



**MOUNTAIN
REGIONAL
WATER**

PERSONNEL POLICIES

MAIN MANUAL

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PERSONNEL MANUAL

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SECTION 1 - PERSONNEL SYSTEM PROVISIONS

A. Purpose:

Mountain Regional Water Special Service District ("District") is a special service district created pursuant to Utah Code Ann. Title 17D and operating under the laws of the State of Utah and administers public funds. The policies and procedures relative to the personnel working for the District are set forth for a dual purpose:

1. To give employees clear, concise information as to their rights, privileges, obligations and responsibilities.
2. To provide the administration direction in dealing fairly and consistently with all employees.

B. Functions Of The Manual:

It is the policy of the District that this manual be used as an outline of the basic personnel policies, practices, and procedures for the District. The manual, however, is not intended to alter the employment-at-will relationship in any way.

1. This manual contains general statements of District policy and should not be read as including the fine details of each policy, nor as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The District may add to the policies in the manual or revoke or modify them from time to time. Every effort will be made to keep the manual current, but there may be times when policy will change before this material can be revised.
2. All manuals are District property and are assigned to employees holding a District position. The General Manager is responsible for distribution of the manuals to newly hired employees. Each employee shall sign a statement that they have received, read and understand the manual. Amendments shall be distributed through the General Manager. Each employee shall sign a statement that they have received, read and understand the amendment.
3. An Administrative Control Board (Board) has been established with the authority to review and recommend changes in the District's personnel policies. Supervisors are encouraged to recommend changes or new policies. All policies are to be adopted in final form by the Governing Body of the District. Once adopted, the General Manager is responsible for disseminating new policy information to employees.
4. The General Manager and Supervisors should refer to the manual whenever questions of policy interpretation or implementation arise. They should, when possible, refer the employee to the policies and to, exercise caution in copying materials and avoid disseminating fragmented portions

of these policies. Issues needing clarification should be referred to the Summit County Personnel Director ("Personnel Director")

5. As used in the manual:
 - a. The words "shall" or "will" are to be construed as mandatory and the word "may" as permissive;
 - b. Any reference to a specific gender shall be construed to include both genders.

C. Applicability of Policies and Procedures:

The policies and procedures set forth herein shall apply to all personnel, except where specifically excluded within the text of individual contracts or elsewhere in this document. If lawful and applicable federal or state governmental regulations concerning elected and appointed officials are contrary to these policies, such governmental regulations shall have precedence. These policies and procedures do not apply to members of boards and commissions, persons engaged under contract to supply professional or technical services and volunteer personnel who receive no or nominal compensation from the District.

D. System Standards:

The system standards subscribed to by the District shall conform to the following:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill levels, including open consideration of qualified applicants for initial appointment.
2. Providing equitable and adequate compensation.
3. Educating employees as needed, to assure high quality performance and justify reasonable performance standards.
4. Normally, retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected or corrected in a timely manner.
5. Assuring non-discrimination for applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, military status, disability (including breast feeding and/or pregnancy), sexual orientation, gender identification, and with proper regard for their privacy and constitutional rights as citizens.
6. Providing information to employees regarding their political rights and prohibited practices under the Hatch Act or related legal guidelines.
7. Providing a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

SECTION 2 - EQUAL EMPLOYMENT OPPORTUNITY

A. Legal Compliance:

It is the policy of the District to comply with the guidance set forth in Title VII of the Civil Rights Act of 1964 according to Public Law 92-261 approved March 24, 1972; with Executive Order No. 11246, of September 24, 1967; with Title V, Section 503 of the Rehabilitation Act of September 26, 1973 (Public Law 93-112); Americans with Disabilities Act of July 26, 1990, Civil Rights Act of 1991, amendments to the above laws and any other regulation which is or may yet be promulgated relating to fair employment practices.

B. Anti-Discrimination:

The District will provide fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religious creed, sex, national origin, age, military status, disability (including breast feeding and/or pregnancy), sexual orientation, gender identification and with proper regard for constitutional rights. No class of jobs will be closed to any individual because of the above referenced criteria.

C. Compensation:

Employees will be compensated on the basis of equal pay for equal work as determined through a formal job classification system. No individual will receive reduced compensation for equal work on the basis of race, color, religion, sex, national origin, age, military status, disability (including breast feeding and/or pregnancy), sexual orientation or gender identification.

D. Nepotism:

It shall be the policy of the District to comply with the Anti-Nepotism provisions of Utah Code §52-3-1 *et. seq.*

1. Employment of relatives prohibited.
 - a. "Relative" means a father, mother, husband, wife, 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, or daughter-in-law.
 - b. No supervisor may employ, appoint, or vote for or recommend the appointment of a relative in or to any position of employment, when the salary, wages, pay, or compensation of the individual will be paid from public funds and the individual will be directly supervised by a relative, except as follows:
 - 1) The individual is eligible or qualified to be employed by the District as a result of their compliance with merit system laws or regulations;

- 2) The individual will be compensated from funds designated for vocational training;
 - 3) The individual is a volunteer as defined by the Utah Code Title 67, Chapter 20;
 - 4) The individual is the only person available, qualified, or eligible for the position; or
 - 5) The Board determines that the supervisor is the only person available or best qualified to perform supervisory functions for the individual.
- c. No supervisor may directly supervise an individual who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds, except as follows:
- 1) The relative was appointed or employed before the supervisor assumed their position, if the relative's appointment did not violate the provisions of Utah Code §52-3-1 in effect at the time of their appointment;
 - 2) The individual is eligible or qualified to be employed by the District as a result of their compliance with merit system laws or regulations;
 - 3) The individual will be compensated from funds designated for vocational training;
 - 4) The individual is a volunteer as defined by Utah Code;
 - 5) The individual is the only person available, qualified, or eligible for the position; or
 - 6) The Board and Personnel Director concur the supervisor is the only person available or best qualified to perform supervisory functions for the individual.
- d. When the General Manager or department manager supervises a relative:
- 1) The supervisor shall make a complete written disclosure of the relationship to the Personnel Director, General Manager, and the Board;
 - 2) The supervisor who exercises authority over a relative may not evaluate the relative's job performance or recommend salary

increases for the relative.

- e. No individual may accept or retain employment if they are paid from public funds, and they are under the direct supervision of a relative, except as follows:
 - 1) The individual was appointed or employed before the supervisor assumed their position;
 - 2) The individual is eligible or qualified to be employed by a the District as a result of their compliance with merit system laws or regulations;
 - 3) The individual is the only person available, qualified, or eligible for the position;
 - 4) The individual is compensated from funds designated for vocational training;
 - 5) The individual is a volunteer as defined by Utah Code; or
 - 6) The Board has determined that the individual's relative is the only person available or qualified to supervise the individual.

E. Affirmative Action:

The District shall take affirmative action in all aspects of personnel management to assure compliance with Equal Employment Opportunity standards (EEO). Affirmative Action plans and programs shall be undertaken when deemed necessary by the General Manager or Personnel Director or otherwise required by a regulatory agency of the State of Utah or the federal government. Implementation shall be at the direction of the General Manager.

F. Conflicts of Interest:

- 1. It shall be a violation of these policies for any District employee to violate any provision of Utah Code §67-16-1 *et. seq.* (Utah Public Officers and Employees' Ethics Act) and Utah Code §76-8-105 (Bribery). All District employees and Supervisors are responsible for understanding and complying with these statutory provisions.
- 2. All District employees and Supervisors must avoid any relationship or activity the might impair, or even appear to impair, the District's ability to make objective and fair decisions.
- 3. When employees are faced with a situation that may give rise to a conflict of interest or an appearance of a conflict of interest, they shall seek advice from their Supervisor, General Manager or the Personnel Director.

SECTION 3 - ADMINISTRATION

A. Administration of Policies

The day-to-day management of personnel activities and operations within the District is the responsibility of the General Manager under the direction of the Board. The General Manager shall coordinate with the Personnel Director in managing all aspects of the personnel management system and enforce all policies and procedures which shall include but not be limited to:

1. The administration of the classification and compensation plans.
2. The administration of a system of employee performance management.
3. Notification of vacancies, recruitment and selection processes.
4. Procedures involving the training and disciplining of employees.
5. Maintenance of all personnel records and actions.
6. Promotions, demotions, suspensions and separations.
7. Reassignments and reclassifications.
8. Make reasonable and practical interpretations in the absence of precedent regarding the meaning and intent of policies, procedures, etc.
9. Other actions as prescribed by District rules, regulations, policies & procedures.

B. Personnel Committee

In order to review policies and procedures, job descriptions, grievances and other items of personnel nature, the Board shall establish a Personnel Committee (PC) as a subcommittee of the Board.

1. General Organization: The PC shall be comprised of the Personnel Director and up to three (3) members of the Board appointed by the Chair of the Board. The number of Board members appointed shall be dictated by the number of Board members and shall not constitute a quorum of the Board.
2. Chairperson: The Personnel Director shall be the chair, but shall be a non-voting member of the PC.

3. **Authority:** The PC shall have an advisory role only, unless otherwise allowed or delegated by the Board or these policies. Personnel policy proposals or recommendations shall be submitted to the Board who shall then make a formal recommendation to the District Governing Body.

C. Management Prerogative

The General Manager and department managers retain the responsibility to exercise all managerial functions including:

1. To assign, supervise, discipline and dismiss employees;
2. To determine and change starting times, ending times, and shifts which are consistent with District policy;
3. To transfer employees within other departments within the District and other classifications;
4. To recommend the size and qualifications of the work force to the General Manager and/or Board;
5. To determine and change methods by which departmental operations are to be carried out;
6. To assign duties to employees in accordance with the District's needs and requirements and to carry out all ordinary administrative and management functions.

D. Employee Supervision

It is the policy of the District that the work of all employees is to be assigned, directed and reviewed by Supervisors. Employees ordinarily are to have only one Supervisor to whom they report.

1. A primary role of each supervisor is to provide an effective link between management and non-management employees. As such, supervisors are expected to communicate the goals and policies of management to their employees. At the same time, they are expected to communicate back to management the attitudes, suggestions and complaints of their employees.
2. Supervisors must, in addition to mastering the technical skills needed for their work unit, be able to lead and motivate their employees to do their jobs effectively and efficiently. To this end, supervisors should be prepared to:
 - a. Treat employees as individuals;

- b. Give recognition for good performance, as well as guidance for correcting mistakes;
 - c. Explain in advance when and why changes are necessary;
 - d. Recommend employees with growth potential for promotion, even if it means losing them to other departments;
 - e. Show integrity by admitting mistakes instead of shifting the blame to others;
 - f. Be impartial and let employees know the reasons for any decisions that might be interpreted as unfair;
 - g. Demonstrate a desire for good performance by setting work goals and standards for employees;
 - h. Perform and complete employee performance evaluations in accordance with District guidelines. Evaluations shall be conducted during the month of December each year;
 - i. Create a feeling of teamwork and belonging among employees; and
 - j. Set good examples by holding themselves to the standards of conduct and performance that they demand of their employees.
3. Supervisors are responsible to ensure that the goals regarding employee conduct and performance established by management are achieved and that the personnel policies established by this manual are implemented. Therefore, they are expected to be involved in:
- a. Recommending the hiring of personnel and overseeing special job training;
 - b. Keeping employees informed on factors relating to their work assignments, work progress and opportunities for advancement;
 - c. Evaluating the performance of new employees on an ongoing basis as required, regular employees annually, and employees who are being terminated;

- d. Recommending salary adjustments, promotions, transfers, and termination of employees under existing District policies;
 - e. Scheduling vacations, lunch and rest breaks;
 - f. Approving reimbursement of employee expenses;
 - g. Controlling absenteeism and tardiness and approving requests for time off;
 - h. Verifying employee time records and approving overtime when necessary;
 - l. Recommending job elimination when appropriate;
 - j. Complying with applicable federal and state laws and regulations concerning employee safety;
 - k. Maintaining neat and orderly work areas;
 - l. Implementing all policies and procedures; and
 - m. Ensuring that all rules and regulations are observed by employees.
4. Nothing in this policy should be considered as a contract or promise, express or implied, to employees that supervisors will in each case perform any or all of the activities described above, or that such activities will be performed uniformly in each case.

E. Official Personnel Records

- 1. It is the policy of the District to maintain personnel records for applicants, employees, and past employees in order to document employment related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.
- 2. The District strives to balance its need to obtain, use, and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary to conducting District business or which is required by federal or state law or County ordinance.
- 3. The General Manager is responsible for overseeing the record

keeping for all personnel information and will specify what information should be collected and how it should be stored and secured. According to law, all medical files shall be maintained separate from other personnel records.

4. Employees have a responsibility to make sure their personnel records are up to date and should notify the Supervisor and the Accountant of any changes in at least the following:
 - a. Name;
 - b. Address;
 - c. Telephone number;
 - d. Marital status (for benefits and tax withholding purposes only);
 - e. Number of dependents;
 - f. Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
 - g. Beneficiary designations for any of the District's insurance, disability and retirement plans;
 - h. Persons to be notified in case of emergency;
5. Personnel records shall contain, as appropriate:
 - a. Record of application for employment and employment eligibility certification (I-9).
 - b. Reference to transcripts of academic preparation.
 - c. Performance evaluation ratings.
 - d. References to any formal reprimand, corrective action or commendation.
 - e. Records of actions affecting employee salary, status, or standing.
 - f. Leave Records.
 - g. Any other information felt to be pertinent by the department

manager, Accounting Manager, Personnel Director or employee.

6. The District will, upon written request, supply the employee with a copy of any document it places in the employee's file.
7. An employee has the right to review, upon written request, the contents of their personnel record as governed by law and may challenge any information contained in the official personnel record, but may not remove any of its contents. All challenges must be directed to the Personnel Director and General Manager.
8. If a disciplinary action is rescinded or disapproved upon appeal, all forms, documents and records pertaining to the case shall be removed from the personnel record and destroyed.
9. Personnel records are private data and available for review only to the employee and persons authorized by law or as determined by the General Manager to have a legitimate "need to know." A log or record of those reviewing personnel records and information shall be maintained together with the reasons for access to the records. All requests for reviews of personnel records shall be in writing and review shall be done in the presence of the General Manager or their designee.
10. Requests for Information:
Information and records management shall be conducted in a manner consistent with the Utah Government Records Access & Management Act (GRAMA), as amended within the Utah Code. Any person requesting information or documents under GRAMA must submit a written request on an approved form, detailing the specific information or document requested and the number of copies. Any request asking for information regarding verification of employment, including name, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, numbers of hours worked per pay period, dates of employment, relevant education, previous employment, and similar job qualifications of present employees, shall be directed to the General Manager and shall be deemed public information as provided by Utah law, unless otherwise classified.
Any request for information regarding a reference check on a former or current employee shall be forwarded to the General Manager, who shall issue a response similar to employment verification. Under no circumstances shall character judgments be issued during these requests.

Any GRAMA request seeking information which can be classified as private, controlled or protected under the provisions of Utah Code §63-2-302 through §63-2-304, shall be first referred to the District GRAMA officer for review. The County and/or District reserves the right to assess a fee to cover the costs of reviewing, collecting and copying information requested under GRAMA.

11. Records Retention: All active employee files shall be kept up to date and the content of the file must be relevant to some aspect of current employment and work history. All records related to inactive or terminated employees shall be retained as required by law. For complete and accurate records of all medical examinations required by the law and records of any personal or environmental monitoring of exposure to hazardous materials - such records are required by OSHA to be retained for 30 years.

F. "At-will" Confirmation

Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that the District has implemented or will implement in the future. Accordingly, the District retains the right to establish, change, and abolish its policies, practices, rules and regulations at will, and as it sees fit.

G. Savings Clause

If any provision of these policies and procedures or the application thereof is found to be in conflict with any state or federal law, the conflicting part is hereby declared inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these policies and procedures or any of its application.

SECTION 4 - POSITION MANAGEMENT

A. **Position Allocation:**

It is District policy, as much as possible, to initiate proposed changes in the number of personnel or reclassification of personnel during the process of budget approvals for the ensuing year. This allows for the most thorough consideration of personnel expenditures and available revenues. The establishment of a position by the District cannot take place without the appropriate budget approval of the Governing Body. No person shall be hired or appointed and no regular employee promoted to any position (exceptions may occur for the occasional emergency/temporary, contractual or part-time professional work needs), until it has been properly allocated as follows:

1. The development or revision of a current job description.
2. The proper classification of the position and assignment to an established pay range.
3. The presentation of justification as to the need for the position or for the promotion and advancement of an employee.
4. Verification that funds are available to support the position, promotion or change in classification.

B. **Job Description:**

The initial content of all job descriptions shall be provided by subject matter experts such as Supervisors, General Manager, and incumbent workers through the use of questionnaires, written documents and related materials. If needed, verification shall be obtained through on-site job audits conducted or coordinated by the General Manager. Based upon obtained information, the General Manager or their designee shall prepare the description in approved format for finalizing. The General Manager may utilize the Personnel Committee to review and finalize the description. All job descriptions shall be reviewed and approved by the Board. All employees will be assigned to a position with an established job description and must be able to meet the requirements for performing the "essential functions" of the position to which assigned. Standard formats shall be established by the General Manager to include essential and marginal duties and responsibilities and minimum qualifications (training, education and experience). The description shall be used by the District as the basis for:

1. The classification of the position and determination of its rate of pay.
2. Preparation of examinations and for determination as to whether an applicant or employee meets minimum requirements for a particular class of positions.

3. For preparation of a position announcement soliciting applications from interested individuals for position vacancies.
4. The orienting of a new employee to the duties and responsibilities of a position to which hired or promoted by an administrative officer, supervisor or department head.
5. The development of performance management objectives and evaluations.

C. Classification:

All District positions are evaluated on a set of common factors (i.e., difficulty of work, complexity, judgment, responsibility, controls over the work, minimum qualifications, education & training, physical environment, etc.) and assigned a grade encompassing a specific salary range on the salary plan. All employees hired on a full-time or part-time basis will receive compensation according to the classification of the position for which they are hired. Recommendations for advancement shall be in writing, and must be approved by the General Manager, Board and Personnel Department.

D. Reclassification:

If the duties and responsibilities of a position change significantly, the department manager shall submit a request for reclassification to the General Manager and Personnel Director with a draft job description. The Personnel Director will perform an analysis of the job to determine reclassification eligibility. Reclassification of a position to a class with a lower pay range shall not generally change an employee's salary. Normally, the employee's pay shall be adjusted within the new pay range which is at least equal to the current salary. The General Manager may utilize the Personnel Committee to review and finalize the description. The recommendations of the PC and the Personnel Director shall be submitted for approval by the Board prior to changes being implemented.

E. Reorganization:

Reclassification may be required from time to time as a result of reorganization. Circumstances may arise from the reorganization or reclassification process which requires the abolition of a position, which shall be treated as a reduction-in-force (*see* Section 7, paragraph C). Reorganization shall also be sufficient cause for reclassification by way of reassignment (*see* Section 7, paragraph I and J). In an effort to minimize the effects of a reduction-in-force brought about by reassignment, reclassification or reorganization, the following options shall be considered:

1. The employee may be assigned to a lesser position.

OR

2. The employee may be reassigned to another position within the

employee's department, depending upon qualifications and available position.

3. If the employee's pay is greater than the maximum for the position to which assigned or transferred the employee shall be placed on a salary freeze for a period not to exceed two (2) years. If during the two year period, the employee's rate of pay falls back within the assigned pay range, the freeze shall be lifted. If at the end of two years, the employee's pay rate still falls above the maximum of the pay range, that employee's pay rate shall be reduced to the maximum of the assigned position.

SECTION 5 - HIRING FOR NEW AND VACANT POSITIONS

A. Recruiting:

Selecting and advancing employees in the District personnel system shall be on the basis of their ability, knowledge and skill levels related to the vacant position. The General Manager may execute, with the approval of the Board, written employment agreements for certain services.

B. Disqualification:

The District reserves the right to reject any application which is incomplete or indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applicants and subsequently hired applicants who make false or misleading statements, or who are found to have engaged in any type of deception or fraud in the application or testing process shall be rejected or immediately terminated.

C. Testing:

Applicants may be subjected to competitive testing which may include, but is not limited to: determination of bondability, rating of education and experience, written, oral, or physical agility tests, psychological testing, essential function demonstrations, and/or background investigations, proof of academic attainment, etc. Applicants for positions which require the worker to operate District vehicles or equipment on public roadways must provide a copy of a State Department of Motor Vehicle driving record. The driving record will be used to assist in the ranking of applicants who meet the minimum qualifications.

D. Physical Examination/Drug Testing:

Public health and safety demands that employees be physically able to perform the duties and essential functions of the position for which they are hired. The physical requirements of the job constitute bona-fide occupational qualifications. The District will make every effort to provide reasonable accommodations for employees and applicants in compliance with the Americans with Disabilities Act (ADA), however if the requested accommodation creates an undue hardship on the District it shall not be obligated to provide such.

1. A physical examination may be required before an applicant is appointed to any District position. The results of the exam will be presented to the General Manager, in writing. A disabled applicant may be required to submit to a physical exam only subsequent to a job offer being made and only if all others being hired are required to do the same.
2. The District may require a medical examination at any time during the employee's work tenure, if deemed necessary to assure the safety and health of the employee, co-workers and the public. The District will pay the cost of any required medical examination.

3. Final candidates for any position shall be required to undergo chemical screen testing to determine the presence of chemical substances in the body. Subject to the ADA, any applicant who tests positive, tampers with or adulterates their sample may be disciplined according to these policies and procedures and state law (*see* Drug Free Work Place policy, Utah Code §34-38-8, District Policies and Procedures, Section 12, paragraph H, subparagraph 6).

