

### J. REPORTING SUDDEN OR UNUSUAL CONDITIONS

Should any sudden or unusual occurrence or change of condition occur, such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, or fires, that might affect the safety or health of City employees or tend to increase the hazards thereof, the department head or other designated authority shall immediately notify the Industrial Commission of Utah. Such notification shall be made whether or not any actual injury results from the above occurrences or changes of condition.

### K. SAFETY RULES

1. No person shall remove, displace, destroy or carry away any safety device or safeguard provided for use in any place of City employment or interfere with the use of any method or process adopted fro the protection of employees.

## OCCUPATIONAL SAFTY AND HEALTH

### SECTION: 19

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2. No employee shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees or other persons.
3. Employees who do not understand or speak the English language shall not be assigned to any duty or work place where the lack or partial lack of understanding or speaking of English might adversely affect their safety or that of other employees.
4. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.
5. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where entanglement hazard exists.
6. Wristwatches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.
7. No employee shall carry liquor into a place of employment, except for confiscated liquor being used as police or court evidence.
8. No intoxicated person shall be allowed to go into or loiter around any operation where workers are employed except where the employee's working conditions require it.

#### L. INFORMATION

Additional information relative to the Occupational Safety and Health Act can be obtained from:

The Industrial Commission of Utah  
448 South 440 East  
Salt Lake City, Utah 84111  
Telephone: ~~533-6401~~ 801-530-6901

~~The Utah Intergovernmental  
Personnel Agency  
1234 South Main Street  
Salt Lake City, Utah 84101  
Telephone: 533-6301~~

## OCCUPATIONAL DISEASE DISABILITY COMPENSATION

### SECTION: 20

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#### A. OCCUPATIONAL DISEASE DISABILITY COMPENSATION COVERAGE

Tooele City operates under the Utah Occupational Disease Disability Law found in Utah Code, Title 35, Chapter 2. Each employee sustaining an occupational disease as defined in Chapter 2, which includes anthrax, silicosis, and certain poisonings, may be entitled to compensation for disability or death. To qualify, the occupational disease must arise out of and in the course of employment and the disease cannot be acquired through willful misconduct, willful self-exposure or disobedience to such reasonable rules and regulations as may be adopted by the City.

#### B. REPORTING OF INJURIES

Any employee sustaining an occupational disease arising out of and in the course of employment shall notify the supervisor immediately. If the employee is unable to provide notification, the employee's next-of-kin or attorney may provide notification of the occupational disease to the supervisor. The supervisor shall immediately report the occupational disease to the mayor's designee.

#### C. EMPLOYER'S REPORTS

The City shall file a report of occupational disease with the Industrial Commission of Utah within seven days after the occurrence of an occupational disease after the employee's notification of the same, on forms prescribed by the commission, of any occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. The City shall file a subsequent report with the commission of any previously reported occupational disease that later resulted in death. The City shall provide the employee a copy of the reports submitted to the commission. The city shall also provide the employee with a statement, as prepared by the commission, of the employee's rights and responsibilities related to the occupational disease.

#### D. MAINTENANCE OF RECORDS

The City shall maintain a record in a manner prescribed by the commission of all occupational diseases resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job.

#### E. LEAVE AND COMPENSATION

1. The first three days of absence shall be taken as sick leave, if available.
2. Beginning with the fourth day, the employee will be required to discontinue sick leave benefits and begin occupational disease disability benefits. If a benefit check has not been received by the time the next pay day is reached, an advance will be authorized for the approximate benefit amount due. When the benefit check is received by the employee, the advance must be immediately repaid. Once occupational disease disability compensation benefits begin, the employee will be placed on leave without pay but will continue to receive all regular City

## OCCUPATIONAL DISEASE DISABILITY COMPENSATION

### SECTION: 20

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benefits at the City's expense at the current rate of contribution. If an employee is terminated, the City benefits shall cease.

3. Under no circumstances shall an employee be permitted to receive a City paycheck while being paid compensation under the occupational disease disability compensation provisions.

#### F. RETURN TO WORK

When an employee returns to work, the employee shall notify the mayor's designee who shall notify the commission to terminate the occupational disease disability compensation. An employee's right to return to City employment is governed by the following:

1. If the employee is on approved leave and returns to work within a one-year period, the employee shall be entitled to the previous position held or one with equivalent pay.
2. If the employee is on approved leave and desires to return to work later than one year after contracting the disease, there is responsibility to find a position similar in pay to that previously held. The City may require medical evidence upon which to make a judgment.

## **JURY AND WITNESS LEAVE**

SECTION: 21

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**A. WITNESS OR JURY DUTY**

Any employee who, in obedience to a subpoena or direction by proper authority, appears as a witness or juror for the federal or state government or political subdivision thereof, shall be entitled to either that employee's regular compensation or the per diem fees offered by the court, but not both.

**B. PRIVATE LITIGATION**

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

## ADMINISTRATIVE LEAVE

Revised January 2016

### SECTION: 22

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#### A. MAYOR DESIGNATION

The Mayor may authorize paid administrative leave as deemed necessary or appropriate. Administrative leave is used rarely and for reasons such as, but not limited to: weather-related closure, emergency closures, employee recognition, or limited unforeseen business situations that may adversely impact employee pay or benefits.

#### B. BUSINESS REASONS

A department head, with approval from the Mayor, may temporarily relieve an employee from his or her normal responsibilities, while continuing to receive regular pay and benefits when necessary to address a particular situation. An employee is only placed on administrative leave when it is determined that it is in the best interests of the organization for the employee to not remain in the workplace.

1. The most common reasons for placing an employee on administrative leave are:
  - a. As a prudent business practice to provide for security or to secure sensitive information or to provide for safety of the employee or others.
  - b. When an allegation of misconduct has been made against the employee and/or to facilitate an investigation. Administrative leave is non-punitive and does not in itself imply that an employee is or will be disciplined nor even that an allegation is credible, which is why pay and benefits are continued.
  - c. To remove an employee from the workplace who is behaving, or the City has concerns may behave, disruptively pending assessment of the situation.
  - d. To protect an employee from harassment, retaliation, or an adversarial work environment following a complaint or whistleblowing.
2. "Home Assignment" is an alternative term for administrative leave for business reasons. The employee is normally required to remain at home during the regular work hours or as instructed by the supervisor, and/or, to remain available for contact or timely return to work during regular work hours. Other proactive measures may be taken and are non-punitive, to secure equipment, data, etc. based on the particular situation, such as requiring an employee to leave keys, leave equipment, and/or change passwords while on administrative leave.

## HOLIDAYS

Revised December 2022

SECTION: 23

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**A. PURPOSE**

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

**B. PAID HOLIDAYS**

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

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

**C. HOLIDAYS ON WEEKENDS**

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

**D. HOLIDAY ON NORMAL DAY OFF**

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

## HOLIDAYS

Revised December 2022

SECTION: 23

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E. **FLSA EXEMPT WORK A HOLIDAY**

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

F. **SPECIAL CONSIDERATIONS**

1. **Hire & Termination Date.**

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

For example, if a termination date is set to be the day after the holiday and the employee plans to use paid leave for that final day as opposed to actually working, the termination date should be the last work day before the paid holiday.

Additionally, if the employee “calls-in” the day after the holiday, the City may retroactively set the termination date to the day before the holiday.

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

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

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



**ANNUAL LEAVE**  
Revised November 2021

SECTION: 24

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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 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> opinions.

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

## BEREAVEMENT & FUNERAL LEAVE

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**A. PURPOSE**

This Section specifies the hours Tooele City provides time off with pay to eligible employees for bereavement and funeral needs and related policy matters.

**B. POLICY**

1. In order to minimize the financial hardships that may result from absences from work, Tooele City provides bereavement & funeral leave benefits to qualifying employees who are approved to be absent from work due to: (1) the death of certain individuals; (2) to plan, attend, and/or travel to/from funeral services; (3) to attend to post-death affairs associated with the deceased; and/or, (4) to provide care and comfort to self or others who are grieving.
2. Bereavement & funeral leave benefits are provided to bring the employee up to their regular scheduled work hours. These leave hours may not be used to ensure general overtime is earned nor may they be paid as overtime/comp-time.
3. Regular and appointed employees are provided with the following amounts of paid bereavement & funeral leave for each qualifying death (part-time employees are prorated):

Up to 24 Hours Leave	Up to 16 Hours Leave	Up to 8 Hours Leave to Attend Services
<ul style="list-style-type: none"> <li>• Parent or Step-parent;</li> <li>• Parent-in-law or Step-Parent-in-law;</li> <li>• Spouse;</li> <li>• Child or Step-child (including still born children or miscarriage);</li> <li>• Grandchild or Step-grandchild;</li> <li>• Sibling or Step-sibling, including half siblings;</li> <li>• Brother in-law/Sister in-law;</li> <li>• Son-in-law/Daughter-in-law; or,</li> <li>• A person who has on a full-time basis, permanently resided in the home of an employee for at least the 12 consecutive months preceding death.</li> </ul>	<ul style="list-style-type: none"> <li>• Employee’s Grandparent or Step-grandparent; or</li> <li>• Other persons with whom the employee has a “loco parentis” relationship meaning the employee has the day-to-day responsibilities for the care and financial support of the child or person who had such a responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Spouse’s Grandparent, Spouse’s Step-grandparent, or Spouse’s Great-grandparent;</li> <li>• Employee’s Great-grandparent (not a step-great-grandparent);</li> <li>• Employee’s Great-grandchild (not a step-great-grandchild);</li> <li>• Employee’s or Spouse’s Aunt/Uncle; or,</li> <li>• Employee’s or Spouse’s Niece/Nephew.</li> </ul>

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4. For purposes of this Section, relationships include first generation unless otherwise specified, and biological or legal relationships unless otherwise specified. Legal action such as divorce or other legal relinquishment of parental rights dissolves relationships.
5. Bereavement and funeral leave may be used in full day blocks or intermittently for up to 14 working days from date of the death, unless extenuating circumstances exist (i.e. delay due to autopsy, delay getting body due to organ or research donation, body transport, etc.) and in such cases, an employee may request extension of up to 30 days from date of death.
6. If, at the time of death, and an employee is on other approved or extended leave such as FMLA or disability leave, bereavement and funeral leave benefits may be used to supplement other paid benefits to bring the employee up to 100% of the pre-leave daily base pay.

#### C. NOTICE & VERIFICATION OF NEED FOR LEAVE

1. An employee is expected to notify his/her supervisor as soon as possible of the need for bereavement and funeral leave.
  - a. For a full-day block of leave, the supervisor may ask the employee to consider the needs of the department when scheduling; however, unless it may result in a hardship to the City (i.e. employee must be in court to testify or is the only employee able to perform certain critical tasks), the employee generally may take full-day blocks of leave.
  - b. For intermittent leave, the employee is expected to request approval for such leave in advance whenever feasible and the supervisor may consider both the needs of the department and the purpose of the leave request (For example, post-death financial affairs can generally be taken care of during banking hours. Although it may be more convenient for the employee at a certain time, the needs of the department may necessitate taking care of the post-death financial affairs at a different time).
2. Tooele City retains the right to request documentation to support any claim for leave benefits.

#### D. NEEDS OTHERWISE NOT COVERED BY THIS SECTION

Employees who need to be absent for matters not otherwise covered by this Section or who need additional time off, may reference other paid leave policies such as annual leave.

**SICK LEAVE**  
Revised July 2013

SECTION: 26

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**A. PURPOSE**

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

**B. LEAVE ACCRUAL**

1. Regular and Appointed status employees whose contemplated work schedule is 40 hours per week accrue up to 3.7 hours of sick leave per pay period. Eligible employees whose contemplated schedule is less than 40 hour per week accrue sick leave on a prorated basis according to the number of hours they work each pay period.
2. Employees whose compensation from Tooele City payroll falls below their regular bi-weekly salary (i.e., an employee is off work due to short-term disability) accrue sick leave on a prorated basis according to the number of hours for which they receive payment from Tooele City payroll.
3. There is no maximum accrual limit for sick leave.

