



## SYRACUSE CITY

### Syracuse City Council Work Session Notice

January 27, 2015

6:00 p.m. – Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will participate in a work session on Tuesday, January 27, 2014, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Public Comments.
- b. Review comprehensive edits to first 11 chapters of Personnel Policy Manual. (30 min.)
- c. Discussion regarding design of the intersection of 3000 West and Antelope Drive. (15 min.)
- d. Review and discuss City Council assignments and appointments. (15 min.)
- e. Continued discussion of proposed ordinance amending title 10 re: second kitchens and yard landscaping (tabled from December 9.) (30 min.)
- f. Concept Plan Report – Steeds Lakeview Farms Subdivision. (10 min.)
- g. Mid-year Budget Opening Discussion including capital project discussion for the fiscal year ending June 30, 2015. (15 min.)
- h. Council business.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

#### **CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 22<sup>nd</sup> day of January, 2015 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on January 22, 2015.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



# COUNCIL AGENDA

January 27, 2015

Agenda Item **B**                      Review and discuss proposed comprehensive edits to first 11 chapters of policy manual.

## *Factual Summation*

- Any questions about this agenda item may be directed at Finance Director Stephen Marshall. See the attached policy manual PDF documents. There is both a red line and a clean copy of the proposed edits to the first 11 chapters of the policy manual.
- Administration is presenting the first 11 chapters of the personnel policy and procedures manual to the City Council for a first reading. Administration plan is to present half the policy manual now (Chapters 1-11) and the other half (Chapters 12-23) in the next few months so that the City Council has time to review the changes without being overwhelmed.
- This information was presented as a first reading to the City Council on November 19, 2014 with a plan to have a detailed discussion on the next extended work session.

## **Recommendation**

Approve the updated personnel policy and procedures as recommended by administration.

# SYRACUSE CITY CORPORATION



## Personnel Policies and Procedures Manual

Effective ~~January 1, 2008~~  
~~Updated 2014~~Updated 2014

This document supersedes all personnel policies and procedures previously established or approved by Syracuse City.

**SYRACUSE CITY  
PERSONNEL POLICIES AND PROCEDURES**

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## CHAPTER 1 INTRODUCTION

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- 1.020. Applicability.
- 1.030. Interpretation.
- 1.040. Amendments.
- 1.050. Distribution.
- 1.060. Acknowledgement Form.
- 1.070. Disclaimer.
- 1.080. Conflicts.

### 1.010. Purpose.

The purpose of these Personnel Policies and Procedures (“Policies and Procedures”) is to provide guidelines and information for City employees to assist them in performing and pursuing competent and satisfying employment with the City. It is the intent of the City ~~is~~ to comply with all Federal and State laws and regulations applicable to the City and/or its employees, whether mentioned herein or not.

### 1.020. Applicability.

These Policies and Procedures shall apply to all City employees and appointed officers, except where otherwise specifically excluded. These Policies and Procedures do not apply to elected officials, members of commissions and committees, or persons engaged under contract to supply professional or technical services. These Policies and Procedures are in addition to any other department-approved policies and procedures or operational standards, including, but not limited to, Police Department and Fire Department policies and operational standards.

### 1.030. Interpretation.

The City ~~Administrator~~ Manager shall provide the official interpretation of these Policies and Procedures. The department heads and supervisors shall be responsible for implementing these Policies and Procedures within their departments under the direction of the City ~~Administrator~~ Manager and the Human Resources ~~Specialist~~ Director.

### 1.040. Amendments.

Personnel practices and procedures are in a constant state of change and the City will review the policies and procedures set forth herein as needed to best serve the needs of the City and its employees. The City reserves the right to unilaterally alter, amend, except or revoke any policy, practice or procedure set forth herein in its sole discretion. All amendments shall be submitted for review by the City Council. The City Manager shall submit any proposed changes to the City Council for discussion on the next regularly scheduled work meeting, unless a proposed policy requires immediate action or otherwise permitted action under the Public and Open Meetings Act requirements of the Utah Code. If there are no objections from the Mayor or any member of the City Council, the proposed policy amendments shall be approved. If the mayor or any member of the City Council objects to the proposed changes, the proposed changes shall be scheduled for the next City Council Meeting for a vote by the Council. In such case, the

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~~proposed amendments must be approved by a majority vote of the City Council per the City Code, approved in writing by resolution of the City Council.~~

### 1.050. Distribution.

A copy of these Policies and Procedures and any amendments hereto shall be made available to all employees and appointed officers in electronic or hard copy format. Employees will be notified in writing of any amendments to these Policies and Procedures. ~~The content of the amendments will be made available in electronic format unless a hard copy is requested by the employee, though the content of the amendments will be made available only in electronic format.~~ The City shall be responsible for keeping the electronic and hard copy of the Personnel Policies and Procedures up to date with amendments. A log sheet may be provided by the City to assist in recording and tracking updates.

### 1.060. Acknowledgment Form.

City employees are responsible to be aware of and adhere to all the provisions of these Policies and Procedures and any amendments hereto. Each employee shall sign and submit to the City an Acknowledgment Form, as provided by the City, attesting to the fact that he or she has received instructions how to access a copy of these Policies and Procedures and any amendments to these Policies and Procedures and has ~~had an opportunity agreed~~ to read and understand the provisions set forth herein. Submission of a signed Acknowledgment Form shall be a condition of employment for all employees. The signed Acknowledgment Form shall be filed in the employee's personnel file.

### 1.070. Disclaimer.

The information contained herein, and any amendments or alterations hereto, do not constitute a contract or agreement of any kind between the City and its employees. No person other than the City ~~Administrator~~ Manager, with the advice and consent of the City Council, has the authority to enter into an agreement with any employee for any specified employment term or to make any commitments contrary to the relationship of City employees. Any such agreement or commitment must be made in writing. The information and policies contained herein shall not constitute or create any rights in or obligations to any persons or parties other than to the City and its employees. Nothing herein shall be construed to limit the City's right to discharge an employee or to create any other obligation or liability on the City. The City alone shall be entitled to enforce or waive the provisions of any policy, practice or procedure set forth herein.

### 1.080. Conflicts.

Except as otherwise specifically provided, these Policies and Procedures supersede all prior letters, memoranda, resolutions, policies and procedures of the City which are inconsistent with the matters stated herein. In the event of a conflict between any of the provisions set forth herein or with department approved policies and procedures, the more restrictive provision shall apply. If any provision or part of these Policies and Procedures or the application thereof is found to be in conflict with any State or Federal law or City Ordinance, the conflicting provision or 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 their application.

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## CHAPTER 2 ADMINISTRATION

- 2.010. Human Resources ~~Specialist~~Director.
- 2.020. Job Descriptions.
- 2.030. Classification Plan.
- 2.040. Personnel Records.
- 2.050. Employee Inquiries and References.

### 2.010. Human Resources ~~Specialist~~Director.

The City has created the position of Human Resources ~~Specialist~~Director. The Human Resources ~~Specialist~~Director is responsible for the administration and implementation of these Policies and Procedures and applicable City Ordinances. The duties and responsibilities of the Human Resources ~~Specialist~~Director, with respect to these Policies and Procedures, include, but are limited to, the following:

- (a) to develop, implement and administer these Policies and Procedures;
- (b) to promote the fair treatment of employees and the administration of these Policies and Procedures; and
- (c) to review these Policies and Procedures and recommend suggestions or changes deemed necessary to the City ~~Administrator~~ Manager and City Council.

### 2.020. Job Descriptions.

The City should provide and maintain a current job description for each employment position available within the City. Each job description should include the scope of responsibility, supervisory duties, typical duties, qualifications, knowledge, skills and abilities, essential functions, and physical demands and job environment. All employees will be assigned to employment as provided in an established job description and must be able to meet the requirements for performing the essential functions of the position to which assigned (with or without a reasonable accommodation to the extent required under the Americans with Disabilities Act). Recruitment and hiring of new employees should be based on the requirements and duties listed in the relevant job description.

### 2.030. Classification Plan.

The City shall establish and adopt a Classification Plan setting forth the positions and corresponding job descriptions of City employees.

### 2.040. Personnel Records.

(a) Personnel Records. Federal and State law requires employers to keep detailed data about their employees. It is the policy of the City to maintain personnel records concerning its employees in accordance with applicable Federal and State law. Such records may include, but are not limited to, records regarding hiring, compensation, leave, awards, grievances, disciplinary action, education, training and other relevant records.

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(b) Updates. Each employee is responsible for keeping the City notified of any changes in employee information such as name, address, telephone number, tax exemptions and related information so that the employee's personnel records may be accurately maintained.

(c) Maintenance. Personnel records shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, and the Utah Municipal Records Retention Schedule, as adopted and amended by the City.

(d) Access. Pursuant to *Utah Code Ann.* §§ 67-18-1, *et seq.*, as amended, employees of the City have the right to examine and make copies of documents in their own personnel files. Upon written request from an employee, the City shall produce the employee's personnel file for inspection and copying during regular business hours. Such inspection and copying shall be under the direct supervision of the Human Resources ~~Specialist~~Director, or his or her designee. Access and examination of personnel records by persons other than the employee must provide a written request and is subject to the provisions of the Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as adopted and amended by the City. Access and examination of personnel records by the City Manager and/or Department Head will be provided upon written request which will be kept with the personnel file and is not subject to the provisions of the Government Records Access and Management Act.

### 2.050. Employee Inquiries and References.

~~Department heads, supervisors and employees should refer a~~All inquiries from outside parties regarding current and former employees shall be directed to the Human Resources ~~Specialist~~Director, other than requests for dates of employment and job title. For purposes of extensive background investigations on current and former Police Officers a liability release form signed by the employee is required and the Police Chief in cooperation with the Human Resource Specialist may respond to questions with factual information. Pursuant to the Employer Reference Immunity provisions of Utah law, as set forth in *Utah Code Ann.* § 34-42-1, as amended, an employer who in good faith provides information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee, at the request of the prospective employer of that employee, may not be held civilly liable for the disclosure or the consequences of providing the information. Notwithstanding statutory protection, the City reserves the right to require a written reference and liability release form from former employees regarding requested references. Reference and liability release forms may also be filled out by employees upon termination of employment with the City.