E. Employment Eligibility Verification:

In conformance with the "Immigration Reform and Control Act of 1986" (P.L. 99-603) and in order to avoid monetary penalties for the hiring of undocumented workers, the General Manager shall establish an employment verification system, and shall verify that all applicants for vacant positions or persons hired to fill vacant positions are authorized to work within the boundaries of the United States.

1. The Accounting Manager shall complete or have completed Immigration and Naturalization Service Form I-9 prior to or on a hired employee's first day of work and verify work eligibility through examining such documents as a United States Passport, birth certificate, social security card, driver's license or an alien identification document.
2. Employees must also attest in writing that they are authorized to work in the United States. Forms and all written verifications shall be kept along with other personnel records and shall be kept in accordance with the Utah State Records Management Act. These documents shall be made available to the Immigration and Naturalization Service or the Department of Labor as requested.

F. Hiring Procedures:

1. When a position opens or a need arises to create a new position or fill a vacancy, the General Manager shall notify, in writing, the Personnel Director and Board of recruitment needs. Notification shall be accompanied by the position title and a description of the duties, responsibilities and required knowledge and skills. Minimum qualifications for education and experience shall be outlined for recruited positions. Authorization to hire individuals must be in accordance with Section 4, paragraph A of the District Personnel Policy and Procedures Manual.
2. Advertisements will be placed only by the General Manager or their designee. Upon being given approval to recruit and receiving signed documentation from the Personnel Director and Board authorizing the creation of a position, the General Manager shall prepare, advertise and post the opening where all District full and part-time employees will be made aware of the opportunity. First consideration in filling the vacancy will be given to District employees who qualify. Full and part time employees

interested in the position must apply for a transfer with the General Manager within seven calendar days of the posting date. All in house recruitment shall be posted in the District offices and designated locations. If the same position is being recruited for multiple times within the span of one year of the first in house advertisement, the in-house posting requirement is waived.

3. Following the in house posting, if the position is not filled by promotion or transfer, the community and labor market shall become the object of an appropriate recruitment effort. All applications will be received by the General Manager or designee. Outside applications will be accepted for a minimum of seven calendar days. If necessary, outside recruitment may be extended as needed to attract sufficient qualified applicants.
4. Upon closing the community and labor market recruitment the General Manager shall review all applications to determine those that meet the minimum qualifications. Those applicants who meet minimums shall then be ranked by using a formal system for rating applicant training, education and experience, etc. The rated list then constitutes the certified list of eligible applicants and a hiring register for the recruited position and functionally similar positions within the District. The certified eligible list for the advertised position shall remain active for six months.
5. The Supervisor, General Manager or their designee(s) will conduct the applicant interviews from the certified list of eligible applicants. Upon ranking the interviewed applicants, the finalists for the position will be determined and the scores will be submitted to the General Manager, The finalists for the position shall be selected from the scores submitted to the General Manager.

Upon the selection of the individual to be hired the General Manager shall submit the name of their choice and proposed salary in writing to the Personnel Director for the development of a formal employment offer and processing. No offer is final until approved by the Personnel Director.

6. Before extending a conditional offer of employment to the finalist, the General Manager will secure the following:
 - a. Signed documentation by the Board if a new employee is hired or a current employee is promoted to an amount higher than the starting wage for that position.
 - b. Necessary background check information and required medical information.

- c. All notes, scores, or other documentation created and or received during the interview process.
- d. The results of any physical/medical/psychological examinations.
- e. The results of any job related skills or agility tests.
- f. Time and location for the finalist's pre-employment drug screening test.

G. Employee Induction:

After the new employee is hired, they shall promptly receive a general orientation concerning benefits, compensation practices, personnel policies and procedures and various employment expectations from the General Manager or their designee and their immediate supervisor. Job specific orientation shall be conducted by the General Manager or their designee. All new employees must sign a document stating they have read and understand the District's Personnel Policies and Procedures.

H. Orientation Period:

All appointments to positions within the District, whether new hires, rehire, reinstated (affected by reduction-in-force or leave without pay) transfer, or promotional, require an orientation period during which both the District and the employee can determine compatibility and competence.

- 1. This period is regarded as a testing period designed to acquaint the new employee with the position and allow the employee, Supervisor and General Manager, to measure fairly the employee's ability to perform the job. An employee who is either serving a new hire or promoted/transferred orientation period is not eligible for promotion, transfer or reassignment.
 - a. New Hire Orientation: During the orientation period, the Supervisor shall conduct performance reviews on an ongoing basis as may be required to coach the employee in the job duties, apprise the employee of their suitability for the position and determine the employment action to be recommended to the General Manager. (*see* Section 6, para F, Conditional Employees)
 - i) The orientation period for all District employees shall be six (6) months in duration with the period extendable up to an additional six (6) months for good cause, but with the condition that the orientation period employee may appeal any undue prolongation of the period designed to thwart merit principles. The employment relationship may be terminated at any time during the new hire orientation period, with or without notice, and with or without cause, by

- either the employee or the District.
- ii) During the new hire orientation period, all benefits accrue. In the case of vacation benefits, they accrue but cannot be used until the completion of the orientation period, without approval of the General Manager.
 - iii) At the close of the orientation period the Supervisor shall submit the new employee's written evaluations and may recommend up to a 6% increase for the new employee.
- b. Career Ladder Adjustment: Employees participating in a Career Ladder Adjustment will not participate in an orientation period.
- c. Promoted or Transferred Employee Orientation: Promoted or transferred employees who fail to demonstrate competence and/or compatibility with the new assignment within the six-month orientation period may be reassigned to the same or equivalent position with the equivalent pay and tangible benefits previously held if one is available. Reassigned employees shall have all rights of appeal and due process as defined by policy and procedures. There shall be no orientation period increase at the completion of a promoted or transferred employee orientation period.

SECTION 6 - EMPLOYMENT STATUS

A. Applicability:

All full time employees, officers and other personnel not exempted herein, who prior to the effective date of these policies and procedures, have successfully completed the orientation period; (*see* item F below) are deemed to be fully covered employees under these personnel policies and procedures.

B. Merit Exempt Positions:

It shall be the policy of the District to comply with the County Personnel Management Act as provided in Utah Code Ann. §17-33-1 *et. seq.* (1953 as amended). The following types of positions have been designated as being exempt from the provisions of the personnel system. The Personnel Director will specify, in writing, those positions which fall under the exempt categories listed below. Exempt positions should be reviewed annually to determine whether or not their exempt status should be withdrawn based on changes of duties and related factors. Written employment agreements with the General Manager may include applicable policies and procedures. Workers in such positions are “at will” and may be separated from employment for reasons other than cause.

1. General Manager.
2. Each department manager charged by the General Manager with the responsibility of assisting to formulate and carry out policy matters.
3. Members of policy, advisory, review, and appeal boards, or similar bodies who do not perform administrative duties as individuals.
4. Attorneys serving as outside legal counsel, special advisors, and any person employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the District Board or Governing Body.
5. Each employee appointed to perform:
 - a. Work that does not exceed three (3) years in duration; or
 - b. Work with limited funding.
6. Bona fide independent contractors
7. Temporary and seasonal employees as defined in paragraphs C and H below.
8. Contractual personnel hired to perform time limited services requiring specific professional skills and abilities. Employment contracts shall not be valid until approved by the General Manager.

C. Temporary Employees:

The General Manager may make temporary appointments to carry out necessary District responsibilities as the budget will permit. The District shall create a pool of eligible temporary employees. When the Director needs to utilize the services of a temporary employee, they shall select an individual from the temporary employee pool. Department managers may request individuals of their choice be added to the temporary employee pool.

Temporary employees shall be designated as either short-term full time temporary employees or short-term part time temporary employees.

1. Short-term full time temporary employees, those working in excess of 130 hours per month for three consecutive months shall be eligible for health care only.
2. Short-term part time temporary employees, those working less than 130 hours per month for three consecutive months shall not be eligible for health care or any other benefits.
3. All temporary employees shall be provided the mandatory benefits as prescribed by law, i.e. social security, workers compensation and unemployment.
4. Short-term full time temporary employee appointments should not exceed a period of 3 months, or 480 hours. Temporary employees should not work more than 3 months or 480 hours in succession without a 90-day rest period (no employment activity with any department of the County) before additional work hours are permitted.
5. Short-term part time temporary employee appointments should not exceed a period of 6 months, or 750 hours. Temporary employees should not work more than 6 months or 750 hours in succession without a 90 day rest period (no employment activity with any department of the County) before additional work hours are permitted.
6. In extenuating circumstances a department head may petition the Personnel Director to extend a short-term full time temporary employee's term of service. Upon review the Personnel Director may approve or deny the department head's request. The temporary employee, on approval, will have additional time allotted to their term of service. The additional time shall not exceed an additional three months or 480 hours for a total of 6 months or 960 hours.
7. Temporary employment does not count as credit toward the completion of an orientation period.

D. Full-time Employees:

An employee who has satisfactorily met the requirements for employment, is generally working forty (40) hours per week (is expected to work 2080 hours per year), and successfully completed the appropriate orientation period is considered a full-time employee. Full-time employees are eligible for all the benefits programs and rights and privileges described in District policies and procedures.

E. Part-time Employees:

Employees expected and scheduled to work less than a yearly average of forty (40) hours per week in any one position shall be considered part-time.

1. Merit Status: Consistent with the provisions of Utah Code Ann. §17-33-8(1)(b)(ix), and paragraph B above, part time employees hired after January 1, 2015 shall be considered Merit Exempt.
2. FLSA Exempt: Part-time employees who are considered exempt under the federal Fair Labor Standards Act ("FLSA") and under paragraph G below shall be compensated at a fixed rate, based upon the expected hours of work per week for the part time position they hold. All other part time employees shall be compensated at an hourly rate in accordance with federal law.
3. Benefits: Part-time employees hired prior to January 1, 2017 who work less than forty (40) hours per week but more than twenty (20) hours per week, may participate in some benefits offered to full-time employees on a pro-rata basis (*see* Section 9 of these Policies). Part-time employees hired after January 1, 2017 working less than forty (40) hours per week and Part-time employees hired prior to January 1, 2017 but who work a yearly average of less than twenty (20) hours per week shall qualify for the following benefits only:
 - a. Mandatory benefits shall be provided as prescribed by law, i.e. social security, workers compensation, retirement and unemployment.

F. Conditional Employees

All newly hired and promoted employees shall be considered conditional employees and are required to serve an orientation period. The orientation period shall be six months for all employees. Conditional employees who are new hires may be terminated with or without cause.

Conditional employees who are promoted or transferred and are unable to satisfactorily perform the requirements of the new position, during the orientation period, may be reassigned to their former position, if available, reassigned to a

like position of similar pay grade, or reassigned to a position of lesser pay grade. If a promoted or transferred conditional employee violates District policy and procedures, they may be terminated but shall have all rights of appeal and due processes as defined by these Policies and Procedures (*see* Section 14).

This period is designed to acquaint the new employee with their position and allow the supervisor to assess the employee's performance (*see* Orientation Period, Section 5, Paragraph H).

G. FLSA Exempt:

There are two types of employment classes in the District relative to FLSA minimum wage and maximum hour requirements, exempt and non-exempt.

1. Exempt employees are those in an executive, administrative or professional position and certain merit exempt employees. These employees will normally be classified in category 1 and 2 according to the EE04 definitions. These codes generally include: officials, administrators; and professionals.
2. Non-exempt employees are generally included in all other EE04 categories. Category 3 includes technicians, category 4 protective service workers, category 5 office and clerical, category 6 craft workers, category 7 operators (semi-skilled), laborers (unskilled), category 8 service workers.
 - a. Part-time employees will not be paid for overtime unless the total number of hours worked in a standard work week exceeds forty (40).
 - b. Full-time, temporary and seasonal employees shall be paid overtime if they are non-exempt and hours actually worked exceed forty (40).
 - c. Holidays, vacation, sick leave and other paid leave such as jury duty, military leave and funeral leave shall not be counted as time worked for purposes of overtime.
 - d. Volunteers and Board Members are exempt from FLSA minimum wage and overtime requirements and will not be considered an employee of the District. They may receive a nominal stipend or reimbursement for expenses.

H. Seasonal:

Due to the seasonal nature of the work demands placed upon some District departments, the General Manager may designate certain positions as seasonal hire. Seasonal employees are hired for a specific portion of the year, not to

exceed 780 hours, to meet the increased demands during that period. Upon the conclusion of the high demand period, employees shall be terminated, or furloughed until they are recalled to meet the needs of a new "high need period". A furlough does not create a vacancy or reduce the number of approved positions. Such employees are not merit employees as described above. All seasonal appointments must be determined through a competitive recruitment process.

Health care may be offered if the seasonal employee works beyond 26 weeks and 780 hours. In determining eligibility for health care the District shall use the look back period.

SECTION 7 - PERSONNEL ACTIONS

A. **Promotion:**

A promotion is defined as a change in job title and grade recognizing increased capacity and responsibility of an employee from a position in one job class to a position in another job class having a higher entrance salary. Whenever a position comes open in a department, whether a newly created position or a vacated position, the General Manager will first look within the District to determine if the promotion of a qualified, interested employee is possible. If it is determined to be so, then the position may be filled in that manner. A notice of the job opportunities may be circulated among District employees describing the position.

The General Manager shall take into consideration; longevity, performance evaluations and budget. The General Manager will work in conjunction with the Personnel Director in establishing promotion criteria for various job classifications. Employees who are full-time shall be entitled to continued benefits notwithstanding the orientation period and conditional status associated with such promotion.

B. **Career Ladder Adjustment:**

A career ladder adjustment is defined as moving an employee from one position in a job class to a similar position with a higher entrance salary in the same job class. This change recognizes an employee's increased capacity and responsibility to perform their work to a higher standard. If budgeted, personnel receiving a career ladder adjustment will be moved to the bottom of the new range or receive a 6% increase, whichever is greater. The General Manager will work in conjunction with the Personnel Director in establishing criteria for moving employees into various job classifications. There is no orientation period required for an employee receiving a career ladder adjustment.

C. **Layoff (Reduction-in-Force):**

Should it become necessary to undergo a reduction of the work force, brought about by a reduction of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of the District; the General Manager shall lay off the necessary number of employees considering such factors as, but not limited to, longevity, performance, and organizational needs. The decision matrix shall be filed with the Personnel Director. Individuals being separated by a reduction in force do not have a right to prior notice. In determining which employees should be laid off the General Manager shall utilize the following sequence to achieve the required reduction:

1. Temporary/Seasonal employees (shall be separated or reduced in work hours).

2. Part-time employees (shall be separated or reduced in work hours).
3. Full-time employees (may be separated or reduced in work hours).

D. Abolishment of Job:

If a circumstance should arise requiring the abolition of a certain position, employment status may be maintained by one of the following:

1. The employee may be returned to a previous position, if a position is open or allocated by the Board at a salary appropriate for the position, which may entail a reduction in pay.
2. The employee may be promoted based upon performance, qualifications and position availability.
3. The affected employee may be transferred to another department to fill an open position, for which they are qualified, commanding equal or lesser compensation.
4. If none of the alternatives are available, the employee shall be separated.

E. Separation:

Full time employees may be subject to separation for cause, reasons of reduction-in-force, reduction of work, abolishment of a position, or lack of funds. An employee placed on disability leave which exceeds 180 days shall be separated from the District. Otherwise, all employees will be retained on the basis of their performance and separated if inadequate performance cannot be corrected. Merit employees have the right to appeal as outlined in the grievance procedures of Section 14 if they perceive the separation to be unjustified. Part-time, temporary, seasonal, contract, and exempt personnel may be terminated "at will" or according to terms of individual employment agreements.

F. Resignation:

Excessive turnover is costly and therefore, should be avoided. Competent employees who resign voluntarily should be interviewed by the General Manager or designee to determine the potential for reconsideration. Supervisors should complete the appropriate HR form. If the reason for the resignation is a misunderstanding or mistake by the District, an effort shall be made to correct the situation. Employees who resign and desire to leave the District in good standing should give a minimum of two (2) weeks' notice if they are to be considered for re-employment at a future date. Resignations must be in writing and submitted to the General Manager.

G. Defacto Resignation:

An employee who is absent from work for three consecutive work days and

capable of giving proper notifications but does not inform the Supervisor, shall be deemed to have resigned and shall be informed of the same in writing by the department head.

H. Reinstatement/Rehire:

Former employees, who left voluntarily, and in good standing, may be reinstated to a vacant position only when their qualifications and ability indicate a potential for performance which would clearly exceed expected performance of current, and promotable employees. Previous District experience may be taken into consideration in determining placement of the employee on the District's salary schedule and accrual of benefits if the rehire or reinstatement occurs within one (1) year from the date of separation. The restatement/rehired employee shall be required to observe the waiting period before being placed on the District's offered insurances. If a reinstated/rehired employee returns to District employment within three (3) months of their separation date there shall be no change in their vacation accrual date. If the employee returns to work after three (3) months they shall lose at a minimum one year of accrual for vacation.

I. Transfer:

A transfer is defined as a move from one department to another, and should not be confused with the managerial function or moving personnel from one office to another within the same department by promotion, demotion, or reassignment.

Transfer is also a method of filling a vacant position through transfer of an interested, qualified employee already working for the District. When a position becomes vacant in any department, other District employees are free to make application for the position without hindrance from any supervisors for a seven (7) calendar day period prior to open recruitment. (*see* Section 5) However, employees are encouraged to visit with their department manager before making such application. Transfers must be approved by the General Manager. A transferring employee must qualify for the job to which they are transferring. A transferred employee shall retain all accumulated sick and annual leave. A transferring employee may suffer a loss of base pay due to budget constraints and if, in the opinion of the department manager, the transferring employee lacks job knowledge and/or competency equal to employees in the same job classification, whose pay would be less than that of the transferred employee. A notice of the job opportunity shall be posted in the District offices and other designated locations describing the position. The District shall also notice the Summit County Personnel Department. This notice shall include:

1. Job title, and a brief description of the duties;
2. Experience and/or education requirements;
3. Wage scale;

4. Closing date.

J. Reassignment:

The effective operation of the District requires periodic changes in work assignments to match functional needs with capabilities of District personnel. An employee may be reassigned from one position to a different position within the District. Employees who are reassigned to a position with a higher pay scale shall be moved to the bottom of the new range or receive a 6% increase, whichever is greater.

If the District reassigns an employee to a position with a lower salary range and the employee's current salary is higher than the maximum, the employee shall have their pay frozen (See Section 4). If the reassignment is requested by the employee, that employee, shall suffer a loss of pay consistent with the reduction of responsibility. Employees may request reassignments, but must do so in writing through their department manager and the General Manager.

K. Performance Documentation:

The General Manager and Supervisors shall in a timely manner, document noteworthy, or significant incident behaviors of employees. Such records may be used to support decisions which affect employee status related to job advancement, rewards, discipline and discharge.

1. Timing & Purpose of Evaluations: Annual employee evaluations for all full time and part-time employees shall be conducted by the Supervisor or General Manager, in the month of December, and shall be used as the basis for the following:

- a. To assure that employees are fully aware of performance standards which apply to their jobs;
- b. To allow employees to express ambitions, desires and set goals;
- c. To determine training needs;
- d. To transfer and reassign employees for better use of skills and abilities;
- e. To make appraisals for promotions;
- f. To discharge incompetent employees; and
- g. To identify employees to be separated for reduction-in-force.

SECTION 8 - COMPENSATION

A. Equability

Compensation for District employees shall be equitable and competitive with the market place. The assignment of employees to positions and pay rates shall be consistent with the formal classification plan.

B. General Wage/Salary Adjustments:

It is the intent of the District to consider prevailing practices related to cost of living and market trends in establishing wages and salaries. The General Manager shall consider annually, during the budgeting process, the amount of cost of living money available. All cost of living increases and salary adjustments are subject to the sole discretion (and the availability of budgeted funds) of the General Manager. This shall be communicated to department managers as a percentage of the departmental salary budget for the ensuing year. Where general, across the board raises are awarded, the raise will be effective on a date determined and approved by the General Manager.

1. Cost Of Living vs. Market: Adjustments to the salary schedule shall be determined through analysis of market trends in comparison to cost of living. This shall be done once per year and the District will utilize market survey results and cost of living index data. All employees, regardless of employment status (for exception, see paragraph "L" following- Salary Adjustments & Red Line Rates), shall receive the benefits of such general adjustments to the pay plan. In the event the market establishes a Cost of Living increase, but no increase in wages is budgeted or authorized, the wage and salary ranges shall nevertheless be increased by the Cost of Living increase percentage.
2. In determining the total compensation value of the position, benefits must be considered. Base salary plus cost of benefits equals' total compensation. In comparing benefit packages provided in the labor market, the District may evaluate both level and cost of benefits or other factors as deemed appropriate.

C. Initial Appointment

All initial appointments to classes assigned to the wage scale in the compensation plan should be at the first step unless:

1. An employee cannot be recruited for the position at the beginning rate, or,
2. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same step.

D. Hourly Rates

Temporary, part-time and seasonal employees shall be paid at an hourly rate no higher than that which is established for the position through job classification.

E. New Hire Increases

New employees at the completion of their orientation period, shall be assigned a merit review date which coincides with the established performance review policies of the District. New employees who successfully complete their orientation period and receive the orientation period increase shall not be eligible for any other merit increase until they have reached their one (1) year anniversary date of employment. All other merit increases shall be conducted and evaluated as provided in this chapter.

F. Overtime

Employees covered under the overtime pay provisions of the Fair Labor Standards Act (29 U.S.C. chapter 8 and P.L. 99-150, 1985 as amended), will be credited with overtime for all hours worked over forty (40) in a work week. Two 7 day periods will correspond to the District's pay period. Time taken as vacation leave, sick leave, funeral leave, compensation time, holiday leave, etc., shall not be counted as hours worked for the purpose of calculating overtime.

