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CHAPTER 1000 INTRODUCTION

Section 1010 – INTRODUCTION TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL

General Policy Statement:

Our employees are our most valuable resource. The City of Draper is committed to providing exceptional service to the citizens, businesses and other organizations that are a part of our community. The City is committed to fostering a work environment committed to respect, contribution and professionalism. Through the personnel policies and procedures contained in this manual, the City desires to promote consistency and fairness in employee/employer relationships, enhance employee performance, and protect the City's legal interests.

Statement of Purposes:

1. **Summary.** The Personnel Policies and Procedures Manual is the City's compilation of Human Resource policies. Through the manual the City identifies the City's philosophy and interests, promotes consistency and fairness in employee/employer relationships, enhances employee performance, and protects the City's legal interests.
2. **City's Right to Modify or Discontinue Policies.** The City's business environment changes frequently and quickly. The City reserves the right to unilaterally alter, amend, except or revoke any policy, practice or procedure set forth herein in its sole discretion. All amendments shall be adopted by resolution of the City Council.
3. **Department Head Responsibilities.** It is important that Department Heads review the manual, become familiar with its policies, ask questions, and utilize it as may be appropriate. Our goal is that these policies will promote sound management practices and the success of each member of our organization. This manual is Draper City property and is intended for use inside the City's organization.
4. **Employees' Acknowledgment.** All City employees shall be aware of and adhere to all the provisions of this manual and the policies and procedures set forth herein and any amendments hereto. Each employee shall sign at the time of hire and submit to the City an Acknowledgment Form, as provided by the City, attesting to the fact that he or she has had an opportunity to read and understand the provisions set forth herein. The manual shall be available to employees, Department Heads and supervisors to access on the City's Network System, in the Human Resources Department and within their department.
5. **No Contract.** The information contained herein and any amendments or alterations hereto do not constitute a contract or agreement of any kind between the City and its employees or any third party. No person other than the City Manager, with the advice and consent of the City Council, shall enter into an employment agreement with any person inconsistent with the provisions herein. The information and policies contained herein shall not constitute or create any rights in or obligations to any persons or parties other than to the City and its employees. Nothing herein shall be construed to limit the City's right to discharge an employee or to create any other obligation or liability on the City. If any department policies, procedures or directives whether written or verbal, are in conflict with or are inconsistent with this manual, such department policies, procedures or directives to the extent of such conflict or inconsistency are superseded by this manual.
6. **City Manager Delegation Authority.** Except as otherwise required by law or as directed by the City Council, the City Manager shall perform the administrative duties and responsibilities of the City regarding personnel matters and the administration of the policies contained herein. The City Manager may delegate such administrative duties and responsibilities to the Human Resources Director, Department Heads or other designees as deemed appropriate and permitted by law, City policies, or ordinances.
7. **Saving Clause.** Invalidation of any part, portion or section of the policies and procedures contained in this manual shall not affect the validity of the other parts, portions or sections.

ADOPTION – AMENDMENTS – REVISIONS

Adoption 03/05/2013

Resolution No. 13-11

Section 1020 - DEFINITIONS

For the purpose of the Policies and Procedures contained in this manual, certain words and phrases used herein shall be defined as follows:

Anniversary Date: The date on which an employee begins employment in their current position.

City: Draper City, Utah.

Date of Hire: The date on which an employee begins employment with the city.

Elected Officials: The city's elected officials are designated as part-time employees of Draper City. Elected officials serve at the discretion of the citizens of Draper. They receive compensation and benefits based upon laws of the State of Utah and ordinances and policies adopted by Draper City.

Employee, Appointed: Any employee appointed by the mayor, city manager, or other person or body with the power to appoint employees. These employees serve in full-time, at-will positions that are exempt from the Fair Labor Standards Act (FLSA) overtime requirements. These employees may receive all standard city benefits, effective on the date of program eligibility.

Employee, At-Will: Any person that does not have the protections under Utah Code §10-3-1105(1)(a).

Employee, Part-time: Any employee working for the city on a continuous basis who is regularly assigned to work <30 hours per workweek. Part-time employees shall not work more than 1,500 hours during a calendar year. In accordance with the Patient Protection and Affordable Care Act (PPACA), part-time employees are not eligible to receive benefits unless otherwise required by law. Part-time employees are at-will employees.

Employee, Probationary: Any employee working for the city either full-time or part-time but not yet having successfully completed a Probationary Employment Period. Probationary employees are at-will employees.

Employee, Full-time: Any employee working for the city on a continuous basis who is regularly assigned to work ≥30 hours per workweek.

Employee, Seasonal: Any employee hired for seasonal work of less than six continuous months. Seasonal employees are not eligible to receive benefits unless otherwise required by law. They are at-will employees.

Employee, Temporary: Any employee hired for a defined project or a limited timeframe not to exceed 12 months. Temporary employees are not eligible to receive benefits unless otherwise required by law. They are at-will employees.

Employee, Exempt: Employees primarily performing work that is exempt from or not subject to the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees are generally paid a salary.

Employee, Nonexempt: Employees primarily performing work that is subject to the overtime provisions of the Fair Labor Standards Act (FLSA). Nonexempt employees are generally paid on an hourly basis.

Level or Band: A group of positions sufficiently alike in duties, authority and responsibility to justify the same position title, qualifications, and the schedule of pay to all positions in the group.

Personnel Administrator: The City Manager or as delegated to the Human Resources Director or other designee.

Patient Protection and Affordability Care Act (PPACA) Initial Measurement Period: The initial measurement period for part-time employees begins on their date of hire and ends after they have completed 12 months of employment. The administrative period begins after the initial measurement period and will be one month. If the employee qualifies for medical insurance coverage, the coverage will begin on the new benefit year, i.e. July 1, following the administrative period.

Separation: When an employee leaves service of the city for any reason, whether voluntary or involuntary.

Service Date: The original date of hire as a full-time employee for purposes of accruing benefits and determining years of service. This date is reflective when part-time, seasonal or temporary employee becomes a permanent full-time employee. This service date is the first day worked as a full-time employee.

Volunteers: Any person who donates service without pay or any other compensation, except community service workers. Volunteers are not considered employees.

ADOPTION – AMENDMENTS – REVISIONS

Adoption 03/05/2013	Resolution No. 13-13
Amended 08/02/2022	Resolution No. 22-42

Section 2010 - AMERICANS WITH DISABILITIES ACT (ADA) AND ADA AMENDMENTS ACT (ADAAA)

General Policy Statement:

The Americans with Disabilities Act 1990 (ADA) prohibits discrimination against individuals with disabilities in job applications procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA was amended in 2008 as the ADA Amendments Act (ADAAA) to broaden the scope of disability. The city firmly believes in employing qualified individuals, and is committed to following the ADA and ADAAA, as amended.

Guidelines:

- 1.0 Individuals Protected. Under the ADA and ADAAA, employment discrimination is prohibited against individuals with disabilities who:
 - 1.1 Meet the job-related requirements of the position; and
 - 1.2 Can perform the essential functions of the job with or without reasonable accommodation.
- 2.0 Disability Defined. An individual with a "disability" is defined, as:
 - A. A physical or mental impairment (major bodily function, include but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions) that substantially limits one or more major life activities (include but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working);
 - B. A record of such an impairment; or
 - C. Regarded as either having such impairment that does not substantially limit a major life activity; has an impairment that substantially limits a major life activity only as a result of the attitudes of others towards them; or does not have an impairment but is treated by others as having an impairment.
3. Scope. Our policy applies to all policies, procedures, terms and conditions of employment including, but not limited to:
 - 3.1 Recruitment and Hiring. All qualified job applicants are considered for positions in our organization regardless of disability. Hiring procedures have been reviewed and provide disabled individuals meaningful hiring opportunities.
 - 3.2 Job Actions. Employment and job-related decisions (including corrective action, promotions, transfers, terminations, layoffs) will be performance-based, job-related, and based on business needs.
 - 3.3 Compensation and Benefits. Qualified individuals with disabilities will not be discriminated against in pay or other forms of compensation and benefits.
 - 3.4 Other Employment Benefits. Other benefits including, but not limited to training, social programs, and facilities are made available to all employees regardless of disability.
4. Reasonable Accommodations. The City will reasonably accommodate "qualified individuals with known disabilities" (physical or mental) unless the accommodation would impose an undue hardship on the city. The city may not provide a reasonable accommodation to an individual who meets only the "regarded as" prong of the definition of "disability."
5. Testing. All medical exams and employment testing will be conducted in accordance with applicable law.
6. No Discrimination Because of Relation or Association. Applicants or employees who are related to or associated with persons with disabilities will not be discriminated against because of that relationship.
7. Facility Accessibility. The city is committed to making our facilities accessible to job applicants and employees. Job applicants or employees who are in need of a facility accessibility accommodation or disability accommodation should contact human resources. The city welcomes suggestions for improvement and encourages employees to contact the Personnel Administrator for any improvement suggestions

8. Service Animals. A person with a disability has the right to be accompanied by a service animal as a dog, unless the animal is a danger or nuisance to others as interpreted under the ADA (42.U.S.C. Sec. 12102). Service animals should remain with their owners at all times and clearly identified as a service animal.
9. Employee Responsibilities. All employees are responsible for the successful implementation of the ADA and are expected to support our ADA/ADAAA policy. Ensuring equal opportunity for all, regardless of disability, cannot be realized without the assistance of all employees throughout our organization.
10. The Personnel Administrator or designee oversees ADA/ADAAA Compliance. Any employee or Department Director with ADA/ADAAA related questions or discrimination issues, or anyone seeking an accommodation should contact the Personnel Administrator or designee.
11. ADA/ADAAA Complaint. Any employee who believes he or she has been discriminated against on the basis of a disability regarding access to or benefit of city services, activities, or programs, or in connection with the city, may file a written complaint in accordance with the city complaint procedure as set forth in [Section 5020](#).
12. Retaliation Prohibited. By law any retaliatory action against an employee, job applicant, or witness who makes a charge of an ADA/ADAAA violation or who assists in an ADA/ADAAA investigation is strictly forbidden.

ADOPTION – AMENDMENTS – REVISIONS

Amended 09/06/2022 Resolution No. 22-47

Section 2020 - EQUAL EMPLOYMENT OPPORTUNITY

General Policy Statement:

Draper City is committed to Equal Employment Opportunity (EEO) in all employment decisions. Employment is based upon qualifications and ability. Discrimination because of race, color, religion, sex, national origin, disability, age, sex, genetics, pregnancy, genetic information, sexual orientation, gender identity, citizenship, veteran or military status, or any other factor protected by law is forbidden and will not be tolerated. Implicit in our commitment to EEO is our goal to maintain a work environment that is free of harassment, intimidation, ridicule, or discrimination of any kind.

Policy

1. **Scope.** The city provides equal employment opportunity to its employees and applicants for employment on the basis of qualifications and ability without regard to race, color, religion, sex, national origin, disability, age, sex, genetics, pregnancy, genetic information, sexual orientation, gender identity, citizenship, veteran or military status, or any other factor protected by law. The city will follow this policy in all employment practices, policies, activities, and programs, and use of city government facilities. It is not the intent of the city to permit or require the lowering of bona fide job requirements or qualification standards to give preference to any employee or applicant for employment.
2. **Prohibited Conduct.** The city expressly prohibits any form of unlawful employee harassment or discrimination based on race, color, religion, sex, national origin, disability, age, sex, genetics, pregnancy, genetic information, sexual orientation, gender identity, citizenship, veteran or military status, or any other factor protected by law. Any employee of who fails to comply with this policy is subject to appropriate corrective action, up to and including termination of employment.
3. **EEO Administration.** The Personnel Administrator or designee has overall responsibility to administer and ensure effective administration of equal employment opportunities throughout the city.
4. **Employee Role.** All employees are expected to support this policy. Meaningful equal opportunity cannot be realized without the assistance of all employees. It is each employee's responsibility to timely inform their supervisor or Department Director of any evidence of discrimination or harassment.
5. **Department Director and Supervisor Role.** Department Directors and supervisors have special responsibility through leadership and example, to effectively implement this policy. It is their responsibility to create a work environment free of harassment, discrimination and retaliation and focused on equal opportunity in employment.
6. **EEO Communication.** Any communication, questions, or issues involving equal employment issues should be referred to a Department Director or the Human Resources Director.
7. **Reporting.** Any employee who feels they have been discriminated against or believes they have witnessed discrimination is strongly encouraged to file a complaint and/or to immediately bring the matter to the attention of the appropriate supervisor, Department Director, Human Resources Director, or the Personnel Administrator or designee. Any such complaints or reporting of discrimination or harassment should be reported and investigated in accordance with the procedures set forth in [Section 2030](#).
8. **Retaliation.** The city prohibits covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 04/01/2014	Resolution No. 14-28
Amended 05/05/2015	Resolution No. 15-22
Amended 08/02/2022	Resolution No. 22-42

Section 2030 - HARASSMENT-FREE WORKPLACE

Draper City is committed to providing a work environment that is free of prohibited harassment. As a result, the City maintains a strict policy prohibiting sexual harassment by and against employees.

This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, or visitors. If such harassment occurs in the workplace by someone not employed by Draper City, the procedures in this policy should be followed. The workplace includes: actual worksites, any setting in which work-related business or training is being conducted (whether during or after normal business hours), city-sponsored events, or city owned/controlled property.

1. Sexual Harassment Defined

Sexual harassment includes:

- Unwanted sexual advances or propositions, including repeated and unwelcome requests for dates;
- Requests for sexual favors;
- Submission to conduct of a sexual nature that is made a term or condition of employment or continued employment;
- Submission to, or rejection of, conduct of a sexual nature that is used as a basis for employment decisions such as raises, promotions, demotions, disciplinary action, or assigned duties;
- Conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages;
- Verbal conduct such as making or using sexually derogatory comments, innuendos, epithets, slurs, sexually explicit jokes, comments about an individual's body or dress, whistling, or making suggestive or insulting sounds;
- Verbal and/or written abuse of a sexual nature including: verbal and/or written sexually degrading commentary about an individual's body or dress;
- Sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct such as unwanted touching, assault or impeding or blocking normal movements;
- Retaliation for making reports or threatening to report sexual harassment;
- Other conduct of a sexual nature that may disrupt the workplace;
- Any of the above that takes place outside the workplace, which subsequently disrupts the workplace.

2. Other Types of Harassment Defined

Other harassment includes:

- Unwelcome conduct that is based on an individual's status, including race, color, ethnicity, national origin, religion, sex, pregnancy, sexual orientation, gender identification, age, disability, body type, weight, or genetic information;
- Verbal conduct including taunting, jokes intended to demean another person or class of people, threats, epithets, derogatory comments, or slurs;
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages, letters, instant messages, or gestures;
- Physical conduct including assault, unwanted touching, or intentionally blocking normal movement;
- Other harassing conduct that may disrupt the workplace.
- Any of the above that takes place outside the workplace, which subsequently disrupts the workplace.

3. Harassment Prohibited and Discipline for Violation of this Policy

Sexual harassment and other types of harassment are prohibited by this policy. Employees who violate this policy may be subject to discipline up to and including termination.

4. Complaint Procedure

Any applicant or employee who believes that he or she has been subjected to sexual or other harassment or retaliation by a co-worker, supervisor, manager, client, visitor, vendor, customer, volunteer or temporary or seasonal worker of Draper City, or who believes another individual has been subject to such conduct, should report it immediately. Applicants and employees are encouraged to report concerns, even if they relate to incidents in the past, involve individuals who are no longer affiliated with Draper City, or concern conduct occurring outside of work if it impacts the individual at work.

Complaints can be made verbally, or in writing, to the highest-ranking on-site supervisor or manager or to any Human Resources Representative. Employees are not required to report any prohibited conduct to a supervisor or manager who may be hostile, who has engaged in such conduct, who is a close associate of the person who has engaged in such conduct, or with whom the employee is uncomfortable discussing such matters.

Employees are encouraged, but not required, to communicate to the offending person that his/her conduct is offensive and unwelcome. Any supervisor or manager who receives a complaint of harassment or retaliation must immediately report the allegation to Human Resources.

After a report is received, the Human Resource Director will contract with a third-party investigator who will conduct a thorough and objective investigation. Confidentiality will be maintained to the extent practical and permitted by law. Investigative information will be designated as "protected" under GRAMA. The investigation will be completed and the findings communicated to the involved employee(s) and to the City Manager as soon as practical.

If a complaint of prohibited harassment or discrimination is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, the City may take appropriate action to reinforce its commitment to providing a work environment free from harassment.

5. Appeal

An employee who is dissatisfied with the findings of an investigation may appeal the decision to the City Manager. If the City Manager is involved in the matter, the appeal may be filed with the Mayor. An appeal must be filed with the City Recorder within ten calendar days from the date the employee received the findings of the investigation. The appeal must clearly state the employee's reasons for the appeal. The City Manager or Mayor shall respond to the appeal within thirty days after filing. The decision of the City Manager or Mayor is final.

6. Manager's Responsibility

All supervisors and managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;
- Promptly reporting any complaints to the designated Human Resources Representative so they may be investigated and resolved in timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

7. Protection Against Retaliation

Retaliation is prohibited against any person by another employee or by Draper City for using this complaint procedure, reporting proscribed harassment, objecting to such conduct or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit.

Individuals who believe they have been subjected to retaliation, or believe that another individual has been subjected to retaliation, should report this concern to the highest ranking on-site supervisor or manager or to any Human Resources Representative. Any report of retaliatory conduct will be investigated in a thorough and objective manner. If a report of retaliation prohibited by this policy is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, the City may take appropriate action to reinforce its commitment to providing a work environment free from retaliation.

8. Good Faith

The initiation of a good faith complaint of harassment or retaliation will not be grounds for disciplinary action, even if the allegations cannot be substantiated. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

9. **Support for Individuals Impacted by Harassment or Retaliation**

Draper City will strive to assist anyone who has been subjected to unwelcome harassment or retaliation to enjoy a safe and protected workplace.

ADOPTION – AMENDMENTS – REVISIONS

Adoption 05/05/2015	Resolution No. 15-22
Repeal and Re-enact 6/11/19	Resolution No. 19-19

Section 3010 - EMPLOYEE CLASSIFICATION AND STATUS

General Policy Statement:

Based on the conditions and terms of employment, Draper City employees are classified into one or more of the following categories: exempt, nonexempt, seasonal, temporary, full-time, part-time, appointed, and elected. Other classifications are independent contractor and volunteer status.

Guidelines:

Employment classifications are important in determining eligibility for various benefits and to ensure all applicable legal requirements are met. Employment beyond an initially specified term does not in any way imply an employment status change. Any status change must be documented in writing. If an employee's position changes from seasonal, temporary or part-time to full-time, the purpose of determining applicable benefits will be the date of the change, also known as the service date. If an employee's position changes from full-time to part-time, days of paid leave accrued as a full-time employee will be preserved and may be used under the terms established in the applicable policies. All other city benefits are discontinued, unless otherwise required by law.

1.0 Exempt and Nonexempt Positions. All positions are classified as either exempt or nonexempt.

- 1.1 Exempt. Exempt employees are generally paid a salary and hold positions that meet specific tests established by the Fair Labor Standards Act (FLSA), resulting in exemption from overtime pay requirements. Exempt positions are determined by the Human Resources Director with the consent of the City Manager and in accordance with FLSA.
- 1.2 Nonexempt. Employees whose positions do not meet the established FLSA exemption tests are nonexempt from overtime requirements and shall be paid one and one-half times their regular pay rates for hours worked in excess of 40 hours per workweek. Nonexempt employees' wages are generally paid hourly and are based on the actual hours worked.

2.0 Seasonal and Temporary Employees.

- 2.1 Seasonal Employees:
 - A. May work up to a maximum of six consecutive months in a calendar year.
 - B. May work more than 30 hours per workweek and work overtime during the specified period of employment.
 - C. Are at-will employees and are not eligible to receive benefits unless otherwise required by law.
- 2.2 Temporary Employees:
 - A. May be hired for a defined project or a limited timeframe up to a maximum of 12 months.
 - B. May work more than 30 hours per workweek and work overtime during the specified period of employment.
 - C. Are at-will employees and are not eligible to receive benefits unless otherwise required by law.
- 2.3 All seasonal and temporary employee positions that are filled must be funded by an approved city budget.
- 2.4 Filling Vacancies. Seasonal and temporary employees shall not be converted to full-time or part-time positions without following competitive announcement procedures as provided in [Section 4020 Hiring Procedures](#). Any conversion shall be approved by the City Manager and funded by an approved city budget.
- 2.5 Employees Must Compete. Seasonal and temporary employees will not be given preference when a part-time or full-time position becomes available. Such employees desiring to be considered must compete for any part-time or full-time vacancy.

3.0 Full-Time Employees. Full-time employees are normally scheduled to work 40 hours per workweek. All full-time positions must be funded by an approved city budget.

3.1 **Benefits.** Employees who regularly work ≥ 30 hours per week are considered full time and are eligible for all standard city benefits, effective on the date of program eligibility.

4.0 **Part-Time Employees.** Part-time employees are normally scheduled to work <30 hours per workweek.

- A. Cannot work more than 1,500 hours in a calendar year. (The 1500 hours per calendar year is based on 28.8/29 hours per workweek.)
- B. Are at-will employees and are not eligible to receive benefits unless otherwise required by law.
- C. For the purpose of complying with Patient Protection and Affordable Care Act (PPACA) reporting requirements, are:
 - (i) The initial measurement period for part-time employees, begins on their date of hire and is for 12 months.
 - (ii) The administrative period, i.e., waiting period begins at the end of the initial measurement period and is 1-month.
 - (iii) The stability period is the benefit plan year.

Hire Date	Initial Measurement Period	Administrative Period	Stability Period
05/15/2019	05/15/2019-05/14/2020	05/15/2020-06/15/2020	07/01/2020 – 06/30/2021

- D. If it is determined additional workload requires a full-time position to replace a part-time position within a department, after the full-time position is approved and funded by city council, the part-time position will become unfunded.
- E. Employees Must Compete. Part-time will not be given preference when a full-time position becomes available. Such employees desiring to be considered must compete for any full-time vacancy. Exceptions must be approved by the City Manager and Human Resources Director.

5.0 **Independent Contractors.** Independent contractors are not employees. They do not receive regular employment benefits and no deductions are made from pay for taxes or Social Security retirement benefits. Various factors must be closely reviewed before independent contractor status can be determined. Factors considered differ under various statutes and may include, but are not limited, to:

- 5.1 **Degree of Employer Control.** Independent contractors are generally not under the employer's control.
- 5.2 **Domain of Business.** Independent contractors are generally engaged in a distinct business and may work for other clients.
- 5.3 **Terms of Work.** Independent contractors usually have project specific relationships with the city.
- 5.4 **Work Location.** Generally, independent contractors provide their own tools and work is often performed at their own business locations.
- 5.5 **Specialized Skills.** The need for specialized skill and/or knowledge may indicate that an independent contractor relationship exists.
- 5.6 **Professional Services.** Independent contractors frequently perform professional services.
- 5.7 **Contract.** Independent contractors must be under contract or service agreement with the city.
- 5.8 No one factor listed in subsection (5) are determinative. The entire work situation must be examined and an assessment made to decide if the individual acts, and is treated as, an employee or an independent contractor. If the individual contracts to perform work according to their own methods, without being subject to the employer's control, except for the final product or service result, then an independent contractual arrangement may exist. The Personnel Administrator or the human resources department should be contacted for further information.

6. **Elected Officials.** Based upon laws of the State of Utah and ordinances and policies adopted by the city, the city's elected officials are designated as part-time employees of Draper City. They receive compensation and benefits based upon laws of the State of Utah and ordinances and policies adopted by Draper City.

7. **Appointed Positions.** Any employee appointed by the mayor, city manager, or other person or body with the power to appoint employees. These employees serve in full-time, at-will positions that are exempt from the Fair Labor Standards Act (FLSA) overtime requirements. These employees may receive all standard city benefits, effective on the date of program eligibility.
8. **Volunteers.** Any person who donates service without pay or any other compensation, except community service workers. Volunteers are not considered employees.
 - 8.1 Each department shall check with the Human Resource department prior to offering volunteer services to ensure worker's compensation and liability coverage.
 - 8.2 Volunteers working with children or in safety-sensitive positions are required to undergo a background check.
 - 8.3 Each department shall be responsible for maintaining records of volunteer information such as name, contact information and hours donated.
 - 8.4 All volunteers must be approved by the City Manager or designee.

ADOPTION – AMENDMENTS – REVISIONS

Amended 04/02/2007	Resolution No. 07-29
Amended 03/05/2013	Resolution No. 13-13
Amended 12/11/2018	Resolution No. 18-85
Amended 08/02/2022	Resolution No. 22-42

Section 3020 - PROBATIONARY EMPLOYMENT PERIOD

General Policy Statement:

All employees hired into a full-time position are required to complete a Probationary Employment Period. During this period, an employee's potential for successful performance will be closely examined. It is expected that probationary employees will also evaluate the City and their employment position in terms of their own personal needs. During the Probationary Employment Period employees are considered at-will and may be terminated with or without cause.

Policy:

1. Probationary Employment. All full-time employees hired by the City shall be required to successfully complete a Probationary Employment Period in accordance with this section.
 - A) All full-time employees, except for sworn police officers, immediately upon hire shall complete a six-month Probationary Employment Period.
 - B) All full-time sworn police officers immediately upon hire shall complete a 12-month Probationary Employment Period.
2. Promotions – New Position. When current employees are promoted or assume a new position requiring new job qualifications or job skills, they shall complete an additional Probationary Employment Period. Promotion or new position does not include a move in a career ladder position (for example, moving from a Building Inspector I to a Building Inspector II) or involuntary job restructurings, reclassifications, or transfer within the same Department with similar job duties.
3. Expectations for Competency. By the end of the Probationary Employment Period, an employee is expected to be performing at an acceptable level of performance in their position.
 - A) Supervisor's Guidance. During the Probationary Employment Period, the employee's supervisor should provide close supervision, necessary training and guidance, and should keep the employee informed of progress being made.
 - B) Formal Performance Appraisal. At the end of 90 days and again at the successful completion of the Probationary Employment Period, a formal, written performance appraisal shall be completed and discussed with the employee. The appraisal should include:
 - (i) discussion of the employee's strengths and weaknesses; and
 - (ii) the supervisor's assessment of the employee's potential and whether the employee should be retained.
4. Completion. Upon completion of the Probationary Employment Period, recommendation of the Department Head, and approval of the City Manager, an employee will become a full-time employee in the position for which he or she is serving. The Department Head shall notify the employee of the new status and document the event with a Personnel Action Form.
5. Written Notice of Extension. Upon the recommendation of the supervisor and approval of Department Head and the City Manager, the Probationary Employment Period may be extended when the original period is not adequate for the satisfactory assessment of an employee's performance. In such event, the employee will receive written notification of the reason for and length of the extension.
6. Job Transfers. Application for a job transfer to another position within the City is not permitted until after successful completion of the Probationary Employment Period.
7. Termination of Probationary Employees. All terminations of probationary employees shall be reviewed by the Human Resources Director and must have the prior approval of the City Manager.

ADOPTION – AMENDMENTS – REVISIONS

Amended 03/05/2013

Resolution No. 13-15

Amended 11/10/2015

Resolution No. 15-57

Section 3030 - PERSONNEL FILES AND RECORDS

General Policy Statement:

Personnel records of current and former employees and applications of job applicants shall be kept to ensure compliance with government requirements and to support employment actions. Employment records may be kept in a paper and/or electronic format. All personnel records and files shall be accessed and maintained in accordance with the Utah Government Records Access and Management Act, as set forth in Title 63G, Chapter 2, Utah Code Annotated, as amended and the Municipal Records Retention Schedule, as adopted by the City.

Policy:

1. Contents of Personnel Files. Personnel files retained by Human Resources should include information as required by law, and documentation regarding all aspects of employment with the City. It is expressly acknowledged that personnel files are City property and access to said records may be restricted as per law and documents or information in an employee's personnel file may be designated as "confidential".
2. Employee Review of Files. Employees have a right to review their personnel files and to make copies upon written request to the Human Resources Department (Section 67-18-1 & 67-18-3 Utah Code Annotated, as amended). A member of the Human Resources Department must be present during an employee's review of their personnel file. Department Directors and Supervisors are encouraged to review the personnel records of those they supervise.
3. Employee's Right to Add Information. An employee, who, after reviewing their personnel file, thinks that any information in their personnel file is misleading or untrue, may submit a signed, dated statement to be placed in their personnel file explaining their viewpoint. Employees are encouraged to provide up-to-date information to the Human Resources Department concerning their residence, phone numbers, emergency contacts and name changes.
4. No Corrective Action documentation shall be placed in an employee's personnel file, unless approved by the employee's Department Director, reviewed by the Human Resources Director and the City Attorney and consented to by the City Manager. Under no circumstances may Corrective Action documentation be removed once authorized to be placed in an employee's personnel file.
5. Separate Medical Records. The City will attempt to maintain the confidentiality of employees' medical histories and records, unless required otherwise by law. Medical records are to be held in separate personnel files and their access strictly limited.
6. Employment Eligibility Verification (I-9) Forms. I-9 employment forms should be retained in a separate "I-9 File" and not retained in employee personnel files.
7. Viewing Personnel Records. Personnel records shall be available for review by outside agencies and individuals inquiring about former and current employees as allowed by law or authorized by said employee signing a release. All inquiries regarding a current or former employee shall be referred to the Human Resources Director. Information will be released to authorized employees that are determined to have a legitimate "need to know".

ADOPTION – AMENDMENTS – REVISIONS

Adoption 04/01/2014

Resolution No. 14-27

Section 3040 - REFERENCE REQUESTS

All releases of employee information will be coordinated through the Human Resource Department.