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### CHAPTER 3 EMPLOYEE HIRING

- 3.010 Equal Opportunity Employer.
- 3.020. Employment Philosophy.
- 3.030. Employment of Relatives ([Nepotism](#)).
- 3.040. Employment of Minors.
- 3.050. Authority to Hire. [Chapter](#)
- 3.060 Recruiting.
- 3.070. [Newly Created](#) or Existing Positions.
- 3.080. Advertising.
- 3.090. Open Position Notices.
- 3.100. Application Process.
- 3.110. Interviews.
- 3.120. Testing and Investigations.
- 3.130. Job Offers.
- 3.140. Employment Eligibility Verification.
- 3.150. Employee Orientation.
- 3.160. Disqualification.
- 3.170. Rehires.

#### 3.010 Equal Opportunity Employer.

Syracuse City is an "Equal Opportunity Employer" and it is the policy of the City to comply with Federal and State equal employment opportunity laws and guidelines. The City shall not discriminate in the hiring, employment, promotion or other employment practices with respect to its employees on the basis of race, color, religion, sex, national origin, political affiliation, age, pregnancy, childbirth or pregnancy-related condition, disability, status as a veteran, or genetic information, in accordance with applicable Federal and State laws. It is the policy and commitment of the City to protect the civil rights of all employees and applicants for employment with the City and to provide a work environment free from discrimination and harassment.

#### 3.020. Employment Philosophy.

[The City Council shall adopt and maintain a Recruitment and Retention Policy for the city, which purpose is to attract the best talent possible, motivate and retain that talent for the overall benefit of the citizens.](#) The City seeks to attract and retain the most highly qualified and competent employees who exhibit the qualities and characteristics required for and consistent with the job to be performed. Evaluation of employment applicants will be made on the basis of education, skills, experience, character, competence, ability to work and relate with co-workers, supervisors and the public, and potential job performance and learning consistent with the needs of the City and the specific position to be filled. [A copy of the Recruitment and Retention Policy is attached hereto as Appendix \(?\), and incorporated herein by this reference.](#)

#### 3.030. Employment of Relatives ([Nepotism](#)).

It is the policy of the City to comply with the provisions of Title 52, Chapter 3, of the *Utah Code Annotated*, as amended, regarding the prohibition of employment of relatives. [The City restricts the hiring of city employees' relatives. A relative is defined as the employees' husband, wife, parent, step-parent,](#)

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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nephew, niece, grandparent, son-in-law, daughter-in-law, sister, step-sister, brother, step-brother, son, step-son, daughter, step-daughter, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin; or a spouses' grandparent, grandchild, aunt, uncle, nephew, niece, or first cousin. Guidelines regarding employment of relatives is as follows:

- (a) A person may be hired within the same department as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, a conflict of interest or the appearance of a conflict of interest.
- (b) In the event that an employee who directly or indirectly supervises another employee whom become related as a result of a marriage, the City will attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.
- (c) No employee who is related to someone within the same department shall be promoted to a Department Head or Supervisor position.

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### 3.040. Employment of Minors.

The City may employ minors from time to time and it is the policy of the City to comply with all State and Federal laws and regulations regarding the employment of minors, including, but not limited to, *Utah Code Ann. §§ 34-23-101, et seq.*, 29 U.S.C. §212 and 29 C.F.R. Part 570. The law prohibits employment of minors under age 14 and no one under the age of 18 may perform a hazardous job as defined by the Fair Labor Standards Act (FLSA). Please see the Human Resource Specialist for further information on such duties. Please see Work Hours and Breaks and Lunch Periods in Chapter 6 for additional information in regards to employment of minors.

### 3.050. Authority to Hire.

In accordance with the hiring provisions set forth in Title 1 (Administration) of the Syracuse City Ordinances, hiring shall be conducted as follows:

(a) With the exception of department head positions and positions required by law to be appointed by the Mayor and/or City Council, the City Administrator Manager, or his or her designee, has the authority to post, interview, and hire for all available employment positions within the City.

(b) It is the responsibility of the Mayor, with the advice and consent of the City Council, to appoint individuals to all department head positions and positions otherwise required by law, such as the City Recorder and City Treasurer. The City Administrator Manager, or his or her designee, shall assume the responsibilities of posting, interviewing and making final recommendations to the Mayor and City Council for such positions.

### 3.060 Recruiting.

All recruitment shall be conducted in accordance with the City's Equal Opportunity Employer policy as set forth in Section 3.010. Any and all selecting and advancing of employees in the City personnel system shall be on the basis of the applicant and/or employee's ability, knowledge, and skill levels related to the vacant position in accordance with the City's Employment Philosophy set forth in Section 3.020. All hiring shall be based upon the job description for the specific position opening. If the recruitment is for a newly created position, a job description, classification and salary range shall be prepared by the City prior to recruiting for the proposed position and the position approved by the City Council in accordance with Section 3.070. In addition As an alternative to outside recruitment, the City may promote or consider ~~and promote~~ employees from within to fill vacant job positions. Syracuse City employees that apply for and meet minimum qualifications required for the open position should be interviewed during the interviewing process with the other outside applicants; however, this is not required when an employee is promoted.

### 3.070. Newly Created or Existing Positions.

Newly created regular or appointed positions may be created by the City Council through authorization and approval of the job description, classification, and salary range of the position, either through the annual budget authorization or by separate action of the City Council. Any department head wishing to create a new position within their department shall submit a request to the Human Resources ~~Specialist Director~~, including a proposed job description, classification, and the pay range for the job. If acceptable to the Human Resources ~~Specialist Director~~, the new position request shall be forwarded to the City Administrator Manager for review and recommendation to the City Council. Job openings for existing positions, which have been previously authorized by the City Council shall be reviewed by the

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| Human Resources ~~Specialist~~~~Director~~ and approved by the City ~~Administrator~~ Manager to initiate the hiring process.

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### 3.080. Advertising.

Upon approval by the City Council for new positions and approval by the City ~~Manager~~~~Administrator~~ for existing positions, the Human Resources ~~Specialist~~~~Director~~ will prepare advertisements for job openings and post notice of such openings as provided herein. Advertising for job openings should be posted at the City Offices and a copy of the posting sent via email to each department head for posting within the Department. Department heads are responsible for ensuring that all job postings are posted within their Department. Internal posting of job openings will also be posted on employee bulletin boards. In addition, and at the same time, the Human Resources Department will advertise all new and vacant positions as it deems appropriate unless directed otherwise by the City ~~Administrator~~ ~~Manager~~. In general, all new and vacant positions will be posted externally on the Syracuse City Website and through the Utah Department of Workforce Services. Other media, including newspapers, social media and professional publications, may be used ~~depending on the type of position available~~.

### 3.090. Open Position Notices.

Open position notices prepared by the Human Resources ~~Specialist~~~~Director~~ should contain a statement indicating the City's Equal Opportunity Employer status. Open position notices should also specify what application information is required (resume, cover letter, etc.), where job applications may be obtained, instructions on returning completed applications, and the deadline for filing an application.

### 3.100. Application Process.

(a) An application for employment will be accepted from applicants for employment on forms provided by Syracuse City. Job applications are available via the City website at [www.syracuseut.com](http://www.syracuseut.com) or at the City Office building. No one under the age of eighteen (18) may apply for or be hired for full-time employment with the City. No one under the age of ~~fourteen sixteen~~ (416) may apply for or be hired for any employment position with the City.

(b) All applications and resumes shall be forwarded to the Human Resources ~~Specialist~~~~Director~~. Upon receipt, each application, resume, and/or cover letter will be marked with the date it was received. Completed applications will be placed in a file for the open position and shall be retained in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as adopted and amended by the City.

(c) All job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.

(d) Applications may be rejected for, but not limited to, the following reasons:

(i) The applicant does not meet the minimum qualifications established for the position;

(ii) The applicant voluntarily indicates that he or she is physically or mentally unable to perform the essential duties and responsibilities of the position with or without reasonable accommodation(s) (determined only after a conditional offer of employment has been extended to a job applicant and pending the results of a medical examination);

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- (iii) The applicant has falsified a material fact or failed to complete the application;
  - (iv) The applicant failed to timely file the application;
  - (v) The applicant has an unsatisfactory employment history or poor work references;
- or
- (vi) The applicant failed to attain a passing score, if an examination is required.

### 3.110. Interviews.

The Human Resources ~~Specialist~~Director, in conjunction with the hiring department head or the City ~~Administrator~~Manager, will select applicants to interview from those who have passed the preliminary screening tests and job applications. Job related duties and qualifications will provide the basis for initial screening of job applicants. ~~During the interview, all job applicants should be advised that, if offered the position, all of the information provided will be verified.~~ Individuals conducting job interviews shall only ask questions that pertain to the job position. A structured interview guide ~~should~~shall be developed and reviewed by the Human Resources ~~Specialist~~Director and the department head filling the position before the interview begins. The guide will be developed in accordance with the Syracuse City Equal Employment Opportunity policy. During the interview each interviewer will complete the structured interview guide developed for the position. The Human Resources Specialist shall be given the opportunity to attend all interviews for Full-Time positions.

### 3.120. Testing and Investigations.

Applicants for positions with the City may be subject to competitive testing or condition of employment testing which may include, but is not limited to: determination of bondability, rating of education and experience, written, oral, or physical tests, drug testing, medical examinations, driving record evaluations, and/or background investigations in accordance with these Policies and Procedures and applicable provisions of law. See, Chapter 13 of these Policies and Procedures regarding Employee Testing and Evaluation. The structure and methods of testing shall be reviewed by the Human Resources Specialist prior to the testing being conducted.