It is the District's policy to discourage the accumulation of overtime. Supervisory personnel should organize their department workload to avoid the need for overtime. Overtime will be permitted where circumstances allow no other alternative and should be kept to a minimum. Overtime work must have the prior approval of the General Manager, department manager or immediate supervisor who shall keep complete records concerning overtime and any compensation thereof. Any time worked over forty (40) hours in any defined work week by an FLSA covered employee, which the supervisor has approved of, is aware, or "suffered" to be worked, shall qualify as overtime. The following rules apply to the accumulation and compensation of overtime.

1. Positions defined as FLSA exempt as outlined in Section 6, paragraph G, are not eligible for overtime.
2. For all non-exempt, FLSA covered employees, overtime shall be paid and/or all comp-time accrued at the rate of time and one half (1.5) the regular rate of pay for all hours worked in excess of the forty (40) hour work week. **It shall be the regular practice of the District to pay overtime in the pay period in which it is earned.** However, if authorized by the General Manager, an employee may be allowed to accumulate up to a maximum of forty (40) hours compensatory time annually. Unused comp time shall be paid out on or before December 31st of each year.

3. Every department shall be required to request overtime and comp time, during the District's budget session. The District shall then be allowed to utilize overtime and comp time up to the amount approved by the Governing Body in the budgeting process. Records of overtime hours worked shall be maintained by the District for all employees and shall be retained as required bylaw.
4. When call-out occurs, as in the case of emergencies, the District shall pay a minimum of one (1) hour when called out to work other than their regular work schedule.
5. All time spent in training, in conferences, at workshops, meetings, etc., when such attendance is required by the District shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA.
6. All comp time shall only be paid out in the final pay period of the year it was accrued.
7. An employee who has accrued comp time shall, upon termination of employment, be paid for all unused comp time.
8. "Compensatory time" and "Compensatory time off" are defined as hours when an employee is not working and which are paid at the employee's regular rate of pay. These hours are not counted as hours worked in the week in which they are paid.
9. Vacation, sick leave, comp time, holiday leave, and funeral leave shall not be used to obtain overtime. Overtime shall only be paid for actual hours worked.

G. Holiday/Weekend Pay

Hourly employees in departments not regularly scheduled to work weekends and holidays, when called out to work on a holiday or weekend shall receive the overtime rate indicated in Section 8.F above for excess hours worked and holiday pay as set forth in Section 9.J of these policies.

H. Separation Pay

When employees separate their employment, they shall be required to return all District property and to clear all financial obligations prior to receiving their final pay check. Any obligations not cleared shall be deducted from their final pay check. The employee shall have the option of:

1. Either extending their separation date to a time when all vacation, sick leave, and all comp time will be used;
2. Request a final check, which will include all vacation, sick leave and all

comp time earned, when they actually work their last day for the District;
or

3. Request a final check for all vacation and comp time earned, and request that in lieu of payment or use, sick time may be used to pay for COBRA or other health insurance coverage in an amount or for a time equivalent to the earned sick leave, up to but not exceeding eighteen (18) months after the separation date.

In the event the separation date is extended, as outlined in option 1 above, all benefits, will continue through the final check. If a lump sum check is requested, as outlined in options 2 and 3, only F.I.C.A. tax and 403(b) benefits will be paid on that check. The General Manager shall determine the amount of separation pay to which the employee is entitled. In the event of the death of an employee, final payment under option 2 or 3 shall be made to the employee's beneficiary.

I. **Pay advancement**

The District will not make pay advances to employees.

J. **Severance Pay**

When a full-time employee is separated from District employment due to a reduction in force through no fault of the employee, and when such a separation requires immediate action thereby not permitting a two-week notice, the employee shall be paid two weeks' severance pay in lieu of the two weeks' notice. Employees terminated for cause shall not be eligible for severance pay.

K. **Payroll Deductions/Withholdings**

Payroll deductions other than FICA, State and Federal Income Tax Withholdings and Garnishments, can only be made with the approval of the General Manager or designee and Personnel Director on a program by program basis.

L. **Salary Adjustment & Red Line Rates**

When the rate of pay of an employee is lower than the minimum prescribed for their classification in the compensation plan, the wage shall be increased to that minimum. When an employee's pay rate falls above the established pay range, that employee's pay shall be frozen for a period not to exceed two (2) years. During the freeze period the employee shall not be entitled to any general pay increases or cost of living increases until such adjustments bring the individual pay back into the range. If after two (2) years, the pay still falls above the established pay range, the pay of the individual shall be reduced to the maximum of the pay range of the job classification to which they are assigned.

M. **Out Of Classification Assignments**

Employees required to perform in higher level positions due to illness, vacation schedules or under-staffing of their offices may, at the discretion of the District General Manager, and upon recommendation of the department manager,

receive a temporary increase in compensation which is consistent with the level of the temporary assignment. The out of class assignments must exceed a thirty-day period in order to be considered for a temporary increase. Normally, out of class duties shall not be allowed to continue beyond a six-month period. If the need continues beyond six-months the department manager shall treat the situation as a job vacancy and utilize the promotion or transfer policies to remedy the situation. If no internal remedy is achievable, an outside recruitment shall be undertaken.

N. Additional Assignment

Employees assigned to perform an additional assignment which cannot be considered "other duties" assigned by their supervisor, beyond the scope of their job description and requires them to report, conduct business, or perform duties **outside of their assigned department**, may, at the discretion of the General Manager, receive a temporary increase to their base pay between 2% and 5% for the duration of the additional assignment which shall not exceed six (6) months. This additional pay increase shall not change or alter the employee's assigned pay scale, but shall be a temporary increase during the additional assignment period. The additional assignment must exceed a thirty-day period in order to be considered for this temporary increase, shall not exceed six months, and may be granted only by the General Manager. This is not to be confused with Out of Classification Assignments (Paragraph M above).

O. Pay Progression

Progression through the various pay grades within the salary and wage scale shall be based upon the recommendation of the department manager and General Manager, with the approval of the Personnel Manager. In making recommendations for pay progression, the department manager and General Manager shall adhere to District policies and procedures, performance, level of competence and job knowledge. Such pay progression shall be accomplished within the current budget as approved by the Governing Body.

Salary increases shall be limited to cost of living, merit, market adjustments, and progression from one District position to another. Salary increases are not a vested right of any employee.

Upon achieving the maximum of the pay range, the employee shall still be eligible for Cost of Living increases, market adjustments to the pay plan and consideration for performance incentives.

P. Performance/Incentive Awards & Bonuses

In order to promote exceptional or outstanding services and recognize those occasions where services are rendered, emergencies responded to, or proficiencies demonstrated which are beyond the normal expectation of the job; it is the position of the District to reward such individual or group contributions. These awards shall be a one-time recognition, in that they are not added to the

regular pay of the recipient.

No performance/incentive award or bonus shall be given for job expectations, i.e., coming to work on time, not using sick leave, keeping a clean environment or returning telephone calls.

1. **Instant Bonus Program:** A District employee, supervisor, manager, or member of the general public may nominate a District employee for a bonus of up to \$500 for actions which bring favorable attention or recognition to the District.
 - a. The nomination shall be written in memo or bonus nomination form. Nominations must involve a detailed description of the project or act and the nominated employee's involvement in the act. If money is awarded to the District employee, the award shall run through the payroll process.
 - b. The nomination shall be forwarded to the employee's supervisor for approval. If the employee's supervisor or the General Manager does not approve the nomination, the nominating individual may appeal the decision to the Personnel Committee.
 - c. The Personnel Committee decision shall stand.
 - d. The bonus money/gift certificate will be given to the nominating individual so they can present the award to the recognized employee.
 - e. In lieu of money, the nominating employee may choose to award the employee a \$50 gift certificate.
2. **Cost Savings Bonus:** A department manager or the General Manager may nominate one of their employees for a Cost Savings Bonus. These may include:
 - a. Ways to increase efficiencies. If there is a process in the normal routine of the work place that is time consuming, repetitive, a burden on the budget, there may be a means for improvement. This is a criterion where creative ideas improve District efficiency or effectiveness or eliminate difficulties.
 - b. Cost Savings. An employee may suggest a procedure that will save costs to the District. Similarly, an employee may suggest a procedure for generating revenue.
 - 1) The Supervisor or shall submit a written letter detailing the

actions of the District employee and the recommended amount of the award to the General Manager. The employee may be nominated to receive up to 10% of the amount saved. Savings would be based on an annual basis. Savings in subsequent years shall not be taken into consideration. The maximum amount allowed shall be \$1,000.

- 2) The General Manager after consulting with the Chief Financial Officer, to verify the cost of the actual savings, will either approve or deny the request.
 - a) If the Supervisor disagrees with the award or if the Chief Financial Officer disputes the amount saved, the supervisor may appeal to the Personnel Committee.
 - b) The Personnel Committee's decision shall stand.
3. **Meritorious Bonus:** A Supervisor may nominate one of their employees for a meritorious bonus of up to \$3,000.
 - a. These bonuses may include:
 1. Exemplary performance on special projects. An employee may be given a special project. A great deal of effort and research may go into the project. The project shall benefit the District in some way.
 2. The exercise of leadership and/or initiative beyond that normally expected in the individual's regular assignments. An employee may be required to meet unusual deadlines or perform in emergency situations. An employee may demonstrate a willingness to accept and perform new assignments on a short-term basis.
 3. Actions which avert legal actions by or against the District.
 4. Independent research and analysis initiated by an employee resulting in a contribution to the specific objectives or improved methods for delivering District services or conducting District operations.
 5. Extraordinary work during declared emergencies. An employee may be recognized for extraordinary work done either within their own department or in duties outside of their job description which demonstrate a willingness to go above and beyond their regular work during a declared emergency.

- b. The Supervisor shall submit a written letter detailing the actions of the District employee to the General Manager.
 - c. The General Manager shall either approve or deny the request.
 - 1. The General Manager's decision may be appealed to the Personnel Committee.
 - 2. The Personnel Committee's decision shall stand.
4. **Other Bonus Programs:**
- a. **Safety Bonus:** The General Manager may approve annual safety incentives not to exceed \$500 if, in his or her opinion, the District employees utilized good safety practices and measures during the year, and avoided serious injury.
 - b. **Test Bonus:** Any employee passing a new certification level test which is not required for their current job, may be entitled to receive a \$100 bonus for the first and second levels passed and a bonus of up to \$200 for all additional levels beyond level two passed.
 - c. **Annual Bonus Program:** The Board has established an annual bonus program, in which it may approve a bonus not to exceed \$1,500.00, based on its evaluation of the District's accomplishment of its goals for the year and available funding at year-end.
5. All Performance/Incentive awards detailed in this Section are discretionary, not an entitlement, and are subject to the availability of funds.
6. **Award Restrictions:**
- a. In order for the employee to be considered for a nomination, they must not be undergoing a corrective action plan.
 - b. More than one incentive award of different sizes may be given to the same employee, providing that the performance qualifies.
 - c. No more than one incentive award may be given for the same or substantially similar act. However, case by case consideration shall be given.
 - d. Awards may be shared by a team of employees, provided all of the employees contribute to the project or act.

- e. Employees shall not be considered for an incentive award for performance which is routinely expected for any duty or responsibility.

Q. Pay Day

District employees will be paid biweekly on Thursday. Pay stubs shall be delivered electronically. If a pay day falls on a weekend or holiday, employees will be paid on the previous workday.

R. Payroll Corrections

It is the responsibility of each employee to verify that any pay increase, change, deduction, or any other pay change is accurately reflected on their pay stub as soon as such pay action should take place.

1. A request to make a non-monetary (other than voluntary payroll deductions) correction(s) to an employee's payroll record shall be initiated by the employee and coordinated through the payroll administrator within one (1) year of the date in which the error occurred.
2. A request to make a monetary correction(s) affecting an employee's pay, rate of pay or other compensation, shall be made within six (6) months from the date the employee's payroll advice (pay stub) for the period of employment in which the payroll error occurred. The request shall be initiated by the employee and coordinated through the Assistant General Manager.
3. The Assistant General Manager will coordinate with the Personnel Director regarding any changes. Pay rate changes resulting from monetary corrections to an employee's payroll record may be carried forward, affecting future pay or compensation.
4. Retroactive monetary corrections to an employee's pay or other monetary compensation shall be made according to the following procedure:
 - a. Corrections not affecting an employee's retirement contributions account with the Utah Public Employees' Retirement System ("URS") must be made within six (6) months from the date the pay error occurred.

- b. Corrections affecting an employee's retirement contributions account with URS will only be made if they otherwise qualify and are not prohibited under the provisions of sub-section 5 below. If a URS correction is accepted according to the requirements herein, the District shall be responsible for their portion of the retirement contribution, plus interest that would have been made if no error had occurred.
5. URS corrections occurring in the following circumstances will not be considered:
- a. Claims for contributions for persons who were classified as contract workers or temporary employees during the time for which contributions are claimed and for whom it is determined they were entitled to participate in URS plans unless:
 - (i). the claimant asserts his/her claim within one year of the last date of the period of service for which the employee claims entitlement to contributions; or,
 - (ii). if more than six (6) months has passed from the last date of service for which contributions are claimed, the claimant can establish by credible evidence, other than his/her assertion, that (1) he/she could not reasonably discover his/her entitlement prior to the date of discovery, and (2) the claim is asserted within six (6) months of the date of discovery.
 - b. Claims for contributions for an employee who was exempt from the URS during the time for which the contributions are claimed.
 - c. Claims for contributions for periods of service for employees who were participants in any of the URS plans during the time for which contributions are claimed, unless:
 - (i) the claim is asserted within six (6) months from the last date of service for which contributions are claimed; or

- (ii) if more than six (6) months has passed since the last date of service for which contributions are claimed, the employee can establish by credible evidence, other than his/her own assertion,
 - (A) that he/she had no reasonable notice from payroll advice (pay stub) or from any of the URS's "Members Annual Statement" sent to him/her subsequent to the last date of the period of service for which contributions are claimed; and
 - (B) the error upon which the claim is based could not have reasonably been discovered by him/her within six (6) months of the date of its occurrence, and
 - (C) the claim is asserted within six (6) months of the date of its discovery by the employee.
 - d. Claims for retired employees who have been receiving retirement benefits from the URS.
5. Corrections to URS contributions shall be resolved in accordance with Utah law and rules established by the Utah Public Employees Retirement Board.
6. A request for correction of an error to an employee's URS retirement account shall be verified and processed through the Assistant General Manager and the Personnel Director, as appropriate.

SECTION 9 - FRINGE BENEFITS

The Benefits Described in this section are for Employees as determined below. Temporary and Seasonal employees, contractors and volunteers are not eligible for any benefits, except those that may be required by law.

A. Qualifying Employees

As used in this Section, Qualifying Employees are defined as:

1. All Full-Time and Part-Time Benefited employees working for the District prior to January 1, 2017 that have as of that date, worked for the District for six (6) or more months; and
2. After January 1, 2017 all Full-Time employees.

B. Group Health Insurance

The District may pay a premium for health, dental, life insurance and accidental death and dismemberment, up to a maximum amount designated by the General Manager for Qualifying Employees and their dependents, as well as other federally mandated employees and dependents.

Qualifying Employees as defined above, working more than 1040 hours annually, but less than 2080 hours, and federally mandated employees working between 1560 and 2080 hours annually, may participate in health insurance benefits upon paying a pro-rated share of the monthly premium.

Qualifying Employees who have other health care coverage and choose not to participate in the District health insurance may receive a fee in lieu contribution proportionate to their participation of up to \$350.00 per month.

Board members may participate in the District's group health insurance plan provided to Qualifying Employees on the same basis as Qualifying Employees of the District. (Utah Code 17B-1-307). Board members will be responsible for the cost of the health insurance.

C. Continuation of Benefits

The District recognizes and follows COBRA regulations for insurance coverage after employment by the District for all employees. Qualifying Employees separating from District employment who are participating in health care prior to the qualifying event will be allowed to continue group medical and dental insurance coverage at cost to the employee for up to eighteen (18) months from the date of separation (except when terminated for cause). The separated employee will be responsible for the costs of that insurance and administrative fee. The District assesses up to a minimum of 2% of the premium as an administrative fee. (*see* Utah Code §31A-22-714, or Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA)). Employees and/or dependents shall be notified within thirty (30) days from date of separation regarding extension

and conversion privileges and must reply in writing within sixty (60) days of notice or forfeit their extension right. Payment must be made within forty-five (45) days of acceptance of COBRA benefits or benefits will be canceled.

1. Dependents of employees are eligible to continue insurance at their cost for up to thirty-six (36) months upon the occurrence of the following:
 - a. Upon legal separation or divorce from the covered employee;
 - b. The death of the covered employee;
 - c. When dependents cease to be dependent under the definition of the policy;
 - d. When Medicare eligible employees cease participation in employer sponsored plans;
2. Dependents of Employees are eligible for COBRA coverage paid for by the District for up to four months from the date of death of the District employee.
3. Insurance cannot be continued beyond any of the following:
 - a. The date the premium is not paid;
 - b. The date when the individual becomes covered under any other group health plan or is entitled to Medicare benefits;
 - c. In the case of a spouse, when the spouse remarries or becomes covered under another group health plan; and
 - d. On the date when the employer ceases to provide any group plan, except the District would be obligated to allow employees or dependents to continue coverage under any replacing group policy or policies.

D. General Group Insurance Programs

In addition to Health Insurance, the District has committed to providing other insurance benefits to Qualifying Employees.

1. Disability insurance: The District provides both Short and Long Term Disability coverage for benefit eligible employees.
 - a. Upon approval by the District, Short Term disability benefits are paid at 66.67% of the employee's salary beginning on the eighth day when an employee is unable to do the essential functions of their job due to

- accident or illness.
- b. Short Term disability coverage may continue for up to 90 days provided the employees continues to meet the requirements for disability benefits. In the event the employees is unable to return to work after 90 days, the employee may apply for Long Term Disability benefits through URS/PEHP.
 - c. Upon approval from our Long Term disability provider, employees continue to receive 66.67% of their salary as long as they continue to meet the eligibility requirements of our plan.
 - d. Post retirees and employees eligible for pension benefits through URS are not eligible for Long Term Disability benefits.
 - e. Family & Medical Leave without pay shall run concurrently during short term disability but shall begin the first day the employee is not able to work.
 - i. In the event of long-term disability, health, dental and life insurance premium payments will be paid by the District for a period of six (6) months from date of inception of the disability.
 - ii. An employee returning to work after disability leave shall provide a return to work release from their physician listing accommodations, if any. The District may restrict the employee's return to work if the accommodations preclude the employee from fully participating in their job responsibilities or are unreasonable.
 - iii. An employee who cannot return to their regular work responsibilities after this six-month period shall be separated from employment with the District. Eligible employees receiving Short and/or Long Term Disability benefits may continue to receive service credit through the Utah Retirement System provided by the District's Benefit Protection contract with URS as discussed in paragraph Q.1 of this Section.
2. Dental insurance is available for all Qualifying Employees. There shall be no compensation in lieu of coverage. Qualifying Employees as defined above, working more than 1040 hours annually, but less than 2080 hours, may participate in dental insurance benefits upon paying a pro-rated share of the monthly premium
 3. Additional District approved insurances are available options for Qualifying Employees participating in the District's benefit program They include:
 - a. Term Life insurance
 - b. Accidental Death & Disability Insurance
 - c. Flex spending

- d. A 403(b) plan
- e. Participation in the Utah Retirement Program
- f. Housing/Transportation allowance.

E. Employee Assistance Program

A. The Employee Assistance Program (EAP) offers free, confidential services designed to help qualifying employees prevent or resolve personal, family and workplace problems affecting that employee's well-being and job performance.

- a. Use of EAP is voluntary.
- b. Typical problems include:
 - i. job stress,
 - ii. communication problems with a family member, co-worker or supervisor,
 - iii. depression,
 - iv. substance abuse, and
 - v. marital/family problems.

B. EAP provides problem assessment, education, short-term counseling, and/or referral to community resources.

F. Leave Status

Vacation, sick, comp time, holiday or funeral leave shall not be used to create overtime. The purpose of leave is to supplement the employee's forty (40) hour workweek.

G. Vacation

1. The District believes that a reasonable period of time away from the job encourages good health and the well-being of employees. This is a benefit to the District, as well as the employee. Therefore, it is the policy of the District to grant paid vacations to certain categories of employees.
2. All Full-time Employees are eligible for vacation as accrued upon completion of their orientation period. Qualifying Employees as defined above, working more than 1040 hours annually, but less than 2080 hours, may participate in vacation benefits on a pro-rata basis. Years of District service, for establishing vacation accrual rates, shall be January 1st of each year. Effective July 1, 2020, years of District service, for establishing vacation accrual rates, shall be the employee's full time hire date.

Accumulation of vacation shall be based upon the following schedule:

DISTRICT SERVICE	MONTHLY/ANNUAL ACCRUAL
0 – 5 years	8 hours/96 hours
6 - 10 years	10 hours/120 hours
11 - 15 years	12 hours/144 hours
16 – 20 years	14 hours/168 hours
21 year or more	16 hours/192 hours

Prorated rates shall be:

- | | | |
|----|------------------------|-----|
| a. | 30 – 40 hours per week | 75% |
| b. | 20 – 29 hours per week | 50% |

3. Former employees who are re-hired with reinstatement rights following military service shall be entitled to assume the same eligibility for vacation as enjoyed as outlined in Section 7, Paragraph H.
4. Employees may accrue up to a maximum of 12 months of their annual vacation leave accrual. Any accrued vacation leave in excess of the maximum shall be forfeited in the payroll period in which the maximum is earned.
5. Vacation leave may not be accrued during a period of time when leave of absence without pay is being granted for reasons other than personal or family related illness or condition as defined by the federal Family & Medical Leave Act (FMLA) and when an employee has announced their resignation or retirement from the District.
6. Utilization: The employee's Supervisor or the General Manager must approve in advance all vacation leave. The Supervisor may schedule vacation leave so that District operations are not disrupted.
7. An authorized holiday which falls within the time period of an employee's scheduled vacation shall not be charged as used vacation.
8. Currently, the District front loads vacation leave on January 1st for the calendar year. If separation of employment occurs during a calendar year, the employee shall owe the District for the pro rata balance of vacation leave. Effective July 1, 2020, the District will begin accruing vacation leave per bi-weekly pay period (at the annual rates listed in paragraph 2 above divided by 26), based on the employee's full time hire date. At this time, vacation leave may be accrued up to 15 months, however once an employee's leave balance drops below 12 months, the maximum 12 month

accrual (as noted in paragraph 4 above) shall apply.