**C. ELIGIBLE USES**

Use of sick leave is a privilege extended to employees by their supervisor and its use is not an acquired right. Established attendance policies apply regarding approval for absences. Once accrued, sick leave may be used for the following reasons:

<b>Reasons Relating to Employee</b>	
<b>Eligible Uses</b>	<b>Examples of Ineligible Uses or Abuse Indicators</b>
<ul style="list-style-type: none"> <li>• Temporary incapacity due to illness or injury making the employee unable or unfit to perform the duties of his/her job;</li> <li>• Infection with, or verified exposure to, a contagious illness or disease such that his or her presence on the job might jeopardize the health of others;</li> <li>• Incapacity due to hospitalization, surgery, medical recovery, or home bound restriction;</li> <li>• Employee's medical appointments that cannot reasonably be scheduled during non-work hours;</li> <li>• Maternity prenatal care, birth, or recovery from birth; or,</li> <li>• Temporary incapacity following death if employee is also approved for FMLA as a qualifying serious medical condition. If not approved for FMLA, sick leave may not be used to cover the absence.</li> </ul>	<ul style="list-style-type: none"> <li>• Mental health days not otherwise protected by FMLA;</li> <li>• General irresponsibility such as oversleeping in the morning or not hearing an alarm; hangovers; sunburn, worn out; etc.;</li> <li>• Taking more sick leave than needed such as taking 8 hours of sick leave when the appointment could be completed in 4 hours;</li> <li>• Sick leave use that appears to follow an unjustified pattern or is excessively on certain days such as Monday or Friday;</li> <li>• Requesting to use sick leave when the original absence was otherwise not due to sickness such as proclaiming to have gotten sick while on an out-of-area vacation;</li> <li>• Inability to produce satisfactory verification of need for leave when requested;</li> <li>• Conflicting or changing verifications of need for leave from employee or medical provider;</li> <li>• Using sick leave after giving notice of resignation; or,</li> <li>• Engaging in activities that conflict with the stated need for leave (i.e. home bound but is seen shopping).</li> </ul>

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<b>Reasons Relating to Employee's Family</b>	
Eligible Uses	Examples of Ineligible Uses or Abuse Indicators
<ul style="list-style-type: none"> <li>• When the employee is needed to attend to the employee's spouse or dependent children (under age 18 or permanently disabled adult child dependent upon parent and claimed on taxes) as a result of scheduled medical appointments that cannot reasonably be scheduled during non-work hours; hospitalization, medical recovery, illness, or infection with exposure to contagious disease; or,</li> <li>• When the employee is needed to provide for medical care and/or attendance to medical issues for a member of the employee's family living in the employee's household.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of day care provider;</li> <li>• Taking more sick leave than needed such as taking 8 hours of sick leave when the appointment could be completed in 4 hours but employee took the rest of the day off (4 hours annual leave should be used); or,</li> <li>• Sick leave use that appears to follow an unjustified pattern or is excessively on certain days such as Monday or Friday.</li> </ul>
<b>Reasons Approved as FMLA-Protected Leave May Run Concurrently With Sick Leave</b>	
Eligible Uses	Examples of Ineligible Uses or Abuse Indicators
<ul style="list-style-type: none"> <li>• FMLA-protected mental health absences;</li> <li>• Bonding with a newborn or newly adopted child under age 18, for up to the first six months of life or up to the first six months from date of placement;</li> <li>• For the employee acting as the primary caregiver for a wounded armed services member who is a spouse, child (no age limitation), or biological, step-, or in-law parent when no other primary caregiver support resources are practical; or,</li> <li>• When the employee is needed to provide for medical care of an ailing and/or aging biological or step parent when no other resources are practical. FMLA does not apply to in-law parents. This includes the need to be present to assist with making medical decisions or to assist with understanding during scheduled medical appointments, to provide transportation for scheduled medical appointments, or to provide care during recovery from a serious medical condition.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of day care</li> <li>• Attending to in-law parent as this is not FMLA-protected leave;</li> <li>• Attending to a parent in locus may be FMLA-approved leave but does not qualify for concurrent sick leave use;</li> <li>• Misrepresenting need for leave as sick leave as FMLA-protected; or,</li> <li>• Sick leave use that appears to follow an unjustified pattern or is excessively on certain days such as Monday or Friday.</li> </ul>
<b>Other Reasons that May Run Concurrently with Disability Insurance and/or FMLA</b>	
<b>Worker's Compensation</b>	Employees who are absent from work due to an approved workers' compensation claim, and remain active on Tooele City payroll, may use accrued leave to supplement the workers' compensation benefit to receive a combined total not exceeding 100% of pre-injury/illness pay. Sick leave balances are forfeited if an employee is no longer active on Tooele City payroll.
<b>Short-term Disability (STD)</b>	Employees who miss work due to an approved STD claim, and remain active on Tooele City payroll, may use accrued leave to supplement the STD benefits to receive a combined total not exceeding 100% of pre-injury/illness pay. Leave balances are forfeited if an employee is no longer active on Tooele City payroll.
<b>Long-term Disability (LTD)</b>	Employees receiving LTD benefits are evaluated on a case-by-case basis including consideration pursuant to the requirements of the American's with Disabilities Act, if applicable. The specific facts relevant to the employee's disability, approved leave, ability to return to work, etc. are considered. Sick leave balances are forfeited if an employee is no longer active on Tooele City payroll due to LTD approval.

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**D. LIMITATION ON USE WITH OUTSIDE EMPLOYMENT**

Sick leave may not be used to cover absences when an employee is working outside employment and performing duties that are similar to those performed for Tooele City. Tooele City does not wish to discourage employees from seeking outside employment but must ensure that employees are not misrepresenting their need to be absent or abusing sick leave benefits. An employee may request to use sick leave in such circumstance by showing that the duties of the outside employment are dissimilar and that a condition requiring absence from City employment does not preclude outside employment. If permission is not given or verification is requested by Tooele City and the employee does not provide it, the employee will be deemed to be misrepresenting their need for leave and may be subject to disciplinary action, up to and including separation.

**E. REQUIREMENT TO USE**

1. When an employee is absent for eligible reasons and has a sick leave balance, Tooele City will reduce his/her available 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 available annual leave, 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 for required leave reduction is the normal bi-weekly rate of pay or the established benefit eligibility hours, whichever is less.

**F. ABUSE / LEAVE RESTRICTION / VERIFICATION**

Tooele City reserves the right to ensure that sick leave is being used according to this Section, in a manner that is not abusive, and in a manner that does not adversely impact the work environment. Tools that managers may use include, but are not limited to:

1. **Leave Restriction Notice.** When work is or has the potential to be adversely impacted, or when sick leave abuse is suspected, supervisors may issue a leave restriction notice to an employee as a tool to address leave concerns. Putting an employee on a leave restriction is a matter of management discretion but the human resource office should be consulted prior to issuing a leave restriction to ensure that FMLA or other legally protected rights are not adversely impacted. Such leave restrictions are a corrective action tool and are non-punitive. Leave restriction notices may also be issued when necessary to meet business needs such as limited staffing, special projects, seasonal work requirements, emergencies, etc.
2. **Verification.** Any employee using sick leave to cover an absence which exceeds five working days should be supported by a medical certification deemed acceptable to Tooele City, unless the employee has been approved for FMLA-protected leave for the absence. When excessive or recurring sick leave is being used or when Tooele

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City suspects misuse or abuse, a doctor's diagnosis or other evidence of the need for leave may be required for absences of less than five days. Tooele City reserves the right to use tools available under the Family and Medical Leave Act to verify the need for leave, including obtaining 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> opinions as well as all other tools required by insurance providers.

3. **Denial.** An employee found to be misrepresenting their need for leave or using leave for ineligible purposes may be denied payment of sick leave.
4. **Discipline.** Employees may be disciplined consistent with Tooele City's disciplinary procedures.

G. SAME DAY AS HOLIDAY

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

H. REINSTATEMENT OF SICK LEAVE IF REHIRED AFTER REDUCTION IN FORCE

Accrued sick leave available to an employee at the time of a reduction in force is again available if rehired within twelve months from the reduction.

I. SICK LEAVE ADVANCE

If short-term disability benefits are not in effect and in the event of an extended eligible need, the Mayor may grant an advance of sick leave equivalent to the amount that would be accrued through the end of the calendar year. The following are instances that may justify the extension of sick leave: (1) Absence due to injury; (2) Extended absence due to major illness or surgery; or (3) Other reasonable absences due to sickness or injury when no pattern of absence or abuse of the sick leave privilege has been demonstrated.

J. SICK LEAVE ANNUAL PAY-OUT

During January, employees may elect to be paid for one-fourth (25%) of the sick leave they accumulated during the prior calendar year but did not use. For example: an employee who accumulates 3.7 hours per pay period, worked 26 pay period, and used 15 hours sick leave during the calendar year would be paid out 20.3 hours ( $3.7 \times 26 = 96.2$ ,  $96.2 - 15 = 81.2$ ,  $81.2 \times 25\% = 20.3$  hours).

K. PROVISIONS RELATING TO SEPARATION FROM EMPLOYMENT

An employee separating from Tooele City is not compensated for unused sick leave except that accrued sick leave available to an employee at the time of separation is again available to him or her upon returning to service as long as the employee returns within 12 months of separation from service.

L. PROVISIONS RELATING TO RETIREMENT

See Section 30: Retirement, herein this Policies and Procedures Manual, for specific provision relating to retiree sick leave conversions.



# FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised June 2024

## SECTION: 27

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### A. FAMILY & MEDICAL LEAVE ACT (FMLA Protected Leave)

Tooele City complies with the Family and Medical Leave Act of 1993 (FMLA), as amended, and the expansion of FMLA under The Support for Injured Service Members Act of 2007. The following is a summary of the main provisions of the FMLA.

However, it is not a comprehensive recital of the law. Questions or further clarification may be obtained from the Tooele City Human Resource Department.

#### 1. FMLA ELIGIBILITY

- a. Employees are eligible for FMLA leave if they have worked for Tooele City for at least 12 months (52 weeks) and worked 1,250 hours of service during the 12-month period immediately before the commencement of the leave.
- b. In determining the 12 months (52 weeks) worked for Tooele City, the 12 months need not be consecutive months. Employment periods prior to a break in service of seven years or more are not counted unless the employee's break in service is occasioned by the fulfillment of his or her National Guard or Reserve military service obligations. The time served performing the military service must be also counted in determining whether the employee has been employed for at least 12 months. For FMLA eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on other paid leave during the week (i.e. sick leave, annual leave, worker's compensation).
- c. Time spent on paid (including disability or worker's compensation payments) or unpaid leave is not counted in determining the 1,250 hours worked for FMLA eligibility purposes. Tooele City will include overtime hours as hours worked on an hour-for-hour basis regardless of whether they were paid out as overtime or as compensatory time.

#### 2. FMLA DEFINITIONS

For purposes of this Section, the following terms have the stated meanings:

- a. Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. Parent does not include parent-in-law.
- b. Child means a biological, adopted, or foster child, a stepchild, a legal ward, legal guardian, or a child of a person standing in loco parentis who is either under 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" except for FMLA leave due to military service the person does not have to be a minor.

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- c. In loco parentis means any person who has put him- or herself in the situation of a lawful parent by assuming the obligations incident to the parental relation without going through the formalities necessary for legal adoption. It embodies the two ideas of assuming the parental status and discharging the parental duties. Employees who have no biological or legal relationship with a child may nonetheless stand in loco parentis to the child and be entitled to FMLA leave. If there are questions about whether an employee's relationship to a child is covered under FMLA, the City may require the employee to provide reasonable documentation or statement showing the family relationship. A simple statement asserting that the requisite family relationship exists is all that is needed in situations such as in loco parentis where there is no legal or biological relationship.
- d. Next-of-kin of a covered service member means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter. The FMLA provides additional definitions regarding next of kin including order or priority or employee's designation of next of kin.
- e. "Serious health condition," for purposes of the FMLA, means an illness, injury, impairment, or physical or mental condition that:
  - 1) Requires an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity (meaning the inability to work, attend school or perform other regular daily activities due to the serious health condition treatment therefore, or recovery there from) or any subsequent treatment in connection with such inpatient care;
  - 2) Involves continuing treatment by a healthcare provider for incapacity and treatment. To qualify the incapacity must be for a period of more than three consecutive full calendar days from work, school, or other regular daily activities and include subsequent treatment or period of incapacity relating to the same condition. Subsequent treatment must include treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider. Subsequent treatment must occur two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist. Subsequent treatment may be performed by a health care provider, a nurse under direct supervision of a healthcare provider, or by a provider of health care services under orders of, or on referral by, a health care provider;
  - 3) Any period of incapacity due to pregnancy, or for prenatal care;

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- 4) Any period of incapacity (or treatment for such incapacity) due to a chronic serious health condition. A chronic serious health condition is one which (a) requires periodic visits at least twice a year for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.);
- 5) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment, by a health care provider (e.g., Alzheimer's, stroke, terminal stages of a disease, etc.); or,
- 6) Any absences to receive multiple treatments (including any period of recovery there from) by, or on referral by, a health care provider for a condition for (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), or kidney disease (dialysis).

### 3. BASIC FMLA LEAVE ENTITLEMENT

The FMLA provides up to 12 weeks of job protected leave to eligible employees for the following reasons:

- a. For incapacity due to pregnancy, prenatal medical care, or child birth;
- b. To care for the employee's child after birth, or placement for adoption or foster care. Leave to care for a child following birth, for adoption, or for foster care must be taken within one year of the birth or placement of the child;
- c. To care for the employee's spouse, child, or parent with a serious health condition; or,
- d. For a serious health condition that makes the employee unable to perform the employee's job.

### 2. MILITARY FMLA LEAVE ENTITLEMENT

- a. Eligible employees with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a

# FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

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contingency operation may use their 12-week FMLA leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The FMLA does provide limitations on the amount of leave that can be used for certain qualifying exigencies.