1. **Verbal Release of Information.** Only human resource staff may provide verbal verification of dates of employment and job title.
2. **Requests For Employment Information.** Draper City releases employment information on current and former employees to prospective employers only with written permission of the individual involved. All requests for information regarding current or former employees should be directed to the Human Resource Department for an official response.
 - A) An exception exists for official Police Department background investigations conducted by other Police Agencies. Draper City must obtain a copy of the applicant's signed written release before sharing any information. Police personnel are required to obtain written authorization from the Chief of Police or Lieutenants before speaking to a background investigator. The Chief of Police will submit a record of the subject's name and signed release, the name of the Draper City employee authorized to respond to the request, and the date of the approved response to the Human Resource Director.
 - B). Certain situations require proper disclosure of sensitive information involving public health and public safety, or criminal activity. If an employee's employment record contains such information, no reference of any type may be provided until the matter has been reviewed by the City Manager, who may choose to seek legal counsel.
3. **Letters of Reference for Employees.** No employee may provide a letter of reference from the City for any current or former employee without the permission of the Human Resource Department. Personal letters of reference may be provided from individual employees as long as it is clear they are not written on behalf of Draper City..
4. **Employment Information for Financial Institutions.** Employment information released to financial institutions will be accompanied by a signed release from the employee. A copy of the released information will be retained in the employee file.

ADOPTION – AMENDMENTS – REVISIONS

Amended 12-11-2018

Resolution No. 18.85

CHAPTER 4000 HIRING ISSUES

Section 4010 - EMPLOYMENT OF MINORS

General Policy Statement:

All full-time, part-time, seasonal and temporary employees must be at least 16 years of age. The City seeks to comply with all child labor requirements set forth in the Federal Fair Labor Standards Act (FLSA), related Department of Labor regulations, and applicable State law provisions. Our goal is to provide a safe and healthy workplace for all employees.

Guidelines:

1. State and Federal Requirements. Employment of minors under the age of eighteen (18) years shall be in accordance with applicable State law provisions regarding the employment of minors, including, but not limited to provisions set forth in Utah Code Ann. §§ 34-23-101, et seq., as amended, and applicable Federal laws and regulations, including, but not limited to provisions of the Fair Labors Standards Act.
2. Age Certification. While documenting an employee's identity and eligibility to work through completion of an I-9 form as part of the established hiring process, the Human Resource staff must ensure that satisfactory age certification of employees is provided. Such documentation should be copied and kept on file.

Section 4020 - HIRING PROCEDURES

General Policy Statement:

It is the policy of the City of Draper to assure equal employment opportunity to its employees and applicants for employment on the basis of merit without regard to race, color, religion, national origin, disability, genetic information, gender, age or any other factor protected by law. It is not the intent of the City to permit or require the lowering of bona fide job requirements or qualifications standards to give preference to any employee or applicant for employment. Applicants and/or employees are eligible for hire if they can perform the essential functions of the job, with or without reasonable accommodations.

Policy:

1. **Hiring.** It is the policy of the City to place people that are hired in positions which best utilize their abilities. Decisions regarding recruitment, selection, and placement of people for employment shall be made solely on the basis of job-related criteria and the person's ability to perform the essential functions of the position, with or without reasonable accommodations.
2. **Vacant Positions.** Once a request to fill a new or vacant position is made by a Department Head and has been approved to be filled by the City Manager, Finance Director, and the Human Resources Director, the Human Resources Department shall take the necessary steps needed to advertise and recruit for the authorized position. Positions will normally be posted for a minimum of ten calendar days and be open to current employees and the public. If requested by the Department Head and approved by the Human Resources Director, positions may be open and advertised to current employees only for a minimum of five calendar days. All applicants who meet minimum requirements will be considered for the vacant position. Documentation used to determine qualifications and eligibility will include the application for employment, resume, testing, licensure verification, veteran's status, assessment processes, job interviews and reference checks. Applicants with disabilities will be provided assistance in the hiring process when requested of the Human Resources Department.
3. **Offer of Employment.** Before an offer of employment is made by a Department Head, the offer must be reviewed by the Human Resources Department, be within the adopted budget for the position and have the consent of the City Manager. After a verbal conditional offer has been made and the applicant has agreed to the essential terms of employment, a written conditional offer of employment will be prepared by the Human Resources Department and signed by the hiring Department Head and the candidate. After a conditional offer of employment has been given, a background check and pre-employment drug test shall be required of applicants who are not current employees of the City. A pre-employment medical examination may be required after a written conditional offer of employment to determine an applicant's ability to perform the essential functions of the position.
4. **Former Employees.** Former employees may be rehired if they had an acceptable performance record while previously employed by the City and after competing for the open position with all other applicants. Rehired former employees who were separated from the City for less than one year shall have their previous years of service reinstated for purposes of vacation accrual and other benefits they may be eligible to receive.
5. **Emergency or Unexpected Special Needs.** In situations where emergency or unexpected special needs of a department occur, a Department Head, with the approval of the City Manager, Finance Director and Human Resources Director may fill a non-benefited position as an exception to Section 2 of this policy. The employment duration of an emergency or unexpected special needs position shall not exceed six months.
6. **Exceptions to Hiring Policy.** In cases of an emergency or business needs of the City and/or appointed officials of the City, exceptions to this policy's requirements may be necessary or prudent. Any exceptions to this policy must have the prior approval of the City Manager and consent of the City Council. Any exceptions shall remain in general compliance with Equal Employment Opportunity (EEO) principles.

ADOPTION – AMENDMENTS – REVISIONS

Amended 09/04/2012

Resolution No. 12-33

Section 4025 – VETERAN'S PREFERENCE

General Policy Statement:

It is the policy of the City of Draper to provide a veteran's preference in initial hiring for applicants applying for City employment, in accordance with Utah law

Policy:

1. As defined under Section 71-10-1, Utah Code Annotated, as amended, a veteran is:
 - A) an individual who has served on active duty in the armed forces for more than 180 consecutive days or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions; or
 - B) an individual who incurred an actual service-related injury or disability whether or not that person completed 180 days of active duty.
2. In order to be eligible for veteran's preference an individual must be:
 - A) an individual who has served on active duty in the armed forces for more than 180 consecutive days or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions;
 - B) a disabled veteran with any percentage of disability;
 - C) the spouse or unmarried widow or widower of a veteran;
 - D) a purple heart recipient; or
 - E) a retired member of the armed forces who retired below the rank of major or its equivalent
3. In accordance with Section 71-10-2, Utah Code Annotated, as amended, the Human Resources Department shall add to the score of a veteran's preference eligible applicant who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for position with the City:
 - A) 5% of the total possible score, if the preference eligible is a veteran;
 - B) 10% of the total possible score, if the preference eligible is a veteran with a disability or a purple heart recipient; or
 - C) in the case of a preference eligible spouse, widow, or widower, the same percentage the qualifying veteran is, or would have been, entitled to.
4. A veteran's preference eligible applicant who applies for a position that does not require an examination, or where examination results are other than a numeric score, shall be given preference in interviewing and hiring for the position.

ADOPTION – AMENDMENTS – REVISIONS

Adoption 09/04/2012

Resolution No. 12-34

Section 4030 - HIRING OF RELATIVES

General Policy Statement:

The following policies have been established to avoid potential morale, security, productivity, and supervision problems or personal issues brought into the workplace. Relatives of current employees, elected, and appointed officials of the City do not receive special consideration or favoritism in the hiring process. It is the intent and policy of the City to comply with all provisions of Title 52, Chapter 3 of the Utah Code Annotated, as amended, regarding the prohibition of and restrictions regarding the employment of relatives.

Policy:

1. **Conditions.** An employee's immediate relative may be hired provided the applicant can perform essential job functions. However, any such employment may not establish a direct or indirect managerial relationship, a real or apparent conflict of interest, a potentially adverse work situation, or be in the same department. The only exception to an employee's immediate relative being hired into or working in the same department is if they work in the Parks & Recreation Department, Fire Department, or the Police Department. All Police Department employees shall abide by their adopted department policy that addresses nepotism and conflicting relationships and with Title 52, Chapter 3 of the Utah Code Annotated, as amended. All other requirements of this section still apply.
2. **Relationships Prohibited.** Relationships are prohibited which involve:
 - A) Performance evaluation (including supervision, discipline, and appraisal functions);
 - B) Legislative, budgetary, financial or records control; or
 - C) Physical control (including quality control, reviewing or auditing the other's work, theft prevention, etc.); or
 - D) Working relationships which may hamper performance or productivity.
3. **Immediate Relative Defined.** For purposes of this policy, "immediate relative" refers to the employee's father, mother, spouse, son, daughter, sister, brother, uncle, aunt, nephew, niece, first-cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandfather, grandmother, or step-children living in the household.
4. **Transfers and Promotions.** The above policies also apply to transfers, promotions, or similar employment actions.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 01/21/2014	Resolution No. 14-07
Adopted 10/21/2014	Resolution No. 14-60
Amended 06/05/2018	Resolution No. 18-40

Section 4040 - IMMIGRATION REFORM ACT

General Policy Statement:

Under the terms of the Immigration Reform and Control Act of 1986 (IRCA), the city must verify the legal employment status of all new hires, regardless of U.S. citizenship. Therefore, all offers of employment are contingent upon an individual's ability to produce required documents verifying identity and employment authorization.

Guidelines:

- 1.0 Documentation of Identity and Eligibility. All employment offers are contingent upon an applicant's ability to produce legally specified documents that establish identity and eligibility to work in the United States.
 - 1.1. Employment Eligibility Verification. All newly hired employees must complete and sign USCIS Form I-9 Section 1 "Employee Information and Attestation," no later than the first day of employment. In completing Section 1, the employee need not present any documents. Section 2 "Employer or Authorized Representative Review and Verification," must be completed within three days of the employee's first day of employment. The HR Authorized Representative or designee will be responsible for ensuring completion of the I-9's and carefully verifying related documentation.
 - 1.2. Validity. Only original documents (or certified copies of birth certificates) will be accepted. Photocopies are not permitted.
2. Employee Files. I-9 forms must be retained in accordance with the city's retention schedule. For organizational purposes, I-9's should be filed separately from the employee's personnel file. While not required by law, city policy provides that photocopies of required documents be made and filed.
3. Failure to Provide Documentation. Newly hired employees who are unable to produce required documentation within required time frames will be considered "undocumented" and will be terminated immediately with full pay for the hours worked.
4. Expired Work Authorization. Employees with time-limited work authorizations that have expired may be terminated upon expiration of such authorization and in accordance with the Department of Homeland Security U.S Citizenship and Immigration Services' regulations.
5. Non-Discrimination. The City does not discriminate against individuals on the basis of national origin or citizenship. Particular individuals or groups will not be required to provide more or different documentation than is required of all employees.

Amended 06/07/2022

Resolution No. 22-28

Section 4050 - OBTAINING PRE-EMPLOYMENT INFORMATION

General Policy Statement:

As part of the hiring process, the city will verify employment history, education, certification(s), license(s) and employment references, as applicable of applicants who are under serious consideration for employment with Draper City. All verifications will be conducted on a non-discriminatory basis and in compliance with relevant legal guidelines.

Guidelines:

1.0 Timing of Verifications.

- 1.1. Pre-Offer. Every practical effort will be made to obtain complete pre-employment verification on an applicant before an offer of employment is extended.
- 1.2. Post Offer Exceptions. When the postponement of an employment offer due to verification delays would seriously impair departmental function, job offers will be made contingent upon future receipt of acceptable pre-employment information.

2.0 Non-Discriminatory Verification.

- 2.1 Applicants Checked. Complete pre-employment verifications should be obtained for applicants under serious consideration for employment.
- 2.2 Documentation of Verification. Pre-employment verification should be documented through human resources to comply with relevant legal guidelines.
3. Applicant's Authorization and Release. Before initiating a pre-employment verification, it should be confirmed that an applicant has signed a release authorizing the city or designee to perform complete verification of pre-employment information.
4. Pre-employment Verifications Must Be Job-Related. Inquiries will be limited to verifiable job-related information. Questions must meet EEO guidelines and are subject to the same limitations and standards as are required by law in a job interview.
5. Hiring Documentation. A written record of each pre-employment verification will become part of each new employee's hiring documentation and of each applicant's records. The scope and depth of each verification should be fully documented, noting even those requests for which no information was obtained.

6.0 Pre-employment Verification as Selection Criteria.

- 6.1 Defensible Selection Criteria. Positive references, combined with employment history, education, certification(s), license(s) and employment references, as applicable, will normally provide defensible selection criteria.
- 6.2 Unfavorable References.
 - A. Thorough Inquiry. If a verification produces negative information, further verification should be made to confirm the information and to eliminate the possibility of bias.
 - B. Falsification of Information. Falsified information supplied by an applicant will result in disqualification for employment consideration. Discovery of false information after employment may lead to corrective action up to and including termination of employment.
 - C. Hiring Consultation. If negative information is revealed in a verification, the Department Director should be made aware of such information before a final hiring decision is made.

Section 4060 - ORIENTATION

General Policy Statement:

Through our orientation program we seek to welcome new hires, complete necessary paperwork, and convey essential job and City information. Our goal is to reduce the time required for new employees to become productive on the job. All new hires will participate in an orientation program that begins on the first day of work by reporting to the Personnel Administrator.

Guidelines:

1. Personnel Administrator Responsibilities.

A) Program Management.

- (i) Design and implementation of program;
- (ii) Training supervisors regarding their responsibilities;
- (iii) Developing orientation checklists; and
- (iv) Oversight of program;
 - (a) Maintaining and updating the Orientation Program as needed;
 - (b) Evaluating Program's success and modifying as needed.

B) Paperwork. Completion of necessary paperwork including:

- (i) I-9's and New Hire Registry;
- (ii) Payroll information and IRS requirements;
- (iii) Benefits information and enrollment; and
- (iv) Employee data and file requirements.

C) Conveying Information. Human Resource is responsible for conveying a variety of information about our organization including:

- (i) Discussion and dissemination of employee information;
- (ii) Basic management policies:
 - (a) Commitment to EEO principles;
 - (b) Harassment and nondiscrimination policies; and
 - (c) Complaint procedures;
- (iii) Salary and payroll procedures;
- (iv) Explanation of benefits;
- (v) City products and services;

(vii) Work rules and standards of conduct; and

(viii) Customer service standards.

2. Supervisor's Responsibilities.

A) Planning. Planning activities for a new hire includes preparing:

(i) Co-workers for new employee's arrival;

(ii) New hire's work area, including equipment and supplies;

(iii) A work schedule and assignment of tasks for the first week; and

(iv) The Orientation Checklist and customizing as needed.

B) Conveying Information.

(i) Introducing co-workers and assigning a trainer to the new hire;

(ii) Providing a tour of the department and building;

(iii) Discussions of job description, job duties and responsibilities;

(iv) Clarifying work standards and City expectations;

(v) Discussing performance review procedures; and

(vi) Overseeing necessary job training.

C) Conducting Follow-up Sessions. The supervisor should schedule and conduct several follow-up meetings with a new hire within the first few weeks to answer questions and provide additional information.

3. New Employee's Responsibilities.

A) Paperwork. Complete and submit required paperwork.

B) Seek Information. Ask questions and seek information regarding job functions, procedures or other issues affecting any aspect of the position or employment relationship.

CHAPTER 5000 EMPLOYMENT PRACTICES

Section 5010 - WORKING SCHEDULES

General Policy Statement:

The City operates on a 40-hour workweek. City Hall hours of operation are from 8:00 a.m. to 5:00 p.m., Monday through Friday (closed for scheduled holidays). Full-time employees are entitled to participate in flexible work schedules with advance approval from their Department Head. Each department will establish flexible work schedules that maintain or improve existing service levels and address individual employee needs without resulting in additional cost or staffing requirements for the City. Any alternative schedules are subject to ongoing approval.

Policy:

1. **Full-Time.** Full-time employees are normally scheduled to work 40 hours in a workweek and 80 hours in a pay period. A pay period is two workweeks. Time cards shall be submitted for hours to be paid.
2. **Lunch Period.** All full-time, nonexempt employees must schedule with their supervisor an unpaid lunch period each day (See [Section 7040](#) for more information). Taking lunch at the beginning or end of the work day is not permitted. Break times may not be combined or added to the lunch period.
3. **Required Overtime.** Supervisors may require any employee to work overtime as necessary. As much notice as possible will be provided when the need for overtime work arises. However, advance notice may not always be feasible. No overtime may be worked without a supervisor's prior approval.
4. **Holiday Pay.** Holidays always count as eight hours. To meet the required 40-hour workweek, employees may need to make up any shortage in hours with compensatory time, accrued leave time, or receive approval to work additional hours (See policy 8040 for more information).
5. **Schedule Options.** Once a work schedule is approved, the employee will be expected to work that schedule unless an exception is made by the Department Head. Following are examples of possible workweek schedules that equal 40 hours per week:
 - A) Five eight-hour days each week.
 - B) Four ten-hour days week one and five eight-hour days week two.
 - C) Four nine-hour days and one four-hour day each week.
 - D) Four ten-hour days each week.

Procedure for Approval:

Employees will submit a signed written request to the Department Head documenting the desired alternate work schedule.

Department Head:

1. Reviews and approves, modifies or denies written requests for alternative work schedules based on the organizational needs of the department.
2. Authorizes the signed agreement and forwards it to HR.
3. Ensures all services levels are maintained and that adequate coverage is provided during all normal business hours.
4. Monitors employee timecards to ensure that approved schedules are maintained.
5. May require changes in alternate work schedules to provide appropriate coverage for vacation schedules, holidays, or unforeseen circumstances within the defined workweek.
6. Periodically reviews the impact of flexible work schedules to determine whether department organizational needs are being satisfied and City service levels are being maintained; reserves the right to require the employee to return to regular work schedules or an alternate modified schedule if problems are identified as a result of this review process and shall provide

employee with as much notice as possible of any required changes.

7. Ensures that no overtime is being generated by the alternate work schedule.

ADOPTION – AMENDMENTS – REVISIONS

Amended 03/04/2008

Resolution No. 08-15

Amended 03/05/2013

Resolution No. 13-13

Section 5020 - COMPLAINT PROCEDURE

General Policy Statement:

The City of Draper seeks to provide immediate and fair resolution of employee complaints, disputes, and appeals through an open door policy. The provisions of this policy are intended to be used for complaints and grievances not otherwise addressed by City policies.

Policy:

1. Complaint Resolution; Formal Complaint Procedures. Whenever groups of people are required to work together for an extended period of time, problems and misunderstandings can occur. Employees are encouraged to speak freely and discuss any problems with their immediate supervisor so that appropriate action may be taken. The Human Resources Director and the staff of the Human Resources Department are also available to discuss employee concerns. If such informal discussion fails to resolve an employee's concerns, employees shall follow this formal complaint procedure:
 - A) Step One. Discuss the problem with your immediate supervisor.
 - B) Step Two. If a settlement does not occur within a reasonable time, submit the problem in writing to your Department Head. Clearly identify your concerns and what action you feel should be taken.
 - C) Step Three. If a settlement is not initiated or the employee disagrees with the Department Head's decision in Step Two, the employee may submit another request for review to the Human Resources Director. The employee has 10 days from the date of the Department Head's decision to submit their written statement to the Human Resources Director. The employee's written statement shall outline the employee's reasons for a different result and their desired resolution to the problem.
 - D) Step Four. If a settlement is not initiated or the employee disagrees with the Human Resources Director's decision in Step 3, the employee may submit another written request for review to the City Manager within 10 working days of the Human Resources Director's decision. The employee must submit a copy of this request to the his/her Department Head and to the Human Resources Director. The City Manager will take appropriate action, in consultation with the previously included parties. The decision of the City Manager is final and binding.
2. Bypassing Complaint Steps. If an employee's complaint concerns his or her immediate supervisor, the employee may submit the complaint directly to their Department Head. If the employee's complaint concerns their Department Head the employee may submit the complaint directly to the Human Resources Director or the City Manager.
3. Retaliation Prohibited. Employees may not be retaliated against or punished for appropriate use of the complaint procedure. An employee who abuse this policy, use it to intimidate or harass, or who submit frivolous or groundless complaints may be subject to corrective action.
4. Confidentiality. Every effort will be made to resolve an employee's complaint as confidentially as possible. Information will be shared only on a "need-to-know" basis.

ADOPTION – AMENDMENTS – REVISIONS

Amended 11/13/2012

Resolution No. 12-44

Section 5030 - CORRECTIVE ACTION – PERFORMANCE IMPROVEMENT

1. The major purpose of any corrective action is to correct the problem and prevent recurrence. The City may use corrective action at its discretion as determined necessary.

Corrective action may include any of the following:

- A) Documented counseling.
- B) Written corrective counseling.
- C) Performance Improvement Plan.
- D) Suspension with or without pay.
- E) Involuntary transfer to a position with less remuneration.
- F) Involuntary termination of employment.

The seriousness of the offense will determine the corrective action taken at the discretion of the City. In most situations, documented counseling and written corrective counseling will have occurred before other more serious corrective actions.

2. Corrective actions shall be written and shall include:

- A) The date of the incident(s).
- B) The specific policy violated and other performance and/or conduct concerns, if any.
- C) If applicable, reference to previous corrective actions.
- D) A statement indicating the specific performance improvements expected and a time limit within which the improvements must be made. This is not required for non-voluntary termination of employment.
- E) Signature of immediate supervisor and Department Director, including the date signed.
- F) A place for the employee to sign and acknowledge receipt of the corrective action. If the employee refuses to acknowledge receipt of the corrective action by signing the corrective action document, a witness can sign and date the document stating the employee received a copy.

3. Before any corrective action more serious than documented counseling occurs, the employee's immediate supervisor shall investigate the allegations of misconduct, and may include other personnel as needed. If an employee is facing potential corrective action more serious than documented counseling, the employee has the right to request another individual accompany them to investigatory meetings to serve as a witness. Scheduled investigatory meetings are not subject to delay or rescheduling due to the unavailability of the individual selected by the employee to serve as a witness.

4. If an employee's conduct results in a situation which requires immediate removal of the employee from the work area, the employee may be placed on paid administrative leave pending investigation. During paid administrative leave, the City must be able to contact the employee at any time during working hours. The employee shall promptly report to work when requested. An employee should not be on paid administrative leave longer than necessary to efficiently conduct the investigation and consider the appropriate corrective action, if any, to be administered.

5. Before issuing a corrective action, the supervisor shall discuss the issues with their Department Director and the Department Director shall consult with the Human Resources Director. Corrective actions that may result in involuntary transfer to a position with less remuneration, involuntary termination of employment administrative leave shall be discussed by the Department Director with the Human Resources Director, the City Attorney and the City Manager.

6. A pre-disciplinary action hearing with the employee, their Department Director and others as determined appropriate by the Department Director shall be held for impending involuntary transfer to a position with less remuneration, involuntary termination of employment and suspensions without pay for greater than two days. The purpose of the pre-disciplinary action hearing is to provide the employee with notice and an opportunity to respond to the alleged violations and proposed corrective action. The employee's Department Director shall provide the employee with written notice of the date and time of the pre-disciplinary action hearing and information regarding the proposed disciplinary action, including written notice of the specific policy violations. If desired by the employee, a representative of the employee's choice may attend the pre-disciplinary action hearing. The employee's Department Director shall be provided with the name of the employee's representative at least one working day prior to the hearing date. Scheduled pre-disciplinary action hearings are not subject to delay or rescheduling due to the unavailability of the representative of the employee's choice to attend the hearing.

7. After the pre-disciplinary action hearing, the Department Director shall provide the employee with written notice of the City's decision, which has been reviewed by the City Attorney and the Human Resources Director. The written notice of the City's decision shall be approved and signed by the City Manager and the Department Director stating the corrective action to be taken, if any, and the employee's right to appeal the same.
8. The City recognizes there are certain types of employee problems that are serious enough to justify bypassing progressive discipline. While it is impossible to list every type of behavior that may be deemed a serious offense, the following examples may result in immediate suspension or termination of employment:
 - A) Theft.
 - B) Any act of sufficient magnitude to impact the ability of the City to conduct its business, cause disruption of work, or cause gross discredit to the organization.
 - C) Unauthorized removal, falsification, or alteration of City records.
 - D) Physical violence against another person.
 - E) Willfully or intentionally falsifying a time sheet.
 - F) The sale, purchase, use, possession, or reporting to work under the influence of intoxicants, non-prescribed narcotics, hallucinogenic drugs, marijuana, or other non-prescribed controlled substances while on City property or during work hours.
 - G) A confirmed positive drug test without a medically sufficient explanation. Failure to submit to or adulterating a drug test sample is the same as a positive drug test.
 - H) Bringing pornography onto City property or viewing pornography while on City property, or with City equipment.
 - I) Willful destruction of property.
 - J) Willful misuse of City property or funds.
 - K) Gross misconduct.
 - L) Failure to report an injury or accident.
 - M) Conviction of a crime relevant to the employee's position.
 - N) Acts of unlawful discrimination, intimidation or sexual harassment.
 - O) Insubordination or failure to follow a lawful order.
9. All corrective actions taken during the past year should be discussed during an employee's annual performance appraisal session. The supervisor and employee should review progress toward correcting behavior and performance problems. Specific recommendations for further actions, if needed, should be included in the written goals and timetable.
10. No corrective action will be placed in an employee's official personnel file in the Human Resource Department by a Department Director without the Department Director first reviewing the document with the Human Resources Director and the employee being informed of the action and allowed to comment on the action in writing. Documentation of corrective action may not be removed from an employee's official personnel file.
11. If a full-time employee to which Sections 10-3-1105 and 10-3-1106 Utah Code Annotated, as amended applies is involuntarily terminated, suspended without pay for more than two days, or non-voluntarily demoted, the employee shall have the right to appeal to the City's Employee Appeal Hearing Officer. An employee must file a written appeal with the City Recorder within ten days after final disposition of the City's corrective action. The Employee Appeal Hearing Officer shall conduct business in accordance with Utah Code Annotated 10-3-1105 and 10-3-1106, as amended and the provisions of the City Code relating to the Employee Appeal Hearing Officer.

ADOPTION – AMENDMENTS – REVISIONS

Amended 11/13/2012

Resolution No. 12-45

Amended 12/19/2017

Resolution No. 17-74

Section 5040 - LAYOFF AND REDUCTION IN FORCE

General Policy Statement:

Circumstances including unfavorable economic conditions may require a short-term, long-term, or permanent reduction in employment.

In such circumstances, layoffs and returns from layoffs will be conducted in accordance with City needs and the guidelines below. In all instances, layoffs and recalls from layoffs will be made without regard to sex, race, religion, age, disability, national origin, marital or veteran status, color, or other protected status.

Management reserves the right to adjust layoff procedures as necessitated by business requirements.

Guidelines:

1. Layoff Reviews. Recommendations for layoff are to be reviewed by the Personnel Administrator, evaluating all related issues including the anticipated costs, savings, and the impact on affected departments and employees.
 - A) Confidential Pre-planning. Careful, confidential planning must be given to all elements of a work force reduction before employees are informed.
 - B) Interviews. Employee interviews may be conducted as necessary.
2. Layoff Criteria. In the event of a workforce reduction, those employees who are best qualified to do the remaining work, as determined by the City, will be retained. Employees may be considered in the following order:
 - A) Temporary Employees. The need for temporary employees will be evaluated first. Non-essential temporary employees or those whose positions may be filled by regular employees will be terminated first.
 - B) Part-time Employees. Secondly, the need for part-time employees in the affected departments will be closely reviewed to determine whether positions can be consolidated. Less critical part-time employees will be laid off.
 - C) New Employees within the Probationary Employment Period. New employees who have not completed their Probationary Employment Period will be evaluated next. Those who are least essential will be laid off.
 - D) Full-Time Employees. Full-time employees will be selected for layoff after consideration of the following criteria, recognizing that each City position will be reviewed closely to determine its relative value and importance.
 - (i) Can the employee's job function be consolidated or will program reductions result in elimination of the functions?
 - (ii) Is there a possibility of utilizing employee skills in a transfer, demotion or promotion within the department? What are the employee's potential contributions?
3. Layoff Notices. Employees who are laid off will receive as much notice as possible under the circumstances and as is required by law.
4. Leave Accrual Rates. Employees laid off for less than 24 months will be reinstated at their accrual rates previously earned. (However, seniority does not accrue during layoff periods which extend beyond thirty days).

Section 5050 - MEDICAL EXAMINATIONS

General Policy Statement:

Post-offer applicants and current employees may be required, as legally appropriate and as permitted under the Americans with Disabilities Act, to submit to medical examinations.

Guidelines:

1. Testing of Applicants. An applicant who has received a job offer may be required to undergo a medical examination to demonstrate ability to safely perform essential job functions. Employment offers are contingent upon satisfactory completion of such exams/tests.
 - A) Approved Physician. The examination or screening is to be administered by a health provider selected or authorized by the City.
 - B) Follow-up Tests. As permitted under the ADA, follow-up tests may be given to individual employees where an exam identifies that further information beyond an initial exam is needed.
 - C) Results for Job-Related Use Only. Results of post-offer examinations will be used solely to establish the ability of applicants to safely perform the essential functions of their prospective jobs. An individual with a disability will not be refused employment based on the results of a post-offer medical exam or inquiry unless the reason for the rejection is job-related (i.e., the essential functions of the job cannot be performed) and justified by business necessity, and no reasonable accommodation exists.
 - D) Questions Regarding Physical/Mental Disabilities. As required under the ADA, applicants (before an employment offer is made) will not be asked whether they have any physical or mental disabilities, nor whether they have received medical treatment for any injury or illness.
 - E) Reasonable Accommodations. If necessary, reasonable accommodations will be provided as required by law to those employees with known disabilities to assist them to safely perform the essential functions of their jobs.
2. Employee Medical Examinations. As a condition of continued employment, employees may be required to undergo periodic medical examinations. Medical inquiries and examinations of current employees may be undertaken if job related and consistent with applicable legal requirements. Examples of circumstances which may require exams include, but are not limited to, the following:
 - A) There is concern regarding the employee's ability to safely or productively perform job duties.
 - B) The employee requests an accommodation under the ADA.
 - C) The employee is returning after a lost work accident or illness.
 - D) The employee is being considered for transfer to a new job requiring new or different physical demands.
 - E) There is concern that a person in a physically demanding job continues to be fit for duty.
 - F) An on-the-job accident has occurred.
 - G) Examinations are required by other laws (e.g., DOT or OSHA).
 - H) There is the possibility of exposure to potentially hazardous working situations.
3. Exams and Testing Procedures and Records.
 - A) Tests Paid by City. Required medical examinations will be performed at City expense. Reimbursement for other than a City-selected health professional will be limited to the cost the City is required to pay its selected health professional.