9. Effective April 1, 2020, for purposes of leave accrual, at the General Manager's discretion, and in consultation with and approval of the Personnel Director, the General Manager may recognize and establish an eligible employee's vacation service date at hire, based upon prior relevant experience in a comparable position.
 - a. Employees hired after October 2014 and prior to the adoption of this policy, may receive 1 year of vacation accrual credit for 2 years prior experience, not to exceed the amounts awarded for current employees in the second tier (6–10 year) period. This shall be based upon prior relevant experience in a comparable position at the General Manager's discretion.
10. Vacations are to be taken as time off and there will be no pay in lieu of time off.
11. The District will not advance vacation days. No department manager shall authorize the use of un-accrued vacation time.
12. Resignation: Upon resignation or retirement, an employee may take the cash value of earned vacation leave (carried over and earned), or time off with pay equal to the number of leave hours earned. Vacation leave shall not accrue when an employee has announced their resignation or retirement from the District and are using the time off with pay option. Payments made pursuant to this section shall be at the rate of pay current upon termination. Deductions from termination pay may be made where the terminating employee has outstanding obligations to the District. The District may withhold the payment of termination pay if the employee fails to return District property in their possession.
13. Record Keeping: The official record of accrued and used vacation is to be kept by the District through a formal leave accounting system. Supervisors shall be provided with leave accounting reports periodically for departmental and employee review. Any discrepancies shall be reconciled directly through the District Accountant. If discrepancies are not reported within sixty (60) days, all reports shall be deemed correct.

H. Sick Leave

Sick leave is allowed for Qualifying Employees as a benefit and may be used for personal illness or illness in the immediate family. Sick leave taken in excess of three (3) working days may require a statement from an attending physician. The General Manager and/or Supervisors must use discretion in approving sick leave, while insisting that seriously ill employees stay off the job. Accrued sick leave is a District owned benefit afforded to those District employees who become ill or injured and cannot perform their normal duties. Accrual begins on

the first date of employment.

1. Sick leave shall be earned at the rate of 3.7 hours per pay period of full time employment and may be used as earned. Sick leave shall not be granted beyond that earned by any employee. Qualifying Employees as defined above, working more than 1040 hours annually, but less than 2080 hours, may participate in sick leave benefits on a pro-rated basis.
2.
 - a. Full-time employees may accrue up to 400 hours of sick leave. Employees who have 400 hours of sick leave may not accrue additional sick leave until their sick leave bank drops below the 400 hour level.
 - b. Effective January 1, 2017, employees, who have in excess of 400 hours of sick leave as of the effective date, shall retain those hours, but shall not accrue any additional time until their sick leave balance drops below 400 hours.
 - c. Sick leave accrued shall be paid out at the time of separation of employment, at 50% of the sick leave accrued as of the effective date, under one of the options set forth in Section 8(G) of these Policies.
3. Upon separation from District employment (except when terminated for cause), an employee may take the cash value of the accrued sick leave (as described in paragraph H.2 above) under any one of the options outlined in Section 8, paragraph H of this policy. Payments made pursuant to this section shall be at the rate of pay at the time of termination.
4.
 - a. Sick leave shall not accrue during a period where a leave of absence without pay is being granted for reasons other than personal or family related illness or condition as defined by the Family & Medical Leave Act (FMLA).
 - b. Sick leave shall accrue while an employee is on short-term disability.
 - c. Sick leave shall not accrue when an employee has announced their resignation or retirement from the District and are using the time off with pay option.
5. Notification to the employee's department head for the use of sick leave shall be made no later than one (1) hour after the employee's regular reporting time.
6. District designated holidays occurring while an employee is ill shall be

deducted from their compensated illness leave credit if the employee is scheduled to work and elects to use sick leave.

- 7 Supervisors are charged with the responsibility to approve or disapprove leave requests, and may require the employee to provide evidence of illness or injury.
- 8 The official record of accrued and used sick leave is to be kept by the District through a formal leave accounting system. Supervisors shall be provided with leave accounting reports periodically for departmental and employee review. Any discrepancies shall be reconciled directly through the Assistant General Manager. If discrepancies are not reported within sixty (60) days, all reports shall be deemed correct.
9. Workers Compensation: In the event an employee is injured on the job, they must apply for workers compensation. The employee may additionally utilize compensated sick leave in accordance with the following formula: "Gross monthly compensation minus industrial compensation equals total compensation subject to sick leave utilization. The number of hours to be charged shall be determined by dividing the total amount subject to use by the appropriate hourly compensation rate." This shall not be construed as allowing a gross income, inclusive of industrial compensation, in excess of the employee's regular monthly salary or earnings.
10. Insurance benefits are provided for more serious or longer-term illness or accidents. While insurance policies pay 66.67% of the normal wage, sick leave time and vacation time may be used on a pro-rata basis to maintain normal income. The employee may supplement the disability benefit with accrued vacation and sick leave to receive the additional 33.33% of their normal wage. If no sick leave or vacation time is available, normal insurance proceeds only are payable.

I. Funeral Leave

1. Funeral leave with pay, not to exceed 40 hours, may be allowed for Qualifying Employees in the loss of the following:
 - a. Spouses, Adult Designee (as noted for health insurance) Son, Daughter, Mother, Father, Grandson, Granddaughter, Stepmother, Stepfather, Stepson, Stepdaughter, Son-in-law, and Daughter-in-law.
2. Funeral leave with pay, not to exceed 8 hours, may be allowed for Qualifying Employees in the loss of the following:
 - b. Grandparents, Sister, Brother, Father-in-law, Mother-in-law, Sister-in-law, and Brother-in-law.

3. Qualifying Employees desiring extended funeral leave may request to use comp time, vacation or leave without pay. Leave without pay may be used only if the employee has no accrued comp time or vacation. Funerals which occur during use of vacation shall be treated as described in this paragraph and not be charged to vacation.
4. If a funeral is attended or death occurs while an employee is on leave of absence, there will be no time off with pay forthcoming.

J. Holiday Leave

1. The following days have been designated by the District to be paid holidays for Qualifying Employees:

New Year's Day	January 1 st
Martin Luther King Jr. Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday of May
Juneteenth	June 19 th
Independence Day	July 4 th
Pioneer Day	July 24 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday of November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 th
Day before or after Christmas	December 24 th or 26 th

2. When any of the above holidays fall on a Sunday, the following Monday shall be observed as the designated holiday. When any of the above holidays fall on a Saturday, the preceding Friday shall be observed as the designated holiday.
3. Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation the day of the holiday.
4. Holiday Pay: Qualified Employees who are required to work on a designated holiday will receive eight hours of pay at their regular rate for the holiday, plus compensation at their regular rate for all hours worked on the designated holiday. Qualifying Employees as defined above, working more than 1040 hours annually, but less than 2080 hours, may participate in Holiday leave benefits on a pro-rated basis.
5. Additionally, one eight (8) hour personal holiday is allowed annually. A personal holiday shall not be carried over from year to year.

K. Court or Jury Leave

Each Qualifying Employee entitled to paid leave under these rules shall, during regularly scheduled work time only, be entitled to leave of absence with full pay

for such period of required absence when, in obedience to a subpoena or direction by proper authority, the employee is to appear as a witness in a case involving the federal government, the State of Utah, or a political subdivision thereof, to serve on a jury or as a witness in a grievance/hearing. Witness or jurors fees paid to employees on leave with pay status shall be returned to the District for deposit in the District's operating cash account. Per diem and witness or juror fees may be retained by an employee who elects to use vacation leave while on jury duty or acting as a witness. Absence due to litigation not required by the employee's position, but as an individual, shall be taken as vacation leave, comp time, or leave without pay.

L. Maternity Leave

1. An employee who becomes pregnant may continue working until such time as they can no longer satisfactorily perform their duties or their physical condition is such that their attending physician deems continued employment to be hazardous to the employee's health or the health of the unborn child.
2. Paid sick leave or Family & Medical Leave without pay, which is available to cover the time for physical examinations and periods of incapacitation, will be available to the pregnant employee for the same purpose.
3. Leave granted for maternity purposes shall be allowed on the same basis for which sick leave or Family & Medical Leave without pay is granted. Such leave shall also be eligible for short-term disability compensation according to District insurance program guidelines.
4. Employees who have exhausted all accumulated sick leave shall be granted Family & Medical Leave without pay for maternity purposes, except that Short Term Disability benefits shall be provided according to policy. Family & Medical Leave with-out-pay shall run concurrently during short-term disability but shall begin the first day the employee is not able to work. Employees desiring extended leave due to "pregnancy disability" shall receive it on the same basis as any other disability.

M. Parental Leave

Parental leave is leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with an adoption. The amount of leave under this policy is four (4) weeks. This leave does not supersede other laws that apply to the birth or adoption of a child.

1. Eligible employees may receive up to four (4) weeks of paid, job protected, leave during the first twelve (12) weeks following birth or adoption.
 - a. Employees working more than 30 hours per week are eligible for Parental Leave. Employees working less than 40 hours per week, but more than 30, shall have their Parental Leave pro-rated.

- b. Notice & Verification: The employee must:
 1. Provide to their Supervisor and General Manager thirty (30) days' written notice of the requested leave (or as much notice as practicable if the leave is not foreseeable),
 2. Complete the necessary forms at the time of the leave, and
 3. File the documents with the General Manager.
2. Parental Leave is a benefit of employment and its use will not be considered as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions under attendance policies.
3. Upon receiving notice of an employee's need for Parental Leave, the District shall provide the employee with a detailed notice specifying the employee's rights under District policy and explain any consequences of a failure to meet these obligations. The District notice shall include:
 - a. Any requirements for the employee to make or participate in the payment of insurance premiums, and the methods for doing so. The employee's potential liability for health insurance premiums paid by the District during the leave if the employee does not return to work;
 - b. The employee's reinstatement rights to the same or equivalent job, unless the employee is defined a key employee under FMLA;
4. Method of Leave Usage:
 - a. Birth of the parent's own child:
 1. Birthing parent
 - A. After short-term disability has been exhausted, Parental Leave will commence.
 - B. Non-birthing parent; Parental Leave, if taken, shall be used anytime during the first twelve (12) weeks after the birth of the child. Parental Leave shall not extend beyond the end of the twelve (12) week date from the birth of the child.
 - b. Adoption of a child:
 1. The parents of an adopted child shall receive Parental Leave after the child(ren) has been placed in their home.

2. Parental Leave, if taken, shall be used anytime during the first twelve (12) weeks after the placement of the child(ren). Parental Leave shall not extend beyond the end of the twelve (12) week date from the placement of the child(ren).
 3. To qualify for Parental Leave the adopted child(ren) shall be under eighteen (18) years of age.
- c. All leave shall be coordinated with the employee's Supervisor.
 - d. Parental Leave shall run concurrently with FMLA.
5. Parental Leave will be paid at 100 percent of an Eligible Employee's straight- time, regular pay for the specified amount of time outlined in this policy.
 - a. Sick leave and vacation accrual shall be allowed in accordance with the District's FMLA policy.
 6. The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of Parental Leave granted for that event.
 7. If both parents are employed by the County, each parent shall receive up to four (4) weeks Parental Leave.

N. Military Leave

Leave shall be granted for a period of active military service. Extended military leave is six (6) months or more, not to exceed five (5) years unless approved by the District. Short-term military leave is any leave of less than six (6) months in duration, normally not longer than 120 hours.

1. Short-term Military Leave is authorized for employees pursuant to the following conditions:
 - a. Employees are entitled to one hundred and twenty (120) hours of military leave per year without loss of regular pay or other fringe benefits. The employee shall take military leave when activated. After the employee has exhausted their one hundred and twenty hours of military leave they may take unpaid leave.
 - b. Whenever possible, employees who are members of reserve units of the military shall notify the General Manager within one week of receipt of an activation notice, and shall indicate in writing their

intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the individual employee's personnel file.

- c. Employees requesting short term military leave may go on leave without pay status prior to using accrued vacation and comp-time.
 - d. While on short term military leave, none of the employee's benefits shall accrue, except that health, dental and life insurance benefits will remain in force.
 - e. If the employee does not return to District employment after six (6) months, the General Manager may declare the position vacant.
2. Extended Military Leave Without Pay shall be granted to employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the provision of the Universal Military Training and Service Act. Former employees shall be permitted to return to District employment without loss of benefits pursuant to the provisions of the Utah Code §39-3-1. The following conditions shall apply:
- a. USERRA provides that an individual may serve up to 5 years in the uniformed services, in a single period of service or in cumulative periods totaling 5 years and retain the right to re-employment by their pre-service employer (38 USC 4312(c)).
 - b. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
 - c. The District shall follow USERRA regulations regarding the reinstatement of an employee returning from active military duty. If the employee declines an offer for position vacancy, reinstatement rights may be canceled by the General Manager.
 - d. If, due to a service connected disability or for some other reason, an employee is not qualified to perform all the duties of their former position, they will be placed in the closest comparable position for which they are qualified or the employee will be placed on a list of eligible's for consideration for future openings. Under the American's With Disabilities Act, reasonable accommodation shall be provided unless to do so would prove to be an undue hardship.

O. Administrative Leave

In cases of training, special educational pursuits, hardships, or other cases not provided for in these policies, upon recommendation of the Supervisor, the General Manager may grant short-term leaves for Qualifying Employees at full

pay, partial pay, or without pay. The approval or denial of such requests is at the discretion of the General Manager and is not subject to appeal. In the event the General Manager is requesting the leave, the approval shall be by the Board.

P. Family & Medical Leave Without Pay

The District will comply with all applicable requirements of the Family & Medical Leave Act of 1993 (FMLA).

1. Eligibility: All employees who have worked for the District for at least 12 months (which need not be a consecutive 12 month period) and have worked for the District at least 1250 hours in the previous consecutive 12 month period qualify for family & medical leave without pay.
2. Eligible employees may receive up to 12 weeks of unpaid, job protected, leave in any 12-month period for the following reasons:
 - a. To care for a child upon birth or upon placement for adoption or foster care;
 - b. To care for a parent, spouse, or child with a serious health condition, or,
 - c. When an employee is unable to work because of a serious health condition. A serious health condition is defined as "any illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider" (i.e. doctors, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives, and Christian Scientist practitioners). In addition, a single event or occasion, which results in a regimen of continuing treatment under the supervision of the health care provider, such as a regimen of medication or physical therapy, qualifies. Excluded from coverage are voluntary or cosmetic treatments, which are not medically necessary and preventive physical examinations. An employee returning to work after FMLA leave for their own serious health conditions shall provide a return to work release from their physician listing accommodations, if any. The District may restrict the employee's return to work if the accommodations preclude the employee from fully participating in their job responsibilities.
 - d. When a family member is called on active military duty or called to active military duty
3. Eligible employees may receive up to 26 weeks of unpaid, job protected, leave in any 12-month period to care for a family member who sustained an injury or illness in the line of active military duty.
4. Notice & Verification: Employees who want to take FMLA leave ordinarily

must provide the District with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If the need is not foreseeable, the employee should give as much notice as is practicable. The employee notice shall contain the reason for the leave, the anticipated timing of the leave and the expected duration of the leave. In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification of the serious health condition within 15 days after the request or as soon thereafter as is seasonably possible. The District may also require a second or third opinion (at the District's expense), periodic recertification of the serious health condition (as frequently as every 30 days), and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The District may deny leave to employees who do not provide proper advance leave notice or medical certification within established time frame.

5. District Communication Requirements: Upon receiving notice of an employee need for FMLA leave the District must provide the employee with a detailed notice specifying the employee's rights and obligations in connection with the law and District policy and explain any consequences of a failure to meet these obligations. The District notice shall include:

- a. A statement that the leave will be counted against the employee's annual FMLA leave entitlement;
- b. Requirements for the employee to furnish medical certification of a serious health condition and the consequences for failing to do so;
- c. The requirement for the employee to use accrued paid leave,
- d. Any requirements for the employee to make or participate in the payment of insurance premiums, and the methods for doing so;
- e. Any requirement of the employee to present a fitness for duty certificate in order to return to work;

The employee reinstatement rights to the same or equivalent job;

The employee's status as a "key employee" and the conditions under which reinstatement may be denied, and

The employee's potential liability for health insurance premiums paid by the District during the leave if the employee does not return to work.

6. Method of Leave Usage: The leave may be taken intermittently or on a reduced leave schedule without the District's approval when medically

necessary; therefore department heads and elected officials shall take an active role in verifying medical necessity, especially in the case of emergencies and short notice situations. FMLA leave may be taken in half-hour, hourly, daily or weekly blocks of time.

7. Employee Entitlements: Employees taking qualified FMLA leave are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. In addition, the District shall reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms as previously provided. The District's obligation under FMLA to reinstate an employee returning from leave ceases once the employee has used up their 12/26 week entitlement and continues on another form of leave, paid or unpaid. Also, the District may deny reinstatement if it can be demonstrated that the employee would not otherwise have been employed at the time the reinstatement request is made, such as when an employee's position is eliminated due to a layoff.
8. Accrued Benefit Impact: Employees use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, compensatory time, and sick leave during a FMLA leave for the employee's own serious health condition or for a seriously ill family member. In addition, the employee must first use any accrued paid vacation or compensatory time, but not sick leave, during FMLA leave to care for a newborn or newly placed child, and no more than 5 paid sick days may be included in FMLA leave taken to care for a seriously ill family member (see sick leave policy). In calculating the number of leave days used as part of the 12/26 week FMLA limit, all paid leave shall be included.
9. Defining 12 month period: The District shall use one of four methods as defined by FMLA, and may change methods when determined to be in the best interest of the District in terms of administration. However, 60 days' notice must be given to employees of intent to change and employees must retain the full benefit of 12/26 weeks of leave. The District shall use a rolling 12-month period measured backward from the last date an employee uses any FMLA leave.
10. Return to Work
 - a. Upon returning to work, an employee whose FMLA leave was due to the employee's own serious health condition shall provide a release to return to work from his health care provider. In addition, an employee who has been absent due to illness or injury will also be required to undergo a Return to Work / Fitness for Duty Evaluation through a District-appointed physician. In such event,

the district shall cover the cost of such examination.

- b. The employee shall be restored to the same position held before the FMLA leave or to an equivalent position with equivalent pay and benefits, unless the employee has been identified as a “key employee,”
- c.. Job restoration may be denied in very limited circumstances:
 - 1) If the District can prove that an employee would not still be employed even if the FMLA leave had not been taken (i.e., layoff or completion of a specific project the employee was hired to work), or,
 - 2) e. If the employee is a “key employee,” defined as a salaried employee amongst the highest paid ten-percent of all employees, provided that the denial is necessary to prevent substantial and grievous economic injury to the District.

11. Temporary Work Assignments: Where medical necessity dictates the need to use scheduled intermittent leave or a reduced work schedule, the District may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of leave than the employee's regular position. In addition, the District may transfer an employee to a part-time job with the same hourly rate of pay and benefits as long as the employee is not required to take more leave than is medically necessary.

12. Record Keeping Requirements: Records retention for FMLA purposes must be maintained in accord with record keeping requirements of the Fair Labor Standards Act (FLSA). Records must be kept for a minimum of three years, which includes the following information:

- a. Basic payroll records;
- b. Dates that FMLA leave is taken;
- c. Hours of FMLA leave;
- d. Copies of employee notification given to employer;
- e. Copies of employer notices regarding employee rights and obligations;

- f. Copies of District policies and procedures describing benefits and leave provisions;
- g. Premium payments of employee benefits;
- h. Documents pertaining to disputes regarding designation of FMLA leave. All records relating to medical information must be kept in separate, confidential medical files.

Q. Retirement

1. URS: The District is a participant in the public employee retirement programs of the Utah Retirement Systems (URS). The District endorses the concept that performance, not age should be the standard for retaining qualified employees. There shall be no set retirement age from District employment. Contributions into the retirement system shall be made for all Qualifying Employees.
 - a. Employees, at their discretion, may choose to retire any time after they are eligible under provisions of the Utah Retirement Act.
 - b. Employees over retirement age, as defined by the Social Security Administration, can be retained or hired as long as they are physically and mentally able to satisfactorily discharge the duties of the position.
 - c. The retirement system provides a number of benefits to the employee, including retirement benefits, death benefits, and survivor's allowances. Contributions are made by the employer. All new hires are enrolled into the new non-contributory plan.
 - d. All employees who have previously participated with URS prior to July 1, 2011 shall be enrolled in the Tier 1 retirement.
 - e. Effective July 1, 2011, all existing employees who have not participated and all newly hired employees shall be enrolled with the URS Tier 2 retirement unless previously enrolled within a URS retirement system.
 - f. Tier 2 employees must choose between a defined contribution or hybrid plan which are described below. Employees have one year after employment begins to make this irrevocable choice of plans.
 - g. Defined Contribution Plan: The District contribution of 10% will be put into a 401(k) account administered by the URS. Employees in this plan become vested after four years of service.
 - h. Hybrid Plan: This plan is a combination defined benefit (pension) and defined contribution.