### 3.130. Job Offers.

After a job applicant is approved by the Human Resources ~~Specialist~~Director and the hiring department head (and City Council as applicable for department head positions), with the consent of the City Manager, the Human Resources ~~Specialist~~Director or department head in coordination with the Human Resources Specialist, with consent of the City Administrator Manager, shall notify the successful job applicant of his or her conditional selection through: (1) a telephone call; and (2) a written job offer letter. ~~The job offer letter shall clearly state that the offer is not accepted until the candidate signs the conditional job offer letter and returns it to Syracuse City by the requested date. To accept a job offer, the candidate must sign the written job offer, thereby making the offer official.~~ The original job offer letter is then filed in the employee's file and a copy is given to the new employee. Written job offer letters will include the following:

- (a) The employee's job title;
- (b) A clear statement of the job description;

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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(c) The employee's supervisor;

(d) The employee's starting salary (starting salary offers for exempt positions shall be figured as both an annual and bi-weekly amount and starting salary offers for non-exempt positions shall be figured as ~~both an annual salary and~~ the equivalent hourly wage);

(e) Any applicable relocation commitments;

(f) A summary of the benefits in which the employee will be eligible to participate;

(g) Syracuse City's at-will employment policy, to the extent applicable;

(h) The employee's starting date;

(i) The length of the employee's probationary period;

(j) Notice that employment is contingent upon passing a background investigation, drug testing, driving record evaluation, medical examination, and any other testing or investigation, to the extent required under these Policies and Procedures for the particular position.

### 3.140 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 illegal workers, the Human Resources ~~Specialist~~ Director 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.

### 3.150. Employee Orientation.

On the first day of work the new employee should receive a general orientation concerning benefits, compensation practices, personnel policies and procedures, vacation, holiday and sick leave, work hours, parking, and various employment expectations. After a new employee is hired he or she shall fill out all required pre-employment forms, benefit applications, and enrollment forms. In addition to any other required forms, the following forms shall be filled out by all new employees:

(a) Employment Eligibility Verification Form (Form I-9);

(b) Federal Withholding Statement (Form W-4);

(c) Utah New Hire Registry Reporting Form;

(d) Applicable Utah Retirement System (URS) Form;

(e) Syracuse City Direct Deposit Form;

(f) Personnel Policies and Procedures Acknowledgement Form; and

(g) If applicable, all benefits enrollment forms.

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### 3.160 Disqualification.

The City reserves the right to reject any application which 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 statements or who are found to have engaged in any type of deception or fraud in the application or testing process may be rejected or terminated, if hired.

### 3.170 Rehires.

Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications. The Human Resources ~~Specialist~~ Director will review the former employee's personnel records and the circumstances surrounding termination of previous employment with the City. Former employees who have been terminated for cause, or who voluntarily resigned while facing disciplinary action, or who did not give a two (2) week notice are not eligible for rehire. Employees must give a two (2) week notice in order to be rehireable unless deemed otherwise at the discretion of the City Manager. Eligibility for rehire should be noted on termination forms. Applicants who are rehired shall be required to serve a probationary period in accordance with these Policies and Procedures. Former employees who terminated employment with the City in good standing ~~Employees who are terminated due to a reduction in work force~~ may maintain the original anniversary date for ~~seniority-benefit~~ purposes if they are re-employed by the City within one (1) year after the date of termination.

# SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

## CHAPTER 4 EMPLOYMENT STATUS

- 4.010. General Policy.
- 4.020. Employee Definitions.
- 4.030. FLSA Employment Status.
- 4.040. Probationary Employment Period.
- 4.050. Light Duty Status.
- 4.060. Volunteers.
- 4.070. Court Ordered Service.

### 4.010. General Policy.

Employment positions within Syracuse City are defined and classified into various categories that relate to employment status, hiring procedures, compensation, benefits eligibility, and applicability of certain Federal and State laws. Such categories are subject to change depending upon the requirements of State and Federal law, City policy or City Ordinances.

### 4.020. Employee Definitions.

Each employee position available with the City is defined and categorized as one of the following, depending upon the number of required working hours for the particular position and/or the temporary nature of the position. Elected officials are excluded from these categories.

(a) Full-Time. An employee working in a position for which the normal work schedule is forty (40) or more hours per week is considered a full-time employee. Full-time employees are eligible for participation in City provided benefits programs as more particularly set forth in these Policies and Procedures.

(b) Part-Time. An employee working in a position for which the normal work schedule is less than ~~thirty (30)~~ ~~forty (40)~~ hours per week is considered a part-time employee. Part-time employees are not eligible for benefits except as expressly provided herein or otherwise required by law. ~~This classification includes positions which may be considered seasonal or temporary.~~ Part-time employees are at-will and may be terminated at any time with or without cause, without appeal.

(c) Seasonal. An employee working in a position that is expected to work for six (6) months or less per year and which the need for the position ends typically in conjunction with a season is considered a seasonal employee. Seasonal employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Seasonal employees are at-will and may be terminated at any time with or without cause, without appeal.

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(d) Temporary. An employee working in a position that is expected to work for six (6) months or less per year, less than thirty (30) hours per week and which the need for the position ends after a single project is not typically repeated each year is considered a temporary employee. Temporary employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Temporary employees are at-will and may be terminated at any time with or without cause, without appeal.

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### 4.030. FLSA Employment Status.

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To facilitate provisions of the Fair Labor Standards Act ("FLSA") regarding employee eligibility for overtime compensation, employees shall be classified as either exempt or nonexempt. These categories are defined as:

(a) FLSA-Exempt. Employees who are not covered by or subject to the overtime requirements and regulations of the Fair Labor Standards Act ("FLSA") are deemed "exempt." Employees are classified as exempt based upon the nature of the work, conditions of employment, and criteria set forth in the FLSA and related Federal rules and regulations.

(b) FLSA-Non-Exempt. Employees who are covered by and subject to the overtime requirements and regulations of the FLSA are deemed "non-exempt."

#### 4.040 Probationary Employment Period.

(a) All newly hired Full-Time employees shall be subject to a twelve (12) month Probationary Period. The Probationary Period shall begin on the first day of employment and shall continue for twelve (12) months thereafter. The Probationary Period is established to evaluate the performance and potential of the new employee, determine the employee's retention, possible transfer or termination, and to give the employee the chance to evaluate the job.

(b) At any time during the Probationary Period, the employee may be terminated by the City with or without cause and without right to due process, notice, or appeal in connection with the termination.

~~(c) During the Probationary Period, the employee should have, at a minimum, a performance evaluation at the mid-point and at the end of the Probationary Period. These performance evaluations may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate the City to a particular course of action relative to the probationary employee nor shall it create any property or due process rights for the probationary employee relative to the employment position.~~

~~(d) Upon recommendation of the department head and approval by the City Administrator, a probationary employee shall become a regular employee in the position for which the employee is approved, and the Human Resources Department shall so notify the employee of the status by Personnel Action Form.~~

#### 4.050. Light Duty Status.

Employees that incur a medical condition and are recommended by a medical doctor to only be involved in "light duty" activity may be assigned work in accordance with light duty operations and functions as approved by the Human Resources Specialist Director in cooperation with the Department Head. Light duty assignments will be temporary and short term in nature, usually not exceeding thirty (30) work days. Each case will be reviewed independently and will only be extended for extenuating circumstances. Light duty assignments over thirty (30) days must be approved by the City Manager Administrator.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### 4.060 Volunteers.

(a) Volunteers are persons who donate services as authorized by the City without pay or other compensation other than expenses actually and reasonably incurred as approved by the City, exclusive of "court ordered" volunteers as set forth in Section 4.070. The City ~~Manager~~Administrator, ~~with the advice and consent of the City Council,~~ may establish volunteer programs and develop guidelines for the use of volunteers. Volunteer programs and guidelines proposed by the City Manager that are either outside of the current adopted budget or involves an exceptional amount of risk would require approval from the City Council. All volunteers providing services for the City shall sign an agreement defining the nature and terms of the volunteer services. A volunteer may not donate any service to the City unless the volunteer's services are approved by the City ~~Manager~~Administrator and the volunteer has submitted a signed volunteer form to the City as required herein.

(b) Volunteers may be provided protections under the Volunteer Government Workers Act, as set forth in *Utah Code Ann.* §§ 67-20-1, *et seq.*, as amended, which provides volunteers may be deemed an employee of the City for purposes of workers' compensation benefits, operation of motor vehicles, and liability protection and indemnification normally afforded paid government employees.

~~(c) Volunteer experience may be recognized for determining minimum qualifications for an employment position with the City.~~

### 4.070. Court Ordered Service.

Court ordered community service volunteer labor is authorized but shall be accepted at Syracuse City only when ordered through the Syracuse City Justice Court. Court ordered volunteers may be considered an employee of the City for purposes of workers' compensation benefits as more particularly provided in the Volunteer Government Workers Act, as set forth in *Utah Code Ann.* §§ 67-20-1, *et seq.*, as amended, regarding "compensatory service workers," as defined therein.

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### CHAPTER 5 COMPENSATION

- 5.010. General Policy.
- 5.020. Compensation Plan.
- 5.030. Pay Grade for New Employees.
- 5.040. Pay Progression.
- 5.050. Meritorious Performance.
- 5.060. Longevity Increase.
- 5.070. Cost of Living Adjustments.
- 5.080. Position Adjustments.
- 5.090. Overtime.
- 5.100. Compensatory Time.
- 5.110. Holiday Pay.
- 5.120. Special Programs.
- 5.130. Severance Pay.

#### 5.010 General Policy.

Syracuse City will pay at least minimum wage and overtime to all Non-Exempt employees in accordance with applicable provisions of the Fair Labor Standards Act (FLSA). Syracuse City may compensate all ~~FLSA~~ Exempt employees with time off for extra hours worked as more particularly set forth herein. Syracuse City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the FLSA and the Equal Pay Act of 1963.