- B) Approved Health Professional. Required medical examinations must be conducted by a City-selected or approved health professional.
 - C) Confidential Records. Medical examination and testing records are confidential. As required by law, this information will be kept in medical files separate from other personnel information. Any employee who inappropriately discloses confidential medical information is subject to corrective action, up to and including termination.
 - D) Availability of Records. Maintenance of and access to employee medical records shall be provided in accordance with the Utah Government Records Access and Management Act.
4. Exam/Testing Time is "Hours Worked". Time spent undergoing City required medical testing is considered "hours worked." Employees will be paid for that time.

Section 5070 - OUTSIDE EMPLOYMENT

General Policy Statement:

An employee's position at the City is considered to be their primary employment. Employees are expected to devote full-time attention and energy to the City. Employees may hold outside jobs or be involved in outside business activities as long as they continue to meet established performance standards and such work or activities do not conflict with the employee's duties for the City. All outside employment shall be approved by the employee's Department Head with the consent of the City Manager to ensure compliance with the policies set forth herein. If outside activities contribute to any work related problems, such involvement must be ended.

Policy:

1. Employee Performance. Outside employment or business activities must not compromise job performance. Employees are expected to fulfill all job duties and must determine whether outside activities will create conflicts or hinder the effective completion of assigned responsibilities. The following problems which may result from outside employment must be avoided and may subject an employee to corrective action:
 - A) Attendance and punctuality problems, including absence from work, arriving late, leaving early, unwillingness to work overtime or alternate hours/shifts.
 - B) Abuse of leave, including use of sick leave or unpaid absences to work at another job.
 - C) Exchanging of job assignments, scheduled shifts, or scheduled work days to accommodate work at another job.
2. Outside Activities During City Time. Employees may not perform outside work or business activities while on duty.
3. Conflict of Interest. Employees may not work for any outside organization where such employment constitutes a conflict of interest with the City.
4. City Equipment and Facilities. Outside employment or activities must not involve use of City equipment, supplies, or facilities.
5. Use of City Name or Position. Outside employment activities must be avoided which may suggest or give the appearance that any individual or entity will be treated disproportionately or given advantage.
6. Corrective Action. Violation of this policy may subject the employee to corrective action, up to and including termination.

ADOPTION – AMENDMENTS – REVISIONS

Amended 10/02/2012

Resolution No. 12-41

Section 5080 - PERFORMANCE APPRAISAL

General Policy Statement:

The City has instituted a performance management system to assess job performance consistent with job standards and requirements. Department Heads shall ensure that employee performance is reviewed and recorded in accordance with established procedures.

Policy:

1. Performance Appraisals. The Human Resources Department shall establish a system of performance appraisal designed to give a fair rating of the quality and quantity of work performed by full-time and part-time employees in all departments. When a supervisor meets with an employee to review their performance appraisal, the meeting should allow for a two-way flow of information so that both the supervisor and the employee can better understand each other and that the employee is clear regarding the expectations concerning his/her job responsibilities. The review should be honest, constructive, and include positive feedback where applicable. Department Heads shall review and approve the performance appraisal of the employees in their department and ensure that each performance appraisal is completed on time. Each employee shall be entitled to a copy of their performance appraisal. Original performance appraisal documents shall be placed in an employee's personnel file in the Human Resources Department once completed.
2. Timing of Performance Appraisals. Employee performance appraisals shall be done at least annually on all full-time employees. Part-time employees that work a substantial amount of hours, as determined by their Department Head and the Human Resources Director shall also have a performance appraisal done at least annually. Performance appraisals shall also be conducted upon the completion of an employee's probationary employment period or in association with corrective probation or as otherwise determined appropriate by the employee's supervisor and Department Head.
3. Informal Evaluation. Evaluating a subordinate's performance is part of the normal day-to-day feedback responsibility of every supervisor. The supervisor is encouraged to discuss the employee's job performance frequently on an informal basis. Supervisors and Department Heads should also keep written records of significant events concerning the job performance of individuals under their supervision.
4. Use of Performance Appraisals. Performance appraisals shall, together with other criteria, be considered in making decisions regarding merit pay increases approved and budgeted for by the City Council, promotions, retention, reassignments, demotions, terminations, reduction in force, and rehiring former employees.
5. Red Circle Employees. If a merit pay increase is associated with a performance appraisal and the employee's pay rate is at or above the maximum salary level for the grade of the position, the employee may receive a lump sum bonus as approved by the City Council in the annual budget appropriation. The merit bonus will be divided into multiple payments throughout the budget year.
6. Request for Performance Appraisal Review. If an employee receives an overall performance appraisal rating below satisfactory and the employee disagrees with the appraisal, the employee may add a note to the form indicating the basis for their disagreement. Any such disagreement shall not excuse the employee from meeting established performance factors and goals. If an employee desires a formal review of their performance appraisal, the employee must file a written request with their Department Head within five working days of receiving their appraisal. The Department Head shall schedule a meeting with the employee and the employee's immediate supervisor. The decision of the Department Head concerning the employee's performance appraisal is final and is not reviewable. In the situation where the employee's immediate supervisor is the Department Head and the employee desires a formal review of their performance appraisal, the employee must file a written request with the City Manager within five working days of receiving their appraisal. The City Manager shall schedule a meeting with the employee and the employee's

Department Head. The decision of the City Manager concerning the employee's performance appraisal in situations where the Department Head is the employee's immediate supervisor is final and is not reviewable. A performance appraisal with an overall rating at or above the satisfactory rating cannot be reviewed or grieved.

ADOPTION – AMENDMENTS – REVISIONS

Amended 11/25/2008	Resolution No. 08-52
Amended 1/8/2013	Resolution No. 13-03
Amended 7/20/2021	Resolution No. 21-21

Section 5090 - SERIOUS ILLNESS OR MEDICAL CONDITION

General Policy Statement:

Employees with serious illnesses or medical conditions (including but not limited to cancer, heart disease, HIV and AIDS) may wish to continue their active employment. Such employees who are able to meet acceptable performance standards and whose conditions do not threaten themselves or others may continue to work. Reasonable accommodations will be provided as required under the ADA.

No employee who has a serious medical condition or other disability is to be discriminated against in any area of employment. Discrimination or harassment in the workplace based on an employee's medical condition or disability will not be tolerated.

Guidelines:

1. **Fair Treatment.** Department Heads should be sensitive to employee's serious medical conditions and ensure fair treatment. If a medical condition affects an employee's performance, reasonable accommodations will be provided, as required under the ADA. Department Heads should be aware that continued employment is not only financially important for an employee with a serious illness, but may be therapeutically important in the remission or recovery process or may extend an employee's life.
2. **Request for Accommodation.** Employees requiring accommodations should request them from their Department Head. The supervisor, with the employee's assistance, will explore and implement reasonable accommodations to the employee's medical condition that do not create an undue business hardship, and are consistent with business needs, established City policy, and applicable federal, state, and local laws. Employees seeking accommodations should provide appropriate medical information necessary for the City to make related employment decisions. A health provider's certification of the employee's condition and work limitations and/or further medical examination may also be required.
3. **Employee Counseling.** If desired, employees with serious illnesses may receive information on related City benefits and programs. The Department Head/supervisor should demonstrate sensitivity while discussing City policy regarding:
 - A) City benefits;
 - B) Leaves of absence;
 - C) Community counseling and services;
 - D) Safety needs and concerns;
 - E) Employee assistance program (EAP);
 - F) Possible accommodations; and
 - G) Job performance and attendance requirements.
4. **Privacy and Confidentiality.** An employee's health condition is personal and confidential. Therefore, every reasonable effort will be made to ensure that an employee's medical history and condition remain confidential, unless required by law or business necessity.
5. **Non-Discrimination.** No employee with a serious illness is to be discriminated against in any aspect of employment including, but not limited to, compensation, benefits, promotions, hires, transfers, working conditions, or terminations.
6. **Safe Work Environment.** While we seek to be sensitive to the rights and needs of an employee with a serious health condition, we also recognize our obligation to provide a safe work environment for all employees, clients, and visitors. Every precaution should be taken to ensure that an employee's condition does not present a health or safety hazard to anyone within the work community.
7. **Employee Concern.** An employee who is apprehensive about working with a co-worker, vendor, citizen, or anyone else who has a serious illness should inform his or her Department Head. The City seeks to be sensitive and responsive to employees'

concerns, however, where there is very minimal or no danger of harm, the employee will be expected to work with anyone who has a serious illness.

- A) Refusal to Work. An employee's refusal to work with someone who has a serious illness may result in corrective action, up to and including termination.
- B) No Special Transfers of Threatened Employees. No special consideration beyond normal transfer requests will be given to employees who feel threatened by a co-worker's illness.
- B) No Special Transfers of Ill Employees. Employees with serious illnesses may not be asked to transfer or resign because of co-workers' concerns.

Section 5100 – EMPLOYMENT SEPARATION PROCEDURES

The City recognizes that an employee may leave the service of the City of Draper for any reason, whether voluntary or involuntary. The City reserves the right to involuntarily terminate an employee's employment for cause, an employee not successfully completing a probationary employment period, an employee's employment status being "at-will", reorganization, obsolescence of a function, budgetary constraints or as a cost savings measure, etc. It is the objective of the City to have all separations handled in a manner that is respectful and professional on the part of the City and the employee.

1. Voluntary Termination. All employees should provide written advance notice when they intend to voluntarily leave City employment. The notice will state the reason for the resignation and give the date of departure. To ensure an orderly transition, the following time periods shall be followed:
 - A) Department Directors and Appointed Employees. At least four weeks notice shall be provided, unless more or less notice has been agreed to be given. Vacation may not be included in the four week notice period, unless agreed to by the City Manager.
 - B) All Other Employees. At least two weeks notice should be provided. Vacation may not be included in the two week notice period, unless agreed to by the employee's Department Director. Employees using sick leave during the last two weeks will be required to provide a doctor's note. Employees are prohibited from procuring uniform items after a two week's notice has been given.
 - C) Withdrawal of Resignation. A withdrawal of a resignation may not be allowed without the permission of the City Manager. The City Manager shall receive a recommendation from the employee's Department Director before granting or denying permission for the employee's resignation to be withdrawn.
2. Involuntary Terminations. All involuntary terminations of an employee for cause or other reasons shall be reviewed and approved by the City Manager, after receiving a recommendation from the employee's Department Director, the Human Resources Director and the City Attorney. The Department Director is responsible for all paperwork and documentation related to an employee's involuntary termination. All involuntary terminations of employees for serious behavior problems shall comply with the provisions and procedures of Section 5030 – Corrective Action – Performance Improvement.
3. Exit Interviews. An exit interview should be offered to and conducted with each separating employee when possible. Two City representatives shall be present if the exit interview involves a particularly sensitive situation. Exit interviews should be utilized to obtain information that will promote better employee selection, placement, training, and managerial practices, and to retain the goodwill of the employee. During exit interviews, a Human Resources Department representative shall discuss:
 - A) The employee's principal motivation and circumstances for leaving and the original or copy of the employee's resignation letter or other written documentation related to their separation, shall be placed in their personnel file;
 - B) Complaints, criticisms, or suggestions that the employee may have regarding the position, working conditions, co-workers, supervisor, department, Department Director;
 - C) Benefits available to separating employees, including COBRA;
 - D) As appropriate, remind the employee of his or her obligation to continue to protect confidential City information.
 - E) Ensure that the employee's personal records (such as address) are current.
 - F) Explain the City's reference policy.
4. All City-issued property, including keys, credit cards, phones and uniforms must be returned to Human Resources at the time of termination. Any electronics, including cell phone, tablet and/or computer should be unlocked, or a password provided. Employees should not reset or wipe electronic devices clean. Failure to return City property will result in reimbursing the City for the cost of the equipment.
5. Employees who are involuntarily terminated or who voluntarily terminate their employment will be paid in accordance with state law. Employees shall be paid any unpaid wages and earned accruals, except for sick leave on the City's next payday after their separation date.

6. Payment for accrued vacation and compensation time shall be provided at separation. However, no payment shall be made for accrued sick leave.
7. At the City Manager's discretion and with the consent of the City Council, severance pay may be provided to terminated employees provided a release of legal claims is first obtained.
8. Failure to follow the provisions of this policy shall not be a basis for appealing an involuntary termination.
9. As part of the City's Equal Employment Opportunity (EEO) commitment, all involuntary terminations shall be conducted on a non-discriminatory basis.

ADOPTION – AMENDMENTS – REVISIONS

Adoption 07/15/2015	Resolution No. 14-47
Amended 12/19/2017	Resolution No. 17-74
Amended 07/20/2021	Resolution No. 21-21

Section 5110 - JOB TRANSFERS

General Policy Statement:

The City provides equal transfer opportunities for qualified employees. We support the principle of selection from within. Business necessity may require that employees be transferred from one job, workplace, or work shift to another. Transfers within a department or outside a department may only be made within the same job description. Permanent transfers may not be made into positions requiring different skills that would otherwise be considered a promotion. Transfers do not circumvent the job announcement process. Employees may also wish to initiate a transfer for personal reasons or professional development.

Transfer decisions are based upon operational needs and employee qualifications, and are at the discretion of the City.

Guidelines:

1. Temporary Transfer. Temporary transfers for training, projects, temporary business needs, or personal needs of an employee may be made. Such transfers will be for defined time periods and may be extended as necessary. Temporary job transfers to a different job requiring more complex work skills or substantially different job responsibilities will be compensated for by giving the transferred employee temporary pay increases equal to at least 5% above the employee's current pay rate but not less than the starting pay for the new position for a period not to exceed 6 months.
2. Job Postings and Announcements. Job and transfer opportunities may be posted on bulletin boards, announced in City publications, and memoranda to Department Heads, or reported in staff meetings.
 - A) Job Information. Information will be posted for a minimum of seven (7) calendar days and will include:
 - (i) Position title,
 - (ii) Salary band,
 - (iii) Department/Division,
 - (iv) Basic job duties, essential functions, and
 - (v) Qualifications required.
 - B) Advertising. Job opportunities may be advertised at the discretion of Department Heads. Positions may be advertised both internally and externally at the same time.
3. Eligibility for Voluntary Transfer. Employees will be evaluated for transfer based on their overall work records as well as their potential career interests, and relevant knowledge and skills. The best qualified candidates will fill job vacancies. To be eligible for a voluntary transfer, the City will consider the following:
 - A) Minimum Job Qualifications. Meeting the minimum qualifications of the new job as outlined in the position description.
 - B) Acceptable Attendance and Performance History. Past performance appraisals and attendance records.
 - C) Professional Conduct. The record of corrective actions for the past 24 months.
4. Employee Initiated Transfer Procedures. Employee transfer requests will generally be processed as outlined below.
 - A) Request for Transfer. To apply for an internal transfer, an employment application must be completed and forwarded to the Personnel Administrator.
 - B) Department Review. The Personnel Administrator will assess the employee's qualifications for the open position. If it is determined that the employee is qualified, the application will be sent to the hiring Department Head who will conduct appropriate interviews.

- C) Transfer Decision. The hiring Department Head will make transfer decisions. A mutually agreed upon transfer date will be decided by the current and future Department Heads.
 - D) Paid Interview Time. Transfer interviews are considered "hours worked." Employees seeking transfers will be paid for their time.
 - E) Pay. Employees transferred to positions in the same pay band as their current jobs will be paid according to the skills required for the new position. Employees voluntarily transferring into a lower grade may be required to take a reduction in pay or have their pay frozen (red circled).
 - F) Seniority and Benefits. Current eligibility for leave and benefits will be preserved for transferred employees.
5. Reassignment to Lower Positions. An employee may be required to take a reduction in pay or have his or her pay frozen (red circled) as the result of a demotion or transfer to a position in a lower pay band. Red circled employees are not eligible for merit increases or cost of living adjustments (COLA) until their rate of pay falls within the assigned pay range. Such a demotion or transfer may occur under the following condition(s):
- A) Poor Employee Skills. An employee's ability seriously impedes job effectiveness.
 - B) Reduction in Force. A layoff or reduction in force occurs.
 - C) Current Job Has Significantly Changed. If an employee's present job has decreased in scope or responsibility.
 - D) Employee Request.
6. Transfers at Discretion of City Manager. The City Manager retains discretion to transfer any employee as operational needs dictate.

ADOPTION – AMENDMENTS – REVISIONS

Amended 11/25/2008

Resolution No. 08-52

CHAPTER 6000 EMPLOYEE RESPONSIBILITIES

Section 6010 - APPEARANCE AND GROOMING

General Policy Statement:

Service and professionalism are what separate Draper City from other organizations. The nature of our business demands that an employee's appearance reflect an appropriate professional image and be consistent with an employee's particular duties. All employees are expected to conform to City dress and grooming standards.

Guidelines:

1. Clothing Appropriate to the Work. Dress, grooming, and hygiene should be appropriate to the nature of work, degree of customer contact, expected business standards, and the need to maintain job safety.
2. Expected Attire. Employees who frequently interact with the public are expected to be professionally dressed and to convey a positive City image.
3. Prohibited Attire. Extreme, immodest, or revealing attire is not permitted.
4. Special Dress Standards. As designated by the City Manager and Department Heads, specific dress standards may be required of employees in some positions depending upon the nature of their work and the working conditions present.
5. Casual Dress Days. The environment within the City must be maintained at a professional level at all times, therefore, "casual dress days" are authorized by the Department Head when it will not affect the level of professionalism for the department.
6. Grooming. Good personal hygiene is essential. Employees are expected to be clean, neat, and well-groomed.
 - A) Perfume. Employees should avoid excessive perfume, cologne, or other fragrances.
 - B) Hair. Extreme hair styles or colors are not appropriate for business. Hair, beards, and moustaches must be kept neat, clean, and controlled.
 - C) Personal Hygiene. Employees whose personal hygiene presents a problem or concern will be so advised by their immediate supervisor. It will be the employee's responsibility to take appropriate action to correct the problem.
7. Dress Outside the City. Employees, who travel on City business, attend business-related seminars and/or training programs, or whose business takes them outside of the office are expected to continue to adhere to City dress standards.
8. Corrective Action. Improperly groomed or dressed employees will be subject to corrective action including possible termination. Where necessary, such employees will be sent home to comply with established standards. Employees will not be paid for missed work under such circumstances.
9. City Employees who wish to wear City Logo clothing while on the job, and who are not required to do so, may purchase clothing at cost with the approval of the Department Head.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2006

Resolution No. 06-46

Section 6015 - CITY ISSUED UNIFORMS AND PROTECTIVE GEAR

General Policy Statement

For the purpose of Identification, Safety, and or Job Function the City requires designated employees to wear a standard uniform. Uniforms essential for identification, safety, and/or job function will be provided by the City. Human Resources is responsible for maintaining the budget for uniforms. Human Resources and Purchasing is responsible for administering procurement and distribution of appropriate clothing for the work environment (see Police Department policies and procedures for policies impacting police and animal control personnel).

1. Department Heads are responsible for identifying the essential uniform needs for each member of their department (Designated Employees) and submitting the requirements to Human Resources. Need is based upon:
 - A) Identification. Employees should be easily identified as Draper City Employees. All uniform will display an easily identifiable Draper City Logo.
 - B) Safety. Essential clothing and protective gear to facilitate the safe performance of the job within the environment(s) to do the job and to meet the federal and local safety guidelines.
 - C) Function. Specialized clothing and protective gear to facilitate efficient performance of the essential functions of the job.
 - D) Cost. The most cost effective options should be selected for fulfilling the uniform requirements
2. Designated Employees Defined
 - A) Public Works, Engineering, and Planning Inspectors
 - B) Engineers
 - C) Streets, Parks Water, Storm Water Maintenance, Fleet management, and Facilities Employees
 - D) Code Enforcement Officers
 - E) Chief Building Official
 - F) Building Inspectors
 - G) Other Employees as Identified and Approved by Department Heads
3. Uniform Purchasing and Distribution. Uniforms will be purchased and distributed in accordance with the current Human Resource and Purchasing Departments' internal procedures.
4. Human Resources, Department Heads and City Management will review the uniform policy each fiscal year to determine the utility and effectiveness.
5. Any employee issued a uniform and/or protective clothing is required to wear such clothing while performing his/her job unless temporarily excused by his/her supervisor.
6. Corrective Action. Employees who disregard uniform and/or protective wear requirements will be subject to corrective action up to and including termination. Where necessary, such employees will be sent home to change clothing so as to comply with established standards. Employees will not be paid for missed work under such circumstances.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 07/18/2006

Resolution No. 06-46

Section 6020 - ATTENDANCE AND DEPENDABILITY

General Policy Statement:

Absenteeism and tardiness burden co-workers, disrupt business operations, and reduce the quality of customer service. Therefore, good attendance, punctuality, and dependability are required of all employees. Attendance and tardiness problems will result in corrective action, up to and including termination.

Guidelines:

1. City Expectations.
 - A) Punctuality. Employees are expected to be at work and to return from breaks as scheduled.
 - B) Responsibility.
 - (i) Employees should be at their workstations or performing assigned responsibilities during all work hours.
 - (ii) Employees are not permitted to leave before their scheduled quitting time, unless specifically authorized by their supervisor.
 - (iii) Employees are expected to work any assigned overtime. Supervisors will try to give as much advanced notice as possible.
 - (iv) Employees participating in approved, paid time training are required to be in attendance for the approved curriculum and to actively participate.
2. Notification of Absence/Tardiness. Employees are responsible for giving their supervisor as much advance notice as possible of anticipated tardiness, absence, or of the need to leave early.
 - A) Reason for Absence and Return Date. Employees should explain the reason for the absence or lateness, and when they will return to work.
 - B) Personal Notification Required. Employees should personally notify their supervisor. Leaving a voice mail message or having someone call for the employee (except in unusual circumstances) does not satisfy this requirement unless previously authorized by the supervisor.
 - C) Extraordinary Circumstances. Consideration will be given in extraordinary circumstances that prevent an employee's giving timely notice.
3. Health Certification. Documentation of medical condition and/or suitability for work may be required in certain situations. At the City's discretion, additional medical opinions may also be required. Additional opinions will be obtained at City expense. The following circumstances are examples that may warrant medical certification:
 - A) Sickness or Injury. The employee is absent from work as a result of illness or injury.
 - B) Return From Leave. The employee is returning from a health-related leave of absence.
4. Serious Illness or Injury. In cases of absences resulting from serious illnesses or injuries, an employee should maintain regular contact with their Supervisor regarding their condition and anticipated return.
5. Emergency Closing. In the event of extremely severe weather, natural disasters, power outages, and other emergencies, the City Manager may close City facilities with the advice and consent of the Mayor.
6. Make-up Time. Employees may not work extra hours to make-up missed work time without their supervisor's permission. "Make-up" work should occur infrequently and not be utilized as a tool to compensate for frequent tardiness or excessive absences. Make-up time is also not appropriate where it would create an overtime situation.

7. Leaving City Premises. Non-exempt employees must receive permission from their supervisor before leaving the workplace during working hours.
8. Absent Without Notice. An employee who has been absent for three (3) days without approval from his or her supervisor will be considered to have voluntarily terminated employment.
9. Supervisor's Responsibility. Supervisors have primary responsibility for monitoring and promoting good employee attendance.
 - A) Records. Records of daily attendance should be accurate and current. Employees' attendance records should be reviewed periodically and included as part of the performance appraisal. Absenteeism and tardiness may reduce an employee's opportunities for advancement and compensation increases.
 - B) Follow-up Discussion. Supervisors should meet with employees to discuss attendance problems.
 - (i) Documentation. Supervisors should document the discussion and record the dates and reasons for the absences or tardiness.
 - (ii) Verbal or Written Warning. Supervisor should remind the employee of City attendance policies and if necessary, warn that continued problems will result in further corrective action, up to and including termination.
 - C) Tracking Problems. In determining whether there is an attendance problem, supervisors should consider the employee's:
 - (i) Reasons for past absences;
 - (ii) Level of past and present performance;
 - (iii) Attendance pattern in past years;
 - (iv) Current attendance record; and
 - (v) Duration and frequency of absences.
 - D) Ensuring Employee is ready to Work. Supervisors are responsible for ensuring that employees are physically able, properly dressed, and prepared to work. Employees unable or not prepared to work should be sent home until the problem can be corrected. Nonexempt employees will not be paid for missed work under such circumstances.
10. Corrective Action. Violations for which corrective action may be taken include:
 - A) Failure to notify the employee's supervisor of any absence or delay;
 - B) Unexcused absence;
 - C) Excessive absence;
 - D) Chronic tardiness;
 - E) Leaving work before the designated quitting time without permission;
 - F) Lying about reasons for absence;
 - G) Discernible patterns of absence or lateness (e.g., Mondays, Fridays, or absence following holidays); or
 - H) Failure to be in attendance for the approved curriculum during a paid time training program.
11. FMLA and ADA. Absences taken in accordance with the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and similar leaves will be treated according to the terms of those Acts.

Section 6030 - COMMUNICATION AND INFORMATION SYSTEMS

Communication and information systems (telecommunications, fax, computers, email, voicemail, internet, etc.) are provided for business purposes. Communication equipment and Information systems are to be used properly, efficiently, and in accordance with City policy. Improper use of systems and equipment may subject an employee to disciplinary action.

1. Telecommunications and Voicemail Use

Draper City telecommunication and voicemail systems are for business purposes. Improper or personal use that increases costs, interferes with job performance, or is used for purposes contrary to city policy is prohibited and may be subject to disciplinary action.

- A) Personal use of city phones or use of personal cell phones should be minimal and should be limited to break times whenever possible.
- B) Personal long-distance phone calls may not be charged to the City. Long distance calls, must be placed collect or called on employee's personal phone.
- C) The employee must reimburse personal calls or data usage on city cell phones, which result in an expense to the City.
- D) Employees assigned a city-issued cell phone must sign a cell phone agreement. Employees who are issued a cell phone should use their Draper email as an account for any Apple or Android accounts (Apple ID or Google Play Store).
- E) Employees given a city email account shall only place accounts on city owned devices. The City Manager's approval is required for any exceptions.
- F) Employees should carry their city-issued badge with them at all times while working. If a badge is lost, stolen or suspected of either, the employee is required to notify Human Resources or the IT department immediately. Badges shall not be shared with any employee or visitor. Temporary badges may be given through the Human Resource department.
- G) It is essential to project a professional telephone manner at all times. Employees should attentively respond to all business inquiries and meet the following standards:
 - Answer promptly.
 - Use a friendly but businesslike tone of voice. Employees should identify themselves and the department of the City as appropriate.
 - Provide full attention to the caller.
 - Carefully track anyone placed on hold and offer further assistance if the call is not picked up promptly.
 - Transfer calls carefully, as requested, explaining where and why calls are being transferred.
 - Close phone calls courteously.
 - Ensure that phones will be answered and messages recorded when leaving the work area.
 - Ensure that messages are accurate and immediately forwarded. Promptly return phone calls (within the same day, if possible).
 - If a caller becomes abusive, terminate the phone call, after offering to transfer the caller to a supervisor.
 - Any employee who terminates a call under this circumstance shall immediately notify their supervisor.
 - Turn on "out of office" message or forward phones when away for more than a day.

2. City letterhead, postage, supplies, etc. are to be used solely for business related communication.

3. Mail equipment, fax, and photocopy machines are to be used for business purposes only.

4. To ensure the safety and integrity of the city's computer system, employees may not install personal or other outside software programs. The IT Director must approve any exception to this policy.

5. Draper City email and voicemail systems should be used for city business only.

- A) Email and voicemail systems, are owned and maintained by Draper City; consequently, all email and voicemail communications are City property. Messages created, sent or received are not an employee's private property.

- B) The City reserves the right to access, intercept, review, monitor, and disclose all messages sent over its email and voicemail systems. Employee's telecommunications may be subject to disclosure pursuant to the Utah Government Records Access and Management Act (GRAMA).
 - C) Employees should abide by Draper City's Email Retention policy (section 6035) in managing, maintaining, and following all retention policies of their city-owned email profiles. It is the employee's responsibility to adhere to Draper City's email retention policy, not the responsibility of the IT Department.
 - D) The following actions related to email and voicemail use will subject employees to disciplinary action:
 - Solicitation for commercial, religious, political, charitable, or other non-business causes.
 - Communicating sexually explicit jokes, images, messages, or cartoon.
 - Transmission of ethnic slurs, racial epithets, jokes, or any communication that may be considered harassment or insulting to others based on race, color, national origin, sex, sexual orientation, age, disability, or religious or political affiliations or beliefs.
 - F) Employees shall not access or attempt to access another employee's personal email or voicemail without permission.
 - G) Communication systems are not to be used for sending or receiving copyrighted, confidential, or proprietary information without prior permission from the appropriate party.
6. The internet is useful in providing access to a broad range of information. However, employee distraction and performance problems related to use of the internet will subject employees to disciplinary action up to and including termination.
- A) Draper City reserves the right to monitor, inspect, and review all internet activity that traverses across its network. Employees shall have no ownership or privacy expectations with regard to information accessed on City provided internet.
 - B) It is the supervisor's responsibility to monitor employee usage of the internet. The internet may not be used to:
 - View or download any pornographic or other inappropriate materials
 - Place personal copies or non-work-related software on City equipment.
 - Attempt illegal use of copyrighted software or data.
 - Play computer games.
 - Conduct any form of solicitation.
 - Advertise merchandise or services placed on the Internet.
 - Pursue any other similar activity, to include but not limited to web browsing rather than working, and distracting other employees from completing their assignments.
 - Participate in non-business related discussion groups and "chat rooms."
 - Distribute or store chain letters, jokes or other non-business material.
 - Send uninvited or inappropriate emails.
 - C) Employees are strictly prohibited from using the internet to harass employees, vendors, customers, and others. Derogatory comments, racial slurs, or any form of discriminatory communication will not be tolerated. The City will trace the origin of abusive messages and employ appropriate disciplinary action up to and including termination.
7. Employees are responsible for following the City's data security policies to protect information from unauthorized use, disclosure, alteration or destruction, whether intentional or accidental. See Section 6050.
8. Employees are required to adhere to Draper City's Data Retention policies. Employees must keep all official documents, files, forms, policies, reports, records, etc. on the city provided network. All employees are to adhere to the following procedures:
- A) All data should be saved to the city's file shared server, located on the network, periodically. This includes, but is not limited to, departmental folders and the network provide personal folder "U Drive".