- b. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single “12-month period.” A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. This is the only type of FMLA leave that may extend an employee’s leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are added to this type of leave totaling the 26 weeks. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this “single 12-month period,” the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

#### 4. CALCULATION OF 12 WEEKS / 26 WEEKS

- a. **12 Weeks.** In determining eligibility for FMLA leave the City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee’s first FMLA use. Each time an employee requests leave, the City will compute the amount of FMLA leave the employee has taken in the last 12 months and subtract it from the 12 weeks of available FMLA leave. The balance remaining will be the amount the employee is entitled to take at that time. Note that this amount may change with each request for FMLA leave as periods of leave drop from the 12-month look back period resulting in leave coming available to the employee. When an employee’s work schedule varies from week to week, a weekly average of the hours worked over the 12 months prior to the beginning of the FMLA leave period is used to calculate the amount of FMLA leave available to the employee.
- b. **26 Weeks.** The “single 12-month period” to care for a covered servicemember begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that

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date. The “single 12-month period” is applied on a per-covered-servicemember, per-injury basis. An employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for a different covered servicemember or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any “single 12-month period.”

## 5. BOTH SPOUSES ARE EMPLOYED BY CITY

If both spouses work for Tooele City and each wishes to take FMLA leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition, they may only take a combined total of 12 weeks of leave. If both spouses work for Tooele City and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of FMLA leave during the “single 12-month period.” These limitations do not apply where the reason for the leave is the serious health condition of either spouse or the serious health condition of a child. If either spouse is ineligible for FMLA leave, the eligible spouse retains full leave entitlement (i.e. they don’t have to split the leave).

## 6. EMPLOYEE BENEFITS DURING FMLA LEAVE

- a. Tooele City will continue the employee’s health, dental, and vision benefits while on FMLA leave at the same level and under the same conditions as if the employee had continued to work.
- b. Sick and annual leave will accrue on a prorated basis and may be retroactively recalculated as needed. Holiday pay will be paid on a prorated basis.
- c. Retirement, life, and other benefits may be continued based on insurance provider’s approval. Generally, continuation of these benefits is contingent upon whether the FMLA leave is paid or unpaid and what sources are paying the employee’s wages. Benefit continuation is subject to change based on individual insurance providers’ provisions. Employer contributions to the 401K plan will be adjusted and based on wages paid by Tooele City (i.e. does not include unpaid, disability, or worker’s compensation wages).
- d. While on **paid** FMLA leave, Tooele City will continue to make payroll deductions to collect any portion of the employee’s share of the premiums.
- e. While on **unpaid** FMLA leave, the employee must continue to pay any portion of the employee’s share of the health premiums (and any other benefits the employee desires to continue) and may do so in person or by mail. The payment will be due in the Finance Department by the 15th day of

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each month. The employee will be deemed delinquent if the payment is more than 30 days late and alternative payment arrangements have not been made with Tooele City. Failure to make timely premium payments may result in cancellation of benefits. Tooele City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work, including seeking recovery through civil court. Tooele City may also seek retroactive termination of insurance coverage with the insurance provider. Tooele City may recover from an employee both the employee's and/or employer's share of any premiums paid during a period of **unpaid** FMLA leave if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to: 1) the continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or 2) other circumstances beyond the employee's control.

### 7. EMPLOYEE STATUS AFTER FMLA LEAVE

- a. An employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or virtually identical in terms of pay, benefits and working conditions.
- b. Tooele City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

### 8. SUBSTITUTION OF PAID LEAVE AND/OR DISABILITY INSURANCE

- a. **Paid Leave Benefit Substitution.** Tooele City has elected the statutory provision under the FMLA permitting an employer to require employees to take any accrued paid annual, sick leave, or comp-time (i.e. paid FMLA leave or "substitution of paid leave") and have it run concurrently with any FMLA leave, to the extent that the reason for the leave complies with permissible uses as specified in this and other Sections regarding paid leave herein this Manual. Before being eligible for unpaid FMLA leave, an employee is required to substitute any accrued and qualifying paid leave to bring the employee to 100% of his/her wage at the time FMLA starts. In cases of varying schedules, the required substitution will be calculated as the average weekly wage earned during 12 months prior to commencing FMLA leave. While substituting paid leave, an employee must follow the same terms and conditions of the City's policy that apply to other employees for the use of such paid leave.

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- b. **Disability or Worker’s Compensation Substitution.** When substitution occurs and wages are paid in whole or part by a City-sponsored disability insurance provider (i.e. short-term disability or worker’s compensation insurance) the employee may elect to, but is not required to, supplement the insurance payment up to 100% of his/her pre-disability wage. This generally only occurs when FMLA is needed due to the serious medical condition of the employee.

### 9. INTERMITTENT FMLA LEAVE OR A REDUCED WORK SCHEDULE

- a. An employee may take FMLA intermittently (i.e. take off work in 15 minute increments when needed or a day or two over the year when needed) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill servicemember over a “12-month period”).
- b. Tooele City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.
- c. For the birth, adoption or foster care of a healthy child, Tooele City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced work schedule.
- d. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with Tooele City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.
- e. An employee who has been approved for intermittent FMLA-protected leave must specifically reference either the FMLA qualifying reason for leave or give enough information to his/her supervisor so that it can be determined that the reason for the intermittent leave qualifies it as FMLA-protected leave. Calling in “sick” without providing more information will not be considered sufficient notice to trigger Tooele City’s obligations under the Act.

### 10. PROCEDURE FOR REQUESTING FMLA LEAVE

- a. For (1) The birth of a child or in order to care for that child; or 2) The serious health condition of the employee:

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- 1) An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
- 2) Employees must then submit a completed Form #17, Certification of Health Care Provider for Employee's Serious Health Condition.
- 3) The worker's compensation insurance company's approval of the employee's need to be absent from work will satisfy the need to submit a completed Form #17, Certification of Health Care Provider for Employee's Serious Health Condition.
- 4) Employees must provide Tooele City with at least 30 days notice prior to the need for leave, if possible. If it is not possible to give 30 days notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the workplace. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date Tooele City receives notice.
- 5) While on leave, employees are requested to report periodically to Tooele City regarding the status of the medical condition and their intent to return to work. Tooele City may ask for additional updates.
- 6) The employee must respond to requests for certification or recertification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.
- 7) If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.
- 8) Tooele City has the right to ask for a second opinion if it has reason to doubt the certification. Tooele City will pay for the employee to get a certification from a second doctor, which the company will select. If necessary to resolve a conflict between the original certification and the second opinion, Tooele City will require the opinion of a third doctor. Tooele City and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled



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to leave and benefits under the FMLA pending the second and/or third opinion.

- b. To care for a spouse, child or parent with a serious health condition:
  - 1) An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
  - 2) Employees must then submit a complete Form #18, Certification of Health Care Provider for Family Member's Serious Health Condition.
  - 3) Employees must provide Tooele City with at least 30 days notice prior to the need for leave, if possible. If it is not possible to give 30 days notice, the employee must give as much notice as is practicable. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date Tooele City receives notice.
  - 4) While on leave, employees are requested to report periodically to Tooele City regarding the status of the medical condition and their intent to return to work. Tooele City may ask for additional updates.
  - 5) The employee must respond to requests for certification or recertification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.
  - 6) If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.
- c. The placement of a child for adoption or foster care and to care for the newly placed child:

An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
- d. For a Qualifying Exigency for Military Family Leave:
  - 1) An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.

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- 2) Employees requesting this type of FMLA leave must also submit a complete Form #19, Certification of a Qualifying Exigency for FMLA Military Family Leave. If such leave is foreseeable, employees are asked to provide as much notice as possible to Tooele City.
- e. To Care for an injured or ill servicemember:
  - 1) An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
  - 2) Employees requesting this type of FMLA leave must submit a complete Form #20, Certification for Serious Injury or Illness of Covered Servicemember – for FMLA Military Family Leave. If such leave is foreseeable, employees are asked to provide as much notice as possible to Tooele City.

## 11. DESIGNATING LEAVE AS FMLA LEAVE

- a. Absent extenuating circumstances Tooele City will inform the employee, in writing, of the designation of leave as FMLA-qualifying leave within five business days after receipt of notification of the need for leave and if applicable, receipt of completed required documentation.
- b. While leave is in progress or if upon returning from leave Tooele City learns that the reason for leave was an FMLA-qualifying reason, Tooele City may retroactively designate such leave while the leave is in progress or within two business days of the employee's return to work.

## B. CITY APPROVED LEAVE OF ABSENCE

1. Leave of absence (LOA) is a term used to describe a period of time that an employee is to be away from his/her primary job, while maintaining the status of active employee. This term is in contrast to normal periods away from the workplace, such as vacations, holidays, annual leave, and sick leave in that they are considered to be *exceptional circumstances*, rather than routine or generally expected absences otherwise approved through department absentee policies. Leave of absence (LOA) is also a term used to describe a period of time that an employee who accrues paid leave benefits needs to be away from work and *does not have paid leave available* to cover the absence. Generally a leave of absence has a predefined conclusion date or is expected to conclude after a certain event has occurred.
2. Tooele City will consider approval of a City Approved Leave of Absence when FMLA leave is exhausted, when the reason for the leave does not qualify under the

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FMLA, or when an employee is ineligible for FMLA protected leave. Employees may apply for a City Approved Leave of Absence by submitting an Application for Leave (Form #16). Tooele City may request additional documentation verifying the need for leave.

3. A City Approved Leave of Absence is not an acquired right by employees and is granted by the Mayor and Department Head, at the discretion of the City, and then only when the City work is not adversely affected and only when the absence does not create a hardship to Tooele City or other employees.
4. Examples of circumstances where a leave of absence may be considered include, but are not limited to: employee's illness when it is determined that the employee may be able to return within one year; an ailing child or spouse; or, a family crisis or hardship that requires the employee to be absent from work.
5. Examples of circumstances where a leave of absence will be denied include, but are not limited to: pursuit of other employment or job opportunities; volunteer service; recreation or travel; or, education. The Mayor has the discretion to approve such absence contingent upon the supervisor or department head taking action to notify the employee of the need to better manage paid leave benefits in anticipation of the known or unknown need for future leave for reasons such as these.
6. A City Approved Leave of Absence may not exceed one year unless doing so is determined, by Tooele City, to be a reasonable accommodation in accordance with the Americans with Disabilities Act.
7. A City Approved Leave of Absence may be terminated prior to the expiration date thereof with the consent of the Mayor. Failure of an employee to report for duty promptly at the expiration date of the leave or violation of an agreement of understanding entered into by the employee relative thereto is cause for discharge.
8. All eligible paid leave must be exhausted before an employee may take leave with reduced or no pay.
9. Leave of absences are classified as (a) Leave of absence with full or disability pay or (b) Leave of absence with partial or no pay. The following applies:
  - a. **Leave of Absence with Full or Short-term Disability Pay.** If an employee is absent from work and on short-term disability, or receiving compensation equal to 100% of their regular bi-weekly pay through a combination of comp-time, sick leave payments, or annual leave payments, the employee is

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classified as on a leave of absence with full pay.

- 1) The employee will be retained on Tooele City's regular group plans under the same conditions that applied before leave commenced and will be subject to change if City plans or benefit contracts change. However, while on a City Approved leave of absence with full or disability pay, an employee will accrue sick leave, annual leave, and/or holiday pay on a prorated basis based on hours they are being paid for each pay period (i.e. using paid leave, actual hours worked, or any combination thereof). An employee will not lose, and pursuant to specific benefit provisions, may use any benefits that accrued before the date the leave began.
  - 2) To continue group coverage, the employee must make the normal employee premium. Failure to pay premiums may result in loss of coverage. While on a leave of absence with full pay, the employee-paid portion of the group health plan benefit premiums are deducted from the employee's check as usual. When the need for a leave of absence with full pay is foreseeable, the employee may elect to pre-pay their-paid portion of the group benefit plan premiums through increased payroll deductions before the leave is taken. When the need for a leave of absence with full pay is not foreseeable, the employee may elect to be billed monthly for their portion of the group benefit premiums. If the employee-paid portion of the group benefit premiums is more than 30 days late, the City's obligation to maintain group health plan insurance coverage will cease. The benefits the employee is normally eligible for remain in effect as provided for and allowed by the insurance provider. Tooele City will continue to pay their portion of the insurance premiums. Due to contractual changes and legal requirements, such coverage may change.
  - 3) An employee will receive credit for service time while on an approved leave of absence with full or short-term disability pay.
- b. **Leave of Absence with Partial or No Pay.** If an employee is not on short-term disability, and receiving compensation that is less than 100% of their regular bi-weekly pay due to no payment or reduced payment through a combination of comp-time, sick leave payments, annual leave payments, or long-term disability payments, the employee is classified as on a leave of absence with partial or no pay.
- 1) Benefits will continue provided the employee's reduced compensation meets the eligibility requirement for the benefit (i.e. hours worked and

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employment status). Benefits do not continue if the employee's reduced compensation falls below the eligibility requirements for the benefit (i.e. hours worked and employment status). It is possible that an employee may remain eligible for some, but not all benefits due to the eligibility requirements for each benefit.