#### 5.020. Compensation Plan.

(a) Compensation Plan. The City Council shall adopt and maintain a compensation plan for the City, including minimum and maximum rates of pay for each position within the City's personnel system and such intermediate steps or grades as deemed necessary and equitable for employee compensation ("Compensation Plan"). The Compensation Plan may also include salary administration guidelines, position pay grade schedule, and salary schedule, as adopted by the City. Salaries shall be linked to the position classification plan and may take into consideration the following prevailing practices and factors: ranges of pay for other positions; prevailing rates of pay for similar employment in both public and private organizations; cost of living; market trends, other benefits; and the financial policy and economic conditions of the City. Independent market studies may be authorized at the discretion of the City Council when deemed necessary. Compensation for statutory officers shall be subject to public hearing requirements and adopted by ordinance of the City Council in accordance with applicable provisions of *Utah Code Ann.* § 10-3-818, as amended. A copy of the Compensation Plan is attached hereto as Appendix (?), and incorporated herein by this reference.

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(b) Updates and Amendments. The Compensation Plan should be reviewed and analyzed annually by the Human Resources ~~Specialist~~Director and City ~~Manager~~Administrator who may recommend appropriate changes to the City Council. The City Council may review and make appropriate changes to the Compensation Plan at anytime in accordance with applicable procedures regarding the same. Implementation of any recommended adjustments to the Compensation Plan shall be subject to City Council approval and availability of funds. Any amendments or updates to compensation or compensation schedules for statutory officers shall be subject to public hearing requirements and adopted by ordinance of the City Council in accordance with applicable provisions of *Utah Code Ann.* § 10-3-818, as amended.

### 5.030. Pay Grade for New Employees.

Except as provided herein, pay for newly hired employees shall be set at the minimum of the pay range assigned to the specific job position. The City ~~Manager~~Administrator may approve higher starting compensation, up to the midpoint of the pay range for the specific job position, as warranted by job qualification and experience and subject to the availability of funds.

### 5.040. Pay Progression.

Progression within the salary and wage scale for any given position may be based upon recommendation of the City ~~Manager~~Administrator with final approval given by the City Council. In making recommendations, for pay progression or special adjustments, the City ~~Manager~~Administrator shall consider level of responsibility, performance, length of service, market conditions or other factors. Employees may advance through the salary and wage scale at a minimum of a half-percent (.5%) wage increase up to a maximum of a five percent (5%) wage increase per fiscal year as authorized within the City's fiscal year budget and recommendation by the ~~Department Head~~employee's supervisor. The City ~~Manager~~Administrator shall may approve all recommended salary and wage increases up to five percent (5%). No salary or wage increase above five percent (5%) may be approved without the review and consent of the City Council.

### 5.050. Meritorious Performance.

The City Council may, in its sole discretion, adopt meritorious performance increase guidelines on an annual basis to provide for employee compensation increases. Such meritorious performance increase guidelines shall be adopted and effective as of the first pay period with a July start date in July of each calendar year and shall be subject to funding in the approved budget. Full-time and part-time employees are eligible to receive a meritorious performance increase, subject to the terms and conditions set forth herein. Temporary or seasonal employees may be eligible at the discretion of the City Manager, within budgetary limits and subject to the terms and conditions set forth herein. Employees who have completed their Probationary Period and who have received a satisfactory or better performance rating for performance related to the last twelve (12) months prior to the rating date shall be eligible to receive a meritorious performance increase. Employees who are still in their Probationary Period may be eligible to receive a meritorious performance increase if they have completed at least six (6) months of their Probationary Period and have received a satisfactory or better performance rating for such Probationary Period. Employees at or above the pay range maximum and employees whose performance is rated less than satisfactory shall not be eligible to receive a meritorious performance increase. A meritorious performance pay increase shall not exceed the maximum range of pay assigned to the specific employee position.

### 5.060. Longevity Increase.

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The City Council may, in its sole discretion, grant a longevity increase not to exceed five percent (5%) of an employee's gross pay to an employee who has been paid at or above the range maximum for a minimum of five (5) years, provided the employee has received a successful or outstanding performance rating in the last year and has been employed by Syracuse City for at least eight (8) years. An employee whose salary exceeds the range maximum is eligible to receive a longevity adjustment no more frequently than every five (5) years after the initial longevity adjustment. Any subsequent longevity increase shall not exceed five percent (5%) of the employee's gross pay. An employee is eligible to receive a maximum of five (5) successive longevity adjustments beyond the range maximum ("Longevity Scale Maximum").

### 5.070. Cost of Living Adjustments.

The City Council may, in its sole discretion, approve Cost of Living Adjustments ("COLA") to employee salaries and/or compensation plans or schedules. COLA increases may increase the employee's salary range maximum or the position pay range.

### 5.080. Position Adjustments.

(a) Promotions. The City ~~Manager/Administrator~~ may approve higher starting compensation for an employee receiving a promotion if the new salary minimum pay is less than what the employee was receiving in his or her previous position. Promotions include an upward movement in the position that significantly increases the employee's responsibilities and/or supervisory duties. An employee who is promoted will receive an increase to the minimum wage of the entering wage scale, or a seven and a half percent (7.5%) increase, whichever is greater.

(b) Reassignment or Transfer. Except when due to a demotion or other disciplinary action, an employee who is reassigned or transferred to another position shall be paid at least the same salary received prior to reassignment or transfer.

(c) Reclassification. If the City reclassifies a position to a higher level, the incumbent's salary shall be adjusted to at least the minimum of the new range and may give a salary increase, based upon increased responsibility. If the City reclassifies a position to a lower level, the incumbent's salary shall remain the same. If the incumbent's salary exceeds the maximum of the new range, the incumbent is ineligible to receive a salary increase until the salary range or longevity scale increases to incorporate the incumbent's pay rate. An employee is ineligible to receive COLA increases until the salary range increases.

(d) Advancements. Advancements includes movement to a higher position due to improved skill, knowledge, or capability, but does not significantly increase the employee's responsibilities and/or supervisory duties. An employee who advances to a higher position will receive an increase to the minimum wage of the entering pay scale, or a three and a half percent (3.5%) increase, whichever is greater. The wage increase becomes effective immediately, pending budget constraints, or at a minimum on the first pay period with a July start date following the advancement. The employee is still eligible for a retention bonus or merit increase.

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### 5.090. Overtime.

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~~Management~~ The City Manager and/or Department Heads may direct an employee to work overtime. Each department shall develop internal rules and procedures to ensure overtime usage is efficient and economical. These policies and procedures shall include:

- a. Prior ~~supervisory~~ City Manager and/or Department Head approval for all overtime worked;
- b. Recordkeeping guidelines for all overtime worked;
- c. Verification of sufficient funds in the budget to compensate for overtime worked.

Overtime compensation standards are identified for each job title as either **FLSA** nonexempt or **FLSA** exempt.

(a) Eligibility. Except as otherwise provided herein for limited compensatory time, **FLSA** Exempt employees, as defined in Chapter 4, are not entitled to overtime compensation. Although working extra hours beyond the scheduled workweek may be recognized through compensatory time off for extra hours worked.

**FLSA**-Non-Exempt employees, as defined in Chapter 4, are entitled to overtime compensation in accordance with the terms and conditions set forth in this section.

(b) Authorization. Overtime hours of ~~work for FLSA Non-Exempt all~~ employees shall be pre-approved by the ~~City Manager and/or Department Heads, y Administrator and/or department heads.~~ Overtime hours shall be authorized for personnel only when absolutely necessary to provide required services or to complete a required project. Every effort should be made by the City ~~Manager Administrator, and d Department Hheads and/or supervisors~~ to keep overtime hours to a minimum. ~~Any FLSA Non-Exempt~~ employee who works unauthorized overtime may be disciplined.

~~(c) —(c)—~~ Overtime Hours. ~~An FLSA Non-Exempt employee may not work more than forty (40) hours a week without prior approval of his/her department head, supervisor or the City Administrator.~~

- i. ~~Non-Exempt Employees. Overtime shall be paid when the employee actually works more than forty (40) hours per work week. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for purposes of calculating overtime compensation. Hours worked over two or more weeks may not be averaged.~~
- ii. ~~Exempt Employees. For each hour of approved overtime worked in excess of forty (40) hours per work week, an exempt employee shall accrue an hour of compensatory time. Such compensatory time for exempt employees is not required under the FLSA, and shall be considered herein as non-FLSA compensatory time or limited compensatory time.~~
- iii. ~~Law Enforcement Employees. Overtime shall be paid when the employee actually works more than eighty-six (86) hours per 14 day work period. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours~~

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

worked for purposes of calculating overtime compensation. Employee's performing bona fide public safety services must meet the following criteria in order to be considered for overtime compensation

1. Be a uniformed or plainclothes sworn officer;
2. Be empowered by local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accident or willful injury, and to prevent and detect crimes;
3. Have the power to arrest;
4. Be POST certified; and
5. Perform over eighty percent (80%) law enforcement duties.

- iv. Fire Protection Employees. Overtime shall be paid when the employee actually works more than one hundred and six (106) hours per 14 day work period. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for purposes of calculating overtime compensation.

~~Overtime shall accrue when the employee actually works more than forty (40) hours per week. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for purposes of calculating overtime compensation. Hours worked over two or more weeks may not be averaged with the exception of public safety and fire protection employees.~~

~~An FLSA Exempt employee may not work more than forty-five (45) hours per week without prior approval of his/her supervisor or the City Administrator. For each hour of approved overtime worked in excess of 45 hours per week, an FLSA Exempt employee shall accrue an hour of compensatory time. Such compensatory time for FLSA Exempt employees is not required under the FLSA, and shall be considered herein as non-FLSA compensatory time or limited compensatory time.~~

(d) Overtime Compensation Rate. ~~FLSA All Non-Exempt~~ employees shall be paid overtime compensation at the rate of time-and-one-half the employee's regular rate of pay for all overtime hours worked ~~in excess of the forty (40) hour work week. The cash p~~ Payments for overtime shall be issued on the regularly scheduled pay day for the work period in which it was earned. Employees may be granted compensatory time off in lieu of overtime compensation in accordance with the provisions of the FLSA.