- i. As long as the defined benefit rate remains below 10 percent, employees will receive the difference between the 10 percent and the required contribution rate into a 401(k) account administered by the URS.
 - ii. If the defined benefit rate reaches or exceeds 10 percent, employees will no longer receive any of this excess amount into a 401(k) account. In addition, if the defined benefit rate exceeds 10 percent employees will be required to pay the portion of the contribution rate above these rates.
- i. Benefits Paid:
- a. The amount of benefit paid is determine by your
 - i. Hire date,
 - ii. Age,
 - iii. Years of service credit,
 - iv. Final average salary, and
 - v. A benefit formula designed by the URS
- j. Benefit Protection: The District participates in a Benefit Protection program with URS which allows service credit to continue accruing for both Tier 1 and Tier 2 employees as follows:
- i. During periods of short-term disability (up to 90 days) credit for service in the URS system will continue while the employee is on short-term disability leave.
 - ii. During periods of long-term disability (90-180 days) credit for service in the URS system will continue while the employee is on long-term disability.
 - iii. Worker's Compensation injury. In the event an employee is involved in an industrial accident and eligible for Worker's Compensation coverage consistent with Section 16 of these Policies, URS service credit will continue for the employee for the duration of the coverage up to 180 days.
- k. District Board members are considered part-time appointive officers and therefore ineligible for Tier 2 URS benefits.
2. 403(b) Program: The District provides a 403(b) plan to Qualifying Employees to provide them with the opportunity to save for retirement on a tax-advantaged basis and to provide additional income for retirement. This Plan is a type of retirement plan commonly referred to as a 403(b)

plan or Tax Sheltered Annuity (TSA). Any Qualified Employee wishing to participate in the 403(b) program after January 1, 2017 must forego the Cost Of Living (COLA) increase given to employees in the first year of their election. If there is no COLA granted in the 1st year, then the first COLA for which the employee is entitled must be waived to qualify for the District 403(b) contribution. The District shall contribute 3% of the employee's gross wages (excluding allowances and reimbursements) into the 403(b) plan. In an effort to encourage retirement savings by the employees, the District will increase their contribution to 4% of the gross wages if the employee contributes 5% or more of their own wages to the Plan.

R. Housing/Transportation Allowance. The District's primary work area is in a high cost of living area which requires employees to either pay a premium for housing or commute longer distances to reside in affordable housing areas. In order to help offset this hardship, the District provides this benefit.

1. Qualifying Employees as defined above, who are NOT assigned a vehicle for emergency purposes shall receive a monthly housing allowance of \$250 per month payable in installments each bi-weekly pay period.
2. The housing allowance shall be considered an employee benefit; accordingly the amount of the benefit shall be considered as income and reported to the Internal Revenue as such.

S. Unemployment Insurance

The District participates in the State Unemployment Insurance Program as a self-insured employer; and each person that terminates will be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State. Employees terminated for cause shall not be eligible for unemployment benefits from the District.

T. Education Assistance

When determined by the General Manager that additional training or education is required for the proper performance of a job, the District shall allow rescheduling of work time together with compensation for time spent in training plus associated expenses.

If a Qualifying Employee desires to enhance their own job skills through training or academic pursuits which are viewed by the General Manager as being directly related to the job or a position to which one may wish to become promoted, and the employee initiates such a request; the District may give consideration in work schedule accommodations and tuition expenses.

Tuition expenses must be budgeted during the District's regular budget process. Employees requesting tuition reimbursement must be employed by the District

for a minimum of 2 years. The District may choose to participate at a rate of 50% of education expenses. Education expenses may be taxable by the IRS. Employees with approved educational assistance must enter into a written agreement that upon termination (voluntary or involuntary, except for reduction in force) they will refund to the District monies received for educational assistance based upon the following schedule:

<u>Time Period Between Date Of Termination & Conclusion of Educational Course(s)</u>	<u>Portion Of Expenses Refunded To District</u>
Less Than One Year	100%
One Year, But Less than Two Years	75%
Two Years, But Less Than Three Years	50%
Three Years, But Less Than Four Years	25%
Greater Than Four Years	0%

Qualifying Employees who participate in this benefit shall maintain a 3.0 grade or better in all classes at the end of each term or semester.

U. Benefit Limitation

The benefits described in this section constitute the total and complete benefit package offered and available to all District employees who qualify for participation according to eligibility requirements established by this policy manual.

SECTION 10 - REIMBURSEMENT FOR EXPENSE

A. Travel

Travel expenses associated with authorized trips on District business, for attendance at conventions, conferences, field trips, seminars, educational courses or meetings etc., will be paid by the District. It is the District's policy that the most cost effective travel and training shall be pursued to accomplish the training goals of the District. Actual costs for materials required for the seminar, training courses, etc., will be paid for or reimbursed by the District.

If the employee expends personal funds required for travel, for reasonable expenses, the employee will provide receipts/ledger of expenses to the District upon completion of the trip, but not later than one week after return to normal duties. For specific policies regarding meal reimbursement please see paragraph 6 of this section.

An employee may be accompanied by a spouse or family member on approved District business trips with the understanding that the District will not pay any of the costs incurred by the spouse or be responsible for any liability associated therewith.

The General Manager shall have approval authority for all travel when travel coincides with the employee's professional associations and/or training and has been pre-approved by the Governing Body in the budgeting process. All travel and mileage vouchers shall be signed by the General Manager. In the event the travel expenses for the General Manager exceed \$2,500.00, Board approval must be given.

To accomplish the District's goals the following guidelines and procedures shall be followed for expenditure and reimbursement of travel associated expenses:

1. Public Transportation or Car Rental: The most economical available means of transportation shall be used, considering travel time, fares, convenience and liability. Receipts will be required in the event reimbursement is necessary.
2. Miscellaneous Transportation: Toll charges, parking fees, non-receiptable fares for taxi, buses, etc., shall be reimbursed at actual cost. Fuel, emergency repairs, towing charges, storage fees, etc., for District vehicles will be reimbursed with receipts.
3. If more than one employee from the District is traveling to the same event and/or location by automobile, carpooling in a District vehicle is strongly recommended. If personal transportation is used only one mileage

reimbursement per event/location shall be allowed.

4. Lodging: Receipts will be required in the event reimbursement is necessary. If an employee travels and stays with friends or relatives rather than in a hotel/motel the employee may be reimbursed at the rate of \$40.00 per day without receipts, with prior approval of the General Manager.
5. Personal Transportation: Personal vehicles may be used if District vehicles are not available. For travel out-of-state, District vehicles will not be used, unless authorization is obtained from the General Manager. Reimbursement for personal car use shall be at the rate as published in I.R.S. Publication 463 and adjusted yearly.
 - a. When two or more employees travel in a private car, only one employee will be reimbursed for vehicle costs.
 - b. Damage to a traveler's personal vehicle occurring during the course of conducting official business should be reported to the employee's Supervisor and the General Manager immediately and Section 7.7 of the District's Administrative Policies should be followed.
 - c. Mileage will be computed using either the state mileage chart, or an online mapping program using the most direct route.
 - d. Reimbursement will not be allowed for commuting between the traveler's place of residence and the office considered the principal place of assignment or for miles traveled for purposes other than official business.
 - e. Computation of mileage should commence from the office considered the principal place of assignment to the point of destination unless the distance from the point of origin other than the principal office to the destination is less.
6. Meals: Meals are allowable on a reimbursable basis for department approved travel outside the District. Use of the per diem rates is the preferred method for meal reimbursement. Meals shall be reimbursed either at actual cost, or at the per diem schedule presented in the most recent edition of the IRS publication 463, whichever is less.
 - a. A traveler is entitled to meals when not staying overnight when:
 - 1) Breakfast - round trip travel is out of District and commences prior to 6:00 a.m.
 - 2) Lunch - when the trip meets one of the following conditions:

- i) The traveler is on an officially approved trip of such duration as to warrant entitlement to breakfast and dinner.
 - ii) The traveler leaves their "home base" before 11:00 a.m. and returns after 2:00 p.m.
 - 3) Dinner - round trip travel is out of District and arrival back home is later than 7:00 p.m. If meals are provided by a hotel, motel, and/or association, no reimbursement will be made for that meal.
 - b. Money may be advanced for anticipated expenses.
7. Miscellaneous Expense: Registration fees, incidental supplies, publications, etc., shall be purchased in advance through the District if possible. Receipts will be required for reimbursement of authorized expenses.
8. Non-per diem expenses require receipts to be eligible for reimbursement.
- a. The preferred payment method for non-per diem expenses is shown in preferred order below:
 - District credit card
 - District checkIf these options are not available, an employee may use a personal credit card or other personal payment method. The District will not reimburse employees for credit card fees, penalties, or late fees.
9. Non-per diem expenses eligible for reimbursement include:
- a. Registration costs for conferences, seminars, training, or other meetings
 - b. However, any part of the registration costs that pay for personal activities (tours, guest registrations, etc.) will not be reimbursed to the traveler, or the traveler will reimburse the District for these costs if the District prepaid the registration.
 - c. Lodging costs shall be paid or reimbursed at the single occupancy rate or at the applicable convention rate. Employees may elect to pay the difference between the single occupancy rates and other rates.
 - d. Car rental cost will be reimbursed at no more than the compact car rate unless special circumstances require a larger vehicle as approved by the General Manager.

10. Travelers may be reimbursed actual out-of-pocket expenses only if the expense was necessary and reasonable considering the travelers' circumstances. Out-of-pocket expenses that may be reimbursed include:
 - a. Long-term parking or park and ride facilities.
 - b. Hotel parking.
 - c. Business telephone calls.
 - d. Ground transportation to/from the airport to locations required for District purposes. This includes fares for a taxi, bus, or shuttle, or for highway tolls.
 - e. Other costs incurred by the traveler as approved by the General Manager.

The District will not pay for spouse or companion expenses. Also, the District will not reimburse a traveler for personal expenses for entertainment, sightseeing or non-District-related tours or other activities. Alcoholic beverage expenses will not be reimbursed. It is the responsibility of the employee to distinguish between permitted expenses and unauthorized expenses, as set forth in this policy. Employees should only seek reimbursement for permitted expenses.

11. Counting Business Days for Travel: The traveler's business days include transportation days plus days spent conducting business or attending conferences.
12. Transportation days will be pre-determined by the General Manager based upon reasonable travel time required.
13. Employees who are non-exempt for Fair Labor Standard Act purposes shall be paid eight hours for each day they are traveling, including weekends. If an employee participates in conferences, meetings, or other business in excess of eight hours in one day, they shall be paid for the amount of time they participate.

SECTION 11 - WORK HOURS

A. Normal Work Day

District offices may be open from 7:00 a.m. through 6:00 p.m., but shall be open to the public from 8:30 a.m. through 5:00 p.m. Monday through Friday.

B. Attendance

An employee unable to report for duty on a work day shall notify their immediate supervisor of the fact no later than one (1) hour after the beginning of work.

C. Show up Pay

An employee who during a normal work day shows up for work and is sent home before any time is earned, will receive a minimum of one (1) hour straight time pay. Any employee who is called to work on a day off and is then sent home before any time is earned will receive a minimum of one (1) hour straight time pay.

D. Meal Periods

The normal work day shall consist of an unpaid one hour meal period. Employees may take a 1/2 hour unpaid meal period upon approval of the General Manager. No lunch period shall be used to shorten the work day to something less than 8 hours, nor be used to accrue overtime or compensatory time, unless specifically authorized by the department manager and/or General Manager.

E. Rest Periods

Two ten minute rest periods are allowed to employees daily, usually one in the middle of the first four hour block of the work day and the second in the second four hour block, the last half of the work day. The ten minute rest periods are optional and generally, must be approved by the supervisor. **No unused ten minute, rest period may be used to shorten the work day.**

F. Stand By

A District employee who is required to remain on call on the District's premises or so close thereto that they cannot use the time effectively for their own purposes is working while "on call". An employee who carries a pager or cell phone and is not required to remain on the District's premises but is merely required to leave word at their home, with the General Manager, department manager or their immediate supervisor where they may be reached is not entitled to on call pay.

G. Call Out

An employee who is called out, will receive a minimum of one (1) hour straight time pay. Any employee who is called to work on a day off will receive a minimum of one (1) hour straight time pay.

SECTION 12 - PRODUCTIVE WORK ENVIRONMENT

A. General Conduct

The very nature of governmental service makes public relations one of the most important aspects of the job. The quality of our interactions impacts all employees of the District and the public perception of the District as a whole. Employees are to take every opportunity through the course of performing their job to create "good will" with the public. Employees are required to be courteous and show understanding in spite of the difficulty of situations which may arise. Reports of a negative nature will be investigated by supervisors, and disciplinary actions could result.

1. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
2. Employees are expected to make prudent and frugal use of District funds, equipment, building and supplies.
3. Employees are expected to observe work place rules. District employees shall comply with all applicable laws, rules and regulations, and District policies. Each employee must have an understanding of the District policies, laws, and rules and regulations that apply to his or her specific role. If an employee is unsure of whether a contemplated action is permitted by District policy, statute, or rules and regulations, he or she should seek the advice of the General Manager and/or legal counsel as appropriate.
4. Employees are to report conditions or circumstances that would prevent them from performing their job effectively or completing assigned tasks.
5. Employees are expected to practice dress and grooming habits which are consistent with the District's purpose and beneficial in promoting a favorable public image. The General Manager is responsible for determining what creates a professional business environment in their department.
6. Success is dependent upon the trust and confidence each employee and control board member earns from co-workers and customers. Employees should adhere to our commitments, and display honesty and integrity in reaching the District's goals.
7. Employees deserve to work in an environment where they are treated with dignity and respect. The District is committed to fostering an open and supportive environment that will allow employees to fulfill their potential,

thereby contributing to the District's success. Accordingly, politeness and reasonableness are required of all District employees. Rudeness, bullying, uncooperativeness, unresponsiveness, and refusal to communicate are unacceptable. All employees are especially cautioned to be polite and helpful when dealing with the general public.

8. Management personnel are responsible for demonstrating, through their conduct, the importance of these Policies by promptly addressing ethical questions or concerns raised by employees, and overseeing compliance with the District's policies. Supervisors should not consider employees' ethical concerns as threats or challenges to their authority, but as an encouraged form of District communication. The District encourages ethics to be a natural part of daily activity.
9. The District is committed to maintaining a healthy environment. A Safety Manual, which is included as part of the overall District Personnel Policy, has been designed to educate employees on the importance of safety in the workplace. All employees should have a copy of this manual.

B. Outside Employment

District employment shall be the principal vocation of full time employees. An employee may engage in outside employment, receive honoraria, or paid expenses, subject to the following conditions.

1. The outside employment must not interfere with efficient performance of the employee's District position. In the event the General Manager determines that the outside employment is interfering with the employee's District position, the General Manager shall notify the employee in writing that the outside employment must cease.
2. The outside job must not conflict with the interests of the employee's department or the District.
3. The outside employment must not be the type that would reasonably give rise to conflicting interests or duties.
4. The employee is required to sign a statement (Form HR-11) concerning outside employment, notify the General Manager, and gain approval prior to accepting outside employment.
5. If the General Manager determines that either the employment or payment could reasonably present a real or potential conflict of interest, the General Manager shall deny permission. The General Manager's

decision may not be grieved. Failure to notify the employer and to gain approval is grounds for disciplinary action. Employees may jeopardize their employment with the District through unsatisfactory performance reviews affected by outside employment.

C. Conflict Of Interest

Employees shall not use their District position or any influence, power, authority, confidential information derived there from, or District time, equipment, property, or supplies for private gain. It shall be a violation of District policy for any employee to violate any provision of Utah Code §67-16-1 and §76-8-105. Employees shall not receive outside compensation for their performance of District duties except in cases of:

1. Awards for meritorious public contribution publicly awarded.
2. Receipt of honoraria or expenses paid for papers, speeches, or appearances made by employees with the approval of the department head, or on their own time for which they are not compensated by the District, nor prohibited by these rules.
3. Receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts as established by state law (*see* Section 17, Paragraph B). When an employee's responsibilities require an action or a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict. The General Manager may then determine and notify the employee of the status of the potential conflict, either approving of the activity or listing the objections of the District.

D. Non-competition

The District has an interest in preserving the integrity of information created, received or kept as part of its governmental business and processes. As a result, any employee who is separated from the District shall be prohibited from using information classified as private, controlled or protected, and gained during their employment, in any manner which may be contrary to law or adverse to the District when representing their private interests after separation. Further, in order to protect the integrity of the process and to ensure equitable treatment to all persons dealing with the District, former employees who, as part of their District duties, worked with or assisted any group, individual or entity in achieving benefits from the District, shall not privately represent or assist those same groups, individuals or entities, in District matters, for a period of at least six (6) months after separation from the District.

E. Political Activity

Except as otherwise provided by law or by rules and regulations promulgated by the State of Utah or the federal government for federally aided programs, District employees may voluntarily participate in political activity subject to the following

provisions:

1. No person shall be denied the opportunity to become an applicant for a position by virtue of political opinion or affiliation.
2. No person employed by the District may be dismissed from service as a result of political opinion or affiliation. When engaged in political activity an employee shall not use District equipment, supplies or resources, or other attendant expenses, electronic storage, paper, computer online and access charges, etc.
3. An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and to allow employees to serve as county party officers and as state or county delegates.
4. No employee may directly or indirectly coerce, command, advise or solicit any employee covered under the personnel system to pay, lend, or contribute part of their salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No Supervisor, employee or the General Manager, whether elected or appointed, may attempt to make any officer's or employee's employment status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.
5. No employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from District employees during hours of employment. Nothing in this section shall preclude voluntary contributions by a District employee to the party or candidate of the employee's choice.
6. Nothing contained in this section shall be construed to permit partisan political activity by any District employee who is prevented or restricted from engaging in such political activity by the provisions of the Federal Hatch Act.

F. Discrimination Based on Protected Categories

1. Discrimination in any form is a serious offense which will not be tolerated.
2. Employees may use the **HOTLINE AT 435-336-3050** for any complaints. If this method is used, the caller must be specific as to who is involved, the date and time of the occurrence(s). Please see paragraph 5 below.
3. Discrimination based on a protected class is defined as discrimination of

any person because of race, color, religious creed, sex, national origin, age, military status, disability, sexual orientation, gender identification or any other factor protected by law.

- a. Examples of discrimination may include but is not limited to:
 - i) Using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics,
 - ii) Recruiting or hiring practices,
 - iii) Promotion opportunities, and
 - iv) Adverse employee actions
4. Discrimination may result in disciplinary action up to and including termination of employment.
 - a. Employees or officials who willfully report a false claim may be subject to disciplinary action.
5. Reporting and Investigating Claims:
 - a. If an employee believes they have been subjected to discrimination they should:
 - i) Make a written record of the date, time and nature of the incident, and the names of any witnesses,
 - ii) Report the incident immediately to any of the following: A supervisor in the employee's chain of command, the General Manager, the Personnel Director, or the County Attorney's Office, Civil Division.
 - iii) All incidents must be reported regardless of their seriousness. There shall be no retaliation against an employee who in good faith reports an incident of discrimination or against anyone who provides information about violations. Complaints may be submitted by any individual irrespective of whether the complainant was personally subjected to the offending behavior.
 - b. Supervisors who knowingly allow or tolerate any discrimination are in violation of this policy and are subject to disciplinary action up to and including termination of employment. Supervisors must deal quickly and fairly with allegations of discrimination whether or not

there has been a formal complaint. They are responsible to:

- i) Make sure the District's policy is communicated to employees; and
 - ii) Any complaint shall be immediately reported to the Personnel Director so that the matter can be investigated.
- c. The Personnel Director, or their designee, will conduct a fair and impartial review of the discrimination complaint. All such complaints will be handled with as much confidentiality as possible in order to encourage reporting and to protect the privacy of the parties.
- d. An employee accused of discrimination and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before disciplinary action may be taken.

6. Resolution.

- a. The complainant shall be notified if any disciplinary action has been taken or not taken as a result of the official complaint. If either party to the complaint is not satisfied with the action taken or not taken they may file a written appeal with the Administrative Control Board through the Personnel Director within ten (10) working days of receiving official notification of the case resolution from the General Manager or Personnel Director.
- b. If the complainant is not satisfied with the Board's decision they have a statutory right to request an investigation by the Utah Division of Antidiscrimination and Labor.

G. Sexual Harassment

The giving or withholding of job benefits based on the granting of sexual favors and any behavior or conduct of a sexual or gender based nature which is demeaning, ridiculing or derisive and results in a hostile, abusive, or unwelcome work environment constitutes sexual harassment. (See paragraph 7 below.)

Employees may use the **HOTLINE AT 435-336-3050** for any complaints. If this method is used, the caller must be specific as to who is involved, the date and time of the occurrence(s). Please see Paragraph 8, subparagraph b 1.

It is the Policy of the District that:

- 1. Unlawful discrimination/harassment of coworkers of any type, on or off

duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.

2. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigation proceeding or hearing under this policy.
3. False or bad faith claims regarding sexual harassment shall result in disciplinary action against the accuser.
4. An employee accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before disciplinary action may be taken.
5. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.
6. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievances procedures during orientation and annually during in service training.
7. Prohibited Conduct: Any deliberate, unwanted, or unwelcome behavior of a sex/gender based nature, whether verbal, non-verbal, or physical is prohibited. There are two major categories of sexual/gender harassment:
 - a. Quid Pro Quo the granting or conditioning of tangible job benefits on the grant of sexual favors, and
 - b. Creating a hostile or unwelcome work environment. Creation of a hostile work environment can occur through any or all of the following general means:
 - 1) Level One: Sex Role Stereotyping
 - a) Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.
 - b) Comments or written material reinforcing traditional historic perception regarding gender.
 - 2) Level Two: Gender Harassment/Discrimination

- a) Intentional or unintentional behavior/conduct of a visual, verbal, nature directed at a specific gender which is demeaning, ridiculing or derisive of that gender.
 - b) Creating an environment that demonstrates a demeaning, ridiculing or derisive attitude toward a specific gender.
- 3) Level Three: Targeted or Individual Harassment
- a) Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.
 - b) Offensive conduct may be verbal, visual or physical and includes unwanted physical touching.
- 4) Level Four: Criminal Touching
- a) The intentional unwanted touching of the breasts, buttocks, or genitals of another.
 - b) Forcible sexual abuse.
8. Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below.
- a. Informal Process: Employees who are experiencing an unwelcome or hostile work environment at levels 1-3 as described above may, if they so desire, choose to address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior that the behavior is objectionable. That the conduct/behavior is unwelcome and that future similar behavior will result in a formal complaint.
 - b. Employees experiencing sexual harassment at this level are not required to use the informal process and may file a formal complaint if they so desire.
 - 1) This notification may be: orally in person; in writing signed or unsigned; through a supervisor either orally or in writing.
 - 2) The victim may ask the supervisor for assistance in determining what to say and how to approach the offending employee; request the supervisor to accompany the victim when the victim gives the offending employee notice; ask the supervisor to give

notice to the offending employee, accompanied by the victim; ask the supervisor alone to provide notice to the offending employee.

- 3) If circumstances involve the immediate supervisor, the employee shall seek assistance through the General Manager, Personnel Director or the County Attorney's Office, Civil Division.

c. Formal Process: Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level 4 as described above, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.

- 1) Complaints shall be in writing and specify the identity of the victim; the identity of the offending employee; the offensive behavior that the offender engaged in; the frequency of the offensive behavior; damage the victim suffered as a result of the offensive behavior; How the victim would like the matter settled; and what the victim would like to see happen.

- 2) The victim will be allowed a reasonable amount of time during work hours to prepare a formal complaint. The victim should submit formal written complaints to any of the following:

- a) The General Manager;
- b) The Personnel Director, or
- c) County Attorney's Office, Civil Division.

9. Remedies: Employees found guilty of sexual harassment shall face disciplinary action ranging from a letter of reprimand to termination based on all the circumstances of the case, as well as the offending employee's work history. Information contained in the complaint files shall be released only with the written authorization of the victim and the Personnel Director.

10. Records: Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in separate and confidential sexual harassment complaint files. This information shall not be placed or maintained in any employee's personnel file.

11. Victim Protection: Individual complaints, either verbal or written, are confidential. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding. Retaliation or reprisals

are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to and including termination. Retaliation is an additional and separate disciplinary offense. Retaliation may consist of, but is not limited to:

- a. Open hostility;
- b. Exclusion or ostracism;
- c. Special or more closely monitored attention to work performance;
- d. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

H. Drug Free Work Place

A healthy and productive work force, safe working conditions free from the effects of drugs and alcohol is essential to the maintenance of quality operations and all services provided to the public. It is the policy of the District that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or alcoholic beverage in the workplace is expressly prohibited. All processes, procedures, actions and requirements undertaken or imposed by the District shall be in conformance with Utah Code §34-41-101 *et. seq.* Drug and Alcohol Testing and the Omnibus Transportation Employee Testing Act of 1991, revised as of February 15, 1994. In order to achieve a drug-free work place all individuals who are extended a conditional offer of employment with the District and employees in safety sensitive positions shall be required to participate in controlled substances testing.

1. Testing
 - a. When an applicant has been extended a conditional offer of employment but before beginning work;
 - b. When there is a reasonable suspicion to believe that an employee is in an impaired state;
 - c. When an employee has been involved in an on duty accident and directed by their Supervisor and/or the General Manager;
 - d. On a random basis for employees in safety sensitive positions;
 - e. Return to duty testing;
 - f. Follow up testing.

2. Definitions:

- a. Alcohol - Alcohol is defined as an intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.
- b. Controlled Substance - Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or any other substances which are included in Title 58, Chapter 37, Utah Controlled Substances Act.
- c. Drug - Any substance recognized as a drug in the United States Pharmacopeia or other drug compendia, including Title 58, Chapter 37 Utah Controlled Substances Act, or supplement to any of those compendia.
- d. Drug Testing - The scientific analysis for the presence of drugs or their metabolites in the human body in accordance with the definitions and terms of this policy.
- e. Random Testing - The unannounced drug testing of an employee in a position requiring a Commercial Driver's License or a Safety Sensitive Position, who was selected for testing by using a method uninfluenced by any personal characteristics other than job category.
- f. Reasonable Suspicion - Knowledge sufficient to induce an ordinarily prudent and cautious individual under the circumstances to believe that a prohibited activity is occurring.
- g. Reasonable Suspicion Testing - An articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of this drug-free workplace policy.
- h. Positive test - Any test result showing a blood alcohol content of 0.02 or greater or the presence of any controlled substance, its metabolites in the test subject or a sample that has been tampered with.
- i. Refusal to Submit to Testing - Failure to provide adequate breath or urine sample without a valid or verified medical explanation, after the employee has received notice they are being tested and a breath or urine sample is required, or engages in conduct that

clearly obstructs the testing process.

- j. Safety Sensitive Position – Is defined as any position which requires a Commercial Driver’s License, or duties which directly affect the safety of governmental employees, the general public, during the course of performing job duties, including driving District vehicles or operating District equipment.
- k. Return to duty testing - The drug/alcohol testing, with a verified negative test result for controlled substances or their metabolites, of an employee who has been released back to work after seeking help from a rehabilitation program.
- l. Follow-up testing - The drug/alcohol testing of an employee who has sought professional help from a rehabilitation program. The employee shall be tested monthly while under the care of the Substance Abuse Professional and upon release from a rehabilitation program. The employee shall be tested a minimum of six (6) times in the following twelve (12) months following their return to duty. Employees may be subjected to follow up drug/alcohol testing for a period not to exceed sixty (60) months.
 - 1) Follow-up testing beyond one year shall be based on a need assessment provided by a substance abuse professional.
- 3. If the employee seeks help prior to discovery, then confidentiality, job security, and promotional opportunities will be protected. But if the employee does not attempt to seek help and the problem comes to the attention of the District, the employee will be terminated. Discovery begins with the notification when an employee has been notified of a random drug test.
- 4. The extent of District assistance, if an employee comes forward prior to discovery, shall be limited to referral to a community resource program with financial limitations as provided in the District health and medical insurance plan.
- 5. If an employee is under treatment with a drug that alters their ability to perform the essential functions of a specific position, the employee shall be reassigned if a current job opening exists which the employee is qualified.
- 6. The District shall require a final applicant selected for a position with the District to undergo a drug screen test to detect the presence of illegal drugs, controlled substances or their metabolites in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant,

who tests positive for a controlled substance or its metabolites, as defined in the definitions of this policy, shall be denied employment with the District.

7. Employees shall not use, be under the influence of or be in possession of alcohol while on duty, on District premises or while in District vehicles. District premises include buildings, parking lots, grounds and vehicles owned by District or personal vehicles while being used for District business. Under the influence is defined as having blood alcohol content in excess of .02%. This provision does not apply to employees attending events on District or Summit County property during their private (non-working) time where alcohol may be permitted.
8. If an employee in a safety sensitive position is called to work outside the regularly scheduled work period, the employee has the right to refuse to go to work if the employee has used alcohol and feels that they may be impaired. The employee must notify their supervisor if they have consumed any alcohol in the last four hours prior to being called in. Employees exercising this option shall have job security and promotional opportunities protected.
9. Employees trafficking, selling, using, possessing or being at the work place under the influence of alcohol, illegal or illegally obtained controlled substances shall be subject to immediate suspension and such conduct may be grounds for termination of employment.
10. When a supervisor makes a determination that there is a reasonable suspicion to believe that an employee is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.
11. Employees performing in Safety Sensitive Positions are subject to random drug/ alcohol tests.
12. The District maintains the right to conduct unannounced inspections of District owned property, vehicles, work stations, equipment, desks, cabinets, etc.
13. The District maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
14. Failure to cooperate with these detection methods or inspections is grounds for termination of employment.
15. Upon required testing due to an accident or reasonable suspicion, the employee tested shall not engage in the operation of any District equipment or engage in any employment related duties, which their

Supervisor deems dangerous to themselves or others until the results of the tests are received and the employee is released back to work by the District.

16. Employees who are required to operate machinery, including vehicles, and who are under a physician's care and taking prescribed medication which directs the employee not to operate machinery, must disclose the use of such medication immediately to the General Manager.
17. If any alcohol test result shows a blood alcohol content of 0.04% or greater, the employee shall be terminated.
18. If an employee test result shows an alcohol concentration of greater than 0.02% but less than 0.04%, the employee shall not be permitted to perform in a safety sensitive position for at least twenty-four (24) hours.
19. If a drug test result shows that the employee has tested positive for a controlled substance, the employee shall be terminated.
20. If an employee tests positive for a controlled substance or the test results show a blood alcohol content of 0.04% or greater, the employee may be referred to a Substance Abuse Professional who shall perform an evaluation at the District's expense, to determine whether the employee has a drug/alcohol problem. This employee may also be provided with information about drug or alcohol treatment programs in the area. The District shall have no obligation or duty to pay for or provide financial assistance for a drug/alcohol treatment program. Referral to treatment creates no protections from other disciplinary actions.
21. Employees may direct any questions regarding this policy to the Personnel Director.

I. Nonsmoking Policy

It is the policy of the District to comply with all applicable federal, state, and local regulations regarding smoking and the use of tobacco products (including e-cigarettes or vaporless cigarettes) in the work place and to provide a work environment that promotes productivity and the well-being of its employees.

1. The District recognizes that smoking in the work place can adversely affect employees. Accordingly, smoking is restricted at all District facilities.
2. Smoking is prohibited inside all District facilities and vehicles. The facilities manager is responsible for implementing and monitoring smoking regulations, and supervisors/department managers are expected to enforce such regulations. The smoking policy applies to employees during working time and to customers and visitors while on

District premises.

3. Employees who wish to smoke may do so outside of District facilities and vehicles, as long as, they are at least 25' from any entry way, exit, open or closed window or air intake.
4. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers as regards the smoking policy. However, smokers have a special obligation not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible, but may be processed through the District's grievance procedure. Employees who violate the policy will be subject to disciplinary action.
5. The District does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during non-working time or off of the District's premises.

J. Serious & Communicable Diseases

It is the policy of the District that employees with infectious, long-term, life threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees or customers of District services.

1. Serious diseases for the purposes of this policy include, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, drug resistant tuberculosis, chronic fatigue syndrome, human immune deficiency virus ("HIV") and acquired immune deficiency syndrome ("AIDS").
2. The District will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
3. Employees afflicted with a serious disease are to be treated no differently than any other employee. However, if the serious disease affects their ability to perform assigned duties, such employees are to be treated like other employees who have disabilities that limit their job performance and will be provided reasonable accommodation as long as there is no undue hardship on District operations.
4. Employees who are diagnosed as having a serious disease and who want an accommodation shall inform their supervisor, the General Manager or the Personnel Director of their condition as soon as possible. Anyone receiving such a report shall respond with compassion and understanding. In addition, they shall review with the employee District

policy on such issues as employee assistance, leaves and disability, infection control, requesting and granting accommodations, the District's continuing expectation regarding the employee's performance and attendance, and available benefits.

5. Employees who have a serious disease and who want an accommodation shall provide the General Manager with any pertinent medical records needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The District may also require a doctor's certification of an employee's ability to perform job duties safely. Additionally, the District may request that an employee submit to a medical examination if it believes the employee is a health or safety threat to themselves or others.
6. The District will maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, unless otherwise required by law. Information relating to an employee's serious disease will not be disclosed to other employees unless the information is, in the opinion of the General Manager, necessary to protect the health or safety of the employee, coworkers, or others.
7. The District will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, engineering and work practice controls, and personal protective equipment will be utilized to limit the spread of diseases in the work place.

Employees concerned about being infected with a communicable disease by a coworker, customer, or other person shall convey this concern to their supervisor, the General Manager or the Personnel Director. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor, will be subject to discipline, up to and including termination. In addition, where there is little or no evidence of risk of infection to the concerned employee, that employee may be assigned to work with or perform services for any other employee or customer as required by the District.

SECTION 13 - DISCIPLINARY PROCEDURES

A. Disciplinary Action:

PROGRESSIVE DISCIPLINE IS NOT REQUIRED. The disciplinary action taken shall be that deemed appropriate by the employee's Supervisor or the General Manager pursuant to Title 17 Utah Code Annotated. It is the responsibility of all employees to observe regulations necessary for the proper operation of District functions. Administrative procedures have been established for the handling of disciplinary measures such as reprimand, suspension, demotion, and discharge. The Supervisor, General Manager, Personnel Director or representative of the District, shall be present when the charges are presented to the employee. All such measures which affect employment status or compensation of an employee shall follow the presentation of charges to the employee and an opportunity for the employee to be heard. Charges and causes for action shall include, but not be limited to those listed below:

1. Refusal to comply with a lawful instruction unless such instruction is injurious to health or safety.
2. Insubordination.
3. Conviction of a felony while an employee of the District.
4. Indulging in offensive conduct or using offensive language towards the public or in public toward District officers or employees during the performance of their duties.
5. Deliberate or careless conduct endangering the safety of the employee, other employees, or the general public. Horseplay is explicitly prohibited.
6. Intentionally inducing or attempting to induce any employee in the service of the District, to commit an unlawful act, violation of District regulations, official policy, or departmental orders.
7. Using, threatening or attempting to use, personal or political influence in an effort to secure special consideration as a District employee.
8. Incompetency and inefficiency in the performance of job duties.
9. Carelessness or negligence with District monies, equipment, or property, or failure to report lost, stolen or damaged items in need of repair.
10. Theft or intentional destruction of District property.
11. Intentional falsification of personnel records, time reports, or other District

records.

12. Being under the influence of intoxicants or drugs while on duty.
13. Sleeping on duty.
14. Improper use of District equipment including the violation of Communication policy. (*see* Section 18).
15. Unauthorized use or abuse of paid leave, or any other leave
16. Failure to report for work upon conclusion of a Leave of Absence or paid leave.
17. Discussing confidential or proprietary information with individuals not affiliated with the District or not reporting potential conflict of interest situations.
18. Assault on a fellow employee or member of the public.
19. Excessive absenteeism or tardiness.
20. Failure to adhere to District safety rules, including the use of seat belts or other protective safety equipment.
21. Failure to comply with the guidelines set forth in District documents such as the Personnel Policies and Procedures, Standard Operating Procedures/Guidelines Manual, or any other written directives or orders of the District.
22. Failure to maintain current and proper licenses and/or certification required to perform assigned duties or minimum requirements of the job description.
23. Failure to notify the General Manager in the event an employee is arrested and/or charged with any criminal or civil offense, or receives any written interaction or direction involving law enforcement or the court system, including but not limited to traffic citations, civil litigation, restraining orders, etc.

For violation of any of the preceding rules and regulations, the employee may be subject to immediate suspension without pay or other disciplinary action.

B. Process:

All care and consideration to the employee shall be given prior to imposing discipline. When an allegation or observation is made regarding an employee's conduct which may trigger a disciplinary action, Supervisors shall ensure the employee is given notice of the allegation, an opportunity to respond to the allegation and be heard on the matter, and notice of a final disciplinary decision. To achieve these goals, for discipline other than **Verbal Warnings**, Supervisors, should:

1. Inform the General Manager, Personnel Director, and the County Attorney's Office of the allegations(s) prior to any action or any disciplinary decision being made.
2. Where necessary, suspend the employee with pay pending an investigation.
3. Conduct an internal investigation into the allegations to ascertain any and all evidence in support of or relevant to the allegation.
4. Upon completion of the investigation prepare a written letter addressed to the employee outlining all allegations and the evidence in support of the allegations. The letter shall be approved by the Personnel Director and the County Attorney's Office prior to dissemination.
5. Provide the employee with the written letter and set a date to have the employee meet with the Supervisor to discuss and respond to the allegations. The meeting time shall be set so as to provide the employee sufficient time to thoroughly review the allegations and consult with representation prior to the meeting.
6. Meet with the employee and allow the employee to respond to all allegations verbally or in writing. Supervisors and the General Manager, shall take the employee's responses into consideration prior to making any final disciplinary determination.
7. After meeting with the employee, if any follow up investigation is required or necessary to confirm or corroborate information, the Supervisor, or General Manager shall finalize the investigation.
8. Once finalized, the Supervisor shall again contact the General Manager, Personnel Director and County Attorney's Office notifying them of the contemplated disciplinary decision and shall receive their approval prior to imposing the discipline, if any.
9. The disciplinary decision shall be presented to the employee in person and in written form, with a copy given to the employee and the Personnel

Director.

C. Types of Discipline

1. Verbal Warning:

Whenever grounds for disciplinary action exist, and the Supervisor determines that more severe action is not immediately necessary, they should orally communicate to the employee the Supervisor's observations of the deficiency demonstrated at the time of the action and document the event with notes. All such notes shall be maintained in the Supervisor's personal employee file for future reference. If corrective action is utilized, see paragraph "E". Verbal warnings are not considered an adverse employment action.

2. Written Reprimand:

Pursuant to Title 17, Utah Code, Supervisors may reprimand an employee in writing when, in the judgment of the Supervisor, the employee violates these policies, terms or conditions of employment or reasonable employer expectations. Any Supervisor writing a letter of reprimand shall have the letter reviewed by the General Manager, the Personnel Director and the County Attorney's Office. Signed copies will be provided to the Supervisor, the General Manager, the Personnel Director and to the employee. One copy will become a part of the employee's personnel file. Such reprimands must be communicated person to person, discussed and a remedy clearly expressed between the Supervisor and employee. If corrective action is required by the Supervisor, see Corrective Action, paragraph "E".

3. Suspensions:

a. With Pay. Suspensions with pay shall be issued only prior to a disciplinary decision being made not as a form of discipline. As stated in paragraph "B" above, employees alleged to have engaged in conduct which warrants discipline may be suspended with pay pending an investigation into the allegations and final disciplinary decision. In the event the suspension is to last for more than 3 days, the employee shall be notified of the suspension in writing and shall immediately cease all work for the District until notified otherwise. Suspension with pay should not exceed 30 days.

b. Without Pay. Suspensions without pay may be issued as a disciplinary measure for employees who engage in wrongful conduct. Suspensions may be up to 30 working days for each disciplinary action. Pursuant to paragraph "C" above, Supervisors contemplating such action must first consult with the General Manager, Personnel Director and the County Attorney's Office and provide the employee

an opportunity to be heard. The employee shall be furnished with a written copy of the reasons for and term of the suspension.

4. **Demotion:**

The General Manager may, after consulting with the, Personnel Director and County Attorney's Office, demote and/or reduce in grade, with loss of compensation, any employee in the District for the good of the District or as a disciplinary measure for cause.

5. **Discharge:**

The General Manager may, after consulting with the, Personnel Director and County Attorney's Office, discharge for cause any regular employee in the District by delivering a written statement of reasons for discharge to the employee concerned with a copy to be placed in the employee's personnel file. No discharge shall be administered without a formal investigation, prior notice to the employee and an opportunity to be heard.

All discipline shall be administered on a case-by-case basis with the most severe penalty being discharge from District employment. No employee may be discharged from employment as a result of a change in the appointed administration of the District (Board) or for the political expediency of an elected officer (Governing Body), except, where specifically provided by statute, contract or terms of formal agreement provide as a condition of employment. Neither shall any employee be removed from employment by means of job reclassification or transfer of job function when the evident purpose of the action was primarily for the purpose of terminating the employment relationship.

D. Appeal:

Any employee subject to a written reprimand, demotion, suspension or discharge under the provisions of the above policies may appeal through formal appeal procedures as prescribed in Section 14 of these Policies and Procedures.

E. Corrective Action:

When an employee's performance does not meet established standards for reasons other than willful misconduct, appropriate corrective action shall be taken in accordance with the following rules:

1. The Supervisor shall discuss the substandard performance with the employee in an attempt to discover the reasons for such performance and to plan an appropriate solution.
2. Appropriate corrective actions include but are not limited to: A period of probation during which closer supervision, training, a referral for personal counseling, reassignment, transfer, use of appropriate leave, or career counseling may be required.

3. During the implementation of a corrective action plan, the Supervisor, shall frequently evaluate and document the employee's progress under the imposed plan.
4. At the conclusion of the corrective action or probationary period, the Supervisor, shall notify the General Manager and the Personnel Director in writing, of the conclusion and the employee's success or failure.

SECTION 14 - GRIEVANCE & APPEAL PROCEDURE

A. **General Statement:**

It shall be the policy of the Mountain Regional Water Special Service District to comply with §17-33-1 *et. seq.*, Utah Code Ann. as amended, and to address grievances and appeals of employees in a prompt, forthright, and professional manner.

1. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment as allowed in paragraph D of this Section (below). Employees who have grievances created by work situations shall have the right to submit their grievances for orderly disposition according to the procedures as outlined in this section.
2. An appeal is the administrative process by which an employee may challenge an adverse employment action (*see* paragraph D below).
3. The employee having the grievance or appeal shall have responsibility to carry on the process as far as necessary to reach a satisfactory solution. The Personnel Director shall assure that the General Manager and all Supervisors respond affirmatively to this policy and procedure and expedite the resolution or processing of any grievance or appeal which may be received without the presence of discrimination, coercion, restraint or reprisal.