- B) City data that may be subjected to GRAMA request may not be stored on any web-based application, which does not adhere to Federal and State regulations. Sites that are not suitable for housing such data are, but not limited to: Dropbox, Google Drive, etc.
 - C) Draper City's IT department is not responsible for any data lost for failure to store official city data on Draper City's network.
 - D) Any data file lost, deleted, or corrupted should be reported to the IT department immediately to insure recovery of such data.
9. All city-owned equipment, including but not limited to, desktops, laptops, phones, and wireless devices are subject to monitoring, inspection, and review by Draper City. All employees are to adhere to the following procedures:
- A) City technology equipment is to be handled with care.
 - B) Damaged or lost equipment should be reported to the IT department immediately.
 - C) All technology equipment and software purchased are to be approved and acquired through the IT department. This ensures devices and software are compatible with existing city network components. Failure to comply will result in unmanageable support and preservation of such devices or software.
10. Employees must return city-issued cell phone, tablet and/or computer at the time of separation. These devices must be unlocked, or the password must be provided to Human Resources, and must not be reset or wiped clean without approval from the HR or IT department. Failure to return these devices will result in reimbursing the city for the cost of the equipment.
11. This policy applies to all communication and information systems that are:
- A) Accessed on or from city facilities.
 - B) Accessed using city equipment or resources.
 - C) Used in a manner that associates the employee with the city.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/20/2010

Resolution No. 10-36

Amended 08/07/2018

Resolution No. 18.57

Section 6031 – Social Media

This policy is not meant to restrict an employee's ability or opportunity to speak as a private citizen on matters of public concern. However, as individuals employed by a government entity, city employees may be held to a higher standard in their conduct and speech. As a city employee, your conduct has the potential to reflect upon the city itself.

1. **In general.** Social Media refers to internet-based platforms that allow individuals to communicate or send information electronically and may allow peer-to-peer communication or messaging. For purposes of this policy, the term "Social Media" includes, but is not limited to, internet or electronic forums including: social networking sites, blogs, chatrooms or comment boards, websites, and online reviews of products or services.
2. **Types of Communication.** Social Media can include written information, audio or video, pictures, illustrations and other verbal, visual and auditory media. This policy governs communication through Social Media and other internet-based platforms, whether or not an employee considers the communication "private."
3. **City Policies.** Employees are prohibited from communicating on Social Media any confidential, proprietary, or non-public information obtained in the course and scope of employment with the city. All information posted on Social Media should comply with city policies, including, but not limited to, policies on confidentiality, non-disclosure, harassment, discrimination, and communication and information systems.
4. **Safety.** When posting on Social Media, employees should avoid topics that may compromise the safety or health of other employees or city officials, or disclose confidential personal information. Employees that post information that jeopardizes the safety or health of a city employee or official may be subject to disciplinary action.
5. **Communication as a City Employee.** Employees should not communicate on social media in their role as a city employee, or acting pursuant to that role, without prior written authorization from their Department Director, or the City Manager or designee. Employees are prohibited from communicating the city logo, symbol, letterhead or a trademark in use by the city without first receiving written consent from the City Manager or the City Manager's designee.
6. **Effect of Communication on City.** Employees should also be aware that even when posting as an individual, and not as a city employee, their communication could be interpreted as coming from the city.
 - a. Employees shall not give information, advice or guidance in such a way that it may appear that the employee is doing so in their role as a city employee.
 - b. Communications that have a disruptive effect on City operations, work environment, coworker interaction or business, and which do not address a matter of public concern, may be grounds for disciplinary action, even if the employee does not identify themselves as a city employee.
 - c. Any Social Media communications by an employee about the city or its employees which the employee knows to be untrue, or made in reckless disregard of the truth, may be grounds for disciplinary action.
7. **Disclaimers.** In order to avoid the appearance of speaking on behalf of the city, city employees shall include a clear disclaimer that the communication is solely the opinion of the individual, and does not reflect the view, opinion, or philosophy of the city, its elected officials, employees, or agents.

While employees are free to support political causes or candidates in their individual capacity, in their official capacity as a city employee they must not support or endorse specific candidates, parties, causes or other political matters. City employees shall utilize a clear disclaimer, as directed above, for all political communications.

8. **Personal Use of Social Media at Work.** In accordance with section 6030.5.E, employee personal use of Social Media during active work time shall be limited and purely incidental. As stated in section 6030.6, employees should not use city-issued or provided computers, tablets, cell phones, or other electronic devices for personal communications on Social Media.
9. **Monitoring.** Employees' use of the internet and city electronic devices is subject to city policy section 6030 – Communication and Information Systems. Furthermore, employees must not have any expectation of privacy while participating in Social Media using city devices, as other parties, including the City, may have access to those communications.

10. **Reporting Concerns.** If an employee has a question about communications on Social Media, or would like permission to communicate certain information on Social Media, the employee should contact their Department Director.
11. **Public Safety Addendum.** Please see specific policies in the Police Department and Fire Department Policies Manuals for additional provisions pertaining to public safety employees' use of Social Media.
12. **Disciplinary Action.** Employees who violate the Social Media policy may be subject to corrective action, up to and including termination.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 08/06/2019

Resolution No. 19-48

Section 6035 - ELECTRONIC MAIL RETENTION AND CLASSIFICATION

I. PURPOSE

The intent of this policy is to provide and explain the requirements, guidelines, and best practices for managing electronic mail (email) that complies with the Utah Government Records Access and Management Act (GRAMA) and records retention schedules approved by the State Records Committee. This policy provides assistance to City employees regarding their use of email as a communication and business tool. In addition, this policy advises the best practices in capturing, managing, and retaining electronic messages as public records.

II. BACKGROUND

- a. Electronic mail systems (email) are a common method to communicate between employees and the public. The need to properly manage email messages and systems is the same as for other recordkeeping systems, which is to ensure compliance with State law and City ordinance concerning the creation, retention of, and access to public records.
- b. Email created or received by employees, agents, or representatives of the City of Draper is subject to GRAMA and therefore must be managed and maintained appropriately. By identifying emails that are records and establishing their relevant retention periods, the City ensures compliance with State records law and promotes good management protocol of City information systems.
- c. By their nature, email records are not controlled by the City through any practical application of technology but are under individual employee control. This means that all employees are responsible for the classification and retention of their own email.

III. MANAGING EMAIL

Employees are responsible for understanding the content of messages they send and receive, and maintaining or deleting email records according to their content. It is the email sender or originator's responsibility to determine if the email is a record and determine the appropriate retention period. Email sent from outside the City that is acted upon by the recipient may become a record and subject to maintenance and retention as a record.

Email backups that are maintained for disaster recovery and business continuity purposes, are not considered appropriate for managing email retention. This means that the Information Technology Department is not responsible for ensuring that emails are saved in the appropriate matter. The employee and/or sender of the email are responsible for ensuring that retention is taking place.

a. User Responsibilities

i. Sender

It is the responsibility of the sender or originator to manage email when it is a record by selecting the appropriate retention, maintaining the record for the required time period, and complying with the classification requirements of the record.

When using a "distribution list" the sender or originator must maintain a copy of it for as long as the required retention period is for the associated message. Printing or saving a copy of the "sent" message automatically retains the names on the distribution list.

ii. Recipient

The recipient of email may need to retain it according to retention guidelines if it is received from outside the City network and is from;

1. Either the public as a constituent of City government
2. A company or individual doing business with the City
3. Another governmental entity

The recipient may also need to maintain email received from other City employees if it significantly impacts the activities and functions of the recipient's department. Examples of agencies that may

need to retain email received in the agency include elected officials, department heads, and managers.

All email may be grouped into one of the following categories for retention purposes:

b. Records Classifications

- i. Non-Records
- ii. Short-Term Retention
- iii. Medium-Term Retention
- iv. Long-Term/Permanent Retention

c. Non-Records (No Retention)

Email messages that do not meet the criteria of a record as defined by GRAMA do not need to be retained by the user and may be deleted immediately.

i. Email not considered a record (as defined by GRAMA) includes:

1. A personal note or personal communication prepared or received by an employee or officer of a government entity in the employee's or officer's private capacity or is unrelated to the conduct of the public's business.
2. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working.
3. Materials legally owned by an individual in the individual's private capacity.
4. Materials to which access is limited by copyright or patent, unless the copyright or patent is owned by a governmental entity or political subdivision.
5. Junk mail or commercial publications.
6. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working.
7. Notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary or a member of any public body charged with performing a quasi-judicial function.
8. Telephone Numbers or similar codes used to access mobile-communication devices that are used by an employee or officer of a governmental entity, provided that the employee or officer of the governmental entity has designated at least one business telephone number that is a public record.

ii. In addition, Non-record messages include personal correspondence

1. Email not received, created, or retained in the normal course of City business.
2. Nongovernmental publication or documents
3. Publication, promotional material from vendors, junk mail, and similar materials that are publicly available; unsolicited promotional material, files copied or downloaded from internet sites, and other materials defined as non-records above.

d. Records

Email messages meeting the definition of a record must be managed appropriately. Employees creating or originating documents should manage their emails in Outlook by creating folders for each retention category and deleting emails within the folders when retention has been met. Printed hard copies of email messages and related attachments must ensure the printed copy includes the sender's name, date sent, receivers' names, attachment information, and message.

Documents attached to an email identified as a record should also be managed as a record and retained appropriately according to the City's general document retention schedule. The sender or originator should ensure the most recent version of the attachment has been saved according to the City's general document retention schedule. An attachment does not need to be retained if it is retained elsewhere, unless the attachment is needed to provide context to the email.

Retention Schedules for Records:

- i. Short-Term Retention--30 days
All emails in this category are required to be deleted after 30 days of being created, sent, received, or revised. The following records are considered Short-Term Retention:
 1. Routine requests for information such as requests for policies, reports, etc.
 2. Nonofficial notices for training, meetings, parking restrictions, blood drives, etc.
 3. Requests for supplies.
 4. Approvals to attend workshops and training.
 5. Schedule and activity records such as duty rosters or work assignments; schedules, appointment or telephone logs, or other daily activity logs.
 6. Working copies of documents which are not considered drafts and records relating to daily activities that do not reflect policy or official actions.
 7. Cover letters or memos that reference an attached document.

- ii. Medium-Term Retention--2 years
All emails in this category must be deleted after 2 years of being created, sent, received, or revised. The following records are considered Medium-Term Retention:
 1. General administrative or department business correspondence (both sent and received); interoffice or interdepartmental communications that do not result in policy.
 2. Reference materials, activity reports which are summarized in annual reports.
 3. Internal training distributed to City employees.

- iii. Long-Term or Permanent Retention
All emails in this category are required to be kept indefinitely. The following records are considered Policy and Program Records:
 1. Executive correspondence (both sent and received) that documents aspects of City administration concerning public policies, programs, directives, and service delivery matters.
 2. Final policies and procedures and similar regulations.
 3. Annual, financial, or statistical reports.
 4. Correspondence or directives to staff on policy issues.
 5. Public relations issues, photographs, published materials, and audio or video attachments.

IV. CITY RESPONSIBILITIES

City administrators, department heads, network administrators, records managers, and employees share responsibility for managing electronic records. Departments should clearly identify the roles of each staff member; adopt procedures, train staff, and monitor compliances on a regular basis. Departments should take appropriate measures to preserve data integrity, confidentiality, and physical security of email records.

a. Managing Electronic Mail at System Level

- i. Storage and Deletion of Email
Deleted emails messages will be maintained and permanently removed according to IT policy.

- ii. Retention for Audit or Legal Proceedings
Email identified as a record that has completed its periods of retention, but has also been earmarked as part of an audit or legal proceeding, must be retained until completion of the audit or resolution of the legal proceeding.

V. LITIGATION HOLDS

When litigation is pending or threatened against the City or its employees, the law imposes a duty upon the City to preserve all documents and records that pertain to the issues. The City Attorney will issue a litigation hold to the legal custodians of those documents.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 11/06/2016

Resolution No. 16-77

Section 6040 - COMPUTER SECURITY

The integrity of the City's computer resources is extremely important to the successful operation of our business. All computer equipment, peripherals, and software are City property and are provided for business purposes. Proper use and control of computer resources is the responsibility of all employees. Intentional or reckless violation of established policies or improper use of City computers will result in corrective action up to and including termination. Employees should also be aware that any work completed on City computers is subject to monitoring and review and that they should not expect their communications to be private.

1. Copyrights and Licenses

- A) No software protected by copyright may be copied except as specifically stipulated by the owner, pursuant to a valid license, or otherwise permitted by copyright law. Unauthorized copying of software, even for convenience or internal City use only, can result in monetary and/or criminal penalties. Unauthorized copying of software for use on an employee's home computer is also strictly prohibited.
- B) The number and distribution of software copies must not exceed those purchased or legally permitted.
- C) All other copyrighted information, including text, images, icons, etc., must also be used only in conformance with copyright and other law.

2. Integrity of Computer Resources

- A) Computer equipment, peripherals and software may not be altered or removed except as authorized by the IT Department. Opening the computer or adding internal or external equipment is prohibited except as authorized by the IT Department.
- B) Computer users must not limit others' use or access to information resources by sending chain letters or excessive messages, printing excess copies of documents, files or data, or running grossly inefficient programs.
- C) Employees shall not install personal software on City computers for business or any other purpose.
- D) Employees shall not access computers, software, data, or other information without proper authorization. Employees shall not access the computer's CMOS set-up.
- E) Employees may not develop or use programs, which disrupt computer resources, access restricted areas or files, or damage software or hardware.
- F) Employees are prohibited from accessing security surveillance cameras for anything other than City business.

3. Password Integrity

Employees given an account to access City computers should use strong and resilient passwords. If an employee suspects their password has been compromised, the employee should change their password immediately. Employees should never share their password with anyone, except the IT department for routine maintenance and support. All passwords used on the network are property of Draper City. Passwords through command only systems (CMOS) are not allowed. Only employees with authorized passwords and network permissions may access sensitive materials. Violators of this policy will face disciplinary action up to and including termination

4. Software and Device Updates

Updates are an important and vital security practice. Employees should insure that their devices are updated and are also prohibited from disabling network pushed updates. Failure to do so may compromise City networks and may impede City operations. The IT department must authorize exceptions to this policy.

5. Network Security

Employees should be vigilant in observance for malicious activity. Network security is key to both City and employee protection. All data that traverses the network is inspected and scanned for malicious activity.

- A) All City issued computers are to be connected to a secure network. Computers should connect to Draper City's securely provided network. If laptops are removed off site, they should only connect to networks that require passwords. No open networks connections are permitted.
 - B) Employees with network accounts should never leave their computer terminal session open and unattended. Employees should "log off" or "sign out" before leaving their station.
 - C) Any attempt by an employee to circumvent any of City's network security procedures is strictly prohibited.
6. Email
Because of increasing risk to malicious activity being passed through email, employees should aggressively discern who sends them emails. If an email is sent from an unknown source or sender, employees are encouraged to delete or notify the IT department
7. Visitors
Visitors are strictly prohibited from using any computer or network connected device. The City provides a public Wi-Fi for visitors to use. The City Manager or IT Director should approve any exception.
8. Virtual Private Network (VPN)
Any employee who has a VPN connection on their PC must sign and follow the VPN agreement form. All forms will be collected and stored in the employee's personnel file.
9. Use of Personal Devices
All employees will adhere to Draper City's "Bring Your Own Device" (BOYD) agreement. Employees should never connect a personal device to Draper City's network. Public Wi-Fi is provided for any personal device needing to connect to the internet. Failure to comply with Draper City's BOYD policy will be subject to disciplinary action up to and including termination.
10. Employee Duty to Report Problems
All employees must immediately report any potential or actual computer security problems or concerns to the IT Department.

Given the importance of the City's computer resources and the potentially serious consequences of security violations, the City will strictly enforce its policies. All reported or identified problems shall be quickly investigated and resolved. Violation of this policy may result in disciplinary action up to and including termination.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/20/2010	Resolution No. 10-36
Amended 08/07/2018	Resolution No. 18-
Amended 07/20/2021	Resolution 21-21

Section 6050 - CONFLICTS OF INTEREST/CODE OF ETHICS

General Policy Statement:

The City recognizes the right of employees to participate in private activities outside their employment, which are unrelated to City business. However, employees are hired and continue their employment with the understanding that the City is their primary employer and that other employment or business involvement which conflicts with City business interests may subject an employee to corrective action. Any outside employment activities shall comply with [Section 5070](#). If an activity is contemplated which could result in a real or perceived conflict of interest, the employee must make full disclosure of the activity to their Department Head for prior review and approval.

All employees shall adhere to the provisions and disclosure requirements of the Utah Municipal Officers' and Employees' Ethics Act as set forth in Utah Code Ann. §§ 10-3-1301, et. seq., as adopted by reference by the City, including the signing of a Disclosure Statement.

Policy:

1. **General Principles.** The following Code of Ethics sets forth general principles, which guide and protect employees and the City. Since it is impractical to address all possible ethical issues, specific questions about the propriety of employee conduct and/or business relationships should be brought to the Department Head's and if concerns arise after a review by the employee's Department Head the City Attorney and City Manager shall also review.
2. **Employee Integrity.** Employees of Draper City have, as their first duty, to conduct themselves in a manner deserving of public trust and confidence, both on and off the job. The City's reputation for excellence and fairness in business activities is built upon each individual's ethical conduct. We expect all employees to conduct themselves with utmost integrity and at the highest of ethical standards at all times.
3. **Employee Conflicts of Interest.** To maintain independence of judgment, employees must avoid potential conflicts or appearance of compromise that might arise because of economic or personal self-interest.
4. **Participation in Community Activities.** Employees are encouraged to participate in charitable, religious, educational, and community nonprofit activities. The City supports participation in such activities so long as employee job performance is not affected. However, unless approved by the employee's Department Head and the City Manager, City supplies and equipment shall not be used to solicit financial support or provide other assistance to community organizations.
5. **Non-Business Relationships.** Personal relationships are improper if others can reasonably construe them as influencing or obligating the employee in current or future business dealings or as attempts to improperly influence others.
6. **Reporting Violations.** Employees are required to report to their Department Head, the City Attorney, the Human Resources Director or the City Manager all violations or suspected violations of this Code of Ethics. All reports will be handled professionally and as confidentially as possible.
7. **Disciplinary Action.** Employees who breach or disregard the Conflict of Interest / Code of Ethics policy will be subject to corrective action, up to and including termination.

ADOPTION – AMENDMENTS – REVISIONS

Amended 10/02/2012

Resolution No. 12-42

Section 6080 - EMPLOYEE CONDUCT AND WORK RULES

General Policy Statement:

Employee conduct and work standards have been established to promote a productive and safe work environment. Behavior which fails to meet established standards or violates City rules must be corrected and may be subject to corrective action, up to and including termination.

Guidelines:

1. Expectations. All employees are expected to meet established performance and conduct requirements. The following guidelines provide a general outline of expectations.

- A) Performance. Employees are expected to perform their jobs efficiently, effectively, and in accordance with established procedures. The following are examples of performance misconduct which are subject to corrective action:
 - (i) Failure to meet quality standards and deadlines;
 - (ii) Refusal to work mandatory overtime;
 - (iii) Insubordination or failing to follow their supervisor's directions or accept work assignments;
 - (iv) Unprofessional conduct or rudeness to customers; and/or
 - (v) Violation of safety rules and failure to wear prescribed safety gear.
- B) Attendance. Employees are expected to arrive at work on time, as scheduled and return from breaks promptly. Advance notification should be given to the supervisor when the employee will be absent or tardy. The following are examples of attendance misconduct which are subject to corrective action:
 - (i) Unexcused or excessive tardiness;
 - (ii) Unexcused or excessive absences;
 - (iii) Leaving work early without notifying or obtaining permission from his or her supervisor; and/or
 - (iv) Unauthorized absence from workstation during the workday.
- C) Honesty and Integrity. Employees are expected to demonstrate honesty and candor in the conduct of all business activities, including observance of the spirit as well as the letter of the law. Utilization of City property, including financial assets, equipment, furniture, buildings, records, and information, must be in accordance with the highest standards of integrity and trust. Employees are responsible for reporting any illegal or unethical actions of employees and non-employees to their supervisor or Department Head. The following are examples of behaviors subject to corrective action:
 - (i) Willful or negligent damage, theft, or misuse of property;
 - (ii) Falsification of City records or documents (including time and absence records, employment applications, medical reports, work records, expense accounts, or other business records);
 - (iii) Failure to report injury or unsafe conditions, or to cooperate in City investigations;
 - (iv) Illegally divulging confidential City information without authorization; and
 - (v) Use of City time or equipment for unauthorized or personal purposes.

- D) Behavior. Employees are expected to conduct themselves, both professionally and personally, in a manner that is consistent with the professional reputation of the City and to avoid any activities that might reflect adversely upon the City. The following are examples of inappropriate behaviors subject to corrective action:
- (i) Violation of dress and grooming code;
 - (ii) Working under the influence of alcohol and/or illegal drugs;
 - (iii) Possession, use, or sale of alcohol or illegal drugs at work or on City property;
 - (iv) Using offensive, foul, or abusive language;
 - (v) Possession or use of guns, explosives, or other weapons contrary to City policy;
 - (vi) Fighting with or threatening fellow employees or non-employees;
 - (vii) Harassment or discrimination of any kind (including sexual harassment);
 - (viii) Smoking in unauthorized areas;
 - (ix) Unauthorized solicitation;
 - (x) Pranks, or practical jokes that result in damage to City property or are detrimental to other employees;
 - (xi) Conviction of a felony relevant to an employee's position or employee/City safety;
 - (xii) Any willful or negligent act which endangers the safety, health, or well-being of another person; and/or
 - (xiii) Misconduct or any act which disrupts work or discredits the organization.
2. Use of City Equipment Prohibited. Borrowing City equipment for personal purposes is not permitted. When unusual circumstances arise, the Department Head must be consulted for special permission.
3. Working at home. Working at home is prohibited except in unusual circumstances. Employees are prohibited from working at home unless the City Manager determines that working in the office is detrimental to the safety or welfare of the employee(s). Department Heads, with the approval of the City Manager, are occasionally authorized to work at home when special projects require immediate attention. Working at home is the exception rather than the rule. Weather conditions or work interruptions are no basis for working at home.

ADOPTION – AMENDMENTS – REVISIONS

Amended 10/15/2019

Resolution No. 19-64

Section 6090 - PERSONAL PROPERTY, SEARCHES, AND INSPECTIONS

General Policy Statement:

Employees will be assisted in protecting their personal property while at work; however, the City does not assume responsibility for its theft, damage, or disappearance. Other employees, customers, and vendors may have access to employee work areas; consequently, employees should not keep valuable property or large amounts of cash at work. Additionally, to ensure workplace security and safety, all City facilities, City property, and employees' personal property on City premises are subject to inspection upon probable cause and to ensure workplace security and safety.

Guidelines:

1. Employee Responsibility.
 - A) Personal Property. Employees should protect personal property brought to work. Such property should not be left unattended or in open sight. Damage or theft of personal property should be reported immediately to the Department Head. Further, good judgment should be used when displaying personal items. Employees should ensure that such items are professional and do not hamper City functions.
 - B) Unfamiliar or Suspicious Persons. Employees should notify their Department Head immediately of any unfamiliar or suspicious persons on City premises. Unfamiliar persons should be offered assistance and escorted to the appropriate area as required.
2. Assigned Storage Areas. Provided storage areas and work stations will remain under the City's control.
 - A) Locks, Keys, and Lock Combinations Provided. Locks, keys, and combinations for secured storage areas will be provided. Employees may not use their own locks.
 - B) City Pass Keys. The Public Works Department will hold pass keys to all secured areas, including City facilities and equipment.
3. Searches and Inspections. The City may be required to conduct internal investigations relating to security, auditing, or work-related matters. Employees are required to assist and fully cooperate in the investigations. The City reserves the right to inspect, without notice, all City property, equipment, storage facilities, and, with probable cause, any employee personal belongings on City premises.
 - A) City Property. Employee computer files, voice mail, email, storage facilities, cabinets, desks, lockers, etc., are City property and are subject to inspection at any time, with or without probable cause.
 - B) Corrective Action. Any employee who refuses to submit to a legal search, assist in an investigation, or is found in possession of prohibited articles will be subject to corrective action up to, and including termination.

Section 6100 - PUBLIC RELATIONS

General Policy Statement:

Draper City's goal is to provide high quality customer service. Employees are expected to be professional and to interact politely and patiently with all customers and business contacts.

Occasionally it may be necessary for a supervisor to become involved when a customer is angry or frustrated. Employees should seek help from supervisors as needed if public relations problems arise.

Guidelines:

1. **Professionalism.** Customer satisfaction and outstanding public relations are critical to the City's success. Therefore, it is imperative that customers are treated professionally.
2. **Prompt and Timely Attention.** All business relationships must be carried out in a timely manner. Scheduled appointments and meetings must be attended on time. If delay is necessary, appropriate notice must be given. Phone calls must be promptly returned (within the same day if possible).
3. **Follow-Through.** All citizen and customer requests and complaints must be handled promptly and effectively throughout the entire service process.
4. **Knowledge of Business and Services.** Knowledgeable employees are a key to providing superior customer service. Therefore, employees are assumed to understand City services, to positively promote Draper City interests, and to build goodwill. Employees are also responsible for being informed of service changes, procedures, and customer needs.
5. **Employee Input.** Employees are encouraged to provide suggestions regarding policies and practices which could improve business relationships and customer service. Employees should also inform their Department Head of any public relations problems or issues which require attention.
6. **Employee Support.** Employees must support each other when dealing with the public. Under no circumstances should an employee speak disrespectfully about another employee's abilities or job performance to a citizen or customer.
7. **Proper Language Skills.** Employees in public contact positions must be able to communicate effectively. Such employees must have language and writing skills appropriate to their positions.

Section 6120 - SMOKING

General Policy Statement:

The City is committed to providing a work environment which supports employee health, safety, and productivity. For the protection of all employees, and to ensure compliance with federal and state law, smoking is not allowed in City buildings including any work areas, break rooms, and hallways, and City owned vehicles. Employees who smoke should do so outside at least 25 feet from the building during approved breaks and lunch periods. Visitors must also smoke outside. All employees, both smoking and non-smoking, are expected to be courteous in respecting the needs and rights of others.

Guidelines:

1. **Enforcement.** Supervisors and Department Heads are responsible for monitoring and ensuring compliance with smoking policies.
2. **Break Time Abuse.** Smokers are responsible to refrain from abusing break times. Employees who utilize their rest breaks to smoke should ensure that smoking areas remain clean and that scheduled break times are not exceeded.
3. **Corrective Action.** Employees who violate this policy will be subject to appropriate corrective action up to and including termination.

Section 6140 – Incidental Use of Public Property

City employees are sometimes required to possess or use the City's personal property ("public property"). State statute criminalizes personal appropriation of public property unless the personal use is incidental or if the city has a policy in place that permits such personal use. This policy permits and sets limits on incidental use of City-issued, public property.

1. Incidental use. Employees may use City-issued, public property for incidental, personal use as long as such incidental, personal use does not interfere with the employee's job performance, substantially diminish the value of the public property or incur costs to the city, and is not prohibited by law or policy.
2. Exclusions. Department heads may discretionarily implement exclusions to Guideline 1 above. Such exclusions shall be written and distributed to each existing employee at the time of implementation and to each new employee upon receipt of the excluded public property item.
3. Employees' Responsibilities.
 - A) Employees are expected to reasonably care for public property, which includes, but is not limited to:
 - 1) City-issued vehicles;
 - 2) City-issued cellphones;
 - 3) City-issued computers and accessory equipment;
 - 4) City-issued tablets and other electronic devices; and
 - 5) City-issued tools, firearms, and equipment.
 - B) Employees should immediately notify their supervisor if their City-issued, public property is lost, stolen, or damaged.
4. Supervisors' Responsibilities. Supervisors should follow prescribed inventory tracking policies to keep track of City-issued, public property within their department.

Conflicting Policies. If a specific policy conflicts with this general policy, the specific policy guidelines shall be followed.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 6-11-2019

Resolution No. 19-32

Section 7010 - COBRA - INSURANCE CONTINUATION

In specified circumstances, COBRA allows qualified employees and their families who have lost insurance coverage to pay for a temporary extension of coverage.

1. Qualified beneficiaries under COBRA include persons (such as employees, ex-employees, spouses and dependents) who had City group health insurance coverage before a qualifying event occurred. Additionally, a child that is born to or placed for adoption with the covered employee during a period of COBRA coverage will be eligible to become a qualified beneficiary.
2. Insurance coverage offered under COBRA is identical to that provided to similarly situated plan beneficiaries who have not had qualifying events. COBRA may apply to any group health plan including:
 - A) Traditional medical coverage
 - B) Dental and vision programs
 - C) Health flexible spending plans
3. A qualified beneficiary may have a right to choose and pay for COBRA coverage if a group health plan is lost because of any of the following qualifying events:
 1. Termination/separation from the City
 2. Adoption of a child
 3. Death of a primary insured
 4. Marriage/divorce

The length of the COBRA continuation depends upon the type of qualifying event. The coverage period is measured from the date of the qualifying event.

4. A general notice which outlines rights under COBRA will be provided to newly covered employees, their spouses, and dependents.
5. Employees must act to receive COBRA Coverage as COBRA coverage is not automatic. The plan administrator must be notified that continued coverage is desired.
6. COBRA coverage is paid for by the employee or other qualified beneficiary directly to the COBRA administrator. Initial COBRA premiums must be paid within 45 days of the COBRA election. Once the initial premium has been paid subsequent payments must be made within 30 days of the required due date.
7. Under the Family and Medical Leave Act (FMLA), employees on qualified leaves must receive the same types of health insurance coverage, under the same conditions as if they were in active employment status. Therefore, since health insurance coverage must be maintained during an FMLA leave, the leave does not constitute a qualifying event and COBRA does not apply. However, if an employee on an FMLA leave decides not to return to work, COBRA may apply and a qualifying event may occur when the City receives notice of the employee's intent to terminate or on the last day of FMLA leave if the employee decides not to return to work. A non-FMLA leave of absence may be a qualifying event if an employee loses group health coverage because of the leave.

Additionally, an employee is entitled to COBRA even if he had a lapse in coverage during an FMLA leave because the employee's portion of the premiums was not paid.