~~FLSA-Exempt employees may be granted limited compensatory time off at the straight time rate for all hours worked in excess of forty (40)45 hours per week. FLSA Exempt employees shall not be paid cash for any overtime hours worked unless an exception is made by the City Manager/Administrator.~~

~~(e) Time Reporting. FLSA Non-Exempt and FLSA Exempt employees shall complete and sign a biweekly time record that accurately reflects the hours actually worked to include approved and unapproved overtime, on-call time, stand-by time, approved leave time (holiday, sick, vacation, compensatory time, etc.), and meal periods of public safety employees who are on duty for more than 24 consecutive hours. An employee who fails to accurately record time may be disciplined. An employee who works unapproved overtime may also be disciplined.~~

~~(f) Public Safety Employees. In accordance with the Fair Labor Standards Act (FLSA) guidelines, public safety employees shall follow the maximum work hour threshold of 86 hours in a work period of 14 consecutive days to determine when overtime compensation is granted. Employees performing bona fide public safety services must meet the following criteria in order to be considered for overtime compensation:~~

- ~~i. be a uniformed plainclothes sworn officer;~~

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

~~ii. be empowered by local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accident or willful injury, and to prevent and detect crimes;~~

~~ii. have the power to arrest;~~

~~v. be POST certified; and~~

~~v. perform over 80% law enforcement duties.~~

~~(g) Fire Protection Employees. In accordance with the Fair Labor Standards Act (FLSA) guidelines, fire protection employees shall follow the maximum work hour threshold based on two 92-hour 14-day pay periods and four, 106-hour 14-day pay periods of 106 hours in a work period of 14 consecutive days to determine when overtime compensation is granted. This is a continuous six cycle pay period.~~

### 5.100. Compensatory Time.

(a) Election. ~~Form. FLSA~~ Non-Exempt employees may elect to receive compensatory time off in lieu of overtime payment in cash. ~~FLSA~~ Non-Exempt Employees desiring to obtain compensatory time off in lieu of overtime payment in cash shall note on their timecard, file an Overtime Compensation Election Form with the City prior to performing work eligible for compensatory time.

(b) Accrual Limit. ~~FLSA~~ Non-Exempt employees shall accrue compensatory time at one and one half hours of compensatory time for each hour of overtime worked. Employees who have elected to receive compensatory time in lieu of overtime payment in cash may accrue up to eighty (80) hours of compensatory time off; provided, Fire protection employees working 24-hour shifts may accrue one hundred and twelve (112) ninety-six (96) hours of compensatory time off. Once an employee reaches the maximum, additional overtime shall be paid ~~in cash~~ on the payday for the period in which it was earned. Employees may request use of compensatory time off in accordance with the leave procedures set forth herein. Only with prior approval of the City Manager/Administrator, may compensatory time accrue up to 240 hours for regular employees or up to 480 hours for Law Enforcement and Fire Protection employees. ~~peace or correctional officers, emergency or seasonal employees. Once an employee reaches the maximum, additional overtime shall be paid on the payday for the period in which it was earned.~~

If ~~an FLSA~~ a Non-Exempt employee's status changes to Exempt, that employee's compensatory time earned while in Non-Exempt status shall be paid out at the current rate of pay before the transfer took/takes place.

~~FLSA~~ Exempt employees may be granted compensatory time off at the straight time rate for all hours worked (including any hours worked on a holiday) in excess of forty (40) 45 hours per week. For each hour of overtime worked over forty (40) 45 hours, an ~~FLSA~~ Exempt employee shall accrue an hour of compensatory time. ~~FLSA~~ Exempt employees may accrue up to eighty (80) hours of compensatory time off. Leave and holiday time ~~taken~~ within the work period may not count as hours worked when calculating compensatory time. Any compensatory time earned by an ~~FLSA~~ Exempt employee is not an entitlement, a benefit, nor a vested right. Any compensatory time earned by an ~~FLSA~~ Exempt employee shall lapse by the first pay period ending in January of each year. Exceptions to the 80 hour maximum may be granted at the discretion of the City Administrator.

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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If an ~~FLSA-Exempt~~ employees status changes to Non-Exempt, that employee's compensatory time earned while in Exempt status shall lapse if not used by the first pay period ending in January of ~~each year~~ the year after the transfer takes place. Exceptions may be granted at the discretion of the City ~~Manager~~Administrator.

(c) Use and Rate. ~~Agency management~~ Department Heads and/or the City Manager shall arrange for an employee's use of compensatory time as soon as possible without unduly disrupting agency operations or endangering public health, safety or property. ~~Compensatory time balances for an FLSA Non-Exempt employee shall be paid down to zero in the same pay period that the employee is transferred from one agency to a different agency, promoted, reclassified, reassigned or transferred to an FLSA-Exempt position.~~ Payments for compensatory time off shall be paid at the employee's regular rate of pay at the time the employee receives such payment.

Exceptions to this overtime compensation policy may be granted by the City Manager, in accordance with the rules governing FLSA, ~~by the City Administrator~~.

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### 5.110. Holiday Pay.

Full-time ~~FLSA-Non-Exempt~~ employees who are not engaged in bona fide Law Enforcement and Fire Protection public safety activities services that are requested by their supervisor and/or department head to work on a City-recognized holiday will be compensated at a rate of one and one-half times their hourly wage for each hour worked. This compensation will be in addition to any paid holiday leave provided by the City.

~~FLSA-Exempt employees who work on a City-recognized holiday may be granted compensatory time off at the straight time rate for all hours worked in excess of 45 hours per week.~~

### 5.120. On-Call Pay.

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Employees who are not engaged in bona fide Law Enforcement and Fire Protection activities and are required to be assigned to on-call status on a rotating basis will be issued a city communication device. Employees who are on-call shall carry a communication device, respond within 15 minutes if contacted, and shall be expected to report to work if deemed necessary. Time responding to a call or reporting to work will be considered as hours worked and shall be recorded in fifteen (15) minute increments on the employee's timecard. Employees who do not respond in a timely manner or do not report to work when deemed necessary may be subject to discipline up to and including termination.

On-call employees shall be paid \$20 per day and shall record on-call days on his or her timecard during that pay period.

### 5.130. Special Programs.

Employees who participate in special programs outside of their regular employment, such as Seat Belt Enforcement, D.U.I. Enforcement, the Metro Narcotics Task Force, Metro SWAT or other program funded by federal or state grants, will be compensated at a their regular rate of pay unless otherwise established by the specific program in which they are participating. ~~Special program hours worked by individuals engaged in bona fide public safety activities who will not be included as hours worked for the purposes of overtime and/or compensatory time as more particularly outlined in Chapter 6.~~

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### | 5.1340. Severance Pay.

(a) Eligibility. Only those individuals employed by the City in department head positions will be eligible for severance pay. Eligible employees will only receive severance pay if they are involuntarily terminated by the City and only in those instances where the involuntary termination was not a “for cause” termination. Department head employees who are involuntarily terminated for cause or who voluntarily terminate their employment with Syracuse City will not be eligible for severance pay.

(b). Payment Amount. Severance pay provided will be paid in the form of a lump sum payment to be paid upon termination. The amount of this payment to be provided to eligible employees (refer to 5.130(a)) will be calculated according to the following guidelines:

(1) All department head employees will be eligible for a minimum severance payment amount equal to three (3) months of their salary prior to their termination.

(2) Eligible employees will receive additional severance pay equal to two (2) weeks of their salary prior to termination for each year of employment with Syracuse City up to a maximum severance payment amount equal to four (4) months salary.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### CHAPTER 6 PAYROLL ADMINISTRATION

- 6.010. Work Hours.
- 6.020. Work Periods.
- 6.030. Breaks and Lunch Periods.
- 6.040. Time Keeping.
- 6.050. Paydays.
- 6.060. Automatic Payroll Deposits.
- 6.070. Payroll Deductions and Withholdings.
- 6.080. Garnishments.
- 6.090. Reimbursable Expenses.
- 6.100. Advances.

#### 6.010. Work Hours.

The normal work hours for most employees are eight (8) hours a day, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, including a one (1) hour non-paid lunch period. Employee work hours may vary from this general schedule as directed by the employee's department head or the City ~~Manager~~Administrator. Alternative work schedules, such as four ten (10) hour days, may also be approved by the City ~~Manager~~Administrator for various Departments or positions.

#### 6.020. Work Periods.

(a) Regular Employees. The defined work period for employees, other than employees performing bona fide ~~law enforcement and fire protection~~ ~~public safety~~ services, for purposes of calculating overtime hours as set forth in Chapter 5, shall be a seven (7) day work period beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on the following Friday.

(b) ~~Public Safety~~Law Enforcement Employees. The defined work period for all employees performing bona fide ~~public safety~~law enforcement services, for purposes of calculating overtime hours as set forth in Chapter 5, shall be a fourteen (14) day work period beginning at 12:00 a.m. on Saturday and ending fourteen (14) days later on Friday at 11:59 p.m.

(c) Fire Protection Employees. The defined work period for fire protection employees performing bona fide ~~public safety~~fire protection services ~~and working twenty-four (24) hour shifts~~ shall be a fourteen (14) day work period beginning at 12:00 a.m. on Saturday and ending fourteen (14) days later on Friday at 11:59 p.m.

#### 6.030. Breaks and ~~Meal~~Lunch Periods.

Employee break and ~~meal~~lunch periods will be taken at the discretion of their department head to ensure continuity in the flow of work.

- (a) Breaks. Employees will receive one (1) paid fifteen (15) minute break ~~during~~for every four (4) hours worked. Break periods can ~~not~~ be ~~combined and~~ used to ~~extend or~~ shorten an employee's ~~lunch period with prior approval of the Department Head. work hours or work day. Break periods cannot be used at the beginning or the end of a shift.~~ Employees

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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are encouraged to take their breaks when scheduled. However, if an employee chooses to work through his or her paid break, it is their discretion to do so and no extra compensation will be given for the extra time worked.