- 2) When an employee becomes ineligible for benefit continuation, benefits will terminate effective the last day of the pay period in which the employee became ineligible. (i.e. a week occurred where an employee charged only 16 hours of leave, benefits will terminate the last Saturday of the pay period). The employee may re-enroll once the employee has met the eligibility requirements. Employees and their dependents that lose coverage may cover gaps in their insurance coverage pursuant to COBRA continuation coverage. Employees and their dependent will subsequently be subject to re-enrollment and possibly pre-existing provisions.

#### C. LEAVE OF ABSENCE FOR EMPLOYEES APPOINTED TO OTHER POSITIONS

An employee will be placed on an automatic leave of absence in the event the employee is temporarily appointed to any other City position for the period of time the employee fills that position. Upon termination of the leave of absence the employee will be returned to the former position. Employees taking such a leave of absence will continue to be eligible for and accrue all benefits.

## MILITARY LEAVE

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### A. POLICY

Leave may be granted for periods of active military service.

### B. SHORT-TERM LEAVE

Short-term military leave is leave of less than six months in duration for active military service. Such leave shall be authorized for regular employees subject to all of the following conditions being met:

1. A regular employee is entitled to up to eleven working days military leave per year for required military service without loss of compensation or other fringe benefits. Any employee requesting such leave must provide the mayor with a copy of the military orders placing the employee on active duty status.
2. An employee who is a member of a reserve unit of the military shall notify the immediate supervisor at least four weeks in advance of active military service and shall indicate in writing the employee's intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the employee's personnel file.

### C. EXTENDED LEAVE

Extended military leave is military leave of six months or more. Extended military leave without pay may be granted to regular employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the Military Selective Service Act, 50 USCS Appx., Section 451 et seq. Employees on extended military leave shall be permitted to return to City employment pursuant to the following conditions:

1. The leave of absence may not exceed four years from the date of entry into the military service, unless the employee is involuntarily retained longer.
2. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
3. Any employee leaving active military duty is authorized 40 days from the active duty release date in which to request reinstatement to a position of comparable status and compensation. If the employee declines an offer for a position vacancy, reinstatement rights may be canceled by the mayor.
4. If, due to a service connection disability or for some other reason, an employee is not qualified to perform all the duties of the former position, the employee shall be placed in the closest comparable position for which the employee is qualified.

### D. BENEFITS

Benefits shall not accrue for employees on short-term military leave after the eleven days leave are used, nor for employees on extended military leave.

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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**

Benefit eligibility is determined by the employee’s employment status, schedule status, and benefit provider contracts. In general, eligibility is as follows:

<b>Full-Time Employees</b>			
	Full-time Regular or Appointed		Full-time Mayor
	40 Hours	30-39.75 Hours	
401K	Yes	Yes	Yes
Annual Leave	Yes	Prorated	N/A
Dental	Yes	Yes	Yes
EAP Program	Yes	Yes	Yes
Flexible Spending Account	Yes	Yes	Yes
Holiday Pay	Yes	Prorated	N/A
IRA/Roth IRA	Yes	Yes	Yes
Leave, Misc. Paid – Funeral, Jury & Witness, and Military	Yes	Prorated	N/A
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	N/A
State Retirement Benefits	Yes	Yes	Yes
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.



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<b>Part-time Employees</b>				
	Part-time Regular or Appointed		Part-time Elected Officials	
	20-29.75 hours	1-19.75 hours	Part-time Mayor	Part-time 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	Yes	No	Tier 1 = Yes, If salary meets URS eligibility criteria Tier 2 = No	
Medical – Health Insurance, or Waiver payment in lieu of coverage if evidence of other coverage is provided to Tooele City	No *See Variable Hour Employee Table for calculation of eligibility due to PPACA, if deemed applicable to a part-time employee)	No	Yes	No *Council policy change effective July 2023 and moved waiver equivalent to compensation.
Short-term Disability	No	No	No	N/A
Sick Leave	Prorated	Prorated	N/A	N/A
State Retirement Benefits	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.

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<b>Variable Hour Employees</b> 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><b>New Hires</b> - A newly hired employee's average workweek will be calculated following an <b>Initial Measurement Period</b> of 12-month from date of hire. It will be calculated by adding all hours paid (even if not worked) 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 <b>Stabilization Period</b> 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><b>Ongoing</b> - Once the <b>Initial Measurement Period</b> has passed, employee's future eligibility will be determined pursuant to the City's <b>Standard Measurement Period</b> which coincides with the City's fiscal budget preparation each year. The average workweek will be calculated by adding all hours paid (even if not worked) 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 <b>Stabilization Period</b> (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 <b>Standard Measurement Period</b> each respective year.</p> <p>Tooele City's Cash-in-Lieu (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 / FLEX / CAFETERIA PLANS

Pursuant to Section 125 of the Internal Revenue Code, Tooele City has adopted plans which provide employees an opportunity to choose between cash and receiving certain qualified benefits on a pretax basis. Pretax means an amount is withheld from an employee's gross pay before any taxes are calculated. These deductions reduce employee's taxable income meaning they owe less income taxes. At the end of the year, an employee's W-2 statement will show the reduced net amount of salary for purposes of computing taxes. Because Social Security taxes are reduced, some employees might experience a slight reduction in Social Security benefits when they become eligible to receive them.

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. Plan documents for the following plans can be obtained from the human resource department and may change as plan guidelines change, tax laws, and/or administration guidelines change:

1. **Premium Only Plan.** This plan allows employees to participate in the City's medical, dental, accident, vision, or other benefit programs allowable under the Code, and to pay their required portion of the eligible premium with pre-tax dollars. Eligible employees are automatically enrolled in the Section 125 Premium Only Plan. If an employee desire not to participate in this component, they may do so by signing a declination form available from the human resource office.<sup>29</sup>
2. **FLEX /Cafeteria Health Care Reimbursement Account.** This plan allows eligible employees to make contributions to a special account pre-tax and the contributions can then be used to pay for certain out-of-pocket health care costs such as co-payments, deductibles, co-insurance and other eligible expenses incurred during the Plan Year. The Plan Year is July 1 to June 30. Employees may participate in the Flexible Spending Health Care Reimbursement Account Plan by completing an enrollment form each Plan Year. The Plan Year election amount is pre-funded to the employee's Health Care Reimbursement Account at the beginning of the Plan Year and equal installments are withheld each pay period from the employee's paycheck. 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 reimbursement is set by the IRS each calendar year. Any money employees elect to have deducted and deposited into the Cafeteria Health Care Reimbursement Account, in excess of the IRS allowed rollover amount, are forfeited if an employee is unable or chooses not to claim it within the plan claim period guidelines.
3. **Limited FLEX /Cafeteria Health Care Reimbursement Account.** This plan differs from the FLEX/Cafeteria Health Care Reimbursement Account in that contributions are limited to non-health care related expenses such as dental and vision only. The Limited FLEX is generally used by employees who participate in a Health Savings

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Account and are therefore not eligible for the full benefits of the regular FLEX/Cafeteria Health Care Reimbursement Account.

4. **FLEX / Cafeteria Cash-in-Lieu/Waiver.** This plan allows eligible employees to elect to receive cash-in-lieu of participating in a Tooele City group health insurance plan. Tooele City's plan is a "qualified plan." Employees may participate in the Cash-in-Lieu/Waiver Plan by completing an enrollment form and attaching proof of other qualifying coverage each Plan Year. The Cash-in-Lieu payment is made in two equal installments the first pay period of June and the first pay period of July and is prorated for situations such as new hire, termination, or change in health insurance eligibility. Employees covered under Medicare or Medicaid are not required to enroll in Tooele City's group health insurance but are ineligible for participation in the FLEX Cash-in-Lieu/Waiver program as these programs prohibit employers from offering a cash incentive for not enrolling an otherwise eligible employee in their group health insurance plan. The cash is taxable income (unlike other Section 125 benefits) and is not retirement eligible wages.
  
5. **FLEX / Cafeteria Dependent Care Reimbursement Account.** This plan allows eligible employees to make contributions to a special account pre-tax and the contributions can then be used by an employee to pay for qualified dependent care expenses incurred during the Plan Year. The Plan Year is July 1 to June 30. Employees may participate in the Flexible Spending Dependent Care Reimbursement Account Plan by completing an enrollment form each Plan Year. The Plan Year election amount is NOT pre-funded to the employee's Dependent Care Reimbursement Account. Equal installments are withheld each pay period from the employee's paycheck and deposited to their Flexible Spending Dependent Care Reimbursement Account no later than once per month. 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 dependent care reimbursement is set by the Internal Revenue Service each calendar year. Any money employees elect to have deducted and deposited into the Dependent Care Reimbursement Account, in excess of the IRS allowed rollover amount, are forfeited if an employee is unable or chooses not to claim it within the plan claim period guidelines.

**D. HEALTH SAVINGS ACCOUNT (HSA)**

Tooele City has adopted a Health Savings plan option for eligible employees who are:

- Enrolled in a qualifying high deductible plan;
- Have no other insurance coverage other than those specifically allowed by the IRS (i.e. another qualifying high deductible health plan); and,
- May not be claimed as a dependent on someone else's tax return.

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Employees are encouraged to consult with a tax advisor about eligibility and tax implications relative to participating in the Health Savings Account.

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. Tooele City may make an employer contribution to eligible employee's HSA accounts as determined during the fiscal year budget process.

The employee is responsible for using their account in compliance with all IRS regulations. Review plan documents for using HSA funds for dependent expenses.

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.

**E. 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
    - 4) Firefighter's 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.

- 5) Exemption from participation. Elected officials and appointed department heads 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

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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, except as required by law.

- 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 & Firefighter Employees' Defined Contribution Plan Only
  - 4) Public Safety & Firefighter Employees' Hybrid Retirement Plan

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.

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) except as required by law for sworn police officers and firefighters whose line-of-duty LTD benefits extend beyond workers compensation. 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.

- 5) Exemption from Vesting. The Utah Retirement System allows certain positions to be exempt from the vesting requirements of Tier 2 plans. Tooele City has designated full-time, benefit eligible Mayoral Appointed Department Heads as eligible for exemption from the DC four-year

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vesting requirements if they desire. Exemption rules and limitations are complex. Employees desiring to exempt must contact the URS office to determine how exemption applies to their individual circumstances and the deadlines and method to request exemption. Tier 2 full-time elected officials are only eligible for the Defined Contribution Plan and are automatically exempt from the DC four-year vesting requirements.

c. Tier 2 Part-time Elected Officials Equalization Benefit

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 Normal Cost Rate. This amount is subject to change each year. This contribution must be included with any other Employer 401(k) contributions in meeting the Internal Revenue Service (IRS) contribution limitations and therefore, may be limited if IRS limitations apply.

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.

F. 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)

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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.
4. City/Employer Contributions. Employer 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. 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 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.

**G. HEALTH INSURANCE**

1. Premiums. Premiums are established with the fiscal budget and may vary based on 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 60 days of eligibility.



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**I. 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:
  - a. Voluntary or involuntary termination of employment for reasons other than gross misconduct; or
  - b. 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:
  - a. The death of the employee or other covered individual;
  - b. 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;
  - c. A divorce or legal separation from the employee; or
  - d. 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:
  - a. The death of the parent employee or other covered individual;
  - b. The termination of employment or reduction of work hours of the parent employee;
  - c. The divorce or legal separation of the parents, if this causes the dependent child to lose coverage under Tooele City's group health plan;
  - d. The enrollment in Medicare of the retired parent or employee; or
  - e. The child's loss of dependent status due to attainment of the maximum age for coverage under the group health plan.

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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. Continuation coverage can be cut short of the full coverage period when:
  - a. Tooele City no longer provides group health coverage to employees;
  - b. The premium for continuation coverage is not paid in a timely fashion;
  - c. 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;
  - d. The insured becomes entitled to Medicare;
  - e. The disabled individual is no longer defined as disabled under Social 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 COBRA should be directed to the human resource department.

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### A. RETIREMENT NOTIFICATION

1. Employees are asked to notify their department head and the human resource office of their intent to retire at least 90 days prior to their retirement date to allow time to facilitate insurance matters and to address staffing needs.
2. Notification to Tooele City does not constitute notification to the Utah State Retirement office or to other benefit providers. Employees must contact the Utah State Retirement office or the respective retirement plan to begin the retirement process.

### B. LIFETIME PASS TO CITY RECREATION FACILITIES

An employee who retires from Tooele City Corporation as their last employer and is credited with at least 10 years of service as a Tooele City full-time regular or appointed status employee is provided a lifetime individual wellness/recreation card, the use of which is to be consistent with Section 31 herein this Manual. The pass is non-transferrable.

### C. COBRA CONTINUATION COVERAGE UPON RETIREMENT

Retirees may be eligible to continue certain benefits pursuant to COBRA continuation coverage. COBRA continuation is described in Section 29: Benefits, herein this Manual.