8. Employees called to military duty may also continue their health insurance coverage. Employees on military leaves for 30 days or less are not required to pay more for the coverage than they would have paid had they remained with the City. Employees

whose military leave extends beyond 30 days and transition to COBRA are required to pay 102% of premiums. The COBRA continuation period for military leave is 24 months or the time of the leave, whichever is less.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2017	Resolution No. 17-26
Amended 08/07/2018	Resolution No. 18-63

Section 7020 – EMPLOYEE BENEFITS

The city offers eligible employees comprehensive benefits in addition to mandatory benefits required by law, i.e., Social Security Insurance, Workers Compensation, retirement, and unemployment. Eligibility is dependent upon employee classification and service date. A full list of employee benefits is explained in the Benefits Enrollment Guide through the human resource department. Every year the city will review the benefits to remain competitive.

Mandatory benefits offered, include but are not limited to:

Retirement System – The city participates in the Utah State Retirement System (URS). Participation in the system is mandatory for all employees required by law to participate. (Some exceptions apply.) The city pays the percentage required for each full-time employee. Part-time, seasonal and temporary employees are not eligible for retirement benefits unless they work over 30 hours a week or as mandated by state law. The city will offer this benefits according to state law. Upon employee hire and eligibility, eligible employees will be informed of their right to exempt and be provided with the appropriate exemption form. Human Resources staff will certify the individual with URS within 30 days of hire.

Participation in 401(k), 457 and Qualified Roth IRA Plans – The City participates in each of these plans. Each year the city will review the plans and may adjust the employee’s maximum percentage and matching contribution based on rates, and determined by budget. The city provides a match of an employee’s contribution to a 401(k) plan upon date of hire. The maximum city participation in such a plan is a match up to a maximum of base compensation and is restricted to the plans approved by the city. Employees may contribute to a 401(k), 457 or Traditional/Roth IRA through payroll deduction, but the city match must go to 401k account.

Medical Insurance – The City participates in group medical and dental insurance, and life insurance programs for full-time employees upon date of hire. Supplemental life insurance coverage may be purchased by the employee.

Wellness Program – Full-time employees actively participating in a qualified wellness program may be eligible for a reimbursement up to a maximum per month. Additionally, full-time and part-time employees may be eligible for fitness rebates up to a yearly maximum. Wellness program benefit is renewed annually contingent upon proof of continued membership, and fitness rebate benefit is per benefit plan year.

Benefit Documents – Details of benefits offered are found in materials and plan descriptions provided to employees as they become eligible for various programs and during open enrollment or initial employment periods. Additional information required by the Employee Retirement Income Security Act (ERISA) and other applicable laws is contained in official plan documents and booklets kept by Human Resources. Such information is controlling and is available for employee review during business hours.

Opt-out of Benefits – Employees who are covered under another medical insurance plan, such as through a parent or spouse, may opt-out of coverage through the city and receive a payment in lieu of medical insurance coverage. To be eligible for this benefit, the employee must provide proof of coverage to Human Resources at the time of enrollment and thereafter during annual open enrollment. Under IRS regulations, this benefit is classified as taxable income.

Termination of Benefits – Benefits, including medical and dental benefits, end on the last day of the month in which the employee separates from employment with the City.

- A. For the purpose of complying with Patient Protection and Affordable Care Act (PPACA), reporting requirements are:
- (i) The initial measurement period for part-time employees begins on their date of hire and is for 12 months.
 - (ii) The administrative period, i.e., waiting period begins at the end of the initial measurement period and is 1-month.
 - (iii) The stability period is the benefit plan year.

Hire Date	Initial Measurement Period	Administrative Period	Stability Period
05/15/2019	05/15/2019-05/14/2020	05/15/2020-06/15/2020	07/01/2020 – 06/30/2021

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2017 Resolution No. 17-26
 Amended 09/05/2017 Resolution No. 17-51
 Amended 08/07/2018 Resolution No. 18-57

Amended 08/07/2018
Amended 08/18/2020
Amended 08/02/2022

Resolution No. 18-63
Resolution No. 20-40
Resolution No. 22-42

Section 7025 – ELECTED OFFICIAL BENEFITS

Elected officials are designated as part-time employees of the City. These officials serve at the discretion of the voters of the City. They receive compensation and benefits based upon laws of the State of Utah and ordinances and policies adopted by the City.

1. Benefits Offered. Elected officials are provided a range of benefits in addition to those required by law. Eligibility is dependent upon ordinances and policies adopted by the City, law of the State of Utah and terms and/or conditions stated in benefit plan documents. Benefits offered include but are not limited to:
 - A) Retirement System. The City participates in the Utah Retirement Systems (URS). Participation in the URS Tier I program is allowed only for part-time or full-time elected officials that qualify. Tier I elected officials may exempt from participation within 30 days of the beginning of their term of office. Participation in the URS Tier II program is allowed only for full-time elected officials that qualify. Tier II elected officials are exempt from the four-year vesting requirement. The City pays the percentage required for each elected official. Elected officials may exempt from participating in the Utah Retirement Systems programs according to URS regulations and requirements. The City will make the appropriate contribution to a qualified 401k or a Traditional IRA account for the elected official who is exempt from URS programs.
 - B) Medical, Dental and Life Insurance. Elected officials have the option of participating in the City's group medical and dental insurance programs. The elected official may participate in the City group medical and dental plans, if they pay 100% of the total insurance premium for the coverage selected. The City pays 100% of term life insurance premiums for coverage in the amount of \$50,000 for the elected official, \$10,000 for the elected official's spouse and \$5,000 for the elected official's eligible children.
2. Benefit Documents. Details of benefits offered are found in materials and plan descriptions provided to elected officials as they become eligible for various programs and during open enrollment or the beginning of their term in office. Additional information and applicable laws are contained in official plan documents and booklets kept by the Human Resources Department. Such information is controlling and is available to elected officials upon request.
3. Termination of Benefits. Benefits, including medical and dental benefits, end on the last day of the month in which the elected official ceases their term of office with the City.
4. COBRA. Qualified elected officials and their dependents that lose health care coverage under the City insurance plans may continue to buy coverage as group members for a period of time as allowed by law (COBRA).

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/21/2015	Resolution No. 15-40
Amended 08/07/2018	Resolution No. 18-63
Amended 08/18/2020	Resolution No. 20-40

Section 7030 – OVERTIME, COMPENSATORY TIME AND ON-CALL PAY

Overtime

1. Overtime does not accrue until 40 hours have been worked in a week. Exceptions for Fire and Police are outlined in Sections 4 and 5 of this policy.
2. Employees exempt from the Fair Labor Standards Act's overtime requirements (managers, professionals, etc.) are not eligible to receive overtime pay.
3. Hourly (nonexempt) full-time and part-time employees are eligible for overtime pay for work performed beyond forty hours per week. Department directors may require employees to work overtime as necessary. As much notice as possible will be provided when the need for overtime work arises. However, advance notice may not always be feasible.
 - A) The department director's prior authorization is required for all overtime work. Overtime worked without authorization will result in disciplinary action.
 - B) Compensation for authorized overtime work will be paid to nonexempt employees at one and one-half times the regular hourly rate of pay for all hours worked beyond forty in any given workweek
 - C) Overtime is calculated on a single workweek which includes seven consecutive days beginning at 12:00 am on Sunday and ending at 11:59:59 pm on Saturday.
 - D) As required by law, overtime pay is based on actual "hours worked." Time off for lunch breaks, vacation leave, funeral leave, jury leave, sick leave, compensatory time, or any leave of absence is not considered "hours worked" for purposes of calculating overtime. If an employee works an extra shift or additional hours during a week where sick leave has also been used, the sick leave will be paid out at straight time and will not be counted as hours worked for overtime purposes.
 - E) Employees will normally receive payment for overtime in the pay period following the period in which the overtime is worked.
4. Firefighters on the 48/96 schedule are paid overtime at one and one-half times the regular rate of pay for any hours worked over 182 hours in the 24-day pay cycle. A portion of overtime is paid bi-weekly. The bi-weekly portion includes straight time pay for hours worked between 182 and 192 hours. The remaining portion is paid at the close of the 24-day cycle with the FLSA half-time rate for overtime hours between 182 hours and 192 hours.
5. Police personnel working 12 hour shifts are eligible for overtime based on any hours worked over 80 hours in a 14-day pay cycle.
6. Supervisors are responsible for ensuring that appropriate controls are established to prevent unauthorized overtime. Time records with overtime hours must approved by the supervisor in order to be processed.
7. Supervisors should adjust an employee's schedule as needed to avoid unnecessary overtime

Compensatory Time

1. All full-time, non-exempt employees may choose to receive compensatory time in place of overtime. Compensatory time requires supervisor approval on the time card it was earned. Compensatory time is earned at a rate of one and one half times hours worked. Employees may accrue up to a maximum of 40 hours of compensatory time at any given time.
2. The City reserves the right to pay any employee overtime compensation on their paycheck in lieu of providing compensatory time off for any workweek or work period or for any accrued compensatory time. Employees shall be compensated for unused and accrued compensatory time in accordance with the provisions of the Fair Labor Standards Act.
3. In the event that an employee is promoted to an exempt position, compensatory hours will either be paid out at the prior rate converted back to overtime, or must be used within 60 days. All compensatory hours that are not used within 60 days will be converted back to overtime and paid out at the employee's rate prior to the promotion.

- Employees may request a payout of their compensatory time balance at any time by contacting the finance department. The payout will be calculated on the next closest paycheck by converting it back to overtime to comply with URS regulations. All applicable payroll taxes will be calculated.

On Call Compensation

- On-call time is not considered "hours worked." It is generally characterized by a readiness to respond to a call, text or other notice to report to an emergency situation. Employees on-call are expected to report as directed within 45 minutes of notification. Employees are not paid for time spent carrying a cell phone but are paid for actual time spent responding to calls, or for when they have returned to the work site. Time spent responding to calls (traveling to and from the work site) also counts as hours worked.
- Employees designated by their supervisor as on-call will be paid an additional on-call compensation at the current budget approved rate. On-call designation must be recorded on the employee's time record and approved by their supervisor.
- If an employee is designated on-call for more than one purpose (for example snowplow on-call and the division rotational on-call), they will receive on-call compensation for both designations during that week.

Call Back Compensation

- Any non-exempt (hourly) employee called back to work shall be entitled to call back compensation for actual time worked. The minimum call back compensation shall be for two hours. Only time worked in excess of an employee's specified work week will be compensated at the overtime rate.

Travel Time

- During the workday, time spent traveling which involves primarily work activities is "hours worked." (Any travel between work sites after reporting for work is to be included.) Travel time during workday hours on regular working days as well as on Saturdays, Sundays, and holidays, which corresponds to an employee's normal working hours is "hours worked" if the travel is mandated by the City.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2017	Resolution No. 17-26	Amended 4/10/2018	Resolution No. 18-25
Amended 6/5/2018	Resolution No. 18-40	Amended 08/07/2018	Resolution No. 18-63
Amended 03/05/2019	Resolution No. 19-13	Amended 07/20/2021	Resolution No. 21-21
Amended 09/21/2021	Resolution No. 21-49		

Section 7040 - REST BREAKS, LUNCH BREAKS AND BREAK TIME FOR NURSING MOTHERS

1. Employees are responsible for scheduling lunch and rest breaks with appropriate consideration for staffing needs and operational demands with their supervisor. Supervisors may change break schedules as work situations dictate.
2. The normal workday extends from 8:00 a.m. to 5:00 p.m. including a one hour unpaid meal period for full-time employees.
 - A) Part-time and seasonal employees who work more than five hours per day will receive at least a 30-minute unpaid meal break.
 - B) Except with the supervisor's permission, an employee may not work through a meal period. Hours worked during a lunch period must be recorded and will be paid.
3. Employees receive two 15-minute rest breaks in each eight-hour workday. Those required to work two or more hours of overtime may receive an additional rest break. These breaks are not required to be recorded in the time keeping system- no punching in/out is necessary. Rest breaks are considered time worked and will be paid while meal breaks are not. Employees who work through breaks may not leave work early and will not be paid additional compensation. Employees who are directed to work during lunch will be paid for their meal time.
4. Pursuant to Section 7 of the Fair Labor Standards Act (FLSA), an employee who is nursing will be allowed reasonable break time as needed to express breast milk for her nursing child for one year following the child's birth. The frequency and length of such breaks will depend on the needs of the mother and will likely vary. To the extent the break time is needed in excess of the lunch and rest periods, such break time will be unpaid. Break rooms for nursing mothers shall not be restrooms. Break rooms shall be free from intrusion from co-workers and the public. Such rooms shall be designated on an as-needed basis by the nursing mother's department head.
5. Employees who violate or abuse lunch or rest break privileges will be subject to corrective action, up to and including termination.
 - A) Employees must take meal and rest breaks at their scheduled times and return to work promptly. Employees will not be paid for unauthorized break times.
 - B) Employees on breaks should not distract others who are working. Breaks should be taken away from workstations in the employee break room or a similar area as directed by their supervisor.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2017 Resolution No. 17-26
Amended 08/07/2018 Resolution No. 18-63

Section 7050 - SALARY AND PAYROLL PROCEDURES

1. Employees shall be paid every two weeks according to the amount of compensation set by the City. Unless otherwise specified by the finance department, an employee's pay is directly deposited to an employee checking and/or savings accounts of their choice every other Thursday. Pay periods begin at 12 am on Sunday and ends two weeks later on Saturday at 11:59:59 pm.
2. Draper City requires that pay for wages earned be deposited directly into an employee's checking or savings account of their choice. Vouchers showing details of electronic deposits shall be provided to employees by the finance department. An employee who believes a payment mistake has been made shall inform the finance department who will investigate and make any corrections within three working days. If the error is de minimus, the correction may be carried over to the next pay period with notice to the employee. An involuntarily terminated employee shall be paid the wages owed within twenty-four (24) hours of when their employment with Draper City ceased.
3. Compensation shall be determined by the city council during the budget process. Employees shall not be paid a rate higher than that which is established for the grade assigned to the employee's current position. An employee whose pay falls above the current maximum hourly rate for the pay grade to which assigned, reclassified or transferred is a red circled employee. A red circled employee shall be placed on a salary freeze. When such employee's rate of pay falls back within the assigned pay range, the freeze will be lifted
4. An employee whose wages are garnished will be notified by the finance department upon receipt of the garnishment. If more than three garnishments are received, and depending upon the circumstances of the case, the employee may be subject to corrective action as permitted by state law. A copy of each garnishment shall be placed in the employee's personnel file.
5. An applicant or employee will not be denied employment or terminated solely because that person has filed a bankruptcy petition. Likewise, an employee's personal financial information shall not be disclosed to third parties without the employee's written consent or as required by law.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2017	Resolution No. 17-26
Amended 08/07/2018	Resolution No. 18-63

Section 7060 - TIME RECORDS

1. Hourly (Nonexempt) employees are required to use the City's time keeping system to track attendance and hours worked. Vacation leave, sick leave and compensatory time are recorded but are not designated as hours worked for calculating overtime.
 - A) Hourly employees are required to punch in when they arrive and leave work, which includes punching in and out for lunches.
 - B) Hours will be rounded to the minute.
 - C) Prior to submitting to payroll, supervisors and department directors will be accountable for:
 - 1) Reviewing and resolving any discrepancies on the time record
 - 2) Reviewing paid absences, (e. g., holidays, vacation, sick, funeral, or jury leave) as appropriate
 - 3) Reviewing unpaid time-off
 - 4) Verifying authorized overtime and compensatory time limits
 - 5) Verifying time records for absent employees
 - 6) Approving the time record and submitting it to the finance department for processing
 - D) Hourly (Nonexempt) employees must comply with their regular work schedule or approved alternative work schedule starting and ending work times. Supervisors must approve any change in an employee's hours.
 - E) Completing another employee's time record or misrepresenting or altering information on a time record violates City policy and will subject an employee to corrective action, up to and including termination.
 - F) Missing or changed punches must be verified by the employee's supervisor. More than two missing or changed punches in a pay period may lead to disciplinary action.
2. Personnel who are exempt under the Fair Labor Standards Act should comply with the following time record procedures:
 - A) Exempt employees will be required to make a daily attendance punch to verify they worked that day.
 - B) Use of all hours of paid vacation or sick leave should be tracked and submitted in the time keeping system.
 - C) Exempt employee schedules are set by the department director. Exempt employees who abuse their exempt status and are excessively late or frequently leave early will be subject to disciplinary action.
 - D) Salary deductions may be made for exempt employees if the employee is absent for personal reasons or because of illness or injury if he/she has yet to qualify for the leave plan.
3. Supervisors are responsible for ensuring that employees are not allowed or permitted to work beyond their regularly scheduled working hours unless such hours are properly authorized and recorded. Typical examples of unauthorized work include when an employee voluntarily comes in early or stays late to catch up on work, unless approved in advance by the supervisor.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2017 Resolution No. 17-26
Amended 08/07/2018 Resolution No. 18-63

Section 7070 – Fitness Facility

Regular full-time and regular part-time employees, age 18 and older, and elected officials (Collectively "Employees") are eligible to use the fitness facility in the police wing of city hall. Use by family or friends is prohibited. Any Employee who allows unauthorized use of the facility shall be subject to disciplinary action, which may include termination.

Employees wishing to use the fitness facility must be trained and signed off on the proper use of the fitness equipment. The police department has training individuals who can train Employees in the use of the equipment. Contact the Police Administrative Sergeant for the names of trainers. Employees are responsible to ensure they have been trained on the equipment operation prior to individual use.

The fitness facility is unsupervised. It is each Employee's responsibility to ensure they are medically fit to use the fitness facility. By using the fitness facility, Employees agree they are accepting full responsibility for and assuming any risk for their decision to use the fitness facility, including, but not limited to, risk for any injury that may occur while they are using the fitness facility.

Except for authorized on-duty patrol officers and fire personnel, Employees shall not use the fitness facility during the time they are being compensated by the City. An Employee's use will not be time worked and will not be covered by workers' compensation. Use of the fitness facility during a meal period or break shall also considered to be on the Employee's own time and not time worked.

Violation of this policy may subject an Employee to disciplinary action, up to and including termination.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 02/18/2020

Resolution No. 20-11

Section 8010 – FAMILY AND MEDICAL LEAVE (FMLA)

The Family and Medical Leave Act (FMLA) grants eligible employees the statutory right to take up to 12 weeks of unpaid, job-protected leave for specified family and medical reasons. FMLA allows eligible employees to take up to 12 workweeks of leave during a “12 month period. The “12 month period” is determined by a rolling calculation and is measured backward from the date leave is used.

Job protection includes continuation of health insurance benefits, and, with some limited exceptions, job restoration within a rolling 12 month period following the designation of FMLA leave. The city will designate FMLA leave for an employee whenever it has knowledge that the employee may qualify.

1. An employee is eligible under FMLA if the employee has been employed with the City for a minimum of 12 months and has worked a minimum of 1,250 hours in the 12 month period immediately preceding the request.
2. Eligible employees may request up to 12 weeks of unpaid leave for situations related to certain family and medical reasons such as:
 - A) To care for the employee's child after birth, or placement for adoption or foster care.
 - B) To care for the employee's child, spouse, or parent who has a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
 - C) For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more essential functions of the employee's job.
 - D) For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.
 - E) To care for a spouse, child, parent, or next of kin who is a service member and is injured or becomes seriously ill while on active duty or within five years of leaving the armed forces.

Eligible employees should make requests for family and medical leave to human resources and notify supervisors in writing, at least 30 days in advance of foreseeable event(s) and as soon as practical for unforeseeable event(s).

3. In an emergency, when the need for leave was not previously known, the employee must contact his or her supervisor within 48 hours or as soon as practical.
4. An eligible employee may take leave consecutively or intermittently for qualifying conditions. If intermittent or reduced leave is needed, employees are strongly encouraged to schedule their leave so it does not unduly disrupt city operations.
5. All employees requesting leave under this policy must complete the applicable certification of health care provider form and return it to human resources within fifteen working days. Human resources will process the certification and provide the employee with the notice of eligibility and rights and responsibilities form and designation notice.
6. An employee on designated FMLA leave will have all absences related to that qualifying event count toward the total eligible 12 weeks of FMLA leave by recording time off as FMLA in the time keeping system.
7. Whether for the employees own serious illness, or to care for a family member, eligible employees must exhaust all available paid leave (sick leave first, accrued vacation second, compensatory leave, paid time off and then holiday leave) before going on a leave without pay status. Supervisors will be responsible for submitting the employee timecard, including FMLA use, to human resources while an employee is on FMLA leave if the employee is unable to do so.
8. Subject to the terms, conditions, and limitations of the applicable health insurance plans, the city will continue to contribute to premiums in accordance with established policy during an employee's approved FMLA leave. The employee must continue to

pay any portion of the premiums that the employee would typically pay if not on leave, either through payroll deduction or in person. The city shall collect employee premium amounts through coordination with the finance department. The city has the right to recover health insurance premiums if the employee does not return from FMLA leave.

9. If the employee is returning from leave for their own serious health condition, the city may request a fitness-for-duty report from the health provider before the employee can return. If the employee is unable to return due to the illness, they may qualify for long-term disability.
10. Upon return from FMLA leave, the city will accommodate an employee's return to their original or an equivalent position.
11. If an employee fails to return to work after the 12 weeks of leave have expired, it will be considered voluntary resignation and the employee may be responsible for reimbursing the city for any unpaid employee share of the premium costs.
12. Employees shall not work secondary employment during regularly scheduled working hours when paid using sick leave while on FMLA leave. Other secondary employment must be consistent with the qualifying medical condition or any restrictions medically imposed related to the FMLA leave.
13. Under limited circumstances, an employee who qualifies as a "key" employee under the law may be denied reinstatement after FMLA leave. Key employees are defined as salaried and among the highest paid 10% of employees. Upon requesting FMLA, or at a later time if appropriate, the affected employee will be notified of their key employee status if there is any possibility that they may be denied reinstatement after their leave.

Amended 08/07/2018 Resolution No. 18-63

Section 8020 – VACATION LEAVE

1. Employees are eligible to use paid vacation leave if they:
 - A) Are full-time employees who have completed 45 days of employment;
 - B) Have accrued vacation leave available; and
 - C) Have supervisor approval.

Part-time and temporary employees are not eligible for paid vacation leave time off, but may take leave without pay as approved by their supervisor. In limited circumstances, pre-authorized absences without pay may also be granted to full-time employees who have no accrued leave available. Any leave without pay exceeding one month shall require city manager approval.

2. Vacation Leave Accrual
 - A) All exempt and non-exempt employees who work a regular forty hour workweek shall be entitled to vacation leave with pay to be accrued in accordance with his or her tenure of employment at the following rate:
 - 1) 5 years or Less – 3.08 hrs of leave per pay period worked (10 days per year)
 - 2) More than 5 years but less than 10 years – 4.62 hrs of leave per pay period worked (15 days per calendar year)
 - 3) 10 years and beyond – 1 day of accrued leave per additional year of service to a maximum of 20 accrued vacation leave days per year.
3. Fire department personnel will follow their departmental policy regarding vacation accrual rates.
4. Vacation leave accrual is based on hours worked and length of employee service and may not be taken until they are accrued. Vacation leave does not accrue during:
 - 1) Unpaid leaves of absence
 - 2) Workers' compensation or other disability leaves
 - 3) Layoffs
5. Employees may schedule vacation leave days as soon as they are accrued and they are eligible. With the City's needs in mind, every effort will be made to grant employee requested annual leave dates.
 - A) Leave time should be requested as much in advance as possible. If conflict exists in scheduling time off within the same department priority will be given to the first advance request submitted. If requests are submitted at the same time, seniority will determine which employee is granted vacation leave.
 - B) Vacation leave requests are subject to supervisor approval based upon operating requirements, staffing considerations, and business necessity.
6. Vacation leave taken by exempt employees will be charged in minimum units of one half day of work (four hours). Full day absences will be reported as eight hours of vacation. Absences of less than four hours will not be counted against an exempt employee's leave balance. Absences of more than four hours will require a substitution of four hours of vacation leave. Vacation leave must still be approved by the employee's supervisor prior to being used.
7. A city holiday that occurs during scheduled vacation leave time will not be counted as vacation leave.

8. Employees on a leave of absence (other than military leaves or as prohibited by law) are required to use all earned vacation leave before leave without pay may be used or granted. Accrued vacation leave for employees will be charged for both partial and whole day absences.
9. Employees who abuse vacation leave policies or exceed their vacation leave accruals may be subject to corrective action, up to and including termination. Employees who have used their accrued vacation leave will be granted excused absences without pay only in emergencies, unusual situations, or as required by law.
10. Vacation leave pay is calculated using an employee's base rate of pay at the time of absence.
11. Vacation leave does not count towards actual hours worked for the purpose of calculating overtime. If an employee works an extra shift or additional hours during a week where vacation leave has also been used, the vacation leave will be paid out at straight time and will not be counted as hours worked for overtime purposes.
12. In the case of an employee's serious illness or serious injury, city employees with an accrued vacation leave balance in excess of 80 hours may give vacation leave hours to a seriously ill or seriously injured employee. After the donation of vacation leave hours the donating employee must still have a balance of 80 hours of accrued vacation leave. Vacation leave hours will be deducted from an employee's vacation leave balance account and added to the seriously ill or seriously injured employee's sick leave balance account. The city manager and the department directors of the employees involved in the transfer of leave hours must approve the transfer. In order for an employee to receive donated leave hours the employee receiving the donation must have less than 40 total hours of combined accrued vacation leave, sick leave, compensation time leave, or holiday leave time available for use in his/her combined leave balances. Donations to an employee may not exceed 200 hours total during their employment with the city.
13. The maximum carryover of vacation leave into the next calendar year is 240 hours. All leave over the maximum carryover amount will be forfeited at the end of the calendar year.
 - Fire department personnel will follow fire department policy with regard to carryover amounts.
 - Appointed employees may be given an exception to this policy when workload demands prevent the appointed employee from using vacation leave. Exceptions must be approved by the City Manager and submitted to Human Resources by December 31st. Excess hours will be cashed out at the end of the calendar year, or the appointed employee may choose to have the equivalent dollar amount contributed to their URS retirement savings or qualified health savings account.
14. Full-time employees who separate from employment with the city will receive a payout of all unused vacation leave on their final paycheck.

ADOPTION – AMENDMENTS – REVISIONS

Amended 4-10-2018	Resolution No. 18-25
Amended 6-5-2018	Resolution No. 18-40
Amended 8-7-2018	Resolution No. 18-63
Amended 12-11-2018	Resolution No. 18-85

Section 8030 – BEREAVEMENT LEAVE

General Policy Statement:

The city grants bereavement leave for eligible employees as specified in this policy.

Guidelines:

1. Eligibility.
 - A) Full-time employees are eligible to receive bereavement leave in the event of a death to an employee's immediate family to handle matters related to death and grieving.
 - B) All employees, regardless of status, are eligible to receive bereavement leave who have suffered a "pregnancy loss" defined as miscarriage or stillbirth.
2. Definitions.
 - A) Immediate family includes the employee's spouse, domestic partner, parent(s), child/children, sibling(s), grandparent(s), aunt(s), uncle(s), grandchild/grandchildren, adopted, foster, step(s), half(s), and in-law(s). Additions to the immediate family members listed above require City Manager or designee approval.
 - B) An employee for purposes of this policy only is defined as the individual who's pregnancy ended by way of miscarriage or stillbirth, the employee's spouse or partner, former spouse or partner, or biological parent. An employee intended to be an adoptive parent who has suffered a "pregnancy loss" may receive this benefit with documentation provided, i.e., valid gestational agreement.
3. Leave Time. Bereavement leave of up to three working days of paid leave is granted in cases as described above. Additional time may be granted with City Manager or designee approval. Sick leave will be used for additional time approved, followed by vacation.
4. Notification. An employee requiring bereavement leave should inform their supervisor as soon as possible.
5. An employee who works less than full-time will not be eligible for paid bereavement leave for the death of an immediate family member. Unpaid time off may be granted with supervisor approval.
6. Bereavement pay is calculated based on an employee's base rate of pay. Bereavement leave does not count as time worked for the purpose of calculating overtime.

Amended 08/07/2018
Amended 05/17/2022

Resolution No. 18-63
Resolution No. 22-23

Section 8040 – HOLIDAYS

1. Eligible full-time employees will receive holiday pay for the following:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Pioneer Day	July 24
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving	4th Thursday and Friday in November
Christmas Eve	December 24
Christmas Day	December 25

- A) To be eligible for holiday pay, an employee must work (or be on approved vacation leave or other permitted leave in an active pay status) the last scheduled day immediately before the holiday and the first scheduled day immediately after it.
 - B) Holiday pay will not be approved when:
 - 1) It is the employee's first or last day of employment
 - 2) The employee is scheduled to work and is absent without excuse
 - 3) The employee is not in active pay status (e.g., is on unpaid leave, Workers' Compensation leave, or lay-off) or employment is on a temporary basis
2. Holiday pay will be calculated based upon an eight hour workday using the employee's base rate of pay. Holidays are considered as hours worked for overtime purposes. However, any extra or on-call hours worked during the week of a holiday must be pre-approved by a supervisor. Draper City police officers and firefighters are an exception and will follow their current department policy with regard to holidays. Where a holiday falls on a weekend, it may be observed on either the Friday before or the Monday after the holiday as scheduled by the city manager. Holiday leave may not be used prior to the pay period in which the holiday occurs, except for sworn police officers and firefighters authorized to use holiday hours on a calendar year basis.
 3. Employees on an approved alternate schedule must work additional hours or use additional hours of vacation or comp time, during the same work week for each holiday used to balance their hours to forty.
 4. When a City holiday falls during an employee's scheduled vacation, it will not be counted as a vacation day.
 5. Police and Fire may be regularly scheduled to work on a holiday. For this reason, Police and Fire employees will receive a bank of holiday time at the beginning of each calendar year. When scheduling time off, it is required that Police and Fire employees use all accrued holiday leave before using accrued vacation leave. There is no carryover of holiday hours. All holiday hours must be used within the same calendar year. In the event that an employee terminates employment and they have used more holiday leave than holidays that have actually occurred, they will be required to reimburse those holiday hours.