- (b) LunchMeal Period. Full-time employees, other than employees performing bona fide law enforcement and fire protectionpublic safety services, may take one (1) one (1) hour unpaid lunchmeal period during a standard work day of eight (8) hours. Shorter lunchmeal periods may be approved by the City ManagerAdministrator for Departments or positions working under an approved alternative work schedule. ~~Unless otherwise approved by the department head, lunchMeal~~ periods cannot be used to extend or shorten an employee's work hours or work day with prior approval of the Department Head, Unpaid meal periods must be uninterrupted and employees must be fully relieved of duties.
- (c) Law Enforcement & Fire Protection Employees. Meal Periods for Law Enforcement and Fire Protection employees are defined by each Department Manual and will be paid as hours worked.
- (d) Minors. Employees that are 17 years of age and younger must receive a meal break of at least thirty (30) minutes no later than five (5) hours from the beginning of their shift. A paid fifteen (15) minute rest break is also required for every three (3) hour period. Unpaid meal periods must be uninterrupted and employees must be fully relieved of duties.
- (e) Nursing Mothers. Employees who are nursing will be provided with reasonable unpaid breaks to express breast milk as frequently as needed for up to one (1) year after the birth of a child. The City will provide a place for the break, other than a bathroom, that is shielded from view and free from intrusion. Employees will not be retaliated against for exercising their rights under this policy. Employees may use their paid fifteen (15) minute break(s) to express breast milk as needed.

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### 6.040. Time Keeping.

Employees shall be responsible for accurately recording their hours of work. Federal and State regulations require the City to keep an accurate record of time worked in order to calculate employee compensation, benefits, taxes and other relevant information. Time worked is time actually spent on the job performing assigned duties. Nonexempt employees shall be required to accurately fill out City-approved time sheets for each day of work. Hours of work shall be recorded in fifteen (15) minute increments. All completed time sheets shall be signed and verified as to accuracy by the employee and submitted to the employee's department head or supervisor for signature and verification. Department heads are responsible for reviewing, verifying ~~and signing employee time sheets~~ and submitting ~~them~~ the same to the Human Resources Department no later than 9:00 a.m. on the Monday following the completion of the ~~pay period, relevant work period as defined in Section 6.020.~~

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- a) Time Reporting. All employees shall complete and sign a biweekly time record that accurately reflects the hours actually worked to include approved and unapproved overtime, on-call time, approved leave time (holiday, sick, vacation, compensatory time, etc.). An employee who fails to accurately record time may be disciplined.

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### 6.050. Pay Days.

(a) Bi-Weekly. The pay period for City employees is two (2) work weeks as defined in Section 6.020. Employees are paid bi-weekly on every other Friday following the previous pay period.

(b) Stipend. Certain employees may be paid by stipend as approved by the City Council. Stipend employees are paid monthly on the second pay period of each month.

### 6.060. Automatic Payroll Deposits.

It is City policy that all employees are paid by direct deposit to their respective checking or savings account. Accordingly, the City has established an automatic payroll deposit program, which provides automatic transfers of an employee's pay directly to the employee's bank account(s) (checking or savings) on each payday. ~~Printed remuneration statements~~ Paystubs will be ~~e-mailed provided~~ to the employee on ~~or before the~~ -paydays. Except in the case of compelling circumstances as determined by the City, employee ~~paystubs remuneration statements~~ will not be given to anyone other than the employee. Upon ~~proper, advance notice, and with~~ written request, permission and release from the employee, the City may release a copy of the employee's ~~remuneration paystub~~ to the person designated by the employee.

### 6.070. Payroll Deductions and Withholdings.

The law requires the City to make certain deductions from employee's compensation. Among these are Federal and State income taxes, social security taxes, and medicare taxes, as applicable. All employees shall complete and keep accurate a W-4 form designating various status and withholding requirements. City authorized ~~Voluntary~~ pay deductions may also be made at the written direction of the employee, ~~such as health insurance premiums, life insurance premiums, and employee retirement contributions.~~

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### 6.080. Garnishments.

An employee's pay shall be subject to attachment, garnishment and execution under such rights, remedies and procedures provided by law. Garnishments are court-ordered pay deductions that must be taken out of an employee's pay by the City and forwarded to another party who is authorized to receive them.

### 6.090. Reimbursable Expenses.

With prior approval ~~from the department head~~, legitimate expenses will be reimbursed by the City to the employee. Receipts are required to reimburse the employee. Reimbursement may be in the form of petty cash, ~~direct deposit-an addition to a paycheck~~ or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received. Reimbursement for travel and seminars shall be provided in accordance with Chapter 17.

### 6.100. Advances.

The City does not make pay advances to employees.

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**CHAPTER 7  
BENEFITS**

- 7.010 Disclaimer.
- 7.020 Eligibility.
- 7.030 Medical, Dental and Vision Insurance.
- 7.040 Life Insurance.
- 7.050 Long-Term Disability Insurance.
- 7.060 Accidental Death and Dismemberment Insurance.
- 7.070 Retirement Program.
- 7.080 Social Security.
- 7.090 COBRA Coverage.
- 7.100 Health Savings Account & Flex Spending Account.
- 7.110 Employee Assistance Program.
- 7.120 Community Recreation Center Membership.
- 7.130 Health and Wellness.
- 7.140 Termination.

**7.010. Disclaimer.**

The following provisions briefly describe the City's employee benefits. The City reserves the right to modify or eliminate any employee benefits at any time and for any reason, as permitted by law. For more complete information regarding any of these benefit programs, employees may contact the Human Resources ~~Specialist~~Director or the City ~~Manager~~Administrator.

**7.020. Eligibility.**

- (a) Full-Time Employees. ~~Qualifying f~~Full-time employees, as defined in Chapter 4, shall be eligible for participation in all of the employee benefits outlined in this Chapter.
- (b) Part-Time Employees. Part-time employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.

~~(d)~~ Seasonal Employees. Seasonal employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.

~~(e)~~ Temporary Employees. Temporary employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.

~~(ee)~~—Suspended Employee. An employee suspended for disciplinary action reasons shall continue to be eligible for participation in employee benefits as he or she was otherwise qualified for prior to such disciplinary action.

**7.030 Medical, Dental and Vision Insurance.**

(a) Participation. ~~Qualifying f~~Full-time have the option to participate in the medical, dental and vision insurance plans offered by the City. ~~Qualifying n~~New employees may begin coverage at the beginning of the month following the month in which they were hired. ~~Qualifying e~~Employees may only

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make changes to their insurance elections on an annual basis during open enrollment or if they experience a qualifying event.

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(b) Premiums. On an annual basis, the City will adopt an insurance premium contribution schedule, including contribution percentages and dollar amounts for both the City and the employee. The premium contribution schedule will be based on the City's financial situation for the upcoming fiscal year.

(c) Leave of Absence. If an employee is on an unpaid leave of absence, that employee will be responsible for making any applicable employee insurance premium payments. Payments for applicable insurance premiums will need to be made on a bi-weekly basis according to the City's pay schedule so as to coincide with the date(s) the premiums would have normally been withheld from the employees pay check.

### 7.040. Life Insurance.

(a) Basic Life Insurance. A basic life insurance policy is provided by Syracuse City for each ~~qualifying~~ full-time employee, as well as their ~~eligible dependents~~~~immediate family members~~, at no cost to the employee. This policy will include coverage in the amounts approved by the City Council.

(b) ~~Optional~~~~Supplemental~~ Life Insurance. ~~Qualifying~~ Full-time employees have the option to enroll in additional life insurance coverage, beyond that provided by Syracuse City, as described in their benefits enrollment packet. Employees will be responsible for any additional premiums associated with ~~optional~~~~supplemental~~ life insurance elections. Additional premiums, if any, will be deducted through payroll deductions.

### 7.050. Long-Term Disability Insurance.

The City participates in a long term disability program in accordance with *Utah Code Ann.* ' 49-9-101, *et seq.*, as amended.

### 7.060. Accidental Death and Dismemberment Insurance.

A basic accidental death and dismemberment policy is provided by Syracuse City for each ~~qualifying~~ full-time employee. The policy will include coverage in the amounts approved by the City Council. Employees may, at their discretion, purchase additional accidental death and dismemberment coverage. ~~Additional premiums, if any, will be deducted through payroll deduction.~~

### 7.070. Retirement Program.

~~(a)~~ ~~(a)~~ Non-Contributory Retirement System. The City is a member of the Utah ~~State~~ Retirement Systems ("URS"). Participation and administration of the system shall be conducted in accordance with State statutes and regulations regarding the same. No employee shall be exempt from such system unless permitted by law and approved by the City Council. Eligible police officers will be enrolled in the URS Public Safety Retirement System. Eligible fire department employees will be enrolled in the URS Firefighters Retirement System. The City will be responsible for all required contributions associated with enrollment in these respective retirement systems.

~~(b)~~ Exemption from Non-Contributory Retirement System. The following positions are eligible for exemption out of the Non-Contributory Retirement System subject to approval

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

by the City Council: City Manager, City Recorder, Community and Economic Development Director, Finance Director, Fire Chief, IT Director, Parks and Recreation Director, Police Chief, Public Works Director, and any elected official who is qualified to participate in URS. The City will contribute an amount equal to the URS contribution rate into the exempted employee's qualified 401(k) plan account. New employees starting on or after July 1, 2011 are not allowed to exempt out of the URS retirement in accordance with state law.

(c)

Deferred Compensation Plan. Eligible employees shall be allowed to contribute to the deferred compensation plans provided by the Utah Retirement Systems. The City may match, dollar for dollar, up to four percent (4%) of an employee's base wages that the employee contributes to his or her deferred compensation plan(s) for qualifying and eligible employees. Such City contributions shall not exceed a total of four percent (4%) of the employee's base wages and shall be contributed directly into a 401(k) plan account. The determination as to whether or not the City will match deferred compensation contributions will be based on the availability of funds and will be re-evaluated on an "as needed" basis.

(d)

Elected and Appointed Officials. For purposes of Utah Retirement Systems (URS) coverage, the City classifies all elected officials as Part-Time. The City classifies appointed Board of Adjustment members, Planning Commission members, and Judge as Part-Time and appointed City Recorder, Treasurer and Police Chief as Full-Time. Eligibility for retirement coverage under URS shall be administered in accordance with the statutory rules governing URS.