### D. HEALTH & LIFE INSURANCE FOR RETIREES & RETIREE'S DEPENDENTS

Prior to retiring, employees are encouraged to carefully evaluate their rights and responsibilities regarding continuation of health insurance or other benefits following retirement. Although it is the intent of Tooele City to maintain insurance coverage as specified below, it is understood that insurance providers may change eligibility or coverage provisions for retirees at any time. Tooele City will make reasonable effort to include coverage in negotiations with 2<sup>nd</sup> party insurance carriers; however, if such carriers refuse to provide coverage on terms deemed reasonable by Tooele City, or if coverage is not available, the provisions below are subject to change and may impact past, current, and future retirees. If coverage lapses or changes, Tooele City will make reasonable effort to notify affected retirees.

#### 1. **Eligible Retiree.**

Some retirees are provided with health and life insurance benefits after they retire from Tooele City. For purposes of this Section, these retirees are defined as an "Eligible Retiree" and must meet the following criteria:

- a. Was not involuntarily dismissed from employment, with the exception of appointed employees;
- b. Did not voluntarily separate employment from Tooele City Corporation before being eligible for and electing to retire;

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Example: An employee quit (did not retire from Tooele City), accepted a position with the County, worked for the County for a period of time, and retires. The employee retired from the County and is therefore, not eligible for benefits offered by Tooele City to an Eligible Retiree.

- c. Has been eligible to participate in the Tooele City health and life insurance plans for an equivalent of at least ten (10) years. Tooele City's policy regarding reinstatement of service will be used to determine equivalent and credited years should an employee encounter a break in service or changes in health/life insurance eligibility (i.e. change to part-time);
- d. Is a bona fide retiree under the Utah State Retirement System pension plan, or if participating in a 401K plan only due to Exemption or the employee elected to participate in the URS Tier 2 Defined Contribution (401k) Only Plan is eligible to withdraw from the retiree's 401K account as an eligible retiree, penalty free, as specified by the IRS;
- e. Is not retiring under a medical retirement (i.e. long-term disability) plan;
- f. Is not an elected city council member; and,
- g. Ensures that the required premium payments are made.

### 2. **Earned Premium Credit (EPC).**

At the time of retirement, Tooele City will calculate an Earned Premium Credit (EPC) that will equal 1 year for every 5 full years of service as a benefit eligible employee with Tooele City. Tooele City's policy regarding reinstatement of service will be used to determine equivalent and credited years should an employee encounter a break in service or changes in health/life eligibility status (i.e. went part-time). Service credited by the Utah Retirement System for pension calculation purposes, but not actually rendered to Tooele City, is not considered service with Tooele City for purposes of the EPC calculation.

- a. The EPC represents:
  - (1) The time the City will pay for a City-sponsored single insurance plan for the Eligible Retiree, a City-sponsored Medicare Supplement Plan for the Eligible Retiree, or the Waiver Payback to an Eligible Retiree in lieu of coverage.
  - (2) The time period an Eligible Retiree is eligible to remain on the group life insurance policy and the time period Tooele City will pay for such plan.
  - (3) The time period an Eligible Retiree is eligible to continue their group voluntary/supplemental spouse or dependent life insurance policy.

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- b. If during the EPC period, an Eligible Retiree passes away, the EPC ends. There is no transferability of the EPC.
  - c. If the Eligible Retiree returns to employment with the City as an active benefit eligible employee, the EPC is put on hold and the remaining EPC balance is again made available to the Eligible Retiree when no longer eligible for coverage as an active benefit eligible employee.
3. **Health Insurance.**
- a. An Eligible Retiree may remain covered under the City group health plan through their EPC provided: he/she was covered on the last day worked, is not Medicare eligible, and is under age 65.
  - b. At expiration of EPC, age 65, or upon becoming Medicare eligible, an Eligible Retiree may no longer remain covered under the City group health plan (COBRA eligibility may apply). Such Eligible Retirees are encouraged to contact the Utah State Retirement Office to determine if a Medicare Supplemental Insurance plan is available.
  - c. Coverage may not be reinstated if an Eligible Retiree at any time, declines coverage, drops coverage, or has coverage cancelled for non-payment.
4. **Life Insurance.** *(Some provisions apply to married couples both retired from Tooele City. Specific plan documents and contracts will apply and may limit the following benefits.)*
- a. An Eligible Retiree may remain covered under the City group basic life insurance plan and group basic dependent life insurance plan during their EPC, as allowed by the insurance provider.
  - b. An Eligible Retiree may continue their group voluntary/supplementary employee, spouse, and dependent life coverage during their EPC, as allowed by the insurance provider.
- Once the EPC period has expired, Tooele City will maintain and pay for a \$5,000 basic life policy on the Eligible Retiree and if coverage was in effect during the EPC, a \$2,500 basic life policy on their spouse until the Eligible Retiree dies or the legal relationship ends, as allowed by the insurance provider.
- c. All dependent life coverage discontinues at the time of the Eligible Retiree's death.

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### E. RETIREE SICK LEAVE CONVERSION

1. There is no minimum service requirement for retiree sick leave conversion. A retiree may convert his/her sick leave provided that the employee is retiring from Tooele City and will be eligible to receive pension payments from the Utah State Retirement System or the City sponsored 401K plan(s) without IRS penalty within 30 days of separation.
2. Retiring employees may convert their sick leave as follows:

<b>Hours of Sick Leave at Retirement</b>	<b>Converted Cash Payout</b>	<b>Convert to Purchase Years Under the Utah State Retirement System, if applicable</b>
0 - 250 Hours	(# Hours * .05) * Hourly Rate at retirement	(# Hours * .20) * Hourly Rate at time of payment
251 - 400	(# Hours * .07) * Hourly Rate at retirement	(# Hours * .25) * Hourly Rate at time of payment
400 - 600	(# Hours * .10) * Hourly Rate at retirement	(# Hours * .30) * Hourly Rate at time of payment
601- 1000	(# Hours * .15) * Hourly Rate at retirement	(# Hours * .35) * Hourly Rate at time of payment
1001-1500	(# Hours * .20) * Hourly Rate at retirement	(# Hours * .40) * Hourly Rate at time of payment
1501 - 2000	(# Hours * .25) * Hourly Rate at retirement	(# Hours * .45) * Hourly Rate at time of payment
2000+ up to a maximum of 2500	(# Hours * .30) * Hourly Rate at retirement	(# Hours * .50) * Hourly Rate at time of payment

3. Special Requirements if Converting to Buy Years to Retire -
  - a. Retirees may provide Tooele City with documentation from the Utah Retirement Office (URS) substantiating their desire to purchase years for the purpose of retiring at a specified date. When such documentation is provided and intent to retire is official, the employee may convert his/her sick leave to a cash payment, contingent upon employee purchasing years and retiring as specified in the documentation. Payment is made to the employee within the time period required by the URS Office and the employee then remits payment to the URS office. Employee are encouraged to consult with a tax advisor and the URS office about the possibility of deferring this payment to a URS 401k plan and the possibility of in-service transfer from plan to plan at the URS level.

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- b. If the employee fails to retire as committed, the employee is responsible for reversing such payment within 2 weeks and will be responsible for any taxes, fees, penalties, etc. incurred to do so.

### **F. PUBLIC SAFETY MENTAL HEALTH RETIREE BENEFITS**

Consistent with Utah Code Title 54, Chapter 21, Mental Health Resources for First Responders, Tooele City provides mental health resources through our Employee Assistance Program (EAP) benefits to eligible first responders and the spouses of retired first responders (Example: crime scene tech, police officers, full-time firefighter, forensic) who have retired from Tooele City on or after May 15, 2022 for three years from the date of retirement. If mental health resources are requested thereafter, Tooele City will provide mental health resources through a peer support specialist who is qualified to provide peer support services under the Act for up to three years following the request.

# GIFTS, PRIZES, AWARDS, WELLNESS/RECREATION CARD & DISCOUNTS

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## A. GIFTS, PRIZES & AWARDS

### 1. Gifts, Prizes, & Awards Provided by Tooele City

- a. Occasional and de minimis awards or prizes valued at less than \$15 may be given to employees without incurring a taxable fringe benefit, provided that it is not cash or a cash equivalent (i.e. a generic gift card).
- b. A plaque or similar display may be given to employees as an award or recognition without incurring a taxable fringe benefit.
- c. A tangible gift such as flowers may be given for:
  - (1) Expression of sympathy in the event of the death of an employee or employee's spouse or dependent child;
  - (2) Congratulations for the birth or adoption of an employee's child; or
  - (3) Expression of get well wishes for an employee.

Congratulatory gifts such as for birthdays, graduation, marriage, etc. or other condolences generally should not be purchased with City funds.

- d. A retiring employee may receive a tangible gift, like a watch or plaque, generally valued at \$20.00 per year of service to the City. Also, the department can contribute food items, like meat trays, to a retirement luncheon held on site for employees with at least 10 years of service to Tooele City.
- e. At the discretion of the Chief of Police and with approval from the Mayor, retired sworn police officers may be given their duty weapon and/or their badges and patches, including reasonable mounting costs such as a shadow box.
- f. Supervisors should check with the human resource department before approving any gifts, prizes, or awards for employees due to tax implications.
- g. Exceptions to this Section are approved by the Mayor.

### 2. Gifts, Prizes, & Awards Provided by External Sources

- a. Employees must follow state and federal laws regarding accepting gifts, prizes, and awards. Additionally, they should avoid the appearance of favoritism or conflicts of interest.
- b. Allowed. The following are examples, but not an exclusive list, of items employees may accept:



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- (1) De minimis items such as pens, mugs, calendars, thank you cards, and other trinkets valued at less than \$15;
  - (2) Discounts provided to all City employees in conjunction with the City's benefit or "perks" programs;
  - (3) Any tangible item or gift card, but not cash, valued at less than \$50 and given as a token of appreciation for assisting or speaking at events, conferences, civic organizations, or similar services;
  - (4) Fees paid on behalf of the employee to participate in charitable events as a City representative such as a charitable golf tournament;
  - (5) Incidental meals, drinks, or food items:
    - i. Personal meals, drinks, or food items valued at less than \$15 and that generally occur two or fewer times per calendar year;
    - ii. Group meals, drinks, or food items provided with training or as an expression of thanks;
    - iii. Food items left over from events or a catering that would otherwise have been thrown away;
  - (6) Complimentary trips to vendor offices, user conferences, or other travel that is conducted as part of the City's due diligence in researching a product or service, or to receive training;
  - (7) Items distributed to all attendees or randomly at conferences and other events such as t-shirts, pens, trade show bags, food and beverages, and door prizes;
  - (8) Items provided at a sponsored event if the potential for conflict of interest perceptions do not exist. This may include a gift given while representing the City at a charitable golf tournament, a prize awarded for winning a group costume contest, or a gift in conjunction with a customer service award program, and similar situations;
  - (9) Tips and gratuities provided to golf course café, catering, and food/beverage service staff when properly reported on time card; or,
  - (10) Reward points, sky miles, etc. earned on a personal credit card program when use of a personal credit card was necessary to conduct business purposes.
- c. Prohibited. The following are examples, but not an exclusive list, of items employees may NOT accept:
- (1) Employees serving on committees that are evaluating products or services may not accept any gifts from vendors bidding on these items;
  - (2) Cash, stocks, bonds, or other negotiable instruments regardless of the dollar amount;
  - (3) Any item with a value in excess of \$50 without written disclosure

## GIFTS, PRIZES, AWARDS, WELLNESS/RECREATION CARD & DISCOUNTS

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- to and approval from the Mayor. The disclosure and approval should document the business reason for accepting this gift and a declaration that there is no potential for a conflict of interest;
- (4) Tickets to sporting events, theater, or similar entertainment passes valued over \$50, either per event or cumulatively through a 12-month period, unless approved in advance and in writing by the Mayor. The approval should document the business reason for accepting this gift and declaration that there is no potential for conflict of interest perceptions;
  - (5) Personal meals, drinks, or food items valued at over \$15 or occur more frequently than twice per calendar year; or,
  - (6) Free gift items that come with a purchase if that purchase was made on behalf of the City.
- d. If an employee or department receives an unacceptable item:
- (1) The gift can be placed in a central spot for all employees to enjoy or given to the human resource department to distribute randomly, like a door prize at a City party;
  - (2) Instead of returning food gifts, they can be shared with the entire staff even if addressed to a single employee; or,
  - (3) The item can be given to a charitable organization.