B. **Grievance Appeal Bodies:**

1. **Personnel Committee:** A two-member Personnel Committee (PC) shall be appointed by the Board as set forth in Section 3(B) of these policies. The PC shall hear appeals not resolved at lower levels in the cases of employees given written reprimands, suspended, demoted, or terminated. The PC shall also hear grievances not resolved by the grievance procedure.
2. The PC shall review written appeals and grievances, and shall report final decisions, in writing, to the Board.
3. **Career Service Council:** Pursuant to Utah Code §17-33-4, a three-member bipartisan Career Service Council (“CSC”) shall be appointed by the Governing Body. The Governing Body may appoint as the District CSC, the same CSC used and established by Summit County. The Governing Body may appoint alternate members of the CSC to hear appeals that one or more regular CSC members are unable to hear. The CSC shall hear appeals of the decision of the PC for both appeals and grievances.
4. All appeals from the PC shall be in writing and shall be heard by the CSC of the District. The CSC may request the assistance of a hearing officer

or an Administrative Law Judge (ALJ) to conduct the hearings before them. The hearing before the CSC shall be recorded and shall be the final hearing of record. The decision of the CSC shall be issued in writing and shall be the final and binding decision of the District.

5. All appeals from the CSC shall be with the District Court. A right of appeal to the District Court under the provisions of the Utah Rules of Civil Procedure shall not be abridged. However, an appeal to the District Court is barred unless it is filed within 30 calendar days after the CSC issues its written decision. If there is a record of the CSC's proceedings, the District Court review shall be limited to the record provided by the CSC. In reviewing a decision of the CSC, the District Court shall presume that the decision is valid and may determine only whether the decision is arbitrary, capricious or illegal.
6. Each CSC member shall serve a term of three years to expire on June 30, three years after the date of their appointment, except that the original appointees' terms shall be staggered so that each expires on a different year some of which may not be a full three year term. Successors of original CSC members shall be chosen for three-year terms. An appointment to fill a vacancy on the CSC shall be for only the unexpired term of the appointee's successor. The term for an alternate member of the CSC may not exceed one year. Each member of the board shall hold office until their successor is appointed and confirmed. A member of the CSC may be removed by the Governing Body for cause, after having been given a copy of the charges against them and an opportunity to be heard publicly on the charges before the Governing Body. Adequate annual appropriations shall be made available to enable the CSC effectively to carry out its duties under this law.
7. Members and alternates of the CSC shall be United States citizens and be actual and bona fide residents of the State of Utah and Summit County for a period of not less than one year preceding the date of appointment and a member may not hold another government office or be employed by Summit County or the District.
8. The CSC shall elect one of its members as chairperson and two or more members of the CSC shall constitute a quorum necessary for carrying on the business and activity of the CSC.
9. The CSC shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in Justice Courts.

10. CSC members and alternates shall receive compensation for each day or part thereof they are in session at a rate determined by the General Manager.

C. Administrative Law Judge

The Career Service Council may refer an appeal to an administrative law judge for a recommendation. Upon the recommendation of the CSC, the Governing Board may appoint one or more administrative law judges on an ad hoc basis to hear appeals referred by the CSC.

1. Each administrative law judge shall be licensed and in good standing with the Utah Bar, and trained and experienced in personnel matters.
2. If the CSC determines that it is in the District's best interest, it may initially refer an appeal to an administrative law judge.
3. After holding a hearing, the administrative law judge shall make findings of fact and a recommendation to the CSC.
4. After receiving the administrative law judge's recommendation, the CSC may request the administrative law judge to hold a further factual hearing before the CSC's decision
 - a. The CSC may adopt or reject an administrative law judge's recommendation, whether before or after a further hearing.

D. Grievable & Non-Grievable Issues and Appeals:

All claims of prohibited employment practices and discrimination may be grieved. Appeals of disciplinary or adverse employment actions involving merit employees (as defined in Section 6) may be appealed.

1. Claims dealing with verbal reprimands, wages, salaries, benefits, job classification, budget items or other financial matters may not be grieved except as they relate to a grievable claim.
2. Only the written grievance or appeal filed originally with the Personnel Director for presentation to the PC shall be considered as the process progresses. To insure this limitation, a copy of the original grievance or appeal and all supporting documentation and evidence shall be filed with the Personnel Director within the specified time period.

E. Multiple Grievances or Appeals:

Similar grievances or appeals may be consolidated and processed together as a single issue. Every effort shall be made by the involved parties to resolve the matter at the lowest possible level.

F. Employee Rights:

An employee is entitled to:

1. Employees grieving prohibited employment practices or discrimination and employees appealing a qualifying final disciplinary action may use the assistance of a representative of their choice to act as an advocate on their behalf;
2. A reasonable amount of time during work hours to confer with the representative and to prepare the grievance or appeal;
3. Freedom from reprisals for use of the procedures; and
4. Call other employees as witnesses at an appeal hearing and such employees shall be allowed to attend and testify at the hearing if reasonable advance notice is given to the witnesses' immediate supervisor.

G. Automatic Step Processing & Waivers:

Failure to answer an employee's appeal or grievance within the time specified automatically grants the aggrieved employee the right to process the appeal or grievance to the next step. Any step, or any time limits specified at any step, may be waived or extended by mutual agreement, in writing, between the aggrieved employee and the person to whom the appeal or grievance is directed. Failure by the aggrieved employee to process an appeal or grievance from one step to the next, within the time specified or time period mutually agreed to, is deemed a waiver by the employee of any right to process the matter further if the failure to process was due to neglect, inattention, misunderstanding, procrastination or other act or intent of the employee.

H. Stipulations:

Except as provided in paragraph I.2(a)(ii) below, no employee may submit an appeal or grievance more than 10 calendar days after the event giving rise to the appeal or grievance, nor does any person who has voluntarily separated from their employment with the District have any standing thereafter to submit an appeal or grievance. All appeals with exception of involuntary termination, and grievances regarding prohibited employment practices except discrimination and sexual harassment, shall be handled as set forth in subsection I-1 below. All appeals regarding involuntary termination, and grievances regarding discrimination and sexual harassment shall be handled as set forth in subsection I-2 below:

I. Grievance Procedure Steps:

1. For all appeals except terminations, and grievances regarding prohibited employment practices except discrimination and sexual harassment, the following procedure shall apply.

- a. Employees shall first attempt to resolve grievances (not appeals) among themselves through direct communication with affected parties. If this does not resolve the issue, then an employee may proceed to the next step as long as it is within the designated time period.
- b. The employee with an appeal or grievance shall file the matter in writing with their Supervisor, General Manager or the Personnel Director, as may be appropriate. The written appeal or grievance shall include all claims, documents and evidence in support of the claims. Upon receipt of any written appeal or grievance, the Supervisor or General Manager shall immediately notify and if not already provided, submit a copy to the Personnel Director of the matter. The Supervisor or General Manager will issue a written response within five (5) working days after the receipt of the grievance.
- c. In the event the Supervisor or General Manager fails to respond within the allowed time period, the Supervisor or General Manager was part of the underlying decision being challenged, or the employee wishes to challenge the decision of the Supervisor or General Manager, the employee shall notify the Personnel Director that they wish to proceed to the next step within five (5) days of the Supervisor or General Manager's deadline. The Personnel Director shall notify the PC who shall convene on the earliest possible date within thirty (30) days of receiving the appeal or grievance unless otherwise mutually agreed. The PC shall hear the matter referred and shall issue a written response within ten (10) working days after hearing the grievance or appeal. The Personnel Director shall act as the chair of the PC and shall not vote on any decision unless necessary to break a tie vote. Any member of the PAC shall recuse themselves in the event of a conflict of interest.
- d. If either party is dissatisfied with the decision of the PC, they may appeal to the CSC through the Personnel Director. The appeal must be filed within five (5) working days of the receipt of the PC's written decision. The requested appeal must be in writing and must be accompanied by the original written grievance or appeal. The CSC may affirm, modify, vacate or set aside the decision of the PC. The decision of the CSC shall be final.
- e. The decision of the Career Service Council shall be in writing, and shall be transmitted to the Personnel Director within fifteen (15) working days from the date the matter is heard before the CSC.

2. All appeals pertaining to termination of merit employees, and grievances regarding discrimination and/or sexual harassment claims, shall be handled in the following manner:
 - a. Appeal and grievance
 - (i) The **appeal** shall be taken by filing written notice of the appeal with all supporting documents and evidence, with the Supervisor, General Manager or Personnel Director as may be appropriate within ten (10) calendar days after the event giving rise to the appeal.
 - (ii) The **grievance** shall be taken by filing written notice of the grievance with all supporting documents and evidence, with the Supervisor, General Manager or Personnel Director as may be appropriate within thirty (30) calendar days after the event giving rise to the appeal.
 - (iii) Upon the filing of the appeal or grievance, the General Manager or Supervisor shall submit a copy to the Personnel Director for referral to the Personnel Committee (PC). Upon receipt of the referral from the Personnel Director, the PC shall consider the schedules of all parties and convene as soon as practicable to consider the appeal or grievance and to ensure a full hearing of all relevant evidence related to the claim. Unless otherwise mutually agreed, the PC shall convene no later than thirty (30) days of receiving the appeal or grievance. Any member of the PC shall recuse themselves in the event of a conflict of interest.
 - b. The employee shall be entitled to appear before the PC in person and to be represented by counsel, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the PC.
 - c. The PC shall render a decision in writing within ten (10) working days of the hearing before them.
 - d. The employee, Supervisor, or General Manager may appeal the decision of the PC within five (5) working days of the written decision. The appeal shall be with the CSC and must be filed with the Personnel Director in writing and accompanied by the original written grievance. The CSC may affirm, modify, vacate or set aside an order for disciplinary action. In the event of a grievance, the CSC shall make written findings of fact and conclusions of law regarding the claim. The decision of the CSC shall be final.

- e. The decision of the Career Service Council shall be in writing, and shall be transmitted to the Personnel Director within fifteen (15) working days from the date the matter is heard before the CSC.
 - f. Appeals from the CSC are to the District Court. In the event that the CSC reverses any involuntary termination, the Personnel Director shall report the decision to the affected employee and the General Manager, who must reinstate the employee unless the matter is appealed to the District Court. Reinstated employees will be placed back at their previous position and grade unless other disciplinary action is assessed as part of a decision, or otherwise directed by the CSC.
3. All grievances pertaining to action taken pursuant to Utah Code. §17-53-106, shall be directly appealed to the Personnel Committee.
 4. If any employee is denied the opportunity to present a grievance as prescribed by this Section, or if the employee is threatened or subjected to duress or retaliation when presenting the grievance, the employee should immediately notify the Personnel Director in writing. The Director shall promptly take the necessary actions to resolve the matter including authorization of an investigation of such complaints.
- J. Discrimination and Sexual Harassment:** Complaints shall be addressed according to the procedures defined and set forth in Section 12 and Section 14 of these policies and procedures.
- K. Career Service Council Hearing Guidelines:**
The following procedures are intended to serve as a guide to assure orderly hearing processes before the Career Service Council and facilitate the bringing out of all relevant and material facts. Deviation from these processes may occur upon mutual agreement of all parties concerned.
1. The grievant may present their case personally or through a representative of their choosing.
 2. The hearing shall not be bound either by legal procedures or by legal rules of evidence.
 3. An audio recording and/or written transcription shall be kept of the proceedings of any hearing before the CSC. A video recording may be allowed with the consent of the CSC and all parties. At the request of either party, all witnesses shall be excluded from the hearing room until such time as they are called upon to testify.

L. Hearing Procedures for all Appeals and Grievances:

The party appealing the decision of the PC has the burden to show that the decision was in error. As a result, the appealing party (Appellant) shall have the opportunity to present their case first and have a final rebuttal. Hearings therefore shall follow this general procedure:

1. The Appellant's representative may briefly summarize their cases in an opening statement. The party opposing the appeal (Respondent) shall have the opportunity to also give an opening statement.
2. At the conclusion of the opening statements, witnesses or material evidence may be introduced in support of the Appellant's position.
3. The Respondent and then the hearing officer may ask questions of each witness of the Appellant after said witness has testified.
4. The Respondent may then present material evidence, call witnesses, etc. following the same processes as previously mentioned.
5. After presentation of the Respondent's case, the Appellant shall be allowed to present rebuttal evidence, if any.
6. Before closing the hearing, the hearing officer(s) shall allow the Appellant and Respondent in turn to make closing statements.

SECTION 15 - GARNISHMENTS

The District is opposed to an employee's earnings being garnished. Employees of the District, as public employees, are required to maintain their private life in a manner that will reflect credit upon the District. Failure to pay legal debts in accordance with the terms of indebtedness could result in a legal garnishment of wages. Utah Code §70C-7-104 states that no employee may be discharged "by reasons of the fact that their earnings have been subjected to garnishment for any one judgment." Multiple garnishments arising from more than one judgment will justify the District in taking disciplinary measures not contrary to Utah Code, §70C-7-103. The District may charge the employee an administrative fee for processing a garnishment action.

SECTION 16 - OCCUPATIONAL LAWS

A. **Occupational Health & Safety**

It is the intent of the District to comply with all applicable rules and regulations pertaining to the Occupation Safety and Health Act as established under Federal Law or Utah State Law. The District takes safety very seriously, and has created a Safety Manual that all employees must review, and acknowledge in writing that they have read, understand and will follow this manual. No job is so important and no service so urgent that time cannot be taken to perform work safely. Equipment, materials and operations must be understood before they are utilized. Unsafe conditions and circumstances involving accidents or the potential for accidents shall be reported immediately to the supervisor and the compliance officer.

1. The General Manager shall appoint a compliance officer.
2. The District shall furnish each of its employees a work environment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees and does hereby require that each employee comply with the occupational safety and health standards, orders, rules, and regulations promulgated under the Occupation Safety and Health Act. Compliance with this Act shall be accomplished through the establishment of an occupational safety and health program as outlined herein.
3. All employees are covered under the Worker's Compensation Act (Utah Code §34A-2-101 *et. seq.*) for any injury sustained during the performance of their job. Compensation will be received for any loss sustained on account of such injury or death, and for medical and hospital services, medicines and funeral expenses. No compensation shall be allowed for the first three days after the injury, except for authorized medical, nurse and hospital services, and for medicines and funeral expenses. However, if the temporary disability lasts more than fourteen days, compensation shall then be payable for the first three days.
4. In accordance with law, the General Manager and the compliance officer shall inspect District facilities semi-annually at a minimum for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. The compliance officer in conjunction with department heads shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and the public. They shall warn all employees of any known dangerous conditions.

5. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not time is lost. These records shall at all reasonable times be available to the Industrial Commission or its representatives upon request. Other records shall be kept as requested by the Industrial Commission.
6. The compliance officer shall post, in conspicuous places, a listing of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of an emergency.
7. Supervisors and employees shall be required to insure clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time.
8. A report of any on-the-job injury resulting in disability or lost time and or a report of property damage due to accident shall be submitted to the compliance officer, who shall in the event of injury, notify the Workers Compensation carrier who shall notify the Industrial Commission and the affected employee within seven (7) calendar days on a "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, fires, etc.) that might affect the safety or health of District employees or tend to increase the hazards thereof, the Personnel Director or other designated authority shall notify the Industrial Commission of Utah at once. Such notification must be made whether or not any actual injuries result from the above occurrences or changes of conditions. All injuries, no matter how severe, shall be documented using the Employee Injury Report Form {FORM HR-36) and signed by the employee and compliance officer.
9. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of District employment or interfere with the use of any method or process adopted for the protection of employees. No employees shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees. Willful violation of these rules is grounds for disciplinary action or dismissal.
10. Additional information relative to the Occupational Safety and Health Act can be obtained from: The Utah State Industrial Commission.

B. Worker's Compensation

The District operates under the provisions of the Utah State Worker's Compensation Act. Utah Code Ann. §34A-2-401 *et. seq.*, as amended, provides

that any employee "... who is injured, and the dependents of each such employee who is killed, by accident arising out of and in the course of the employee's employment, wherever such injury occurred, if the accident was not purposely self-inflicted, shall be paid: (a) compensation for loss sustained on account of the injury or death; [and] (b) the amount ... for medical, nurse and hospital services and medicines, and, in case of death, the amount of funeral expenses".

1. The Worker's Compensation Coordinator for the District is the Finance Manager. The Workers Compensation Coordinator will help employees and their supervisors achieve the goal of assisting injured employees to return to work whenever possible.
2. Injury Reporting: ALL INJURIES, NO MATTER HOW MINOR, MUST BE REPORTED IMMEDIATELY to the employee's supervisor. Supervisors shall report these injuries to the Worker's Compensation Supervisor within 24 hours of the injury. Forms prescribed by the State Industrial Commission must be completed by the compliance officer within seven (7) days of injury
3. When a work related injury occurs and is reported:
 - a. For serious or life threatening injuries, 911 emergency should be utilized immediately.
 - b. For all other injuries, supervisors should arrange for the employee to be taken to the nearest appropriate medical facility for evaluation and treatment.
4. Consistent with state law, Workers Compensation benefits are provided to all District employees who become injured or contract occupational diseases on the job and cannot perform their normal duties. Eligible workers may receive benefits in various areas which include: hospitalization, medical, disability, permanent loss of body functions, prosthetic devices, and death/burial benefits. The amount and conditions of any such compensation shall be based on applicable provisions of the Worker's Compensation Act
5. Upon resolution of the injury, an employee returning to work after Worker's Compensation leave shall provide a written return to work release from their treating physician stating that the injury has been resolved and the employee may return to work without restrictions, or if restrictions are imposed, the nature, duration and extent of those restrictions. If necessary, the release shall also include a determination as to whether the employee, with reasonable accommodations, can perform the essential functions of their job. Under the ADA, reasonable accommodation will be made in all return-to-work situations, if doing so will not produce undue hardship on the District. The District may restrict the employee's return to work if the

accommodations preclude the employee from fully participating in their job responsibilities.

C. Coordination of Social Security Benefits

All employees of the District contribute to the Social Security program, as administered by the Federal Government. The system is based on employer and employee contributions as determined by Congress. Benefits include four general areas: Retirement Insurance, Survivors Insurance, Disability Insurance and Hospital and Medical Insurance (Medicare). Employees who are eligible for both workers compensation and social security will receive less social security payments but will not receive reduced workers compensation benefits.

D. Unemployment Insurance

The unemployment insurance program at Workforce Services requires a person to make a declaration of physical ability to work and availability to work if physically able. Employees would not be eligible for unemployment insurance benefits if they are receiving workers compensation benefits.

SECTION 17 - MISCELLANEOUS

A. Uniform & Equipment Allowance:

If the District desires to utilize allowances for uniform purchase and maintenance or for non-issued equipment, such expenditures must go through the budget process to assure availability of funds. Such allowances shall apply to entire job classifications.

B. Gratuities:

Accepting gifts, compensation, or loans -- prohibited.

1. Prohibited actions include:
 - a. Receiving a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
 - b. Receiving compensation for private services rendered at a rate substantially exceeding the fair market value of the services.
2. Employees who knowingly receive, accept, take, seek, or solicit, directly or indirectly for themselves or another, a gift exceeding \$50 in value may be disciplined if:
 - a. The gift would tend to improperly influence an employee to depart from the faithful and impartial discharge of the employee's public duties;
 - b. The employee knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the employee for official action taken; or
 - c. An employee recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made.
3. Subparagraph 2 does not apply to:
 - a. An award publicly presented in recognition of public services;
 - b. A bona fide loan made in the ordinary course of business; or
 - c. A political campaign contribution.

C. Worksite Wellness Physical Activity and Nutrition:

The District is committed to the wellbeing of our employees by promoting a healthy work environment. Food choices, lifestyle, and environment affect our health. Easy access to healthy foods and beverages, as well as opportunities for physical activity throughout the workday, encourage healthier lifestyles among employees.

1. Physical Activity

- a. The District encourages employee participation in physical activity during the workday:
- b. Employees will be allowed thirty minutes per day, for a maximum of three times per week, to engage in physical activity during paid time.
 - i. Employees who do not wish to utilize this physical activity time, are not eligible to use it for other activities.
 - ii. This time shall not be used at the end of the day and may not be accumulated.
 - iii. This time may be combined with the employee's scheduled lunch hour to extend the employee's opportunity for physical activity.
 - iv. Qualified activities include structured programs such as:
 1. aerobics,
 2. walking,
 3. jogging,
 4. biking,
 5. swimming,
 6. strength training,
 7. stretching, and
 8. yoga.
 - v. However, other appropriate exercise programs may be approved by the employee's immediate supervisor.
 1. Contact sports (for example: football, basketball,

rugby, dodge ball, etc.) are not permitted under this policy.

- c. In order to ensure all primary job responsibilities are completed, the time for this activity shall be determined by agreement between the employee and their immediate supervisor. (Employee Request Form is required). Supervisors are encouraged, when possible, to offer a flexible schedule that will accommodate an employee who wishes to participate in physical activity during the workday.

2. Activity Suggestions:

- a. Encourage employees to take a “brain break” by getting up and moving around. A few minutes spent stretching at their desk, walking around the halls, or stepping outside are all appropriate ways to regain focus.
- b. For conferences or extended meetings, include activity breaks in the agenda. Take moments to stand and stretch after sitting for an extended time.
- c. Organize walking meetings for small groups.
- d. Promote alternative commuting; walking, biking, public transportation, and carpooling.
- e. Provide guidance on activities that can be completed while sitting (desk exercises) or in a small area (walking in place).

3. Nutrition

- a. The District will make every effort to provide healthy meals, snacks and beverages during meetings and other District functions.