~~(b) Deferred Compensation Plan. Qualified and eligible employees shall be allowed to contribute to the 401(k) or 457 deferred compensation plans provided by the Utah State Retirement System. The City may match, dollar for dollar, up to four percent (4%) of an employee's base wages that the employee contributes to his or her 401(k) or 457 deferred compensation plan for qualifying and eligible employees. Such City contributions shall not exceed a total of four percent (4%) of the employee's base wages and shall be contributed directly into a 401(k) plan account. The determination as to whether or not the City will match deferred compensation contributions will be based on the availability of funds and will be re-evaluated on an "as needed" basis.~~

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### 7.080. Social Security.

All employees of the City are covered by the Old Age, Survivors, and Disability Insurance ("OASDI") and Social Security program as administered by the Federal Government. This is a system of retirement benefits based on ~~equal~~ employer and employee contributions to public insurance reserves. This is a mandatory Federal program and no guarantee of payment or any benefits under such program is implied by this reference.

### 7.090. COBRA Coverage.

Employees whose employment with Syracuse City is either voluntarily or involuntarily terminated ~~and who have been employed with the City for at least six (6) months prior to their termination~~ will be eligible for continuation of benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA").

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### **7.100. Health Savings Account and Flex Spending Account.**

A Health Savings Account (HSA) and a Flex Spending Account (FSA), which are taxed-advantaged financial accounts to help employees pay for out-of-pocket medical and child care expenses are made available to Full-Time or benefitted employees of the City. The City may front load a specified contribution amount into eligible employees' HSA account. New hires may be eligible to receive a pro-rated HSA contribution from the City. The determination as to whether or not the City will contribute to HSA accounts will be based on the availability of funds and will be re-evaluated on an "as needed" basis.

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### **7.110. Employee Assistance Program.**

The City provides an Employee Assistance Program (EAP) where employees and family members living in the same household may receive professional counseling in legal, martial, financial, alcohol, or drug related problems. The counseling is completely confidential.

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### **7.120. RecreationCommunity Center Membership.**

All Full-Time employees of the City are eligible to receive a family membership to the Syracuse City RecreationCommunity Center at no cost. Only immediate family members living in the same household of the employee may be included in this membership.

### **7.130.10. Health and Wellness.**

In order to promote good health, Full-Time employees are eligible to participate in a fitness activity for up to thirty (30) minutes per regularly scheduled work day, unless authorized by the department head for longer duration, but in no case shall exceed ninety (90) minutes per week. This time must be authorized by the department head and shall not interfere with matters of business. Health and wellness time shall not be considered hours worked for purposes of calculating overtime compensation.

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### **7.140. Termination.**

Except as otherwise required by law, such as for COBRA continuation of insurance coverage, when an employee is terminated from employment with the City, the City will cease making contributions to the employee's insurance or other benefit plans and no additional continuation of benefit options will be extended to the terminated employee regardless of the nature of their termination.

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**CHAPTER 8  
LEAVE**

- 8.010. Paid Leave.
- 8.020. Leave Without Pay.
- 8.030. Leave Procedures.
- 8.040. Leave Procedures Exceptions.
- 8.050. Unauthorized Absence.
- 8.060. ~~Annual~~ Vacation Leave.
- 8.070. Sick Leave.
- 8.080. Holiday Leave.
- 8.090. Family and Medical Leave.
- 8.100. Military Leave.
- 8.110. Jury Duty Leave.
- 8.120. Injury Leave.
- 8.130. Funeral Leave.
- 8.140. Administrative Leave.

**8.010. Paid Leave.**

Full-time employees are entitled to ~~annual~~ vacation leave, sick leave and other paid leave as may be established by the City. Except as required by law or as otherwise expressly provided for herein, part-time and temporary or seasonal employees are not entitled to accrue or receive ~~annual~~ vacation leave, sick leave or other paid leave.

**8.020. Leave Without Pay.**

Employees may be granted leave without pay under certain circumstances in accordance with the procedures set forth herein. ~~Full-Time employees that accrue paid leave must exhaust all accrued paid leave options. In order to be eligible for leave without pay, an employee must have exhausted all accrued paid leave options.~~ Unless otherwise provided by law, such as military or family and medical leave, leave without pay is a privilege and not a right. An employee is considered to be in leave without pay status when they do not work the number of hours required by their regular schedule and are unable to substitute any unworked hours with accrued paid leave. Leave without pay shall not constitute a break in service. ~~Full-Time~~ ~~E~~employees shall not be entitled to the accrual of any ~~annual~~ vacation ~~leave, or~~ sick leave, ~~or holiday leave~~ during the period of leave without pay, but shall be entitled to life insurance, group health insurance, and seniority entitlement as required by law. To the extent permitted by law, ~~the Full-Time~~ employees may be required to pay for continuation of insurance benefits while in leave without pay status.

- (a) ~~Full-Time Employees. The Department Head may pre-approve leave without pay for up to fourteen (14) calendar days. Requests for leave without pay in excess of fourteen (14) calendar days up to thirty (30) calendar days must be pre-approved by the Department Head and the City Manager. Administrator may approve an unpaid leave of absence for up to thirty (30) days. Requests for unpaid leaves of absence leave without pay in excess of thirty (30) calendar days must be pre-approved by the City Council.~~

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(b) Part-Time Employees. The Department Head may pre-approve leave without pay for up to thirty (30) calendar days. Requests for leave without pay in excess of thirty (30) calendar days must be pre-approved by the City Manager.

(c) Seasonal and Temporary Employees. The Department Head may pre-approve leave without pay for up to two (2) consecutive weeks. Seasonal and Temporary employees are not eligible for leaves without pay greater than two (2) consecutive weeks.

Leave without pay may be granted for reasons deemed appropriate by the Department Head, City ManagerAdministrator or City Council, as applicable. Employees are expected to apply for leave without pay in advance and in writing setting forth the grounds for the leave.

### 8.030. Leave Procedures.

(a) Leave Requests ~~Form~~. Except as provided in Sections 8.040, employees desiring leave, whether paid or unpaid, shall request leave file an Employee Leave Request Form with his or her department head. Failure to schedule non-emergency leave in advance may result in disapproval of the leave and/or disciplinary action if the leave is required to be taken.

(b) Approval. The department head shall approve or deny Employee Leave Requests at his or her discretion, except as otherwise provided herein. Leave approval may be delegated to supervisors as deemed appropriate by each department head. Any approved Employee Leave Request shall be signed by the department head, or supervisor as applicable, stating any special provisions or conditions for the leave. Any Employee Leave Request exceeding fourteen (14) calendar days for Full-Time employees and exceeding thirty (30) calendar days for Part-Time employees for paid leave exceeding thirty (30) days requires approval from the City ManagerAdministrator. Any Employee Leave Request for paid leave exceeding one hundred eighty (180) days requires approval from the City Council. Any leave which qualifies or may qualify as Family Medical Leave must be reported to the City ManagerAdministrator and the Human Resources SpecialistDirector to ensure that the appropriate notice and records are maintained for such leave. Any department head desiring leave shall consult with the City ManagerAdministrator prior to scheduling such leave to ensure that proper measures have been or will be taken to provide for the proper and efficient functioning of the Department during the department head's absence. In no event shall an employee be allowed to use more paid leave than he or she has accrued. City Manager taking leave of one (1) full working day or greater shall consult with the Mayor and notify department heads and may select an individual employee to manage administrative functions during the absence.

(c) Status. Employees are responsible for keeping his or her supervisor notified on a daily basis, if necessary, of the anticipated return date from leave. For sick leave in excess of three (3) consecutive working days, or two (2) consecutive twenty-four (24) hour fire department duty shifts, or if abuse or excessive use of sick leave is indicated, the department head or the Human Resources SpecialistDirector may require a certificate from the employee's physician verifying the employee's illness, stating that such illness prevented or prevents the employee from working, and describing its expected duration. The department head or Human Resources SpecialistDirector may also request official documentation of any absence, such as, but not limited to, military leave or jury duty.

(d) Compensation. Employees shall be compensated for paid leave at his or her regular rate of pay.

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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(e) Records. ~~All paid leave shall be documented on the employee's timecard. The original Employee Leave Request Form shall be maintained with the employee's personnel records.~~

### 8.040. Leave Procedures Exceptions.

Exceptions to the leave procedures set forth in Section 8.030 shall be made in the following instances:

(a) Absence due to Illness. In the event an employee is absent due to illness, the request for leave may be handled by a ~~telephone, text or email report~~ to his or her supervisor or department head. In the event the supervisor or department head is not available, the employee may notify the City ~~Manager/Administrator~~. If a department head is absent due to illness, the department head shall notify the City ~~Manager/Administrator~~ of such absence. Such notice shall be given ~~as soon as practical, but~~ no later than ~~one (1) hour after~~ normal starting time on each day of the absence unless circumstances surrounding the absence make such notification impossible. The department head, supervisor or City Manager shall respond to the employee to confirm the receipt of absence notification.

(b) Family Accident, Medical or Other Emergency. In the event there is a family emergency or accident where the presence of the employee is required, the employee may take the appropriate leave after notifying his or her supervisor or department head unless circumstances surrounding the absence make such notification impossible. In the event the supervisor or department head is not available, the employee may notify the Human Resources ~~Specialist/Director or the City Manager unless~~ circumstances surrounding the absence make such notification impossible. Such notice shall be given as soon as practical of the emergency.

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### 8.050. Unauthorized Absence.

(a) Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination.

(b) Any employee who is absent for three (3) or more consecutive work days, or two (2) scheduled shifts for fire fighters, without authorized leave shall be deemed to have voluntarily resigned his or her position and employment without notice.