### B. WELLNESS / RECREATION CARD

1. Tooele City aims to promote health and wellness initiatives for the benefit of both employees and the City. The City's goal is to raise awareness about healthy lifestyle behaviors, create a workplace that values wellness, and support employees in being more physically active, managing stress, and making healthier choices in their lives.
2. To support City wellness goals, Tooele City provides eligible individuals with free access to the Leigh Pratt Aquatic Center, the Oquirrh Hills Golf Course, and the Tooele City Public Library, subject to the following terms and conditions:
  - a. Free admission is valid only when there is excess capacity at each facility and no paying customer is displaced. If at the time of use, no excess capacity exists, the individual must pay the full admission fee or have access denied or delayed until an opening is available;
  - b. Free admission is only provided during regular public operating hours;
  - c. In general, the admission does not apply to classes, programs, rentals, tournament fees, or special events;
  - d. Free use does not apply to cart or equipment rental;

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- e. Tooele City reserves the right to apply temporary or permanent restrictions on this benefit as deemed necessary or appropriate;
  - f. Individuals must comply with the respective rules of the facility which are subject to change, or may be denied future use privileges; and,
  - g. Fraudulent use, including misrepresentation or use when not eligible, may result in collection of fees that were otherwise due, criminal prosecution, and/or denial of future benefit use.
3. The Tooele City wellness card also provides a 20% discount off rental fees for designated locations including Left Hand Fork Campground Sites, Tooele City Community Center, Wigwam Campground Sites and Park, Parks and Recreation Community Rooms (large & small), Dow James building, and Tooele City parks pavilions. This discount applies when the rental is primarily for the employee's personal use, such as their family BBQ/dinner, child's birthday party, granddaughter's baby shower, or family reunion/campout. The employee discount cannot be applied to rentals for organizations, groups, or events that are not of a personal use nature, such as for athletic teams, youth groups, fundraisers, or public expos. Additionally, there are no discounts provided for other rentals not specifically listed including, but not limited to the rental of the golf course pavilion, aquatic center, or aquatic center party spaces.
4. Eligibility. The following individuals are eligible for the wellness / recreation card:
- a. Active full-time regular and full-time appointed employees, their legal spouse, and their unmarried dependent children age 19 or younger living in the household;
  - b. While serving their term, Mayors and City Council persons, their legal spouse, and their unmarried dependent children age 19 or younger living in the household (*Approved December 2007 Ordinance 2007-32*);
  - c. Retired employees, but not their spouse or dependent children, may be provided with Wellness Card pursuant to the eligibility criteria in Section 30: Retiring and Retiree Benefits, herein this Manual; and
  - d. Former elected officials who served a full four-year term of office, but not their spouse or dependent children.

There is no survivor benefit applicable to the wellness card. Upon the death of the eligible employee, retiree, or elected official, the card becomes void.

## GIFTS, PRIZES, AWARDS, WELLNESS/RECREATION CARD & DISCOUNTS

Revised June 2024

SECTION: 31

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### C. ACCESS & DISCOUNTS GIVEN TO AQUATIC CENTER EMPLOYEES

Tooele City provides certain “perks” and benefits to employees working at the Aquatic Center as a recruitment and retention initiative.

#### 1. Facility Admission for Aquatic Center Employees

Active part-time regular, seasonal, temporary, on-call, or cyclical status employees working at the Leigh Pratt Aquatic Center, but not their family, can use the aquatic center without charge during regular public swimming hours when there’s excess capacity and no paying customer is displaced. If at the time of use, no excess capacity exists, they’ll need to pay the full fee or wait until an opening is available.

#### 2. Food & Beverage Discount

Aquatic Center employees get a 20% discount on for food or beverage ordered while on duty.

#### 3. Merchandise Sales

Aquatic Center employees get a 20% discount on the sales price for any merchandise purchased for their own use.

### D. ACCESS & DISCOUNTS GIVEN TO GOLF COURSE EMPLOYEES

Tooele City provides certain “perks” and benefits to employees working at the Oquirrh Hills Golf Course as a recruitment and retention initiative.

#### 1. Green Fees, Range Fees, and Cart Rental for Golf Course Employees

- a. Active part-time regular, seasonal, temporary, on-call, or cyclical status employees working at the golf course can play the course and use the range without charge when there’s excess capacity and no paying customer is displaced. If at the time of use, there’s no excess capacity, they’ll need to pay the full fee or wait until an opening is available. This benefit does not include cart, club, ball, or other purchase or rental.
- b. The fee for golf course employees to use a golf cart or for golf privileges for their immediate family (spouse and unmarried dependent children under 19) living with them will be set by department policy approved by the Department Head and Mayor.
- c. The golf professional, apprentice, and superintendents may use a cart free of charge as accounting for personal versus professional use is not practical given the nature of their positions and responsibilities at the golf course.

#### 2. Food & Beverage Discount for Golf Course Employees

## **GIFTS, PRIZES, AWARDS, WELLNESS/RECREATION CARD & DISCOUNTS**

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- a. Golf course employees get a 40% discount on food and non-alcoholic drinks ordered while on-duty.
  - b. Golf course employees get a 20% discount on food and non-alcoholic drinks ordered when they are off-duty.
  - c. Golf course employees can use their discount for food and non-alcoholic drinks for their spouse or dependent children under age 19 who live with them, but the employee must be present when purchasing. The discount cannot be used for anyone else.
3. Merchandise Sales
- Resale items may be sold at the Oquirrh Hills Golf Course under private contract and independent of Tooele City Corporation. If resale items are sold directly by Tooele City, golf course employees receive a twenty percent (20%) discount off the retail or sales price for any merchandise purchased for their own use.

## EDUCATION REIMBURSEMENT BENEFIT PROGRAM

Revised November 2018

SECTION: 32

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### A. PURPOSE

1. Tooele City has established a benefit program that provides regular and appointed status employees with reimbursement for advanced education or POST certification. This policy defines the terms and conditions under which employees may be granted reimbursement.
2. Work-related training or required certifications are covered by department training budgets.

### B. POLICY

Pending available funding, eligible employees may receive financial reimbursement for education and POST Academy as follows:

#### 1. Advanced Educational Program

- a. Employees may receive financial reimbursement to aid in obtaining an associate's or higher degree in a field that directly relates to work performed by Tooele City Corporation.
- b. Employees submit an application for educational assistance reimbursement benefits during the application period, include a complete official copy of the course curriculum (unless one has already been submitted), and identify the course the employee plans to be reimbursed for during the fiscal year. Changes, deletions, or additions to the approved application require submission of an amendment. Such changes are subject to approval from the Educational Reimbursement Committee. Tooele City is not responsible for reimbursement of classes that have not received prior approval.
- c. Under this program, ALL courses, including courses which are not job-related or City related, are eligible for reimbursement up to the allotted amount, if such courses are required as a condition of completion or graduation by the academic institution.
- d. Reimbursement is subject to available funding approved each fiscal year but is limited to \$1,000, per employee, per fiscal year. Reimbursement totals accumulate based on the date the bill is paid or reimbursed by Tooele City, not the date the class ended. To be eligible for reimbursement/payment, a grade of C- or higher is required. For courses that do not receive grades, such as PASS/FAIL courses, the employee must submit a recognized certificate or letter from the school verifying that the employee has satisfactorily completed the course. The following expenses are eligible for reimbursement:

- (a) Initial application fees (not subject to grade requirements);
- (b) Class tuition/registration fees;
- (c) Books & syllabi which are course required;

## EDUCATION REIMBURSEMENT BENEFIT PROGRAM

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- (d) Sales tax related to above expenses;
  - (e) Reasonably priced materials which will assist a disabled employee (Special consideration will be made in compliance with the EEO/ADA policy);
  - (f) Concurrent enrollment, home study, Internet, and other educational methods as long as such courses comply with the guidelines of the Program; or
  - (g) CLEP tests and CLEP preparatory classes, only if such courses result in an overall cost savings to Tooele City. Employees may be required to provide written documentation demonstrating such savings. Reimbursement for CLEP courses is made after the school has granted credit for the respective course.
- e. The following expenses are not eligible for reimbursement. This list is not all-inclusive. The Educational Reimbursement Committee must approve any expenses not specifically mentioned.
- (a) Courses that have not been approved by the Educational Reimbursement Committee
  - (b) Out-of-state tuition fees/non-member fees
  - (c) Audited courses
  - (d) Late registration fees/charges or fines
  - (e) Registration fees for special unique programs as designated by the Educational Reimbursement Committee
  - (f) Computers/equipment, Internet access, and/or general classroom supplies
  - (g) Calculators or other equipment
  - (h) Transportation
  - (i) Parking fees
  - (j) Meals
  - (k) Text books, manuals, or other materials that would aid the employee in studies, but are not required for the course
  - (l) Tutors or other study aids
- f. If an employee is entitled to veteran's or other educational benefits (i.e. grants or scholarships), the employee must use such benefits in lieu of City reimbursement. City reimbursement will be reduced by the amount of reimbursement for which the employee is eligible from the Veterans' Administration or any other source.
- g. Employees participating in the Advanced Educational Program are encouraged to take a minimum of 2 courses per year.
- h. Employees who participate in the Advanced Educational Program and voluntarily terminate their employment with the City must refund any monies paid by the City for the program during the preceding 14-month period.

## EDUCATION REIMBURSEMENT BENEFIT PROGRAM

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- i. Employees are not granted a level or step advancement upon completion of the Advanced Educational Program. All promotion and advancement opportunities follow respective policies.
  - j. Tooele City reserves the right to delay, deny, or discontinue Advanced Educational courses at any time and for any reason.
2. Sworn Law Enforcement Officer Student Loan/POST Reimbursement Program
- a. Sworn Law Enforcement Officers may receive reimbursement under the Sworn Law Enforcement Officer Student Loan/POST Reimbursement Program or the Advanced Education Program described above, but not both during the same fiscal year.
  - b. Sworn Law Enforcement Officers are eligible for reimbursement under this program after having served as a sworn law enforcement officer for Tooele City for two (2) years (includes FTO time).
  - c. Sworn Law Enforcement Officers must submit an application for educational assistance reimbursement benefits during the application period and include certification of the degree obtained/POST graduation, receipt for student loan payment made during the applicable fiscal year period (no reimbursement for payments outside the current fiscal year), and certification that the payment was not made by a source other than the employee. Employees may not accept benefits for the same payment made by any other outside program or agency.
  - d. The student loan debt must be related to the employee's successful completion of self-sponsorship through a POST academy recognized by Utah, or successful completion of an associate's degree, bachelor's degree, or master's degree obtained by the employee either prior to or during employment with Tooele City from an accredited college or university. The degree must be directly related to their job as a law enforcement officer. Examples include: general education, criminal justice, psychology, sociology, business administration, law, forensic science, computer science (crime analysis), public administration, emergency management, Spanish/foreign language useful to the agency, English, or similar. Example of non-qualifying degrees include, but are not limited to, education, accounting, arts, engineering, and dance. The Advanced Educational Reimbursement Committee makes the final decision regarding job relevancy and degree eligibility. Reimbursement is not made for collection agency payments nor for collection agency fees.
  - e. Reimbursement is subject to available funding approved each fiscal year but is limited to \$1,000 per fiscal year. Reimbursement is taxable income to the employee.



## EDUCATION REIMBURSEMENT BENEFIT PROGRAM

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- f. Employees who receive reimbursement and voluntarily terminate their employment with the City must refund any monies paid by the City for the program during the preceding 24-month period.
- g. Tooele City reserves the right to delay, deny, or discontinue Sworn Law Enforcement Officer Student Loan/POST Reimbursement Program at any time for any reason.

### C. DEFINITIONS

1. Educational Reimbursement Committee - Designated representatives from human resources, finance, and another designated functional area who has the responsibility for reviewing, verifying, and approving requests for educational reimbursement benefits.
2. Accredited College or University - Tooele City recognizes schools as accredited institutions if they are recognized by the Higher Education Directory.
3. Advance Educational Program - Program designed to assist employees completing an approved and accredited two-year associate's degree, four-year bachelor's degree, or master's degree. Sworn Law Enforcement Officer (LEO) - Employees deemed eligible for enrollment in the Utah State Retirement Public Safety Retirement Program.
4. POST Academy/Self-sponsorship – A satellite academy approved by Utah POST, which offers basic training programs for LEO certification.
5. Work-Related Training/Required Certifications – Courses or exams that assist the employee in developing knowledge and skills that directly relate to the employee's current occupation or profession. Generally, the intent of this program is to enlarge or refine the employee's scope of expertise in their present job. The supervisor approves work related training on an individual basis as each respective department pays for this type of training.

## FEDERAL SOCIAL SECURITY

SECTION: 33

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In order to extend to employees of Tooele City and to the dependents and survivors of such employees the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, Tooele City participates in such Act under a plan approved in 1951 pursuant to Utah Code Title 67, Chapter 11, and as directed by the Utah State Social Security Agency. Employees are required to contribute with respect to their wages an amount not exceeding the amount of tax which would be imposed by the Federal Insurance Contributions Act (FICA). Tooele City shall deduct such contribution from each employee's wages as and when paid. Tooele City shall contribute a matching amount into the contribution from each employee's wages as and when paid. Tooele City shall contribute a matching amount into the contribution fund and pay such contributions to the Internal Revenue Service in accordance with the FICA provisions in the Internal Revenue Code.

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Revised June 2024

SECTION: 34

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A. **POLICY**

It is Tooele City's policy to pay for and/or reimburse reasonable expenditures incurred by employees on authorized travel consistent with this Section and applicable government regulations.

B. **APPROVAL**

1. **Same Day Travel.** The department head approves daily travel expenses incurred for work.
2. **Overnight In-state Travel.** Prior to incurring any expense, an "Overnight In-State Trip Authorization" shall be approved by the employee's supervisor and the Mayor.
3. **Overnight Out-of-State Travel.** Prior to incurring any expense, an "Advance Request for Out-of-State Travel" shall be approved by the employee's supervisor and the Mayor.