Amended 06/05/2018	Resolution No. 18-40
Amended 08/07/2018	Resolution No. 18-63
Amended 10/16/2018	Resolution No. 18-71
Amended 11/17/2020	Resolution No. 20-52
Amended 04/12/2022	Resolution No. 22-15

Section 8050 – JURY, WITNESS AND VOTING LEAVE

1. Full-time and part-time employees are eligible for court-ordered witness or jury leave.
2. Eligible employees will be paid at their regular base pay net of jury pay for jury leave for up to four months. After four months, such leave shall be unpaid.
3. Employees must immediately provide their supervisor and human resources with copies of court notices. Jury or witness pay and leave will not be authorized without prior documentation. Jury or witness pay is calculated based on an employee's base rate of pay.
 - A) An employee should report to work on any business day that the court schedule permits. If released from court with sufficient time to return to work, the employee is expected to come to work.
 - B) Fees received for jury or witness service must be submitted to the city to receive jury leave pay.
 - C) An employee on jury or witness leave is expected to check in daily and advise his or her supervisor of the status of court proceedings.
4. Employees whose work schedules do not allow them opportunity to vote in elections may receive up to one hour of paid time off to vote. Voting time must be scheduled at the beginning or end of the employee's workday and requires supervisor authorization. Employees should request time off to vote at least one day prior to election day to minimize disruption of operations.
5. Jury, witness, or voting leave does not constitute "hours worked" for overtime purposes.

Amended 08/07/2018

Resolution No. 18-63

Section 8060- MILITARY LEAVE

1. To qualify for military leave and reemployment, an employee must, where possible, give notice of the anticipated military service. Upon receipt of orders for active or reserve duty, an employee must notify their department director and human resources immediately. It is preferable for a copy of the employee's military orders to be included with the notification.
2. An employee may, but is not required to, use accrued annual leave while on approved military leave. Employees who choose not to use their accrued paid leave during military leaves are still entitled to use those days at a later time.
3. Any employee who is a member of the uniformed services and who is required to participate in annual training exercises during his/her regularly scheduled Draper City shifts shall be permitted paid leave for up to 15 training days per calendar year and shall be compensated at his/her regular base rate of pay from the city.
4. Any employee in the uniformed services who is called up to active military duty by the federal or state government for longer than thirty consecutive days shall be allowed full pay equal to the difference between military pay and city pay, when military pay is less than city pay. This benefit shall not continue beyond twelve consecutive months.
5. Any employee in the uniformed services who is called up to active military duty by the federal or state government may elect to continue medical, dental and basic life insurance coverage by notifying the city in writing. The city will continue to pay its share of the insurance premium for those benefits for a period not to exceed 24 consecutive months or as long as the employee is eligible. The employee also has the option of using accrued vacation time to pay for his/her portion of the insurance premiums.
6. If an employee who is a member of the uniformed services is called up to active military duty by the federal or state government and deployed for longer than thirty days, the city will continue to make the appropriate retirement contributions into a separate fund to be transferred to the employee's pension account upon his/her reemployment with the city. Employer contributions for participation in a 401K or 457K retirement program will be administered as per USSERA guidelines.

Amended 08/07/2018

Resolution No. 18-63

Section 8070 – UNPAID LEAVE

Employees are advised to accumulate leave to have available for unexpected reasons such as vacation opportunities, family events or illness. Employees that have not kept adequate leave balances sometimes want to take unpaid leave. Use of unpaid leave may indicate that an employee's absenteeism is excessive and is therefore discouraged. Unless otherwise required by law, such as for military or family and medical leave, unpaid leave is a privilege and not a right.

1. An employee may be granted unpaid leave for a specified period of time, not to exceed three (3) months. At the expiration of a leave without pay, the employee shall return to the same position, where feasible, or to a similar position.
2. Employees are expected to apply for leave in advance using the Request for Unpaid Leave form, giving as much detail about the absence as possible and providing supporting documents where applicable. The request form will be reviewed and signed by the Department Director. The Department Director and Human Resource Director will prepare a plan that provides for coverage of job duties and which has no impact to the department budget. The recommendation will be forwarded to the City Manager for final approval.
3. Unpaid leave may be granted:
 - For previously scheduled commitments of new employees that are agreed to at the time of offer.
 - For education purposes when the employee's course of study will be of direct benefit to Draper City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period.
 - To attend funerals not covered by the funeral leave policy.
 - To attend to an ill or injured member of the employee's immediate family when such absence is FMLA qualified.
4. Employees shall not be entitled to the accrual of annual or sick leave during the period of unpaid leave, but may be entitled to life insurance, group insurance, and seniority entitlements as required by law. Unless otherwise required by law, employees on unpaid leave may be required to pay for continuation of insurance benefits during unpaid leave. Any unpaid leave longer than two (2) weeks will be reported to the URS and is not eligible for service credit. Retirement service credit will be reinstated when the employee is no longer on leave.
5. Failure of the employee to report promptly at the expiration of unpaid leave shall be considered a resignation without notice.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2017	Resolution No. 17-26
Amended 08/01/2017	Resolution No. 17-47
Amended 04/10/2018	Resolution No. 18-25
Amended 04/17/2019	Resolution No. 18-33
Amended 08/07/2018	Resolution No. 18-63

Section 8080 – SICK LEAVE

1. Employees are eligible for paid sick leave if:
 - A) They work at least forty hours per week;
 - B) They have accrued hours of sick leave to cover the absence; and
 - C) The sick leave is authorized by their supervisor.
2. Sick leave is a form of insurance to make sure pay continues during an illness. It is not intended to serve as a substitute for other types of leave. Abuse of sick leave may result in corrective action.
3. Upon hire, all new full-time employees will receive a bank of 24 hours of sick leave. The intent is to ensure that new employee will not come to work ill because they have no sick leave available.
5. Sick leave will accrue at the rate of 3.69 hours of sick leave pay period (12 8-hour days per year). For firefighters it is accrued at a rate of 5.54 hours (6 24-hour days per year). Unused sick leave balances at the end of the calendar year will be carried over to succeeding years in an unlimited amount.
6. Sick leave may be used for reasons of personal sickness or disability. Up to 6 days of sick leave per calendar year may be used by an employee to care for a spouse or child.
7. Sick leave used beyond any 3-day period will require a physician's verification whether for employee or family member. Unverified sickness will be charged to vacation leave or leave without pay. Human Resources may request a doctor's note for one or two days absence in situations where sick leave abuse is suspected.
8. Department directors may require anyone who is sick or becomes sick and is potentially contagious on the job to stay at home or at some other approved location.
9. Sick leave does not count towards actual hours worked for the purpose of calculating overtime. If an employee works an extra shift or additional hours during a week where sick leave has also been used, the sick leave will be paid out at straight time and will not be counted as hours worked for overtime purposes.
10. After an employee has accumulated 600 hours of sick leave (960 for firefighters) the employee may convert future sick leave accruals at a 3 to 1 conversion. The employee may choose to have the converted hours contributed to either vacation leave, their URS retirement savings, or qualified health savings plan.
 - A) The conversion will take place once a year on the second pay period in January. Employees must submit their desired conversion to Payroll by December 31st.
 - B) An employee must maintain a minimum sick leave balance of 600 hours to qualify for the conversion.
 - C) Conversion program is subject to funds being available.
11. Sick leave taken by exempt employees will be charged in minimum units of one half day of work (four hours). Full day absences will be reported as eight hours. Absences of less than four hours will not be counted against an exempt employee's leave balance. Absences of more than four hours will require a substitution of four hours of sick leave. There is an except for exempt employees on approved Family and Medical Leave who may use sick leave on an hourly basis for intermittent leave or reduced schedules. Sick leave must still be approved by the employee's supervisor prior to bring used.
12. No compensation for unused sick leave shall be given to an employee who terminates or is separated from employment.

Amended 4/10/2018
Amended 08/07/2018
Amended 2/18/2020

Resolution No. 18-25
Resolution No. 18-63
Resolution No. 20-10

CHAPTER 9000 EXPENSES AND REIMBURSEMENT

Section 9010 - BUSINESS TRAVEL AND TRAINING EXPENSES

General Policy Statement:

All overnight travel, whether in-state or out-of-state, is governed by this policy. When traveling for work-related meetings, conferences, and training programs, the city will pay reasonable amounts for expenses. Every effort should be made to make cost effective choices for lodging, transportation and other expenses. All travel is subject to review and audit. When requesting funds for travel, the employee agrees to only use the money as intended according to this policy.

1.0 Definitions

- 1.1 "Travel" means any work-related, overnight trip for the city.
- 1.2 "Employee" means all city personnel, city council and staff, committees and commission members, or others who travel using executive branch funds as approved by the Department Director and City Manager.
- 1.3 "Per Diem" means the amount provided to an employee who is traveling to cover the costs of meals and incidental expenses without the necessity of supporting receipts.
- 1.4 "Incidental Expenses" include fees and tips for porters, baggage handlers and other similar services. "Incidental Expenses" does not include ground transportation, fuel (if traveling in a city vehicle), airport parking, baggage fees, or rental cars.

2.0 Travel Authorization

- 2.1 A Travel Authorization Form must be completed and approved prior to traveling. Travel Authorization Forms will be approved by the Department Director. It is the responsibility of each Department Director to ensure that all forms and documentation submitted by their employees are in proper order. Documentation must include a detailed conference registration and agenda, if applicable.
- 2.2 Travel may be authorized when total transportation time, including adjustments for traffic, weather, or similar conditions, and any activities listed in the detailed itinerary or conference agenda, cannot be reasonably or safely accomplished between the hours of 7 am and 7 pm.
- 2.3 Costs incurred due to optional early arrivals or late departures that are outside of these parameters will not be considered an expense to the city, unless otherwise approved in written form to the Finance Department by a Department Director.

- 2.4 When possible, employees should pay for travel-related expenses using a city credit card. If not possible, an itemized receipt of payment must be submitted for reimbursement. Meals and fuel costs covered by per diem or mileage reimbursement should not be charged to a city credit card.
 - 2.5 Employee may retain accrued frequent flyer and hotel club program credits; however, any cash rebates must be returned to the city. Employees should ensure that they continue to make the most economical travel arrangements, uninfluenced by potential airline or hotel travel awards
 - 2.6 Employee may travel with guests. However, the city will only reimburse employee expenses. Guest expenses should not be charged on city credit cards.
 - 2.7 Non-exempt employees will be compensated for travel time as required by the Fair Labor Standards Act (FLSA).
 - 2.8 Upon completion of approved travel, an Expense Reimbursement Form, along with itemized receipts, must be submitted to the Department Director for final review and authorization of any payment due.
 - 2.9 International travel may be allowed if deemed necessary. Prior to international travel, the employee should check with the IT Department to ensure their technology needs will be met, without incurring excessive usage charges. Any international fees such as entrance fees, proof of good health, or other obligatory fees will be reimbursed accordingly.
- 3.0 Event Registration
- 3.1 Registration fees for conferences and seminars will be paid by the city. Additional conference activities must be approved by the Department Director.
 - 3.2 Fees for optional social events or non-business-related activities will not be paid by the city.
- 4.0 Transportation
- 4.1 Employees are responsible for using the most efficient, direct and economical form of transportation available, given the circumstances. If an employee voluntarily chooses to use a more expensive form of travel, the city will compensate the employee only for the least expensive available travel option, with the employee being responsible for paying the difference in cost.
 - 4.2 An employee may use their assigned designated vehicle for travel with approval of their Department Director.
 - 4.3 If an employee uses their own personal vehicle travel, the city will reimburse the employee at the current mileage rate established by the IRS. (www.gsa.gov) Mileage is calculated beginning and ending at city hall.
 - 4.3.1 Use of a personal vehicle requires verification of liability, personal injury and property damage insurance coverage when submitting the Travel Authorization Form. If an accident occurs while using a personal vehicle, all costs related to the accident, except those covered by workers compensation, will be paid solely through the personal insurance.
 - 4.3.2 If an employee receives a car allowance, total reimbursable mileage will be 50 miles less than the total trip mileage. For non-overnight travel, see Section 9020.
 - 4.3.3 If more than one employee rides in the same vehicle, only the owner of the vehicle will be reimbursed for mileage.
 - 4.3.4 Mileage to and from the airport is included as part of the travel and will be compensated as such.
 - 4.4 A rental car may be used for travel when the cost of the rental car (including parking) is less expensive than other transportation modes.
 - 4.4.1 When renting a car for travel, a liability insurance supplement and loss damage waiver should not be purchased.
 - 4.5 The city will generally pay the lowest price (including baggage fees), with fewest stops, and domestic coach class airfare when making reservations. Airline ticket purchases should be booked as far in advance as possible to get

the best price. Reservations inside of 21-days require Department Director approval. Employee must pay for any additional seat upgrades or optional charges.

- 4.6 The city will pay for any necessary ground transportation, including shuttles, taxis, rideshare, tips up to 20%, tolls and parking fees.
- 4.7 Parking tickets, missed tolls, traffic or other criminal violations are the responsibility of the employee.
- 5.0 Lodging
 - 5.1 The city will pay either the hotel conference rate, or the GSA approved lodging rate as approved by the Department Director. Upgrades, room service and entertainment fees will not be paid by the city.
- 6.0 Per Diem
 - 6.1 The city will advance funds for per diem as stated by the GSA destination city per diem rate schedule. (www.gsa.gov)
 - 6.2 If meals are included in the conference registration and the agenda, the GSA approved amount per meal must be reduced accordingly. (www.gsa.gov)
 - 6.3 The first and last day of travel will be paid at 75% per diem.
- 7.0 Policy rules
 - 7.1 Violations of this policy or making false statements on any travel forms may result in disciplinary action, up to and including termination.
 - 7.2 Any exceptions from this policy must be approved by the City Manager.

Amended 05/27/2008 Resolution No. 08-30
Amended 04/15/2014 Resolution No. 14-30
Amended 04/12/2022 Resolution No. 22-14

Section 9020 –VEHICLE EXPENSES

General Policy Statement:

City owned vehicles may be provided to employees with demonstrated business needs. Additionally, employees may be compensated for use of their own vehicles on City business. All such expenses will be compensated subject to the following guidelines.

Policy:

1. City Vehicles. City vehicles may be provided to employees as business needs warrant.
 - A) Compensable Expenses. Fuel, tolls, parking, and related expenses will be compensated for when incurred for approved business activities.
 - B) Personal Use of City Vehicles Prohibited. City vehicles shall not be used for commuting or other personal purposes except as follows.
 - (i) Certain Emergency Response Employees due to the nature of their position or functional area of responsibility may be assigned a City vehicle in the performance of their job or function. Such vehicle may incidentally be used for commuting purposes to facilitate expeditiously responding to after hour calls, or assisting with emergencies. Any such employee must have written authorization from their Department Director.
 - (ii) Emergency Response Employees. To qualify as an Emergency Response Employee an employee must live within a 30 mile driving distance on paved roads from City Hall.
 - (iii) All IRS regulations shall be followed if a City vehicle is used for commuting purposes.
 - (iv) Mileage Record. Employees permitted City vehicles for commuting must document miles and dates driven.
 - (v) Department Directors are responsible for identifying and scheduling Emergency Response Employees and monitoring vehicle usage records to ensure compliance with Draper City Policy and IRS regulations.
 - (vi) Employees with City Vehicles unavailable for emergency response due to vacation, personal unavailability, seasonal needs, or other circumstances do not qualify as Emergency Response Employees during these periods of time and are subject to IRS regulations.
2. Employee-Owned Vehicles. Employees using their own cars for business purposes must receive prior authorization from their Department Directors.
 - A) Mileage Allowance. A mileage allowance, which may vary from year to year, for all costs related to vehicle operation, will be provided. Mileage will be paid at the current rate specified by the IRS.
 - B) Mileage Record. Employees must keep a detailed record of mileage for approved travel to ensure accurate compensation.
 - C) Related Compensation. Parking charges, tolls, and other related expenses are compensable upon presentation of receipts, if incurred for business-related travel. However, all fuel, maintenance and depreciation expenses are considered to be included in the standard mileage rate.
 - D) Approval. The employee's Department Director or the City Manager must approve claims for mileage allowance and related compensation.
 - E) Vehicle Allowance. In limited instances, a monthly vehicle allowance may be granted to those who travel regularly on City business. This allowance is in lieu of a mileage and miscellaneous reimbursement allowance for all travel. Employees with vehicle allowances are expected to use the vehicle at no additional cost to the City for City related travel within a 50 mile radius of City Hall. Employees with vehicle allowances, who use their personal vehicle and who travel beyond a 50 mile radius of City Hall for City related business will be compensated at the mileage rate established by the IRS for tax purposes. Employees who receive monthly

allowances are prohibited from using a City owned vehicle except in the case of an emergency. An emergency does not include the unavailability of the employee's car.

F) Use of City vehicles for non-City business related purposes are prohibited. Employees who are scheduled to respond on-call, outside of regular work hours may be assigned an appropriate City vehicle to make such response from their homes. Such assignments, except in case of emergencies, shall be approved by the City Manager. Commuting miles are subject to IRS regulations and must be reported annually on forms provided by the City.

3. Compliance. The employee and Department Director are responsible to ensure that all related policies are followed and established safety standards met.
5. Accidents. An employee involved in an accident while traveling on City business must immediately report the incident (regardless of how minor) to his or her Department Director and Police Department having jurisdiction.

ADOPTION – AMENDMENTS – REVISIONS

Amended 08/01/2006	Resolution No. 06-48
Amended 07/25/2014	Resolution No. 14-48
Amended 11/15/2016	Resolution No. 16-69

Section 9030 - EDUCATION AND TUITION REIMBURSEMENT

Employees are encouraged to continue their education in order to maintain and enhance current skills and to prepare themselves for advancement opportunities. Consequently, the City offers educational assistance according to the following guidelines.

1. **Education Must Not Interfere With Job Performance.** Education must not unduly interfere with an employee's job responsibilities and must be completed during non-work hours, unless otherwise directed or approved by their Department Director with the written consent of the City Manager.
2. **Requirements for Educational Assistance.** Employees desiring to enroll in a course at an accredited institution must obtain approval in writing from their immediate supervisor, Department Director, and Personnel Administrator. All paperwork must be completed, signed, presented to Human Resources for verification, and filed appropriately prior to attendance to, or within the first 30 days, of any course taken. Financial assistance may be provided to full-time employees for continuing education when the following requirements are met:
 - A) **Acceptable Educational Institutions.** The educational experience must take place at accredited colleges, universities, or trade schools. Correspondence or on-line courses qualify for assistance only with prior approval from an employee's Department Director.
 - B) **Completion of Initial Review Period.** Employees receiving assistance must have completed their initial review period with the City.
 - C) **Employees must be in Active Employment Status.**
 - D) **Satisfactory Job Performance.** Employees must be performing satisfactorily. Additionally, employees who have been subject to corrective action in the last year are generally not eligible for assistance.
3. **Department Director Pre-Approval.** Requests for educational assistance must be approved prior to enrollment or within the first 30 days of class. All requests are subject to necessary appropriations by the City Council and are approved on a first-come first-served basis.
4. **Criteria for Reimbursement Eligibility.** The following criteria are reviewed in considering educational reimbursements:
 - A) Department/Division and City needs;
 - B) Cost and availability of appropriations;
 - C) Cross-training needs;
 - D) Impact on productivity and City resources;
 - E) The amount of educational assistance already provided to the employee;
 - F) Completion, approval, and verification of all paperwork by Human Resources
 - G) Cost of similar courses at other accredited, employee eligible and available institutions.
5. **Reimbursement.** Employees may apply for up to \$1,000 per fiscal year. If funding is available at the end of the same fiscal year, an employee can request reimbursement for an additional \$1,000 on a first-come first-served basis. To receive reimbursement of tuition and educational materials expenses the employee must earn a grade of "B" or better, or a "pass" in courses evaluated by pass or fail.
6. **Reimbursement Form.** Within sixty (60) days of completion of approved education, employees must submit a reimbursement request to Human Resources and include the following information:
 - A) **Receipts.** The cost of tuition and educational materials must be itemized and documented.
 - B) **Transcripts.** Official transcripts, which indicate a qualifying grade of "B" or better. In those cases of "pass" or "fail," a pass is required to receive financial assistance.
7. **Other Outside Assistance.** Employees eligible for reimbursement from a grant or a scholarship may seek City educational assistance; but are reimbursed only for the difference between the amount received from the grant or scholarship and the actual course costs.

8. **Employee Termination - Special Conditions for Reimbursement.**

- A) Full Reimbursement. Employees will be reimbursed for 100% of educational costs when courses are interrupted because of a City layoff.
- B) No Reimbursement. Employees will receive no reimbursement when, prior to completing course work, they:
 - (i) Are terminated for cause or violating expected rules of conduct; or
 - (ii) Voluntarily separate from the City.

9. **Employee Repayment of Educational Assistance.** Educational assistance is provided with the expectation that employees will remain with the City and utilize newly acquired skills. However, if an employee voluntarily terminates employment or is terminated for cause or for willful violation of City policy during or following educational assistance, he/she may be required to reimburse the City.

- A) Full Amount Repaid by Employee. The full amount reimbursed by the City must be repaid if the employee resigns or is terminated for cause or for willful violation of City policy. Employee is responsible for repayment of educational assistance received within the previous twelve (12) months of separation from the City. Any such reimbursement will be deducted to the extent available from the final paycheck and any vacation pay due the employee at termination. If the amount to be reimbursed to the city exceeds the final paycheck and vacation pay the city will bill the employee for the remaining balance.

ADOPTION – AMENDMENTS – REVISIONS

Amended 07/18/2006	Resolution No. 06-46
Amended 03/05/2019	Resolution No. 19-13
Amended 02/18/2020	Resolution No. 20-10

Section 9040 - PARTICIPATION IN PROFESSIONAL AND OTHER ORGANIZATIONS

General Policy Statement:

Membership and participation in professional organizations can be important in promoting employee development and our City's business interests. Professional memberships and related expenses, which benefit our organization, will be paid for or reimbursed by the City as outlined below.

Guidelines:

1. **Pre-Approval.** Employees considering joining a professional organization or attending a seminar for which payment or reimbursement will be requested must obtain advance approval from their Department Head.
2. **Justification of Professional Expenses.** When determining which professional expenses will be reimbursed, the Department Head will evaluate the following:
 - A) The potential benefit to the City and the employee;
 - B) Possible disruptions to business operations; and
 - C) Budgetary considerations and the costs involved.
3. **City Selected Membership.** In some instances, the Department Head may choose employees to represent the City with selected organizations. The City shall pay for membership in public service organization for City Council, City Manager, and Department Heads. Such payments shall include dues and lunch costs.
4. **Reimbursable Expenses.** Reimbursable Expenses. The City will pay for or reimburse the following types of professional expenses on a limited basis:
 - A) **Membership Dues.** The Department Director has the discretion to determine which professional memberships are paid by the City. Membership dues shall be outlined in the department budget and submitted for approval during the annual budget process.
 - B) **Meetings, Seminars, and Conventions.** The City may pay for and/or reimburse related expenses of attendance at professional seminars and conventions including fees for materials. Directors shall submit training and travel plans for approval during the annual budget process.
5. **Potential Conflicts of Interest.**
 - A) **Leadership Positions.** City Manager authorization is required before employees may accept leadership roles or other positions in professional organizations requiring significant amounts of time or commitment of resources.
 - (i) Such activities must not significantly interfere with job performance or create a conflict of interest.
 - (ii) Where appropriate, employees should ensure that they distinguish their personal views or opinions from the positions of the City.
 - B) **Professional Writing or Presentations.** An employee who writes professional papers, participate in panel discussions, act as guest speakers, or give any type of public presentation must have the advance consent of the City Manager and their Department Head, if such activities occur during regular working hours. Care must be taken to ensure that:
 - (i) City confidentiality is maintained;
 - (ii) City positions are accurately represented; and
 - (iii) Employees distinguish their personal viewpoints from those of the City.
6. **Compensation for Participation in Professional Organizations and Related Activities.**

- A) Activities Outside Working Hours. Employee initiated, voluntary, professional activities that are outside working hours are not compensated.
- B) City Initiated Participation. Participation in a professional organization by non-exempt personnel during "off-duty hours" will be compensated as "hours worked" if it is required by the City.
- C) Exempt Employees. Exempt employees do not receive additional compensation or overtime for additional responsibilities or hours worked.

ADOPTION – AMENDMENTS – REVISIONS

Amended 02/19/2008

Resolution No. 08-12

Amended 4/10/2018

Resolution No. 18-25

CHAPTER 10000 – RISK MANAGEMENT

Section 10100 - RISK MANAGEMENT POLICY

Every employee is important, and the safety of each employee is a priority. It is the City's goal to prevent all occupational injuries and illnesses and to eliminate foreseeable hazards. The City will promote good safety practices by providing the necessary safety equipment and effective training. Each department in the City is expected to maintain a safe workplace for its employees consistent with federal, state, and local safety codes and regulations.

Safety rules contained herein should not be considered all-inclusive. Each department shall be responsible for identifying and mitigating all additional department specific risk exposures, which includes the training and implementation of all applicable safety practices and procedures.

Maintaining a safe and healthy workplace is the joint responsibility of the City and all of its employees. All city employees shall comply with the rules contained herein on a daily basis. Please read carefully and become fully acquainted with applicable policies. They are designed for your protection.

It is your responsibility to be alert and to exercise good judgement. When in doubt consult your supervisor or the Risk Management Office at 801-576-6582.

Policy:

1. Scope. It is the goal of the City to reduce the potential for loss from risk exposures through sound risk management practices in all city departments and individual employee activities.
2. Purpose. The purpose of this policy is to provide a safe and healthy workplace and community; place responsibility for risk management with each department; provide instruction on incident reporting and accountability processes; and provide instruction on the City's return to work processes.
3. Guidelines. Within the constraints of the budget and the City's obligation to provide certain public services, city policies will reflect a strong consideration for the safety of employees and the public. The City will strive to provide an environment that reduces the threat of personal injury or property damage to the residents, businesses, visitors, and employees of the City. The City is committed to providing a safe work place for its employees through the implementation of appropriate risk management policies and procedures. Department programs should be reviewed by the Risk Management Office. Policies and programs shall address the following areas of concern:
 - A) Each Department Director is responsible for establishing a culture of safety in his or her department, and shall coordinate with Risk Management to fully implement all applicable URMMA risk reduction programs.
 - B) Each director shall work closely with Risk Management to develop and maintain policies and practices designed to meet the particular risk management needs of his or her department. Department Directors and Division Managers shall be responsible for imposing the appropriate corrective action on employees who violate established safety rules, policies or procedures.
 - C) Employee Safety. Individual employees shall take responsibility for their own safety. Adequate training, appropriate supervision, reasonable scheduling, proper equipment and management tools shall be utilized to create a safe working environment. Employees shall notify their direct supervisor to report any known or potential risk hazards found.
 - D) City Owned Property. Department policies and procedures shall be designed to properly maintain city owned property and equipment in a safe operating condition.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 10/15/2019

Resolution No. 19.64

Section 10200 – CLAIMS AND LAWSUITS

It is the policy of the City that claims and lawsuits against the City or its employees shall be handled in a systematic and expedient manner. Handling claims and lawsuits in this manner will protect employees and the City from additional risk by providing timely response to claims and lawsuits through proper claims handling procedures.

Guidelines:

1. Any employee receiving a claim or notice threatening legal action shall immediately notify their supervisor. The supervisor will immediately forward all information and documents, together with a written statement by the employee describing the manner in which the claim or notice was received, to the Risk Management Department.
2. It is the general policy of the City to defend city employees against claims or actions brought against them as individuals while carrying out city activities. The City may not defend an employee in the following general circumstances where the employee's actions which bring about the claims or lawsuits are malicious, fraudulent or occur while the employee is under the influence of alcohol or drugs, or the employee is performing duties clearly outside of the assigned course and scope of his or her duties. For specific circumstances see Utah Code Ann. 63G-7-902 Employees desiring indemnification shall request it in writing within 10 working days of receiving the claim or lawsuit. The written request shall be submitted to the City Attorney's Office.
3. Employees shall reasonably cooperate in the defense conducted by the City on their behalf.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 10/15/2019

Resolution No. 19-64

Section 10300 – SAFETY

It is the City's goal is to prevent all occupational injuries and illnesses and to eliminate foreseeable hazards. The City will seek to comply with all federal, state, and local safety, health, and environment regulations. Maintaining a safe and healthy workplace is the joint responsibility of the City and all of its employees. Most accidents are the direct result of carelessness so it is each employee's responsibility to think and act in a safe and careful manner.

The following safety policies have been established to enable the City to achieve our goals. If you have any questions please contact the Risk Management Office at 801-576-6582.

Guidelines:

1. Department Directors' Responsibilities. Department Directors are responsible through leadership and example to effectively implement this policy. Their responsibilities include:
 - A) Understanding all related policies and procedures;
 - B) Ensuring that all employees are appropriately trained in health and safety issues;
 - C) Inspecting work areas regularly and identifying and reporting health or safety concerns to the Risk Management Office;
 - D) Ensuring that all safety rules are implemented and that corrective action is taken immediately when an employee fails to follow a rule;
 - E) Providing all safety and health information to employees as required by City policy and applicable law;
 - F) Reporting all workplace injuries, illnesses, and accidents regardless of severity to Risk Management; and
 - G) Participating in accident investigations as required.
2. Employee Responsibilities. Injuries, illnesses, and accidents, regardless of severity, must be reported to their Supervisor immediately. Supervisors will report all injuries and accidents to the Risk Management Office. If you do not understand equipment or materials that you are required to use, ask your supervisor to demonstrate their safe use before you use them. If you find any conditions that may be hazardous to yourself, your fellow workers, or the public, report them to your supervisor or someone in authority immediately.
3. Employee Suggestions. Employees often provide the best safety improvement ideas. Therefore, employees are strongly encouraged to submit suggestions to their Department Directors.
4. No Retaliation or Reprisal. No employee may be discriminated against because he/she has reported any safety or health concern, or has participated in a related investigation or proceeding.
5. Corrective Action. Employees who violate City safety policies may be subject to corrective action up to and including termination.

ADOPTION – AMENDMENTS – REVISIONS

Amended 10/15/2019

Resolution No. 19-64

Section 10350 – Distracted Driving

Distracted driving has a profound impact on your ability to safely operate a vehicle. This policy is designed to modify behavior to minimize or prevent those distractions while driving that allow you to take your hands off the wheel, take your eyes off of the road or allow your mind to wander from the task of driving. Except as otherwise stated, the following requirements apply to all employees at all times when driving a Draper City vehicle or while operating a personal or rental vehicle while engaged in Draper City business.

Police and fire personnel shall follow the specific provisions of their department policies when those policies are in conflict with this policy.

Definitions:

"Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires, including but not limited to a wireless telephone, text messaging device, laptop, or any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.

"Hands-free" is defined as a device that allows the user to speak and listen without the use of physical contact with the phone.