SECTION 18 – COMMUNICATIONS

A. INTRODUCTION

1. The District is committed to implementing new technologies for communication and information exchange, when such will make District employees more productive and increase the District's capacity to better serve the residents of the District. Electronic communication access is provided by the District and is considered District property, its purpose is to facilitate District business, and usage is subject to District control. This policy applies to all electronic communication devices and services which are accessed on or from District premises, are accessed from remote locations using District computer or other equipment or via District paid access methods. Electronic communication usage includes but is not limited to, telephones, cell phones, pagers, the Internet, social media, radio transmissions, fax transmissions, or email.
2. Communication plays an essential role in the conduct of District business. How employees communicate with the public and with co-workers not only reflects on them individually but also on the District as an organization. The District has invested substantially in information technology and communications systems which enable employees to work more efficiently and employees are expected to use them responsibly and in a manner consistent with these policies.
 - a. Electronic communications shall not be used for knowingly transmitting, receiving, retrieving, or storing any communications which are derogatory to any individual or group, are pornographic, lewd, indecent, of a sexual nature, or are of a defamatory or threatening nature. Electronic communications shall not be used in a manner which could be construed as discriminatory based on race, color, religious creed national origin, sex, age, military status, disability (including breast feeding and/or pregnancy), sexual orientation, or gender identification. Electronic communications shall not be used for communication of chain letters, or for any purpose which is illegal, against District policy, or contrary to the District's lawful interests.
3. Although the detailed discussion is generally directed to use of email and internet facilities, the general principles underlying all parts of this policy also apply to telephone communications, fax machines, copiers and scanners.

B. GENERAL PRINCIPLES

1. Employees must use the District's information technology and communications equipment sensibly, professionally, lawfully, and consistently with their assigned duties. Employees must show respect for colleagues and for the public and in accordance with these policies and other departmental rules and procedures.
2. With the exception of GRAMA classified protected and private records all information relating to District operations is generally public and must be maintained as such.
3. Many aspects of communication are protected by intellectual property rights which are infringed by copying. Downloading, uploading, posting, copying, possessing, processing and distributing material from the internet may be an infringement of copyright or of other intellectual property rights.
4. Particular care must be taken when using District email, social media, blogs or internal message boards as a means of communication because all expressions of fact, intention and opinion in an email may bind the employee, and/or the District and can be produced in court in the same way as other kinds of written statements.
5. The advantage of the internet and email is that they are extremely easy and informal ways of accessing and disseminating information, but this means that it is also easy to send out ill-considered statements. All messages sent on email systems or via the internet should demonstrate the same professionalism as that which would be taken when writing a letter or a fax. Employees must not use these media to do or say anything which would be subject to disciplinary or legal action in any other context such as sending any discriminatory (as defined by these policies), defamatory, or other unlawful material. If an employee has any question about the appropriateness of any content, they should contact their supervisor for approval.
6. Any messages or information sent via electronic communication, including bulletin board and online services, are statements identifiable and attributable to the District. Use of personal disclaimers with electronic communications will not relieve any user under this policy and users shall be held responsible for any communication initiated by them. All communications sent via a network must comply with this and other District policies and shall not disclose any confidential or proprietary District or customer information.

7. No email or other communications shall be sent which attempts to hide the identity of the sender, which may conceal information which is subject to the Government Records Act, or misrepresent the sender.
8. Users shall not reveal their passwords or other proprietary information, (i.e. IP addresses, server names, etc.) without a business necessity.
9. Use of any personal device on the District networks or systems by any employee, volunteer or contractor shall be subject to these policies.

C. USE OF TELEPHONES

All District owned telephones, including cell phones shall be considered electronic communication. Personal long distance/toll calls should not be charged to the District at any time.

D. SOCIAL MEDIA

Social Media: District employees that use social media for official District purposes are responsible for complying with applicable federal, state, and local laws, regulations and policies, including these Personnel Policies. Use of Social Media shall follow the guidelines established by the District. No employee shall use personal social media in a manner which implies official District participation, uses documents or images obtained as part of their employment, or in a manner which is illegal, violates District policies or is contrary to the District's lawful interests

E. USE OF ELECTRONIC MAIL

1. Generally

- a. Do not amend any messages received and, except where specifically authorized by the other person, do not access any other person's in-box or other email folders nor send any email purporting to come from another person.
- b. It is good practice to re-read and check an email before sending, including using a spell checking or grammatical checking program.

2. Business use

- a. Each District email should be sent using the District email system and server and not from any personal account.
- b. If the email message or attachment contains information which is time-critical, bear in mind that an email is not necessarily an instant communication and consider whether it is the most appropriate means of communication.
- c. It may be appropriate to file a hard copy of any email (including any attachments) sent to or received, to a paper file for use and viewing by others. The same applies to all internal email transmissions concerning District matters. Each Supervisor may determine the appropriateness of this action.
- d. All email shall be retained pursuant to the State of Utah retention schedule found at:

<http://archives.utah.gov/recordsmanagement/erm/email-guidelines.pdf>

3. Personal Use

- a. Electronic communication has been established for District business use and should not be used for personal, outside business or employment, or non-District related purposes. However, limited, occasional, or incidental use of electronic communications for personal, non-District purposes, is acceptable insofar that the use complies with District policy, does not interfere with the District's business activities, and as long as such use does not involve any of the following:
 1. Interference with existing District rules or policies;
 2. Disrupt or distract from the conduct of District business;
 3. Solicitation;
 4. A for profit personal business activity;
 5. Potential to harm the District;
 6. Illegal activities;
 7. The display, storage or recording any kind of nude, obscene, pornographic, sexually explicit or other image or document intended to appeal to a prurient interest in sex.

- b. Personal email sent by employees using the District email systems shall be retained in a separate email folder marked "Personal" should the employee wish to retain it after reading. Contact the IT provider if you need guidance on how to set up and use a personal folder. All email contained in your inbox and your sent items box is deemed to be business communications.

Employees must ensure that personal email use:

- (i) does not interfere with the performance of assigned duties;
 - (ii) does not take priority over assigned work responsibilities;
 - (iii) is minimal and limited to taking place substantially outside of normal working hours (i.e. during any breaks which the employee may be entitled to or before or after normal hours of work);
 - (iv) does not cause unwarranted expense or liability to be incurred by the District;
 - (v) does not have a negative impact on the District in any way; and
 - (vi) is lawful and complies with this policy.
- c. Employees may delete personal email from the email system and are not required to follow any retention schedule. However, employees should know that backups may exist on the server and as such will be retained by the District.
 - d. Employees shall be responsible for any charges arising from personal use of electronic communication services. Employees are expected to act responsibly and shall be subject to disciplinary action if this privilege is abused. By making personal use of District email systems, employees agree to abide by the conditions imposed for their use.

F. USE OF INTERNET AND INTRANET

- 1. Employees shall not attempt to circumvent any filtering or content control of the internet and acknowledge that when visiting a website, information identifying your PC may be logged.
- 2. The internet and intranet shall be used for legitimate District purposes. Limited personal use is permitted subject to the same

rules as are set out for personal email use in section E of this policy. If personal use requires additional software to be installed onto your PC or other device, employees should submit a request to the IT provider and receive approval before installing or connecting the device to District networks. This policy would carry over to any volunteer or independent contractor of the District which uses personal equipment while on District sites or connected to District resources.

3. Employees should not use their District email address when using public websites for non-District purposes, such as online shopping.
4. Any employee who may require access to websites generally blocked by the District as part of their duties (e.g. law enforcement) shall make the request to IT and shall have the express consent of the General Manager.

Unless necessary for legitimate District use, employees must not:

- a. introduce packet-sniffing or password-detecting software;
- b. seek to gain access to restricted areas of the District's network or access files for which they are not authorized;
- c. access or try to access data which the employee knows or should know is confidential;
- d. intentionally or recklessly introduce any form of spyware, computer virus or other potentially malicious software; nor
- e. carry out any hacking activities;
- f. participate in any internet chat room or post messages on any external website, including any message board or blog.

G. MISUSE OF DISTRICT EQUIPMENT AND SYSTEMS

1. Misuse of District equipment and systems, including its telephone, email and internet systems, in breach of this policy will be treated seriously. In particular, viewing, accessing, transmitting, posting, downloading or uploading any of the following materials in the following ways, or inappropriate use of any District equipment may subject the offending employee to discipline up to and including termination:
 - a. material which is sexist, racist, homophobic, xenophobic, pornographic, paedophilic or similarly discriminatory and/or offensive;

- b. offensive, obscene, derogatory or criminal material or material which is liable to cause embarrassment to the District or bring the reputation of the District and any of its Board members or staff into disrepute;
- c. any defamatory material about any person or organization or material which includes statements which are untrue or of a deceptive nature;
- d. any material which, by intent or otherwise, harasses the recipient;
- e. any other statement which is designed to cause annoyance, inconvenience or anxiety to anyone;
- f. any material which violates the privacy of others or unfairly criticises or misrepresents others;
- g. confidential information about an employee of the District;
- h. any other intentional statement which is likely to create any liability (whether criminal or civil) for the District;
- i. material in breach of copyright and/or other intellectual property rights;
- j. any subversive statement or activity which seeks to undermine the authority or purpose of the District or any other federal, state or local governmental entity.
- k. online gambling; or
- l. unsolicited commercial or advertising material, chain letters or other junk mail of any kind.

H. SYSTEM SECURITY

1. Security of District systems is of paramount importance. As a governmental entity, the District owes a duty to the public to ensure that all transactions are kept confidential where required and free of outside interference. If at any time the District needs to rely in court on any information which has been stored or processed using District IT systems it is essential to demonstrate the integrity of those systems. Employees using the system take responsibility for the security implications surrounding their acts.
2. District systems or equipment must not be used in any way which may cause damage, or overloading or which may affect its performance or that of the internal or external network.

3. Keep all confidential information secure, use it only for the purposes intended and do not disclose it to any unauthorized third party.
4. Employees should keep system passwords safe. Do not disclose them to anyone. In the event assistance from the IT provider is needed and the password necessarily disclosed, a password change will be required upon completion of the work by the IT provider.
5. Employees should not download or install software from external sources without having first received the necessary authorization from the IT provider.
6. Employees should always exercise caution when opening emails from unknown external sources or where, for any reason, an email appears suspicious. The IT provider should be informed immediately in such circumstances.

I. WORKING REMOTELY

1. This part of the policy and the procedures in it apply to the use of District systems, on District owned laptops, tablets or other devices as well as employee owned computer equipment or other computer equipment whenever employees may use when working on District business away from the regular office environment (working remotely).

Employees who may work remotely must:

- a. password protect any work which relates to District business so that no other person can access the employee's work;
- b. position themselves so that work cannot be seen by any other person;
- c. take reasonable precautions to safeguard the security of District equipment, and keep passwords secret;
- d. inform law enforcement and the IT provider (as appropriate) as soon as possible, but in any event no later than 24 hours after the fact, if any District owned equipment, has been lost, damaged or stolen; and
- e. ensure that any work done remotely is saved on the District system or is transferred to our system as soon as reasonably practicable.

2. Pocket computers, mobile phones and similar hand-held devices, external storage devices, and any internet based storage (cloud) are easily lost, stolen, or compromised, so employees must password-protect access to any such devices or services used by the employee.
 - a. Employees should not be in the practice of storing information produced as a District employee on a personal device or private internet storage. District related information must be available to the District at all times.

J. PERSONAL SOCIAL MEDIA, BLOGS AND WEBSITES

1. This part of the policy and procedures in it apply to personal non-District content published on the internet even if created, updated, modified or contributed to outside of working hours or when using personal IT systems.
2. The District recognises that employees may wish to publish content on the internet on their private time. Those activities should remain in the realm of private time and should not be done during regular working hours.
3. Employees who post any content to the internet, written, vocal or visual, which identifies, or could identify, them as a District employee and/or who discusses District work or anything related to the District or its business, Boards or staff shall be expected, at all times, to conduct themselves appropriately and in a manner which is consistent with the District's Personnel Policies and Procedures. It should be noted that simply revealing name or a visual image of the employee could be sufficient to identify them as an individual who works for the District.
4. If an internet posting clearly identifies that the employee works for the District and expresses any idea or opinion which is not authorized by the District then a disclaimer such as "these are my own personal views and not those of Mountain Region Water Special Service District" must be added.
5. The following matters shall be treated as gross misconduct capable of resulting in immediate termination.
 - a. Revealing confidential information obtained through employment with the District that would be considered protected or private as defined by the GRAMA statutes.
 - b. Information which would be considered criminal whether or not formal charges are filed.

- c. Any information, photos or writing in which the District is identified and which is pornographic or obscene in nature.
6. Online publications which do not identify the author as an employee of the District and do not mention the District and are purely concerned with personal matters will normally fall outside the scope of this communications policy.

K. PRIVACY AND MONITORING OF COMMUNICATIONS

1. Electronic information created and/or communicated using e-mail, word processing, utility programs, spreadsheets, voice mail, telephones, fax machines, electronic communication access, etc. is randomly monitored by the District. District personnel are on notice of the following:
 - a. The District routinely monitors usage patterns for both voice and data communications for cost analysis and electronic communication management (i.e., number called or site accessed, call length, call frequency, etc.)
 - b. **All electronic information on District owned equipment are the property of the District, and users shall not have an expectation of privacy in this regard. This includes but it not limited to data, facsimiles, texts, pictures, e-mail and voice mail files.** Employees should not assume electronic communications are private and confidential and should transmit private and sensitive information in other ways.
 - c. The display of any kind of image or document on any District system which is sexually explicit, obscene, pornographic, or which is designed to appeal to the prurient interest in sex, is a violation of the District's policy on sexual harassment. In addition, sexually explicit material shall not be archived, stored, distributed, edited or recorded using the District's network or computing resources.
 - d. The District reserves the right, at its discretion, to review any user's electronic files/messages and usage to the extent necessary to ensure that electronic communication devices and services are being used in compliance with the law and District policy and may disclose the contents of any user's electronic files/messages and usage of electronic media and services for a business or legal purpose.
 - e. The District may use independently supplied hardware and software and data collection to identify and block access to Internet sites containing non-work-related content. Examples are sites

which may contain (but are not limited to) content regarding: drug abuse; hacking; illegal content; discrimination; violence; child abuse; adult materials; gambling; extremist groups; nudity; pornography, weapons; sexual content; online gaming; peer-to-peer file sharing; malicious websites; phishing; SPAM; VPNs; or unapproved web hosting. The District may block access from its networks to all such sites that it knows of. If an employee becomes connected accidentally to a site that contains sexually explicit, offensive or inappropriate material, the employee must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. The employee must also report that connection to the I.T. provider who shall keep a log of such reports.

- (i) Authorized employees such as law enforcement and prosecution representatives may, when approved by the General Manager, access sexually explicit and other necessary Internet sites during the course work related investigations or law enforcement investigation or prosecution.
- f. The District's electronic communication facilities and computing resources may not be used to knowingly violate the laws and regulations of the United States or the laws and regulations of any state, county, city or other local jurisdiction in any material way. Use of any District resources for illegal activity is grounds for immediate dismissal and the District will cooperate with any legitimate law enforcement agency.
- g. The District may restrict a user's time allotment for using electronic communication devices for business purposes should such use be excessive or extravagant.
- h. Anyone obtaining electronic access to other organizations' or individuals' material must respect all applicable laws and shall not copy, retrieve, modify, or forward copyrighted materials except as expressly permitted by the copyright owner.
- i. Electronic communication access and usage by a District employee will be allowed only upon the approval of the employee's Supervisor.

L. COMPLIANCE WITH THIS POLICY

The provision of electronic communication devices and services are at the discretion of the District and are a revocable privilege. Any District employee found to be abusing the privilege of District facilitated access to

electronic communication devices or services shall be subject to disciplinary action up to and including dismissal.

ADDENDUM

DEFINITIONS

The following definitions shall apply throughout these policies and procedures, unless context clearly requires another meaning.

ALLOCATION (OF POSITION): The official establishment of a position by the District, to hire an individual to perform a specified job as defined by a job description and assigned to an established pay range.

APPOINTING AUTHORITY: The General Manager of Mountain Regional Water Special Service District.

CLASSIFICATION OR CLASS: A group of positions sufficiently similar in respect to duties performed, degree of supervision exercised or required, minimum requirements of training, experience, or skill, and other such inherent characteristics, that the same title and the same tests of fitness may be applied to each position in the group.

CLASSIFICATION PLAN: A plan for the internal valuation of all positions in the District with an appropriate title, pay grade and pay range.

CLASS SPECIFICATION: (also- Job Description), A description of the duties and responsibilities of each class of position within the District, and minimum qualifications required for the class of position including training and experience and other qualifications.

COMPENSATION PLAN: An approved salary scale for the District, including initial, intervening and maximum rates of pay for each class of position.

COMPTIME: Time off of work awarded in-lieu of cash for hours worked in excess of the 40 hour work week. See overtime provisions of these personnel policies and procedures.

DISTRICT: Mountain Regional Water Special Service District.

DEMOTION: A reduction in grade of an employee, for cause such as inefficiency, or for disciplinary reasons, from one position to another, either within the same class or to a different class having a lower entrance salary with a corresponding lowering of the employee's salary.

DEPARTMENT: A service area or function of the District which comes under the direct authority and supervision of the General Manager.

DEPARTMENT MANAGER: An appointed position of the District to plan, organize,

direct and manage a service or function established by the District which comes under the direct authority and supervision of the General Manager.

DISCRIMINATION: Action taken against an employee because of political or religious opinions or affiliations or because of race, color, religious creed, sex, national origin, age, military status, disability (including breast feeding and/or pregnancy), sexual orientation, gender identification and with proper regard for constitutional rights.

DISMISSAL: The termination of employment of an employee.

ELIGIBLE: An individual who is qualified for a position, benefits or privileges in the District under the provision of these policies and procedures.

FULL TIME EMPLOYEE: Those employees who are expected to work 40 hours in a work week and receive full benefits.

FURLOUGH: An uncompensated and undetermined period of time required of seasonal employees to be off the job between seasonal "high need" work periods.

GENERAL MANAGER: The appointed chief executive officer of the District

GOVERNING BODY: Unless otherwise specifically defined, means the elected governing body of the District.

JOB DESCRIPTION: A written statement describing the duties of a particular position within an office/department and the minimum requirements needed to perform them.

MERIT EXEMPT: An employee not afforded protection by these personnel policies and procedures. Employees hired to fill exempt positions serve "at (the) will" of the General Manager and may be terminated with or without cause at any time during the duration of their employment.

MERIT EMPLOYEE: Any person in the employ of the District who is hired in accordance with the provisions of these policies and procedures, and whose status cannot be affected except for cause or reduction-in-force after achieving regular status and are covered under the Fair Labor Standards Act.

MINIMUM QUALIFICATIONS: The requirements for training and experience, and other qualifications, to be measured by written and/or oral examinations, or by performance tests and prescribed for a given class in the job specifications. Applicants with fewer than stated minimum qualifications are deemed ineligible or unqualified.

ORIENTATION PERIOD: An "at will" period of at least six (6) months of regular employment or equivalent beginning with the date of appointment. The orientation period is considered the final step in the selection process prior to achieving regular employment status.

PART TIME BENEFITED EMPLOYEE: Those employees who as of January 1, 2017 have worked for the District for six (6) months or more, who work between 1040 and 2080 hours annually and who participated in the un-mandated benefits provided by the District as of that date.

PART TIME EMPLOYEE: Those employees who work less than 2080 hours annually (40 hours per week) and are not participating in any non-required or mandated benefit program prior to January 1, 2017.

PERSONNEL COMMITTEE: Standing committee established by policy to participate in the maintenance of quality personnel management problem solving and decision making processes related to selection, job classification, grievance review and policy revisions.

PERSONNEL DIRECTOR: The person designated by Summit County to maintain appropriate personnel records, review personnel policy, negotiate insurance, review wage scale and job descriptions and handle general personnel problems.

POSITION: An office or employment in the District (whether part-time or full-time, temporary or regular, occupied or vacant) composed of specific duties.

PROMOTION: A change in status of an employee from a position in one class to a position in another class having a higher entrance salary or pay grade.

QUALIFYING (QUALIFIED) EMPLOYEE:

1. All Full-Time and Part-Time Benefited employees working for the district prior to January 1, 2017 that have as of that date, worked for the District for six (6) or more months; and
2. After January 1, 2017 all Full-Time employees and part-time employees working 30 hours per week (1560 hours annually) or more

REASSIGNMENT: Means a change in classification of an employee, for administrative or other reasons not included in the definition of "Demotion," from a position in one class to a position in another class normally having a lower entrance salary which could result in a reduction in salary.

RECLASSIFICATION: Means a change from one classification to another classification (either higher or lower) having a different job specification without a change in salary.

REDUCTION-IN-FORCE: Any separation of an employee because of inadequate funds, change of workload, or lack of work, in which the District discontinues the use of the identifiable position occupied by such employee either by discontinuing the

performance of the duties of such position or by distributing such duties among other existing positions.

REGULAR EMPLOYEE: An employee whose continued retention has been approved by the General Manager at the completion of an orientation period; either as a full-time or part-time employee.

REHIRE: The return to employment of a former employee who has resigned while in good standing, or who has been separated from the District without prejudice or cause.

REINSTATEMENT: The resumption of employment of an employee who has been on leave of absence with or without pay.

RESIGNATION: The termination of employment at the request of the employee.

SALARY ADJUSTMENT: A change in the rate of pay for an employee to conform with the approved classification or compensation plan.

SALARY INCREASE: An increase in salary of one or more steps within a grade of the compensation plan.

SEASONAL EMPLOYEE: An employee hired for a specific portion of the year whose work hours shall not exceed 780 hours.

SUPERVISOR: means the General Manager and/or division heads

SUSPENSION: A forced leave of absence without pay for a period not to exceed 60 calendar days in any one year.

TEMPORARY EMPLOYEE: Shall not work in excess of 29 hours per week, or 320 hours in succession. Temporary employees cannot work in excess of 29 hours per week or 320 hours in succession without a 90 day rest period.

TRANSFER: (Interdepartmental) Defined as a move from one District department to another and should not be confused with managerial functions of moving personnel from one section to another within the same department by promotion, demotion or reassignment