C. **VEHICLES**

1. **City Vehicles.** Employees should use City vehicles and travel together for City business whenever possible. However, if circumstances prevent this or if vehicle space is limited, the department head can authorize alternate arrangements.
2. **Personal Vehicle Use Required.** When a City vehicle isn't available, employees can use their personal vehicles for City business and may be reimbursed for mileage at a rate set by the finance department, subject to change.
3. **Personal Vehicle Use by Choice.** If an employee chooses not to use a City vehicle or travel with a group for personal reasons, the department head may approve reimbursement for mileage at 50% of the established rate, considering factors like cost and circumstances.
4. **Preference to Travel by Vehicle Rather Than by Public Transportation.** If an employee declines reasonable public transportation options, reimbursement cannot exceed the cost of public transportation, including related expenses like meals and lodging.

D. **MEALS**

1. **Meals for Same-day Travel.** Same-day travel means employees leave and return to work on the same day. The IRS has rules about meal reimbursements for such cases, and Tooele City's policy is:
  - a. **Meals during Conventions or Training.** If employees work during their

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usual meal times at conventions or training sessions, these meals are tax-free. Usually, the registration fee covers them or the City pays. For example, if a keynote speaker presents during lunch at a conference or a police cadet eats during training. The meal cost shouldn't exceed allowed per diem rates.

- b. **Business Meals.** Meals needed when employees work through their regular meal times for official City business may be reimbursed tax-free. This happens rarely when it's better to handle business this way, like meeting a consultant in Salt Lake City instead of discussing matters with a supervisor. The meal cost shouldn't exceed allowed per diem rates.
  - c. **Incidental Meals.** Meals provided for safety reasons (e.g., for snow plow drivers during paid rest breaks) or as part of public recognition or appreciation, are also tax-free. The meal cost shouldn't exceed allowed per diem rates.
  - d. **Other Reimbursements.** Rarely, employees may get reimbursed for other same-day travel meals, but it's taxable. They need to submit reimbursement requests with receipts to the human resources/payroll department. The meal cost shouldn't exceed allowed per diem rates.
2. **Per Diem for Overnight Travel.** Employees receive a tax-free meal per diem per day, per meal during approved overnight travel. The per diem covers meals and incidental expenses and is adjusted accordingly if meals are included with the training or seminar, or as part of the hotel package. For instance, if a hot breakfast is provided at the hotel, the allowance is reduced, but continental breakfasts consisting of prepackaged items are excluded from the reduction.

The per diem rates for overnight travel in the State of Utah are based on the U.S. General Service Administration Per Diem for Meal & Incidental Expenses Standard Rate for Utah. The finance department will update these rates on the expense reimbursement request form, typically at the beginning of the calendar year. Employees have the option to use the Standard Rate for Utah or, if traveling to an out-of-state location with a higher per diem, employees may attach documentation from the U.S. General Service Administration Per Diem for Meal & Incidental Expenses for that location to support the higher per diem claim.

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3. **OTHER REIMBURSABLE EXPENSES**

The following expenses are eligible for reimbursement by submitting a Tooele City Expense Report with any required receipts or supporting documentation.

	<b>Receipt Required</b>	<b>Taxable to Employee</b>
Conference registration fees	Yes	No
Commercial airline fare, limited to tourist or economy fare. First class fare is reimbursable when tourist or economy fare is not available between specified points.	Yes	No
Railway, bus, or boat fare, limited to coach fare plus necessary lower berth or roomette. First class fare is reimbursable when coach is not available.	Yes	No
Mileage reimbursement for use of personal vehicle at the rate set by the finance department and approved by the Mayor but not to exceed the mileage allowance established by the IRS.	No	No
Reimbursement for reasonable gas expenses for personal cars in lieu of a mileage reimbursement.	Yes	No
Lodging, limited to actual costs.	Yes	Any amount that exceeds the IRS allowance for the respective location is taxable.
Road charges, parking fees, storage charges, emergency repairs, and similar items for City-owned vehicles	Yes, if available	No
Charges for car rental or similar services but only upon advance approval by the Mayor	Yes	No
Reasonable taxi, shuttle, and similar transportation charges	Yes	No

4. **NON-SPECIFIED EXPENSES**

Reimbursement for expenses not specified in this Section require the Mayor's approval and receipts.

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5. **SPECIAL RULES FOR ROOM SHARING**

For risk management purposes, Tooele City prefers that employees do not share rooms. However, in cases where housing expenses are covered by grants or other agencies, room sharing might be required. A supervisor cannot share a hotel room with an employee, and male/female employees cannot share a room unless they are married or live together. Suite arrangements, if they save money, are considered on a case-by-case basis with priority given to risk management and privacy.

6. **TRAVEL ADVANCE**

Employees may receive a travel advance up to the anticipated travel expenses. Unused funds, an itemized account of all expenses, and any required receipts must be returned to the City within one week of travel completion.

7. **TRAVEL TIME**

For purposes of this Section, employees are paid for all travel time except for overnight stays. During overnight travel, employees are paid for all hours while actively traveling and conducting City business. After reaching the destination, only hours spent on City business are paid, excluding personal time like evenings, meal periods, or optional conference activities. Time zone changes must be considered when calculating actual hours worked.

8. **TELEPHONE CALLS**

The City will pay for one reasonable length telephone call (not to exceed 10 minutes) to call home for each night out of town. Calls should be made on City cellular phones or charged to the room and reimbursed with the room charges. Costs for additional personal calls or exceeding the allowed time limit are the employee's responsibility.

K. **ALTERNATIVE TRAVEL ARRANGEMENTS YIELDING COST SAVINGS**

The City recognizes that circumstances may arise where management may approve alternative travel arrangements or reimbursements provided that doing so results in an overall cost savings and does not exceed IRS allowed non-taxable travel limits. For example:

1. An employee agrees to take a personal RV trailer to stay in while at training as it will cost less than staying in a hotel. The manager agrees to reimburse the employee for actual gas expenses incurred in lieu of mileage because pulling the RV costs more than the standard mileage rate.
2. An employee stays with a friend or relative while at the training in lieu of a hotel.
3. An employee who has a fear of flying asks to be allowed to drive. The manager agrees, provided that all expenses do not exceed what would have been incurred if the employee flew.

## LOSS OF PROPERTY OR FUNDS

SECTION: 35

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A. NOTIFICATION OF LOSS

Any employee who is responsible for, has access to, or has been given possession of city property or funds shall immediately notify the department head of the loss of, or inability to account for such property or funds. Also, any other employee who is aware of such a loss, irrespective of who may be the responsible party, shall also notify their department head of the loss.

B. COVERAGE BY BOND

Upon discovering a loss of property or funds or upon receiving such notice from another person, the department head shall immediately notify the city attorney and police department. If the attorney determines that the loss is one that may be covered by the city's public employee bond, the attorney shall cause that notice of the loss, or facts indicating that a loss has occurred, be immediately given to the city's insurance carrier by certified mail.

C. INVESTIGATION

The city attorney and police department shall jointly conduct an investigation of the facts surrounding any loss. The results of the investigation shall be forwarded to the mayor.

**PERSONAL USE OF CITY RESOURCES  
(FUNDS, PROPERTY, LABOR, SERVICES & EQUIPMENT)**

Revised January 2016

SECTION: 36

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**A. NO PERSONAL USE OF CITY RESOURCES UNLESS SPECIFICALLY ALLOWED**

Employees may not use City resources, such as funds, property, labor, services, tools, and equipment, for their own personal use or for the private advantage of any other person, unless:

1. the use of resources is available to the public on the same terms;
2. the use is acceptable de minimis or incidental use as outlined below; or,
3. the use is specifically allowed for under specific Sections of this Manual such as: employee wellness benefit, incidental use of computer and electronic systems, and incidental use of City vehicles.

**B. ACCEPTABLE DE MINIMIS OR INCIDENTAL USE**

There are limited circumstances where de minimis and incidental use of some City property, tools, or equipment during the course of a work day may occur and may be reasonable. "Incidental use" is intended to mean that the use is so infrequent and incurs so little cost that tracking it would be unreasonable. For example, an employee may use a City telephone to make a local phone call, an employee may make a personal note on a piece of paper or use tape to hang up a family photo, or the employee may stop at a store to purchase a drink or deposit a check in a City vehicle while on break. Such de minimis or incidental use is generally acceptable provided that the use:

1. complies with other Sections of this Manual and other policies and procedures;
2. does not disrupt, distract, or interfere with City business activities;
3. does not involve solicitation;
4. does not support, operate, manage, or promote a for-profit business endeavor. Any City employee with a second job or private business must conduct it on their own time, using their own equipment and supplies, and away from the workplace;
5. does not involve illegal activity; and,
6. does not have the potential to harm, bring discredit to, or be adversarial to the City or public confidence in our responsible use of City resources.



## PURCHASES & REIMBURSEMENTS

Revised November 2021

SECTION: 38

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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.

### B. PURCHASES BY DECEPTION

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

Tooele City may have established discounts or special rates with vendors. These are preserved for the City's business use. Employees may not request nor 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 is for the use or benefit of Tooele City. If an employee identifies an error that was made (i.e. a City discount was applied to a purchase that was made for their personal use), the employees is expected to promptly notify their supervisor and to correct the vendor's error.

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.

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

### C. REIMBURSEMENTS

Requests for reimbursement must be accompanied by an original receipt and written explanation stating the authorized, 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. If purchases were not authorized, the City may deny reimbursement.

## DRIVING & CITY VEHICLES

Revised June 2024

SECTION: 39

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### A. PURPOSE

The purpose of Section is to:

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

### B. AUTHORIZED DRIVERS & STANDARDS

1. The 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, completed a state approved driver education course, and has no record of any moving violations at the time of hire;
  - 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.

## DRIVING & CITY VEHICLES

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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 INCURRED WHILE WORKING

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

### E. DRIVER SAFETY RULES

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

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

## DRIVING & CITY VEHICLES

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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.

### 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 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

## DRIVING & CITY VEHICLES

Revised June 2024

SECTION: 39

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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 and authorized firefighters are allowed to have passengers in their police or fire command vehicle subject to their respective department Policies & Procedures.

### I. PERSONAL AND COMMUTER USE OF CITY VEHICLE

#### 1. Personal Use of a City Vehicle

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

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

- b. Sworn police officers' personal use is granted to benefit the City by providing visibility and police response throughout the City. Such personal use is limited to use only within Tooele City limits. The Police Department Policies & Procedures Manual may provide additional information on personal use of police vehicles. Injuries sustained during personal use are not work-related injuries and are the officer's responsibility.
- c. Fire Chief and Fire Marshall/Emergency Management Supervisor personal use is granted to benefit the City by providing visibility and fire/emergency response throughout the City. Such personal use is limited to use only with Tooele City limits. The Fire Department Policies & Procedures Manual may provide additional information on personal use of fire vehicles. Injuries sustained during personal use are not work-related injuries and are the officer's responsibility.

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### 2. Commuter Use of a City Vehicle

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

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.

## AMENDMENT OF POLICIES AND PROCEDURES

Revised March 2011

SECTION: 40

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### A. CITY'S RIGHT TO AMEND

Tooele City reserves the right to add or change any or all policies contained in this Manual pursuant to this Section. Although Tooele City desires to openly communicate with employees and provide advanced notice of proposed changes, such changes may be done without prior notice to the affected employee(s) when deemed necessary or otherwise appropriate for the efficient operation of the City.

### B. AMENDMENT PROCEDURE

1. **Recommendation.** The Tooele City Personnel Policies and Procedures Recommendation Committee may propose an amendment if approved by the two-thirds vote of the Committee members. The Policies and Procedures Recommendation Committee consists of the appointed administrative department heads and the Mayor or Mayor's designee.
2. **Mayoral Approval.** The amendments are then presented to the Mayor for consideration. The Mayor will recommend that the amendment be returned for re-evaluation by the Recommendation Committee or forwarded to the Council for consideration.
3. **Council Approval.** The amendments are then presented to the City Council for consideration. To become effective, the City Council must approve, by ordinance, any amendment to the Tooele City Personnel Policies and Procedures Manual. Amendments may be approved with a retroactive effective date.

### C. APPLICABILITY OF PRIOR POLICIES, PROCEDURES, OR PRACTICES

When amended pursuant to this Section, the policies and procedures in this Manual, as amended, supersede all prior Tooele City Corporation policies, procedures, or practices, and all other statements or commitments, oral or written, either express or implied except for those contained in a written contract signed by the employee and the Mayor.



## SAVINGS CLAUSE

SECTION: 41

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Any and all provisions contained herein are subject to the City's budget limitations and restrictions and shall not overspend the City budget.

## SEPARABILITY CLAUSE

SECTION: 42

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If any Section of these policies and procedures is found to be invalid, that finding will not invalidate the other sections of the policies and procedures.