Prohibited Activities:

The following activities are prohibited while driving Draper City vehicles or personal or rental vehicles on City business:

- Using a handheld wireless communication device while operating a moving motor vehicle to manually:
 - (a) write, send, or read a written communication, including:
 - (i) a text message;
 - (ii) an instant message; or
 - (iii) electronic mail;
 - (b) dial a phone number;
 - (c) access the Internet;
 - (d) view or record video; or
 - (e) enter data into a handheld wireless communication device.
- Attending to personal hygiene or grooming.
- Eating while the vehicle is in motion.
- Smoking.
- Searching for an item in the vehicle.

Permitted Activities:

The following activities are allowed when the vehicle is in motion insofar as the activity can be performed safely:

- Drinking of non-alcoholic beverages.
- Phone calls using a hand-held device can be made if the driver's vehicle is off the roadway and legally parked before engaging in any of the restricted activities listed above.
- Phone calls can be made while driving if using a hands-free or voice operated system as long as it is in voice-activated mode. In addition, you will be able to use an earphone if it is used in a hand's free or voice activated manner.
- GPS Directional Guidance Devices may be used but it must be programmed or set up in advance of driving so that drivers are not manually typing or inputting information while the vehicle is in motion. GPS may only be used in hands-free mode while driving.
- Radio communications such as two-way radios will be allowed.
- Drivers may use hand-held devices to contact emergency services. It is recommended, if possible, to park the vehicle in a safe location before making the emergency call.

General:

- Computers/laptops shall be kept closed while the vehicle is in motion.

- The interior of all vehicles, including the dashboard, must be kept clean and free from loose material that may move or shift during transit and cause a distraction for the driver.

Violations:

Violations of this policy will be considered serious and may result in discipline up to and including termination.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 12/15/2020

Resolution No. 20-55

Section 10400 – VEHICLE USAGE AND INCIDENT REPORTING

City employees are accountable for the safe and responsible operation of City Vehicles and shall follow the usage guidelines outlined below. This policy establishes procedures for City Vehicle usage and reporting and reviewing any Reportable Incident that takes place in which a City Vehicle is involved.

Definitions:

"City Vehicle" is any vehicle or motorized equipment or trailer owned by the City or a personal or rental vehicle while being operated on City business.

"Reportable Incident" is any incident involving a City Vehicle that results in damage to a City Vehicle or another vehicle or any real or personal property, an injury to any person, the immobilization of any City Vehicle or another vehicle, or has the potential to become a liability claim. This includes any accident involving the use of a City Vehicle, whether damage was sustained or not.

"Preventable Incident" is an incident in which the employee did not follow proper procedures and/or did not do everything reasonably expected to avoid the incident.

"Non-Preventable Incident" is an incident in which the employee followed proper procedures and did everything that could be reasonably expected to avoid the incident.

Policy:

1. Employees are accountable for the responsible use of City Vehicle(s). An employee who drives any City Vehicle on City business must:
 - A) Valid Driver License. Be a responsible driver and possess a valid driver's license.
 - B) Carry Insurance Coverage. Ensure that they have vehicle liability insurance in at least the minimum amounts required by state law, and carry proof of such coverage. The employee assumes liability for his/her personal vehicle while using it for City business.
 - C) Employee Impairment. No employee may operate a City Vehicle while his or her performance is impaired by alcohol, any controlled substance, or any prescribed or over-the-counter drug. An employee who drives a City Vehicle as part of their job duties shall notify his or her supervisor of any prescription drug they are taking which may impair their ability to safely operate a vehicle.
 - D) Check Vehicle. Inspect the vehicle and confirm that it is in safe operating condition as per departmental procedures.
 - E) Follow Personnel Policy. Read and comply with Section 10350 – Distracted Driving.
 - F) Obey Traffic Laws. Observe all traffic laws, including wearing a seatbelt whether driving or as a passenger.
 - G) Assume Responsibility for Fines and Tickets. Report any tickets while driving a City Vehicle to the employee's supervisor and pay any fines, tickets or parking violations.
 - H) Perpendicular Parking. City Vehicles shall be backed into a parking space or positioned forward in a pull through parking space.
2. Reportable Incidents. All Reportable Incidents shall be reported to the employee's supervisor and, if applicable, to the appropriate local law enforcement agency.
3. Employee/Driver Responsibility in the Case of a Reportable Incident:
 - A) Stop at once – If possible, and it is safe to do so, leave vehicles in place until police or fire department personnel direct otherwise.
 - B) Call for assistance – For police and medical assistance call 911.
 - C) Ensure safety – Set out warning devices if they are available and turn on hazard lights.
 - D) Remain at the scene – Do not leave the scene of the incident until police arrive and you are told you may leave.
 - E) Do not admit fault – Do not discuss the incident with anyone except the police, your supervisor, department director, or the city manager.
 - F) Contact your supervisor – All Reportable Incidents shall be reported immediately by the employee to their immediate supervisor. Failure to report may result in disciplinary action up to and including termination.

- G) Cooperate with police – The police will have a “Driver Information Form” for all vehicle operators to fill out. Information needed to complete the form (i.e. registration and insurance card) should be located in the glove box of each City Vehicle.
 - H) Complete all appropriate city incident forms located in the accident packet in the glove box of the vehicle and submit them to the supervisor within one business day of the Reportable Incident. Failure to do so may result in disciplinary action or personal liability for damages
 - I) If a supervisor is not on scene, take thorough pictures of all vehicles involved in the Reportable Incident as well as the surrounding scene.
 - J) Reportable Incidents that involve City Vehicles with non-city owned vehicles or property should be investigated by other police departments or public safety agencies whenever possible.
4. Supervisor Responsibility:
- A) The supervisor of the employee(s) involved in a Reportable Incident shall respond to the scene of the incident. The supervisor shall notify the Department Director, the Public Works Area Manager, and the Risk Management Coordinator as soon as possible.
 - B) The supervisor shall ensure that all appropriate forms are filled out properly, and thorough photos are taken of the vehicles involved, damage to other property, as well as the scene.
 - C) The supervisor will ensure that the employee is drug and alcohol tested as soon as possible, but no later than six hours after the accident by taking the employee to Concentra , 12422 S. 450 E., Draper, during normal business hours. After hours call CODA Testing at 801-561-2777. Supervisors shall not leave the employee unattended until drug and alcohol testing has been completed. If the vehicle was unattended at the time of the Reportable Incident, and the cause of the accident is not linked to any action of the driver, there is no need to drug test the employee.
 - D) Supervisors shall conduct an initial investigation and submit all paperwork and associated photos to the Risk Management Coordinator, their Department Director, and the Public Works Area Manager as soon as possible, but no later than two working days after the Reportable Incident.
 - E) The Risk Management Office will conduct a thorough review of the accident and investigation.
 - F) The Fleet Division will inspect all city-owned vehicles to assess damages no later than five working days after the Reportable Incident.
 - G) The City Manager shall be notified as soon as possible if there are injuries involved with the Reportable Incident.
 - H) All non-drivable city-owned vehicles damaged in the Reportable Incident shall be towed to Public Works. The police or the Public Works Area Manager will call for tow.
5. Department Director Responsibility:
- A) Ensure that employees and supervisors understand and comply with sections 3 and 4 of this policy.
 - B) Notify the Risk Management Coordinator and Public Works Area Manager as soon as possible and confirm that an incident report is prepared and sent to Risk Management no later than two working days after the accident.
 - C) Impose discipline recommended by the ARC using the disciplinary matrix below for consistency between departments and to ensure that any appropriate disciplinary action takes place in a timely manner. If the appropriate disciplinary action was not taken as recommended by the ARC, or outlined by the disciplinary matrix, the Department Director will state in writing to the City Manager why the appropriate disciplinary action was not followed.
 - D). Provide a copy of the disciplinary action taken to Human Resources for the employee's personnel file.
6. Accident Review Committee. An internal Accident Review Committee (ARC) shall be established consisting of the following representatives or designee: the Assistant City Manager, Human Resources Director , Risk Management Coordinator, Public Works Area Manager, and City Attorney (in an advisory capacity). This committee shall review all incidents involving City Vehicles and other City owned and operated assets. This committee must have at least three representatives present for final recommendations to be made. The ARC may also convene and review any incident or loss event at the special request of the City Manager or affiliated Department Director.

The ARC will meet together with the involved employee and his/her Department Director or Designee. The Department Director or designee shall come prepared to give a detailed account of the incident in question. Attendance by the employee shall be at the Department Director's discretion. The Risk Management Coordinator will chair the committee during the ARC review.

The ARC shall meet on a regular basis, as determined by the City Manager, to review accidents and determine:

- A) The cause of the Reportable Incident.
- B) Whether the Reportable Incident was preventable or non-preventable.
- C) Whether the employee was following safety policies and practices.
- D) How similar incidents may be prevented in the future.

- E) Whether disciplinary action is warranted, and if so, what level of discipline is warranted. The ARC shall also follow-up with the Department Director to ensure that appropriate disciplinary action was enacted and documented. The ARC will maintain a record to ensure there is consistency between all departments.

Disciplinary Matrix (based on Section 5030 – Corrective Action)

- A. No action required.
- B. Documented counseling (may be removed from personnel file after one year of incident free driving). May also be required to take a defensive driving course.
- C. Written corrective action.
- D. Written corrective action and up to a two-day suspension without pay. May also include performance improvement plan, defensive driving course, ride-along and coaching or other corrective measures.
- E. Dismissal. Per Section 5030, the Department Director shall consult with Human Resources, City Attorney and the City Manager prior to any dismissal.

Departments can be more restrictive in their disciplinary action, but not less.

Disciplinary Matrix	A	B	C	D	E
Non-preventable incident/accident	X				
Preventable incident no damage	X				
Repeat preventable incident within one month		X			
Failure to report a vehicle incident		X			
Preventable incident involving minor damage less than \$2,500		X			
Preventable incident with damage over \$2,501 but less than \$8,000			X		
Failure to observe traffic laws			X		
Failure to follow Draper City Policy			X		
Preventable incident involving injury			X		
Repeat vehicle or equipment incidents within 6 month time period			X		
Driving with unsecured load that causes an incident			X		
Preventable incident involving damage over \$8,000				X	
Leaving the scene of an accident				X	
Repeat preventable incidents involving damage or injury within 6 month time period				X	
More than three preventable incidents within 6 month time period				X	
Pattern of more than four incidents within a 1 month time period (preventable or non-preventable)				X	
Operating vehicle or equipment while impaired (failed breath alcohol or drug screen)					X
Reckless driving resulting in ticket					X
Willful intent to harm					X
Preventable incident that results in the death of another person					X

7. ARC Findings and Recommendations. A written record summarizing the ARC's findings and recommendations will be prepared by the Risk Management Coordinator. A copy will be sent to the Department Director. The Department Director will make the final decision on any and all applicable disciplinary and/or corrective actions taken and implemented. The Department Director will also compile a written statement indicating the final decision made, including supporting commentary, and submit it to the City Manager. Any disciplinary and/or corrective action the Department Director imposes shall follow the disciplinary procedures outlined above and as stated in Section 5030 – Corrective Action of the Draper City Personnel Policy. The involved employee's immediate supervisor will be responsible for administering or monitoring the implementation of the recommended actions or programs as chosen by the Department Director. A copy of all disciplinary action shall be forwarded to Human Resources for the employee's personnel file.

8. Appeals. There is no right to appeal the ARC's findings and recommendations. An appeal of any discipline or corrective action decision and/or implementation resulting from an incident will follow the standard disciplinary appeal process as outlined in Section 5030.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 11-15-2016	Resolution No. 16-69	Amended 3-21-2017	Resolution No. 17-20
Amended 4-10-2018	Resolution No. 18-25	Amended 8-6-19	Resolution No. 19-49
Amended 10/15/2019	Resolution No. 19-45	Amended 5-4-2021	Resolution No. 21-14

Section 10450 - Motor Vehicle Records (MVRs) Checks

Draper City expects all City employees and volunteers to operate vehicles used for City business in a safe and courteous manner and in compliance with all applicable laws and city regulations. A motor vehicle records check shall be required to ensure employees or volunteers are properly licensed and do not have a history of unsafe driving.

The purpose of this policy is to manage the risks associated with operating motor vehicles. Draper City is committed to protecting the safety and health of employees and others, as well as safeguarding the assets of the City. Every employee or volunteer, who may drive a City vehicle in the course of their duties, shall maintain a motor vehicle record (MVR) meeting the requirements set forth in this policy.

Hiring Practices and MVRs

An evaluation of an applicant's driver license status and MVR will be a factor in evaluating employment, promotion and volunteer service eligibility for positions (seasonal, temporary, voluntary, part-time and full-time) that require driving a City vehicle or personal vehicle on City business. Applicants selected to fill these positions must provide a signed consent form to conduct a background check and MVR pull. To be eligible for hire or promotion:

- 1) The applicant must have a valid Utah driver license or a valid license from another state and the ability to obtain a Utah driver license within 30 days of being hired.
- 2) The applicant's MVR must meet the criteria as an acceptable driving record as outlined below.

Vehicle Use

To be authorized to drive a City vehicle or personal vehicle on City business:

- 1) An employee or volunteer must possess a valid Utah driver license for the type of vehicle he/she is operating.
- 2) Employees shall complete the approved Utah Risk Management Association defensive driving course annually.
- 3) Risk Management will ensure that the employee's MVR meets the criteria of an acceptable driving record as outlined below.
- 4) Risk Management will ensure there is an annual review of the driver's license status of all employees who drive as part of their duties.
- 5) Only Draper City employees or volunteers are authorized to drive a City vehicle. Contractors, vendors or any other private party are not authorized to use a City vehicle unless it is spelled out in a contract or agreement or authorized by Risk Management.

Unacceptable Driving Records

Criteria that may indicate an unacceptable driving record include, but are not limited to:

- 1) Any major violation within the last 3 years of conviction which includes:
 - a. Driving under the influence of alcohol or drugs;
 - b. Reckless driving;
 - c. Driving while impaired;
 - d. Homicide, manslaughter or assault arising out of the use of a vehicle;
 - e. Making a false accident report;
 - f. Driving with a suspended or revoked license;
 - g. Attempting to elude law enforcement.
- 2) Three (3) or more serious traffic violations in the past 3 years which include:
 - a. Speeding;
 - b. Failure to obey a traffic control device;
 - c. Driving an unregistered vehicle;
 - d. Street racing;
 - e. Texting while driving.
- 3) Two (2) or more at fault accidents in the past 3 years.

Employee Responsibilities

Employees who drive a Draper City vehicle or their personal vehicle on City business have the responsibility to notify their supervisor immediately if their license has been revoked or suspended and shall not drive a City vehicle or personal vehicle on City business until driving privileges have been established.

Employees shall notify their supervisor immediately when they have been convicted of any major violation outlined above. Any employee in violation of these procedures shall be subject to departmental action, which could result in temporary or permanent loss of vehicle driving privileges or discipline up to and including termination.

No action shall be taken regarding an employee's driver license status if an employee is not required to drive for Draper City as part of their job.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 07/20/2021

Resolution No. 21-21

Section – 10500 WORKERS' COMPENSATION

Draper City is committed to helping employees who have sustained work-related injuries or illnesses and providing the workers' compensation benefits prescribed by law.

What you can expect from the city and its workers' compensation insurance carrier:

1. All eligible medical care for your work injury or illness will be paid by the city's workers' compensation insurance. This includes reimbursing you for eligible out-of-pocket medical expenses.
2. Workers' compensation provides a lost wage benefit if you sustain a work-related injury and are released from work for more than three days by the medical provider treating your injury. The lost wage benefit equals 2/3 of your pre-injury base wages, up to a weekly max. If you are a full time employee, you are eligible to use available sick leave, vacation leave, and/or compensatory time to supplement workers' compensation lost wage benefits for time missed, up to your net take-home salary. Workers' compensation does not cover the first three days you are released from work unless your injury or illness extends beyond fourteen calendar days.
3. Employees receiving workers' compensation benefits for lost work time will also be placed on FMLA leave. The Finance Department will calculate the exact hours needed to make the paycheck whole and instruct the employee how to complete the time sheet. For the time covered by workers' compensation, the timecard should be marked as FMLA UNPAID, and for the leave used to make up the difference the timecard should be marked as FMLA SICK, FMLA VACATION or FMLA COMP.

Employee Responsibilities:

1. All work related injuries must be reported immediately to your supervisor and together you must promptly complete the Workers' Compensation Packet. This packet has all the forms needed for the process and shall be completed and submitted to the Risk Management Office within two (2) business days of the injury unless your injury prevents you from doing so.
2. If you require medical attention, see one of the city's workers' compensation medical providers immediately for treatment of your work injury (Concentra, Draper IHC Instacare, FirstMed). If you elect to go to another doctor for the first visit, select another doctor after your first visit to the city's workers' compensation medical providers. Should you select another doctor, the city reserves the right to send you to one of the city's medical providers for periodic evaluations.
3. For the initial doctor's visit, and all subsequent doctor's visits, you must provide the doctor with a Physician Work Activity Report form that is located in the Worker's Compensation Packet. This form must be filled out by the employee and the doctor and returned to Risk Management within 24 hours of your doctor visit.
4. The city will rely upon the city's workers' compensation medical providers or city medical clinics for light duty, return to work, and length of time-off-work decisions.
5. If the injury does not happen during normal business hours, go to Lone Peak emergency room. Use this facility only for serious injuries requiring immediate care. Another emergency facility may be used, if necessary.
6. Submit all medical bills to the Risk Management Office within three (3) days of receipt.
7. Comply with all doctor's instructions.
8. The City has a mandatory return to work policy, which includes modified/light duty assignments, if possible. Return to work when approved by the doctor(s) including accepting any light/modified duty assignments made by the city.
9. Provide all information requested. Do not falsify any work injury report and report only injuries that occur on the job. (Falsifying workers' compensation claims will merit discipline up to and including termination and may result in criminal and/or civil action by the insurance company.)

If you have questions or concerns, please contact the Risk Management Office.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 1/22/2019

Resolution No. 19-06

Amended 10/15/2019

Resolution No. 19-64

Section – 10510 WORKERS' COMPENSATION RETURN TO WORK POLICY

The City strives to assist employees to return to work at the earliest possible date following a work place injury or illness. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA). Inquiries about the ADA or FMLA should be directed to the human resource department (HR).

Transitional Work:

The City defines "transitional work" as temporary, modified work assignments within the worker's physical abilities, knowledge and skills. When possible, transitional work will be made available to workers suffering work-related injuries to minimize or eliminate time lost from work. As soon as the doctor clears an employee for light duty, the employee shall accept transitional work, if available. In the event an employee refuses transitional work (outside the employee's FMLA benefits period) and the employee satisfies the restrictions and ability to perform the transitional position, the City is not obligated to provide an alternative position. In such cases, the City will notify the insurance carrier of the employee's refusal of the transitional work, which may result in lost benefits/wages for the employee.

Department Director Responsibilities:

1. Each Department Director is responsible to offer, whenever possible, an injured employee a modified/light duty position that will comply with the restrictions given by the employee's doctor.
2. If a Department Director is unable to find a modified position within their department, the Department Director shall contact Human Resources immediately to determine if there is a suitable position in another department or area.

Employee Responsibilities:

1. Any employee who has been injured at work shall, upon each doctor's visit, provide the doctor with a Physician Work Activity Report form to be completed before leaving the visit.
2. The employee shall provide the doctor with a thorough description of his/her work duties and responsibilities.
3. It is the employee's responsibility to ensure the doctor has completed the form properly, including a description of any work restrictions if being released to modified duty.
4. Upon leaving the doctor, the employee has 24hrs to return the Physician Work Activity Report form to his/her supervisor and Risk Management.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 10/15/2019

Resolution No. 19-64

Section 10600 – PREGNANCY LIGHT DUTY

This policy establishes guidelines relating to Temporary Light Duty for full and part-time employees during pregnancy. Draper City provides equal employment opportunities to employees and to comply with the Pregnancy Discrimination Act (PDA).

Policy:

Pregnant employees will be given an opportunity to continue to participate in the work force during pregnancy where possible. This policy implements the provision of a Temporary Alternate Light Duty assignment for pregnant employees. Pregnant employees who are able to work will be permitted to do so on the same conditions as other employees if they are able to fully perform their regularly assigned job duties. The pregnant employee's acceptance of light duty will not result in reduced pay or benefits.

1. Reporting and Processing Pregnancy/Maternity Leave.
 - A) If an employee becomes pregnant and she has physical limitations that prohibit her from performing the functions of her regularly assigned position, she shall notify, or cause to be notified, her Supervisor and Human Resources.
 - B) The employee must submit a Medical Release-Pregnancy Form signed by her medical care provider that verifies the employee is pregnant, identifies any physical restrictions to apply during the light duty assignment, and states how long the restrictions apply.
 - C) The employee is responsible, with the advice of her medical care provider, to determine how long she will continue working in her regularly assigned position. An employee is not required to accept a light duty assignment. The employee may request light duty at any time during her pregnancy pursuant to the advice of her medical care provider.
2. Procedure.
 - A) Once Draper City has knowledge the employee is pregnant and the employee has requested light duty, she will be eligible for consideration for a light duty assignment. Draper City is under no obligation to create or design a job or assignment specifically for such light duty, but will allow a pregnant employee who cannot perform the physical duties of her assigned position to fill a light duty position to the extent one is available. Light duty assignments may be either in the employee's own department or elsewhere in the City, depending on availability. The light duty assignment shall comply with the physical restrictions imposed by the employee's medical care provider.
 - B) The employee can remain in a light duty position until she is physically unable to perform her light duty assignment or she can return to her regularly assigned position as certified by her medical care provider. Light duty assignments are temporary and are intended to last only for the duration of the pregnancy and only to the extent there are physical limitations due to the pregnancy that would cause the employee to be unable to continue working in her regular assignment.
 - C) FMLA, sick and vacation leave:
 - a) Once the employee is unable to perform her light duty assignment, she may be granted leave in accordance with the procedures set forth in the City's FMLA policy. Nothing herein shall be construed to limit an employee's use of FMLA leave at any time of the pregnancy pursuant to the City's FMLA policy.
 - b) Sick and vacation leave will be recognized as part of this policy where applicable.
 - c) Certain pregnancy related conditions may qualify an employee to receive reasonable accommodations under the ADA.
3. Training. While on light duty status, the employee will participate in department-level training classes that other employees are undergoing, as long as the training classes do not pose any risk to the employee.
4. Return to Regular Assignment.
 - A) In order to return to her regularly assigned job duties an employee must submit a Medical Release, signed by the employee's physician, indicating the employee is released to full duty, with no restrictions.
 - B) Upon an employee's request to return to a full duty assignment with a signed Medical Release, Draper City will reinstate the employee to her regularly assigned position.

ADOPTION – AMENDMENTS – REVISIONS

Adopted 11/06//2016

Resolution No. 16-70

Amended 10/15/2019

Resolution No. 19-64

Section 10700 – MEDICAL REPORTING AND HEALTH CERTIFICATION

Guidelines:

1. Use of Prescription or Non-Prescription Drugs. Employees must inform their supervisor and provide appropriate medical documentation when taking prescription or non-prescription drugs which may affect job performance or threaten employee safety. Employees unable to safely and effectively perform their responsibilities may be:
 - A) Temporarily transferred to other positions;
 - B) Prohibited from performing functions which may be unsafe or unproductive;
 - C) Provided other appropriate accommodations;
 - D) Placed on an earned leave of absence; or
 - E) Placed on FMLA (Family Medical Leave Act) leave.
2. Requests for Accommodations. Employees concerned about their abilities to effectively or safely perform their jobs are encouraged to discuss their situations with their supervisor and request reasonable accommodations as necessary.
3. Health Certification. Documentation of medical condition and/or suitability for work may be required in certain situations. At the City's discretion, additional medical opinions may also be requested. Additional opinions requested will be obtained at the City's expense. The following circumstances are examples which may warrant medical certification:
 - A) Sickness or Injury. The employee is absent from work as a result of illness or injury.
 - B) Return From Leave. The employee is returning from a health-related leave of absence.
 - C) Request for Leave. The employee is requesting a medical leave of absence or extension of such a leave.
 - D) Accommodation. The employee is requesting an accommodation for a disability.
4. Reporting-Work Related Injuries. All work related injuries and illnesses (regardless of severity) must be reported to the employee's supervisor and the Risk Management Office to ensure proper reporting and compliance with the Occupational Safety and Health Act of 1970 (OSHA) and Workers' Compensation requirements. Injuries not promptly reported also adversely impact an employee's workers' compensation claim.
 - A) Supervisor Notification. Employees who must leave their work areas for medical attention should, whenever possible, notify their supervisor. The supervisor should ensure that:
 - (i) The employee receives proper medical care;
 - (ii) The incident is reported to the Risk Management Office; and
 - (iii) The accident is properly investigated and any unsafe conditions remedied.
 - B) Risk Management Documentation. The Risk Management Office will maintain required federal and state reports and records, including mandatory OSHA records in accordance with the City's retention schedule.

ADOPTION – AMENDMENTS – REVISIONS

Amended 10/15/2019

Resolution No. 19-64

Section 10800 – CONTROLLED SUBSTANCE AND ALCOHOL ABUSE

Draper City is committed to maintaining a drug-free, healthy, and safe workplace. This Policy regarding substance abuse is consistent with the spirit and intent of this commitment. All employees will be required to comply with this policy as a condition of employment; however, employees in safety sensitive positions that require a Commercial Driver's License (CDL) shall also comply with Section 10750– DOT Drug and Alcohol Testing. If a conflict exists between Sections 10700 and 10750 for safety sensitive positions that require a CDL, the provisions of Section 10700 shall apply. An employee's failure to comply with these sections will result in corrective action up to and including termination. A copy of this policy will be available for review by prospective employees and employees. The provisions of this policy are intended to be in accordance with Title 34, Chapter 41, Local Governmental Entity Drug-Free Workplace Policies, as amended.

Policy:

1. Definitions. As used in this policy:
 - A) "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
 - B) "Drug" means any substance recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, as amended.
 - C) "Employee" means any person in the service of the City for compensation of any kind.
 - D) "Medical Review Officer" or "MRO" means a licensed medical physician responsible for receiving laboratory results generated by the City's drug and alcohol testing program who has knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the employee's medical history and any other relevant biomedical information.
 - E) "Positive Alcohol Test" means a confirmatory test result reading 0.04 or greater breath alcohol or blood alcohol concentration.
 - F) "Positive Drug Test" means a confirmatory test or retest result at or above cutoff levels specified by the Department of Health and Human Services (DHHS) in its Mandatory Guidelines for Federal Workplace Drug Testing programs, or the standard cutoff levels set by the laboratory, and which has been reviewed by a MRO who has verified the test result positive.
 - G) "Prospective employee" means any person who has made application for employment with the City and to whom the City has offered employment, conditioned upon the results of an alcohol and controlled substance test.
 - H) "Reasonable Suspicion" means objective facts or specific circumstances found to exist that present a reasonable basis to believe that an employee is under the influence of a controlled substance or alcohol or is using or abusing a controlled substance or alcohol.
 - I) "Sample" or "specimen" means urine, blood, breath, saliva, or hair.
 - J) "Safety Sensitive Position" means a position involving duties which directly affects the safety of City employees or the general public, or a position having access to controlled substances, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of performing job duties. The City hereby designates the following as safety sensitive positions: sworn police officers, building inspectors, code enforcement officers, engineering inspectors, crossing guard supervisors, police evidence technicians, fire department personnel, animal control staff, and positions that require the employee to hold a Commercial Driver's License (CDL).
 - K) "Substance Abuse Professional" or "SAP" means a licensed medical doctor or doctor of osteopathy, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse (CRC), who has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
2. Workplace Prohibitions. The following acts are strictly prohibited while on City property or work sites, while conducting City business off-premises regardless of location, while operating any City vehicle, equipment, or private vehicle on City business, or at any time during work hours:
 - A) selling, transporting, possessing, distributing, storing, consuming, or using illegal drugs, alcohol, or controlled substances not required by a physician's prescription by employees, except where required by law, job description or contract approved by the City; and
 - B) consuming or using alcohol or controlled substances not required by a physician's prescription off City premises or during nonworking hours by employees where such use might, in the City's judgment:
 - (i) impair the employee's work performance;

- (ii) affect the safety and welfare of other City employees on the job; or
 - (iii) impair the employee's ability to operate a City motor vehicle or equipment.
3. Use of Prescribed Controlled Substances. Using controlled substances in accordance with a physician's prescription for the employee shall not be the basis for corrective action by the City unless such use impairs the individual's work performance or threatens the safety of themselves, other employees or the public.
 4. Off-the-Job Prohibitions. Off-the-job use, possession, sale, distribution, or consumption of alcohol, illegal drugs, or controlled substances may subject an employee to corrective action if any such action impacts job performance, ability to perform their job, or workplace safety.
 5. Testing. The City respects employees' rights of privacy while recognizing its responsibility to provide a safe work environment for all employees and the public. Therefore, the City reserves the right to conduct controlled substance and alcohol tests on any employee, at any time, when reasonable suspicion dictates, or for situations as stated in this policy.
 - A) Pre-Employment. A prospective (post offer/pre-employment) employee shall submit to testing for controlled substances as a condition of employment. Prospective employees will be informed of City testing procedures and provided a copy of the testing policy, if requested. As a condition of employment, an employee must sign a consent form agreeing to pre-employment testing for controlled substances and alcohol. Failure to comply with this policy will result in the City refusing to hire the prospective employee. Any prospective employee who refuses to be tested, or knowingly dilutes, substitutes or adulterates a sample used for a controlled substances and alcohol test shall be denied employment. Any prospective employee whose pre-employment test results is a confirmed positive and who does not have a medically sufficient explanation as determined in the sole, but reasonable discretion of the Medical Review Officer, shall not be hired and may not be considered for employment with the City sooner than one year from the date of such test.
 - B) Current Employees. The City may require, and a current employee shall submit to, testing for controlled substances and alcohol whenever the City has reason to believe that the employee has violated this policy as follows:
 - i. Reasonable Suspicion. All employees shall report to work in good mental and physical condition. The influence of drugs and alcohol can reduce efficiency and productivity and may create a disruptive working environment. If a supervisor has a reasonable suspicion that an employee has violated this policy, the supervisor shall complete a signed and written record of observations using a "Reasonable Suspicion Form" within 24 hours of the determination. If reasonable suspicion indicators exist, the employee shall be transported, if necessary, to an alcohol or controlled substance testing specimen collection site. Once the test specimen is collected, the City will arrange to have the employee transported home. Employees may be required to undergo immediate evaluations under various circumstances including, but not limited to:
 - (a) investigation of possible impairment or inability to perform essential job functions;
 - (b) investigation of accidents and injuries in the workplace or incidents of workplace theft;
 - (c) maintenance of safety for employees or the general public;
 - (d) maintenance of productivity, quality of products or services, or security of property or information; or
 - (e) compliance with regulations mandated by federal or state government.
 - (ii) Random Testing. The City may conduct random testing of its employees as allowed by law. It does perform random drug and/or alcohol testing for safety sensitive positions. Safety sensitive positions that do not require a commercial driver's license (CDL) shall be randomly tested in accordance with this policy. Twenty-five percent of such safety sensitive positions shall be random tested for controlled substances each calendar year and ten percent shall be randomly tested for alcohol each calendar year. The selection of employees for random testing shall be made by a scientifically valid method, such as random number table or computer-based random number generator that is matched with the employee's Social Security number, City employee number or other comparable identifying numbers. Under the selection procedure, each employee shall have an equal chance of being tested each time selections are made.
 6. Signed Acknowledgement. All employees will be given copies of the Controlled Substance and Alcohol Abuse policy and shall sign forms acknowledging that they have received and read the policy and consent to testing under its terms. The signed acknowledgement will be kept in each employee's file in the Human Resources Department.
 7. Compensation for Test Time. Any controlled substance or alcohol testing shall be deemed "hours worked" for compensation and benefits purposes. The City shall pay all costs associated with testing, except as otherwise stated in Policy 6060.

8. Confidentiality. All information, interviews, reports, statements, memoranda, or test results received by the City through controlled substance and alcohol testing are confidential and shall be kept apart from regular personnel records and will be processed through the Human Resources Department on a "need to know" basis. Such information will only be used in a proceeding related to a corrective action taken by the City or in defense of any action brought against the City.
9. Collection and Testing.
 - A) Standard Laboratory Procedures. All sample collection and testing for controlled substances or alcohol shall be performed in accordance with standard laboratory operating procedures as mandated by applicable law and in such a manner as to reasonably preclude contamination or adulteration or erroneous identification of test results.
 - B) Samples. Employees shall submit a split urine sample, a hair sample or other approved sample for controlled substance testing or required retesting. The sample shall be divided into two specimens by the collection entity in accordance with the Utah Governmental Entity Drug-Free Workplace Act. Employees shall submit to a breath alcohol test for alcohol testing.
 - C) Tests Required. Controlled substance testing shall be by any scientifically accepted testing method the City may determine.
 - D) Alcohol Testing. The City may test for alcohol by any scientifically accepted method the City may determine.
 - E) Identification Required. To ensure reliability, the City requires presentation of reliable identification to the person collecting the samples.
 - F) Employee Information. An employee or prospective employee will be permitted to provide notification of any information deemed relevant to the test, including identification of currently or recently used prescription or non-prescription drugs, or other relevant information.
 - G) Refusal to Submit to Testing. Refusing to be tested, or knowingly diluting, substituting or adulterating a sample used for an alcohol or controlled substance test shall be treated as a confirmed positive test. Federal guidelines for shy bladder or shy lung shall apply.
 - H) Privacy. Testing shall be conducted under secure conditions and with due regard for the privacy of the individual being tested.
 - I) Second Test Option. If the test results indicate the presence of a controlled substance or their metabolites, the donor of the specimen shall have 72 hours from the time of being notified of such results to request, to have the split sample tested. The cost of the second test shall be equally divided between the donor and the City, unless the second sample tests negative, in which case the City shall pay for the entire cost of the second test. In addition to the initial test results, the test of the split sample shall be considered at any subsequent disciplinary hearing if the requirements of this policy have been complied with in the collection, handling and testing of the samples.
10. Corrective Actions.
 - A) Any violation of this policy, including an employee whose controlled substance or alcohol test result is a confirmed positive and who does not have a medically sufficient explanation as determined in the sole, but reasonable discretion of the MRO shall be subject to disciplinary action up to and including termination. Any disciplinary action taken by the City for violation of this policy shall be in accordance with the City's Corrective Action – Performance Improvement Policy (Section 5030).
 - B) Possible corrective and rehabilitation actions include, but are not limited to:
 - (i) withdrawal of a job offer to a prospective employee;
 - (ii) suspension with or without pay;
 - (iii) termination;
 - (iv) requirement of employee enrollment, at the employee's own expense, and successful completion of a City-approved rehabilitation, treatment or counseling program;
 - (v) additional and ongoing controlled substance and alcohol testing as advised by a MRO or SAP as a condition of employment; and
 - (vi) other corrective actions in accordance with City policies and procedures.
11. Searches. All searches of an employee or the worksite shall be conducted by at least two City representatives and shall be approved in advance by the Department Head. Any illegal substance confiscated will be turned over to appropriate legal authorities for further investigation. Authorized personnel may conduct searches and surveillance of:
 - A) City Property. Employees shall have no expectation of privacy on City property. City property includes, but is not limited to City grounds, facilities, equipment, furniture, storage areas, and vehicles.

- B) Employee's Person and Personal Property. Personal property includes any employee belongings, including vehicles, located on City premises. An employee who fails to cooperate in a search investigation shall be subject to corrective action.
12. Department Directors Responsibility.
- A) Reporting. Department Directors shall report all suspected drug or alcohol activity to the City Manager or designee.
 - B) Documentation, Not Investigation. Department Directors should not discuss their suspicions with other employees and shall not conduct their own investigations. The Department Head's role is to document job performance and not to determine underlying causes.
 - C) Evaluation. The City Manager and the Department Head shall conduct a confidential and professional investigation and decide whether an employee should be:
 - (i) removed from service;
 - (ii) required to undergo a medical exam; and/or
 - (iii) tested for drugs and alcohol usage.
13. Employee Responsibility. Any employee who has a reasonable suspicion of a violation of this policy or observes prohibited substance use or abuse by another employee should contact their Department Head, the Human Resources Director or the City Manager immediately. The suspicion should not be discussed with any other employee and the investigation will be undertaken at the discretion of the City.
14. Use of Prescribed Drugs. As permitted by law, working under the influence of any legal drug that impairs judgment, job performance, behavior, or which endangers employees or others will not be allowed. Employees who must use prescribed or over-the-counter drugs during work which may impair their performance or pose a danger should notify their supervisor and provide documentation of the need for the medication. The Department Head and Supervisor will determine whether temporary restrictions of job responsibilities, reassignment, or special accommodation should be made.
15. Counseling and Treatment. Employees with alcohol or drug-related problems are encouraged and may be required to participate in counseling and treatment. Counseling for dependency or other drug related problems is considered confidential. Employees will not be penalized for seeking counseling. However, counseling and treatment do not shield employees from the consequences of poor performance. Participation in counseling or rehabilitation programs will not:
- A) protect an employee from appropriate corrective action, or
 - B) relieve an employee of the responsibility to perform assigned duties safely, efficiently, and to meet established performance standards required of all employees.
16. Test Results. Test results shall be retained in an employee's confidential employment file in accordance with Federal Regulation 49CFR382.401, as amended. The City's Program Administrator (DER) is the City's designated official to receive testing results from the Medical Review Officer and Breath Alcohol Technicians conducting tests under this policy. The City Program Administrator shall maintain copies of all training materials, policies, applicable Federal Regulations, and will be available to answer questions regarding these materials from anyone required to comply with this policy. The Human Resources Director, Human Resource Officer or the Assistant to the City Manager/HR Officer are the City's Program Administrators.
17. Use of Alcohol for Business-Related Events. The use or presence of alcoholic beverages on City property, or in City vehicles or City buildings is strictly prohibited, except where otherwise allowed by law.
18. Report Drug or Alcohol Convictions. Employees shall, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug or alcohol statute. A report of a conviction, guilty plea or plea of no contest, shall be made within five days after conviction.
19. The City shall provide training for supervisors to help them recognize the conduct and behavior that give rise to a reasonable suspicion of controlled substances or alcohol use and the proper application of the procedures to follow.
20. In accordance with Title 34, Chapter 41, Section 106 of the Utah Code Annotated, as amended, an employee or prospective employee whose alcohol or controlled substances test results are verified or confirmed as positive may not, by virtue of those results alone, be defined as a person with a disability.

ADOPTION – AMENDMENTS – REVISIONS

Adoption 08/27/2013 Resolution No. 13-45
 Amended 10/15/2019 Resolution No. 19-64

Section 10850 – DOT DRUG AND ALCOHOL TESTING

This policy applies to all employees of the City required to hold and maintain a Commercial Driver's License (CDL) as a condition of employment. Drug and alcohol testing of such employees shall be in accordance with Title 49 CFR Part 382, et seq., Federal Motor Carrier Safety Administration (FMCSA) Regulations on Controlled Substances and Alcohol Use and Testing, and Title 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. Should there be conflicts between federal regulations and this policy attributed in part to revisions to the law or changes in interpretations, the federal law shall prevail.

Policy:

1. **Applicability.** This policy applies to all City employees who operate a commercial motor vehicle in commerce and who are subject to the Commercial Driver's License requirements of the Department of Transportation (DOT), hereinafter referred to as "CDL Employees." All CDL employees shall be subject to the testing requirements of this policy and the Controlled Substance and Alcohol Abuse Policy, subject to the following limitation. When the provisions of this policy are applicable to a certain situation, this policy shall be complied with and no other testing requirements may be imposed. However, when provisions of this policy do not apply to a situation which is otherwise covered by the City's Controlled Substance and Alcohol Abuse Policy, CDL employees shall be subject to testing under the City's Controlled Substance and Alcohol Abuse Policy, as set forth in Section 6060. If there is any conflict between this policy and any other policy or regulation of the City, the requirements of this policy shall control and no other testing requirements shall be imposed which would conflict or hinder compliance with this policy.
2. **Substance Abuse, Employee Privacy, Report of Conviction.** Alcohol and controlled substance abuse in the workplace is a threat to the safety, health and job performance of employees and it is the policy of the City to employ a work force and create a work place free from such adverse effects of alcohol and controlled substance abuse. It is also the policy of the City to balance the employee's privacy interest with the City's need to comply with DOT regulations and testing requirements. CDL employees shall, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug or alcohol statute. A report of a conviction, guilty plea or plea of no contest, must be made within five days after conviction.
3. **Definitions.** As used in this policy:
 - A) "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
 - B) "Consortium" means an entity that provides alcohol or controlled substances testing as required by the Department of Transportation's regulations and that acts on behalf of the City for conducting such tests.
 - C) "Controlled Substances" means marijuana (THC), cocaine, opiates, amphetamines including methamphetamines, phencyclidine (PCP), their metabolites, and any other controlled substance or its metabolite designated for required testing by DOT regulations.
 - D) "DOT Regulations" means the rules and regulations promulgated by the U.S. Department of Transportation for alcohol and controlled substance testing requirements for employees subject to the Commercial Driver's License requirements pursuant to the Omnibus Transportation Act of 1991, including, but not limited to §§ 49 C.F.R. 40 and 49 C.F.R. 382, as amended.
 - E) "Employee" or "CDL employee" means any person in the service of the City who is required as part of their job duties to operate a commercial motor vehicle in commerce and is subject to the Commercial Driver's License requirements of § 49 C.F.R. 383, as amended.
 - F) "FHWA" means the Federal Highway Administration.
 - G) "Medical Review Officer" or "MRO" means a licensed medical physician responsible for receiving laboratory results generated by the City's drug and alcohol testing program who has knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the employee's medical history and any other relevant biomedical information.
 - H) "Positive Alcohol Test" means a confirmatory test result reading 0.04 or greater breath alcohol or blood alcohol concentration.
 - I) "Positive Drug Test" means a confirmatory test or retest result at or above cutoff levels specified by the Department of Health and Human Services (DHHS) in DOT Regulations, and has been verified by the MRO to be a positive test.
 - J) "Reasonable Suspicion" means objective facts or specific circumstances found to exist that present a reasonable basis to believe that an employee is under the influence of a controlled substance or alcohol or is using or abusing a controlled substance or alcohol.
 - K) "Refusal to Submit" means that the employee: (1) fails to provide adequate breath for alcohol testing as required by DOT Regulations without a valid medical explanation after receiving notice of the requirement for breath testing; (2) fails to provide

an adequate urine sample for controlled substances testing as required by DOT Regulations without a genuine inability to provide a specimen after receiving notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

- L) "Safety-Sensitive Functions" means the period for which a driver begins work or is required to be in readiness to work until the time the employee is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: a) all time at a City facility or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City; b) all time inspecting equipment as required by § 49 C.F.R. Parts 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; c) all time spent at the driving controls of a commercial motor vehicle in operation; d) all time, other than driving time, in or upon any commercial motor vehicle; e) all time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending the vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and f) all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. A driver is considered to be performing safety sensitive functions during any period in which the employee is actually performing, ready to perform, or immediately available to perform safety-sensitive functions.
- M) "Sample" or "specimen" means urine, blood, breath, saliva, or hair.
- N) "Substance Abuse Professional" or "SAP" means a licensed physician Medical Doctor or Doctor of Osteopathy, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse (CRC), who has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. A SAP evaluates employees who have violated a DOT Regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

4. Prohibitions.

- A) Alcohol Concentration. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
 - B) On-Duty Alcohol Use. No employee shall use alcohol while performing safety-sensitive functions.
 - C) Pre-Duty Alcohol Use. No employee shall perform safety-sensitive functions within four hours after using alcohol. When an employee has used alcohol within four hours prior to providing safety-sensitive duty, the employee shall be expected to acknowledge such use at the time called. Failure to acknowledge the use of alcohol shall result in corrective action up to and including termination. If it is not possible for the supervisor to delay the requested start time the employee shall not report to work. If an employee is in an on-call paid status with the City and acknowledges the use of alcohol within four hours of being called by their supervisor, thus making that employee unavailable for duty, the City may take appropriate corrective action at the sole discretion of the City.
 - D) Post-Accident Use. No employee may use alcohol for eight hours following an accident in which the employee is required to take a post-accident test, or until the employee undergoes the post-accident test, whichever comes first.
 - E) Controlled Substance Use. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substances, as shown by the presence of drugs or their metabolites in the employee's system, except when the use is pursuant to the appropriate and reasonable instructions of a SAP.
 - F) Controlled Substance Testing. No employee shall report for duty, remain on duty or perform a safety-sensitive function if the employee tests positive for controlled substances or their metabolites in the employee's system.
 - G) Refusal to Submit to Testing. Refusing to be tested, or knowingly diluting, substituting or adulterating a urine sample or other sample used for an alcohol or controlled substance test shall be treated as a confirmed positive test. Federal guidelines for shy bladder or shy lung shall apply.
5. Testing Required. All employees subject to this policy shall abide by this policy and the testing requirements set forth herein as a condition of employment. Employees shall be subject to pre-employment testing, random testing, reasonable suspicion testing, post-accident testing, return-to-duty testing, and follow-up testing as set forth herein. Prior to submitting to testing, employees shall sign a Consent Form authorizing the test and permitting release of the test results to appropriate personnel.
6. Pre-Employment Controlled Substance Testing. Prior to the first time an employee performs a safety-sensitive function for the City, the employee shall undergo testing for controlled substances. The City shall not allow an employee to perform a safety-sensitive function unless the test has been administered and the City has received a controlled substance test result from a MRO

indicating a verified negative test result. A controlled substance test may not be required if the employee has participated in a drug testing program that meets DOT Regulations within the previous thirty days and all other exception requirements as set forth in DOT Regulations are satisfied.

7. Random Testing.

- A) Required Alcohol Testing. Except as otherwise provided by DOT Regulations, at least ten percent of CDL employees shall be randomly tested for alcohol each year. The actual percentage of employees to be tested each year will be determined annually by the Federal Motor Carriers Safety Administration (FMCSA) as published in the Federal Register.
- B) Required Controlled Substance Testing. Except as otherwise provided by DOT Regulations, at least 50% of CDL employees shall be randomly tested for controlled substances each year. The actual percentage of employees to be tested each year will be determined annually by the Federal Motor Carriers Safety Administration (FMCSA) as published in the Federal Register.
- C) Selection Technique. The selection of employees for random alcohol and controlled substance testing shall be made by a scientifically valid method, such as a random number table or computer-based random number generator that is matched with the employee's social security number, City employee number or other comparable identifying numbers. Under the selection procedure, each employee shall have an equal chance of being tested each time selections are made.
- D) Unannounced Tests. Random alcohol and controlled substances tests shall be unannounced and the dates for administering the tests spread reasonably throughout the calendar year. An employee notified of selection for random testing shall immediately proceed to the designated testing site.
- E) Time for Alcohol Testing. Employees shall be randomly tested for alcohol only while the employee is performing safety sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has performed such functions.
- F) Consortium. The City may contract with a consortium to administer and manage its random testing requirements.

8. Reasonable Suspicion Testing.

- A) Testing Required. Employees shall submit to an alcohol or controlled substances test when a trained supervisor has reasonable suspicion to believe that the employee has violated the prohibitions of this policy.
- B) Reasonable Suspicion. The supervisor's determination that reasonable suspicion exists to require the employee to undergo an alcohol or controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion observations for use of controlled substances in violation of this policy may include indications of the chronic and withdrawal effects of controlled substances. If reasonable suspicion indicators exist, the employee shall be transported, if necessary, to specimen collection site. Once the test specimen is collected, the City will arrange to have the employee transported home.
- C) Suspicion Form. The supervisor shall complete a signed and written record of observations leading to a controlled substance or alcohol test using a "Reasonable Suspicion Form" prepared by the City within 24 hours of the determination or before the results of the test are announced, whichever is earlier.
- D) Alcohol Testing Requirements. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the test of the employee. Alcohol testing under reasonable suspicion must be made during, just preceding, or just after the period of the work day that the employee is required to be in compliance with this policy.
- E) Time Limit for Alcohol Test. If a reasonable suspicion test is not administered within two hours following the determination of reasonable suspicion, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this sub-section is not administered within eight hours following the determination, the City shall cease attempts to administer an alcohol test and shall prepare and maintain a record regarding the same.
- F) Records. Records required to be maintained under this sub-section shall be submitted to the FHWA in accordance with DOT Regulations.
- G) Performance. Notwithstanding the absence of a reasonable suspicion alcohol or controlled substance test under this Section, no employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol or controlled substances as shown by the behavioral, speech, and performance indicators of alcohol or controlled substance misuse, nor shall the City permit the employee to perform or continue to perform such functions until an alcohol or controlled substance test is administered. An employee's alcohol concentration shall measure less than 0.02, 24 hours shall have elapsed following the determination of reasonable suspicion, or the controlled substance test results shall be negative before the employee may return to work.

H) Action. The City shall not take any corrective action against an employee based solely on the employee's behavior and appearance with respect to alcohol or controlled substance use, until a test for reasonable suspicion has been conducted and confirmed.

9. Post-Accident Testing.

A) Testing. As soon as practicable following an accident involving a commercial motor vehicle, the City shall test for alcohol and controlled substances of each surviving CDL employee who:

- (i) was performing a safety-sensitive function with respect to the vehicle and the accident involved loss of human life; or
- (ii) received a citation under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (a) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (b) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle; or
 - (c) employee's actions contributed to a serious work-related accident that resulted in damage to a vehicle or property in excess of \$1,000, as estimated at the time of the accident.

B) Available for Testing. An employee subject to post-accident testing shall remain readily available for such testing or shall be deemed by the City to have refused to submit to the testing. Nothing in this sub-section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. In the event an employee is so seriously injured that the employee cannot provide a sample at the time of the accident, the employee shall provide necessary authorization for the City to obtain hospital records or other documents that would indicate whether controlled substances or alcohol were present, and the resulting levels in the driver's body at the time of the accident. Refusal to sign such a release will be grounds for corrective action up to and including termination of employment.

C) Time Limit for Alcohol Test. If a test required by this sub-section is not administered within two hours following the accident, the City or its agent shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this sub-section is not administered within eight hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain a record regarding the same.

D) Time Limit for Controlled Substance Test. If a controlled substance test required by this sub-section is not administered within 32 hours following the accident, the City shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons the test was not promptly administered.

E) Records. Records required to be maintained under this sub-section shall be submitted to the FHWA in accordance with DOT Regulations.

10. Return to Duty Testing.

A) Alcohol Testing Required. Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy concerning alcohol, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

B) Controlled Substance Testing. Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy concerning controlled substances, the employee shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substance use.

11. Follow-Up Testing.

A) Following a determination that an employee is in need of assistance in resolving problems associated with alcohol and/or controlled substances, the employee shall be subject to unannounced follow-up alcohol or controlled substances testing as directed by a Substance Abuse Professional consisting of at least six tests in the first 12 months following the employee's return to duty and in accordance with DOT Regulations. Follow-up testing may be continued for up to 60 months.

- B) Time for Testing. Follow-up testing shall be conducted only when the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.
12. Testing Procedures. All testing conducted under this policy shall comply with the alcohol or controlled substance testing procedures set forth in DOT Regulations, including but not limited to § 49 C.F.R. 40, as amended. All procedures used for testing shall be conducted in a manner which protects the employee and the integrity of the testing processes, safeguards the validity of the test results, and ensures that the results are attributed to the correct employee. Employees shall be notified of any positive test results.
 13. Confirmation Tests. Alcohol tests with results of 0.02 or greater shall be confirmed by a second test that provides quantitative data of the alcohol concentration. Controlled substance tests with a positive result shall be confirmed by a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a technique and chemical principle accepted under DOT Regulations but different from the screen test to ensure reliability and accuracy.
 14. Results. No employee shall be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, if the employee has engaged in conduct prohibited by this policy until having complied with the procedures of this policy. Any employee found to have violated the prohibitions in this policy shall be removed immediately from safety-sensitive functions and shall be required to undergo evaluation and treatment. Any employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04, shall not be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. No other action shall be taken against the employee for test results showing an alcohol concentration of less than 0.04, unless otherwise authorized by law or City policy.
 15. Referral. Each employee who has engaged in prohibited conduct under this Policy shall be advised by the City of resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs.
 16. Evaluation. Each employee who engages in conduct prohibited by this Policy shall be evaluated by a Substance Abuse Professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use. The employee shall comply with the written recommendations of the Substance Abuse Professional and the employee shall provide the City with the written recommendations before the employee may return to work.
 17. Follow-up. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use shall be evaluated by a Substance Abuse Professional to determine whether the employee has properly followed any rehabilitation program and shall be subject to unannounced follow-up alcohol and controlled substance tests in accordance with this policy. Evaluation and follow-up testing shall be at the expense of the employee.
 18. Refusal or Tampering by Prospective CDL Employee. Any prospective CDL employee who refuses to be tested, or who knowingly dilutes, substitutes or adulterates a sample used for an alcohol and/or controlled substance test shall be denied employment. Any prospective employee whose pre-employment test results is a confirmed positive and who does not have a medically sufficient explanation, as determined in the sole, but reasonable discretion of the Medical Review Officer, shall not be hired and may not be considered for employment with the City sooner than one year from the date of such test.
 19. Refusal or Tampering by CDL Employee. A CDL employee who refuses to be tested, or knowingly dilutes, substitutes or adulterates a sample used for an alcohol or controlled substance test shall be regarded as having a confirmed positive test. An employee whose controlled substance or alcohol test result is a confirmed positive and who does not have a medically sufficient explanation, as determined in the sole, but reasonable discretion of the Medical Review Officer, shall be subject to disciplinary action up to and including termination. Any disciplinary action taken by the City for violation of this policy shall be in accordance with the City's Corrective Action – Performance Improvement Policy, Section 5030.
 20. Policy Distribution. Educational materials, including this policy, shall be provided and distributed to all City employees. Each employee shall be responsible for reading this Policy and shall file an Employee Acknowledgment Form with the City certifying

receipt and having read this Policy. Any questions regarding this Policy or DOT Regulations may be addressed to the Human Resources Director, City Manager or Human Resource staff.

21. Records and Confidentiality. The City shall maintain records of its alcohol misuse and controlled substances use program in accordance with DOT Regulations and for the time periods required therein. The records shall be considered confidential and shall be maintained in a secure location, separate from other personnel records, with controlled access. Confidential records will be shared on a need to know basis only, provided that the employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to the employee's alcohol or controlled substances tests.
22. Prescribed Drug Use. CDL employees taking prescribed medications may not report to duty unless the employee advises the physician of the employee's occupation and job duties and the physician is of the opinion that the employee can safely perform such job duties while taking the prescribed drug. If the licensed physician is of the opinion that the employee cannot safely work or perform the employee's job duties while taking the prescribed drug, the employee shall report the prescribed drug use and the physician's opinion regarding its use in writing to the employee's Department Head and the Department Head shall review said information with the Human Resources Director and City Attorney prior to allowing the employee to perform any work for the City.
23. Background Checks. The City shall follow the requirements for background checks for employees with past substance abuse violations in accordance with DOT Regulations. Prospective employees shall complete and sign a Release Form to allow the City to review previous test results. The City shall not allow an employee to perform safety-sensitive functions if the City obtains information on the employee's alcohol test with a concentration of 0.04 or greater, verified positive controlled substances test result, or refusal to be tested, by the employee, without obtaining a subsequent Substance Abuse Professional evaluation or determination and compliance with DOT Regulations for return-to-duty testing.
24. Drug and Alcohol Program Administrator. The City's Program Administrator is the City's designated official to receive drug and alcohol testing results from the Medical Review Officer and breath alcohol technicians conducting tests under this policy. The Human Resources Director, Human Resource Officer or the Assistant to the City Manager/HR Officer are the City's Program Administrator.
25. In accordance with Federal (DOT) controlled substance and alcohol testing requirements, Draper City has a designated Program Administrator, Medical Review Officer, Substance Abuse Professional, drug and alcohol consortium and third party administrator, and a laboratory that meets the testing requirements of both the Department of Health and Human Services and the Substance Abuse and Mental Health Services Administration. The individuals, corporations, organization or other entities providing these functions and services for Draper City are identified by administrative policy adopted by the City Manager, which is on file with the City Recorder and

ADOPTION – AMENDMENTS – REVISIONS

Adoption 08/27/2013

Resolution No. 13-45

Amended 10/15/2019

Resolution N. 19-64

Section 10900 – WORKPLACE VIOLENCE

The City's goal is to provide a safe workplace for all employees, customers, vendors, and guests and to protect City property. To promote a safe workplace and to reduce the risk of violence, all threatening, aggressive, and violent behavior, including verbal and written threats, e-mail, and physical attacks are prohibited. Such conduct by employees will be subject to corrective action.

Guidelines:

1. Employees' Responsibilities.
 - A) Reporting. All potentially threatening, dangerous, or suspicious situations should be immediately reported to the employee's supervisor, the Department Director or the Risk Management Office. **IF YOU SEE SOMETHING SAY SOMETHING.**
 - B) Don't Challenge Potentially Violent Individuals. In no event should an employee attempt to investigate or resolve a potentially violent, suspicious, or threatening situation. All such incidents will be handled by a supervisor. Employees should never endanger themselves attempting to disarm or remove a potentially violent individual.
 - C) Law Enforcement Officers. Employees should not hesitate to call a Law Enforcement Officer if confronted with potentially violent or dangerous situation requiring emergency assistance.
2. Supervisors' Responsibilities. Supervisors have special responsibility through leadership and example to implement this policy. Their responsibilities include:
 - A) Reporting. Being especially alert to potentially violent or threatening situations and reporting all possible instances to their Department Head.
 - B) Communicating to Employees. Informing employees of the City's commitment to a safe workplace, conveying our policy to them, and encouraging them to report potential problems.
 - C) Implementing Policies. Ensuring that workplace safety rules are implemented and that any related corrective actions are implemented immediately.
3. Use and Possession of Weapons. For purposes of this subsection the term "weapon" shall include a firearm. Employees in possession of weapons on City property, in City vehicles, or while conducting City business shall know, understand, and comply with federal and state laws, city and department policies, and the rules and regulations adopted by private property owners.
 - A) An employee possessing a weapon pursuant to this policy must protect such weapon from accidental discharge, have the weapon under their control at all times, and take all reasonable steps to keep such weapons safe and not accessible by others.
 - B) Only employees sworn and certified as law enforcement officers are authorized to use deadly force while acting for and in behalf of the City. Under no circumstances will any other employee use deadly force as a function of their job with the City. If an employee who is not a sworn and certified law enforcement officer uses deadly force, he/she will not have the immunities or be entitled to the same indemnity afforded sworn and certified law enforcement officers.
 - C) An employee carrying a weapon in conformance with this policy is responsible for any and all harm or damage caused by that weapon. If the City is claimed against or sued in connection with an employee using a weapon, the City will pursue such employee for full indemnification and contribution in connection with any and all injuries or damage caused to the City by the use of that weapon. This subsection does not apply to sworn and certified law enforcement officers.
4. Prohibited Conduct. The City will not tolerate any form of workplace violence or threat of violence committed by employees or nonemployees. Such prohibited behavior includes but is not limited to:
 - A) Injuring or threatening physical injury to another person;
 - B) Hitting, shoving or fighting with an individual;
 - C) Making threatening remarks or written communications, or e-mails, or behaving in a threatening manner;

- D) Behaving in a hostile or aggressive manner that creates a reasonable fear of injury or subjects another to extreme emotional distress;
 - E) Damaging or threatening to damage City, employee or non-employee property intentionally or because of gross negligence;
 - F) Committing acts of harassment;
 - G) Behaving in a manner which disrupts another's work performance or the City's ability to execute its mission.
5. Investigations. All reports of potentially violent or threatening situations will be taken seriously and investigated by the Department Head. Employees are required to cooperate in any investigation.
 6. Confidentiality. Confidentiality will be maintained as much as possible; however, a guarantee of absolute confidentiality cannot be made. Information will be shared on a need-to-know basis only.
 7. Retaliation Prohibited. No employee may be discriminated or retaliated against because he/she has reported any potential workplace threat or violence or has participated in a related investigation or proceeding.

Corrective Action. Appropriate corrective action up to and including termination will be taken against any employee found to have violated this policy.

ADOPTION – AMENDMENTS – REVISIONS

Amended 10/15/2019

Resolution No. 19-64