# TOOELE CITY POLICIES AND PROCEDURES MANUAL

## APPENDIX B: ENABLING ORDINANCE

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|----------|---|
| 91-06    | An Ordinance adopting a New Tooele City Personnel Policies and Procedures Manual <i>Effective August 21, 1991</i>   |
| 92-06    | An ordinance Repealing Section 9F and adopting Section 4H of the Tooele City Personnel Policies and Procedures Manual <i>Effective February 11, 1992</i>  |
| 94-07    | An Ordinance adopting Section 26P and Related Forms for the Tooele City Personnel Policies and Procedures Manual <i>Effective February 2, 1994</i>  |
| 95-12    | An Ordinance adopting Section 11: Retirement Part F to provide for single retiree medical coverage for one year for every five years of service. <i>Effective June 17, 1995</i>   |
| 98-19    | An Ordinance adopting Section 0: Disclaimer, amending Section 1: Equal Employment Opportunity and Americans with Disabilities, amending Section 2: Hiring, amending Section 40: Amendment of Policies and Procedures, and amending Appendix A: Forms <i>Effective July 1, 1998</i>  |
| 98-28    | An Ordinance amending Section 16: Sexual Harassment, amending Section 32: Training and Educational Assistance, and amending Appendix A: Forms <i>Effective September 1, 1998</i>  |
| 99-17    | An Ordinance adopting Section 43: Domestic Violence. <i>Effective September 1, 1999</i>   |
| 2000-05  | An Ordinance amending Section 17: Drug-Free Workplace and amending Appendix A: Forms <i>Effective April 5, 2000</i>   |
| 2000-19  | An Ordinance amending Section 11: Retirement, Section 26: Sick Leave, Section 36: Use of City Equipment and Facilities, and Appendix A: Forms   |
| 2001-07  | An Ordinance amending Sections: 3: Job Classification, 4: Employment Status, 5: Employment Status Change, 7: Work Hours, 9: Compensation, 10: Salary Advancement & Employee Appraisal, 12: Discipline, 34: Travel, and 40: Amendment of Policies and Procedures, and amending Appendix A: Forms. <i>Effective July 1, 2001</i>  |
| 2001-32  | An Ordinance correcting typing errors in Section 9: Compensation and Section 17: Drug-Free Work Place. <i>Effective November 2001</i>   |
| 2003-16  | An Ordinance revising: Section 4: Employment Status & Benefits Eligibility, Section 9: Compensation, Section 24: Annual Leave, Section 26: Sick Leave, Section 25: Funeral Leave, Section 27: Leave of Absence, Section 32: Training & Educational Assistance, and Section 38: Purchases & Reimbursements. Appendix A: Forms was also updated to reflect current forms in use. <i>Effective July 2003</i>                   |
| 2003-16A | An Ordinance renaming: Section 29: Benefits and restating the policy to reflect current administrative activities and updates to legally required COBRA notices. This incorporated Section 30: Flexible Spending Plan and Section: 31 401K Plan. These Section numbers are now blank. The Ordinance also implemented Section 12: Computer Systems, Internet, and Electronic Mail. <i>Effective January 2004</i>             |
| 2004-13  | An Ordinance changing Section 2: Hiring, Section 9: Compensation, and Section 23, Holidays. <i>Effective November 2004</i>  |
| 2005-02  | An Ordinance revising Section 7: Work Hours and Compensation to reflect a change in the pay period for sworn police officers from 80 over a 14-day period to 84 over a 14-day period. Revising Section 9: Compensation to reflect change in police pay period, approval of over-time or compensatory-time for exempt employees when wages are reimbursed by another agency; changes in compensation policy for disciplinary |

demotions and medical related demotions; and administrative changes. Changes Section 13: Grievance to clear up administrative issues and made changes to comply with revisions in Utah State law. Section 27: Extended or Intermittent Leave revised to clarify intermittent leave for birth or placement of a child as well as use of compensatory time. *Policies in general were approved effective January 2005. Provisions that change the police pay period were changed with an effective date of February 6, 2005.*

- 2005-12 An Ordinance revising: Section 4: Employment Status & Benefit Eligibility; Section 6: Nepotism; Section 29: Benefits; and Section 36: Use of City Equipment and Facilities.
- Sept. 2005 Personnel Policies and Procedures were reprinted. Section 11: Retirement was renumbered to Section 30 and Section 43: Domestic Violence was renumbered to Section 11.
- 2005-20 An Ordinance revising Section 15: Political Activity to remove the mandate that a City employee take a leave of absence from employment following the primary election. *Effective September 2005*
- 2008-14 An Ordinance revising several Sections of the Manual: Section 0 Disclaimer. Renamed “About this Manual;” Section 1 Equal Employment Opportunity Statement; Section 2 Hiring. Renamed “Hiring & Job Assignments;” Section 4 Employment Status and Benefit Eligibility, Renamed “Employment Status, Independent Contractors, & Volunteers;” Section 5: Discipline, Renamed “Corrective Action, Discipline, and Separation;” Section 6: Nepotism; Section 7: Work Hours and Attendance, Renamed “Work Hours, Period, & Attendance;” Section 10: Performance Reviews; Section 24: Annual Leave; Section 26: Sick Leave; Section 27: Extended or Intermittent Leave (FMLA), Renamed “Family and Medical Leave Act and City Approved Leave of Absence” and updated to comply with 2008 amendments to the Family and Medical Leave Act specifically regarding FMLA expansion for military related absences; Section 29: Benefits. Changes 401K employer contribution calculation for employees in the Non-contributory retirement plan; and, Section 30: Retirement & Retiree Benefits. Editorial revisions including an updating cash-out table due to changes in Utah State Retirement law. *Effective December 22, 2008*
- 2011-08 An Ordinance revising several sections of the Manual: Section 0: About This Manual. Section 1: Equal Employment Opportunity Statement. Section 3: Job Descriptions and Classification was repealed and data pertaining to job descriptions was moved to Section 9: Compensation. Section 4: Renamed Independent Contractors, Volunteers, and Employee Status. Data pertaining to FLSA definitions was moved to Section 9: Compensation. Removed paragraph regarding Civil Service & Applicability. Changed orientation period to 12 months from hire (or completion of FTO for sworn officers) rather than 6 months. Section 7: Renamed Work Schedules and Attendance. Data pertaining to Work Period was moved to Section 9: Compensation. Communicates some of the responsibilities employees have in regards to attendance and punctuality. Section 9: Compensation. Incorporated data currently included in Section 3: Job Descriptions and Classification; Incorporated some of the data currently included in Section 7: Work Hours & Attendance. This was the data that defined Tooele City’s work period which relates to compensation and payroll processing. Narrative on Tooele City’s compensation philosophy; Included policy for “market adjustments when deemed necessary and practical”; Incorporated narrative to clarify how sworn police officers record their hours worked when the shift spans over two calendar days; Adjust for Time Report policy guidelines; Defined De Minimis Work time; Made changes to compensatory time policy including carry over, use requirements, and other provisions that were barriers to winter work; Updated policy regarding interplay of comp-time and FMLA to reflect the legal changes in the FMLA so Comp-time can now run concurrently with FMLA, if applicable; Better defined call-out policy requirements and included clarification on call-out provisions including how travel time is paid if an employee is

called out to work; Better defined on-call policy and response reporting requirements; Clarified time recording requirements due to technological devices such as when using blackberry phones, access to work at home, etc. Section 37: Garnishments. Repealed. Section 40: Amendment of Policies and Procedures. Notice of right to amend and applicability of prior policies, procedures, or guidelines was moved from Section 0 to this Section. *Effective March 3, 2011*

- 2011-11 An Ordinance revising Section 9: Compensation, Section 29: Benefits, and Section 30: Retiring & Retiree Benefits. Clarifies how pay is adjusted for involuntary demotions due to reduction in force. Clarifies that call-out premium pay does not apply to temporary, seasonal, and substitute employees. Changes policy so that call-out premium pay is no longer paid to part-time regular employees. Updates policies to reflect changes in benefits due to various changes in law including healthcare reform and Tier 2 Pension Plans.
- 2013-12 An Ordinance revising Section 4: Employee Classifications, Independent Contractors & Volunteers; Section 9: Compensation; Section 13: Grievance; Section 16: No Harassment & No Retaliation; Section 24: Annual leave; Section 25: Funeral; Section 26: Sick Leave; Leave; and Section 29: Benefits. Many of the changes were due to PPACA (Healthcare Reform Laws) and changes to benefit package. *Effective July 1, 2013*
- 2016-01 An Ordinance revising Section 1: EEO, Section 5: Corrective Action, Discipline, & Separation; Section 6: Nepotism; Section 12: Computer Systems, Internet, and E-mail; Section 13: Grievance; Section 16: No-Harassment & No-Retaliation; Section 22: Administrative Leave; Section 27: FMLA & City LOA; Section 30: Retiring & Retiree Benefits; Section 31: Gifts, Prizes, Awards, Wellness/Rec Card, & Discounts; Section 34: Travel; and Section 36: Driving & City Vehicles. *Effective January 11, 2016*
- 2016-19 An Ordinance revising Section 1: EEO & Workplace Accommodations, Section 9: Compensation, Section 29: and Benefits, Section 34: Travel. *Effective November 17, 2016 except Section 29 revision is effective January 1, 2017*
- 2018-20 An Ordinance revising Section 2: Hiring; Section 6: Nepotism; Section 9: Compensation, Section 17: Drug-Free Workplace; Section 23: Holidays; Section 25: Funeral Leave; Section 29: Benefits; Section 31: Gifts, Prizes, Awards, Wellness/Recreation Card & Discounts; and Section 32: Training & Educational Assistance. Also repealed Section 11: Domestic Violence. *Effective October 2018, except that police payroll and benefit changes become effective December 2, 2018.*
- 2021-34 An Ordinance revising Section 2: Hiring; Section; 9: Compensation adding a phone allowance option and updating severance pay provisions for appointed employees; Section 17 Drug & Alcohol Free Workplace to address legal use of medical cannabis and changing pre-employment drug screening to safety sensitive and CDL drivers only; Section 23: Holidays adding the day after Thanksgiving as a paid holiday; Section 24: Annual Leave changing the max payout and removing the new employee payback requirement; Section 29: Benefits with editorial updates; Section 38: Purchases & Reimbursements; and Section 39: Driving & City Vehicles to add GPS system to vehicles and updating the commute list. *Effective November 1, 2021*
- 2022-16 An Ordinance revising Section 12: Computer Systems, Internet, and E-mail; Section 23: Holidays to add National Freedom Day; Section 25: Funeral Leave to add miscarriage to list and retitle Section to Bereavement & Funeral Leave; Section 29: Benefits changing City Council Tier 2 Equalization Benefit amount, eliminating the PS Tier 2 Enhanced Benefit, Increasing the PS Tier 2 Pick-up Election with URS, and edits for URS firefighter benefit programs; Section 30: Retiring & Retiree Benefits removing the option to convert sick leave for insurance premiums and new retirees ability to remain on the

City's Group Insurance past their Earned Premium Credit period, and add public safety mental health benefit for public safety retirees pursuant to change in Utah State law.

- 2022-39 An Ordinance adding Section 1 Ethics & Conflicts of Interest and renumbering Section 1, 2, and 3; makes editorial revisions to Section 5: Corrective Action, Discipline, & Separation; edits Section 9: Compensation to implement holiday buy-back for sworn law enforcement officers working patrol; edits section 13: Grievance for grammatical errors; rewrites Section 14: Outside Employment; Edits Section 23: Holidays to address when the patrol buy-back applies; and edits Section 39: Driving & City Vehicles to add provision for fire personnel personal use of City vehicles and makes grammatical edits.
- 2023-24 An Ordinance revising Section 2: Equal Employment Opportunity & Workplace Accommodations noting City compliance with new legislation: Federal Pregnant Workers Fairness Act (PWFA) and Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act; Section 14: Outside Employment editorial revisions; Section 29: Benefits removes part-time Council Members' ability to participate in the Tooele City Group Health or Waiver program; clarifies hour calculation for variable hour employees Patient Protection and Affordable Care Act (PPACA) eligibility to include all hours paid (even if not worked); adds cash-in-lieu/waiver information to policy and makes editorial revisions to Section 125 plan narrative; adds information regarding Health Savings Plan (HSA) eligibility and employer contributions; makes revisions to the Utah Retirement System benefit regarding Tier 2 benefit protection contracts to comply with Utah State law requiring benefit protection for sworn police officers and firefighters whose line-of-duty long-term disability benefits extend beyond workers compensation, if applicable; and, includes information regarding eligibility for exemption from vesting requirements of the Tier 2 plan for certain eligible employees; and Section 30: Retiring & Retiree Benefits modifying the Public Safety Mental Health Retiree Benefit provision due to changes in Utah Code Title 54, Chapter 21 passed in the 2023 legislative session.  
*Effective June 25, 2023*
- 2024-13 An Ordinance making editorial revisions to Section 0: About this manual, Section 12: Computer Systems, Internet, and Electronic Mail, and Section 27: FMLA & City LOA. Also updated Section 31: Gifts, Prizes, Awards, Wellness/Recreation Card & Discounts making editorial revisions and simplifications; clarification on golf staff acceptance of tips and gratuities at the café/catering/food & beverage services; added additional/new City facilities to the list of discounted rental fees. Also updated Section 34: Travel per diem rates for overnight travel and Section 39: Driving & City Vehicles updating the list of positions that are required to commute and child labor law regulation.