### 8.060. ~~Annual~~ Vacation Leave.

(a) Eligibility. Full-time employees are eligible to accrue ~~annual~~ vacation leave in accordance with his or her tenure of employment at the rates set forth herein and are eligible to use accrued vacation leave. Except as otherwise expressly provided herein, part-time and temporary or seasonal employees are not eligible to accrue ~~annual~~ vacation leave. ~~Annual v~~vacation leave shall not accrue if an employee ~~is~~ was in leave without pay status for any portion of the ~~preceeding~~ fourteen (14) day pay period.

(b) Employee Accrual Rates. Eligible employees shall accrue ~~annual~~ vacation leave at the following rates:

(1) From effective starting date through three (3) years of service, 3.08 hours of ~~annual~~ vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 10 days per year), except that fire fighters working 24-hour shifts shall accrue 4.30 hours of vacation leave upon the completion of each fourteen (14) day pay period.

(2) From four (4) years through nine (9) years of service, 3.69 hours of ~~annual~~ vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 12 days per year), except that fire fighters working 24-hour shifts shall accrue 5.16 hours of vacation leave upon completion of each fourteen (14) day pay period.

(3) From ten (10) years through fourteen (14) years of service, 4.61 hours of ~~annual~~ vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 15 days per year), except that fire fighters working 24-hour shifts shall accrue 6.46 hours of vacation leave upon completion of each fourteen (14) day pay period.

(4) For over fifteen (15) years of service, 6.15 hours of ~~annual~~ vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 20 days per year), except that fire fighters working 24-hour shifts shall accrue 8.61 hours of vacation leave upon completion of each fourteen (14) day pay period.

~~(c) (e)~~—Accumulation. Employees can accumulate and carry forward ~~to the next calendar year a~~ maximum of two hundred forty (240) hours of ~~annual~~ vacation leave, except that fire fighters working 24-hour shifts shall be allowed to ~~accumulate and carry forward~~ ~~accrue~~ up to three hundred thirty-six (336) hours of ~~annual~~ vacation leave. Any unused ~~accumulated~~ ~~accrued~~ ~~annual~~ vacation leave hours in excess of two hundred forty (240) hours, or three hundred thirty-six (336) hours for full-time fire fighters, as applicable, will be forfeited on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date, at the end of the last pay period in each calendar year.

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~~(d) (d)– Utilization. Employees may use up to a maximum of fourteen (14) calendar days of vacation leave as approved by their department head. Any leave greater than fourteen (14) calendar days must be pre-approved by the City Manager~~

(e) Scheduling. Vacation leave is intended to benefit the employee and employees are encouraged to take such leave in the year in which it is earned. In order to accommodate the efficient management of the City, vacation leave must be ~~scheduled with filed in writing to~~ the employee's department head, or his or her designee, in accordance with the employee leave request procedures set forth herein. All ~~annual~~ vacation leave requests should be submitted by the employee a reasonable time in advance of the desired time off to his or her department head. The City will try to honor employees' requested vacation dates, but retains the right to determine final scheduling order or to change the vacation schedules according to the needs of the City. When necessary due to vacation requests for the same time period, ~~annual~~ vacation leave will be granted in the order of the employee leave requests ~~filed in~~ accordance with these policies. Department heads are expected to establish yearly vacation schedules to provide efficient management of the City.

~~(e) — Miscellaneous. A paid holiday which occurs during annual vacation leave will not be charged as a vacation day.~~

(f) (f)–Termination or Change in Status. Upon termination of employment with the City, eligible employees shall be ~~paid entitled to cash in lieu~~ for unused ~~annual~~ vacation leave at his or her regular rate of pay ~~on the following payday at the date of termination~~. Employees who transition from full-time employment to part-time employment with the City, shall be ~~paid entitled to cash in lieu for~~ unused ~~annual~~ vacation leave at his or her regular rate of pay ~~on the following payday, at the date of change in status from full-time to part-time~~.

(g) Cash Out. Employees may choose to cash out vacation leave up to a specified amount as ~~provided in Chapter 17 for reimbursement of emergency preparedness costs. See Chapter 17 for additional information.~~

### 8.070. Sick Leave.

The City provides eligible employees with paid sick leave each year to cover approved absences due to illness or other approved reasons as designated herein.

(a) Eligibility. Full-time employees ~~and fire fighters working 24-hour shifts~~ are eligible to accrue sick leave in accordance with the accrual rates set forth herein. ~~Except as otherwise expressly provided herein, part-time and temporary or seasonal employees are not eligible to accrue or receive sick leave.~~

(b) Accrual. Full-time employees shall accrue sick leave at the rate of 3.69 hours upon completion of each fourteen (14) day pay period (approximately 12 days per year), except for fire fighters working 24-hour shifts shall accrue sick leave at the rate of 5.16 hours upon completion of each fourteen (14) day pay period. Employees will begin to accrue sick leave immediately upon being hired by the City. Sick leave shall not accrue if an employee ~~is was~~ on leave without pay ~~status for any portion of the 14 day pay period~~.

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

(c) Accumulation. Employees can ~~accumulate~~ accrue and carry forward ~~to the next calendar year~~ a maximum of one thousand and forty (1,040) hours of sick leave, except that fire fighters working 24-hour shifts shall be allowed to accrue up to one thousand four hundred and fifty six (1,456) hours of sick leave. Any unused accrued sick leave in excess of one thousand and forty (1,040) hours, or one thousand and four hundred and fifty six (1,456) hours for full-time fire fighters, as applicable, will be forfeited ~~on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date. at the end of the last pay period in each calendar year.~~

(d) Utilization. Sick leave shall not be considered as a privilege that employees may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or an immediate family member of the employee. For purposes of this Section, immediate family member shall include the employee's legal or common law spouse, child, foster child, step-child, brother, brother-in-law, sister, sister-in-law, parent, ~~step parent~~, mother-in-law, father-in-law, grandparent, spouse's grandparents, daughter-in-law, son-in-law, or grandchild. Sick leave may be used when the employee is unable to perform regular duties due to illness or disability of the employee or an immediate family member or for visits to the hospital, clinics, doctor's office, or dentist's office for diagnosis or treatment of illness, injury or examination of the employee or an immediate family member. ~~In no event shall employees perform any work of any kind for compensation for any public or private entity or person (including for him or herself) during any period for which sick leave payments are being received from the City, without prior written approval from the City Manager.~~ In no event shall employees be allowed to use more sick leave than he or she has accrued. Any absence for illness beyond accrued sick leave will result in the employee being carried on ~~annual~~ vacation leave status to the extent accrued ~~annual~~ vacation leave is available, and thereafter on leave without pay, to the extent approved by the City and/or required by law.

(e) Separation or Change in Status. Except as otherwise provided herein for qualified retirement ~~with URS~~, an employee who is terminated from employment with the City, voluntarily or involuntarily, shall not be compensated for unused accrued sick leave. An employee who retires, other than retirement due to pending disciplinary action, will be compensated for twenty percent (20%) of his or her unused accrued sick leave. Employee's who transition from full-time employment to part-time employment with the City, shall not be eligible or compensated for unused accrued sick leave. Any unused accrued sick leave shall be forfeited at the date of change in status from full-time to part-time.

(f) Scheduling. Scheduling sick leave is to be done in accordance with the leave procedures set forth in Section 8.030 and 8.040, as applicable.

~~(g) Cash Out. Employees may choose to cash out sick leave up to specified amount as provided in Chapter 17 for reimbursement of emergency preparedness costs. See Chapter 17 for additional information.~~

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### 8.080. Holiday Leave.

Full-time employees not involved in bona fide ~~law enforcement and fire protection-public safety~~ activities shall receive eight (8) hours of ~~paid~~ holiday ~~pay~~leave for each of those days defined herein as legal holidays of the City. ~~Full-Time~~ fire fighters working 24-hour shifts shall accrue 5.16 hours of ~~paid~~holiday leave every two (2) weeks in lieu of holiday time off and may accumulate and carry forward ~~to the next calendar year~~ a maximum of ~~one hundred and thirty-four (134)~~ hours of holiday leave. ~~All~~ sworn police officers shall accrue 3.69 hours of ~~paid~~holiday leave every two (2) weeks in lieu of holiday time off and may accumulate and carry forward ~~to the next calendar year~~ a maximum of ~~ninety-six (96)~~ hours of holiday leave. Any unused, accrued holiday leave in excess of these accrual maximums will be

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forfeited ~~on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date, at the end of the last pay period in each calendar year.~~ Full-time employees who are in leave without pay status for the work-day before or after the applicable holiday will not be eligible for holiday pay ~~or leave accrual. Additionally, part-time employees and temporary or seasonal employees are not eligible for holiday pay but may be given leave without pay. Holidays occurring during an employee's vacation or sick leave are not counted as vacation or sick days (excluding those employees who are scheduled to work on the holiday and who will be given an alternate day off for the holiday).~~ If any designated holiday falls on a Saturday, the preceding Friday shall be the holiday. If any designated holiday falls on a Sunday, the following Monday shall be the holiday. Designated and observed City holidays are as follows:

- |     |                                                                   |                                      |
|-----|-------------------------------------------------------------------|--------------------------------------|
| (a) | New Year's Day                                                    | January 1 <sup>st</sup>              |
| (b) | <del>Martin Luther King Jr. Day</del> <del>Human Rights Day</del> | 3 <sup>rd</sup> Monday in January    |
| (c) | President's <del>Birth</del> Day                                  | 3 <sup>rd</sup> Monday in February   |
| (d) | Memorial Day                                                      | Last Monday in May                   |
| (e) | Independence Day                                                  | July 4 <sup>th</sup>                 |
| (f) | Pioneer Day                                                       | July 24 <sup>th</sup>                |
| (g) | Labor Day                                                         | 1 <sup>st</sup> Monday in September  |
| (h) | Columbus Day                                                      | 2 <sup>nd</sup> Monday in October    |
| (i) | Veteran's Day                                                     | November 11 <sup>th</sup>            |
| (j) | Thanksgiving Day                                                  | 4 <sup>th</sup> Thursday in November |
| (k) | Day after Thanksgiving                                            | 4 <sup>th</sup> Friday in November   |
| (l) | Christmas Day                                                     | December 25 <sup>th</sup>            |

**8.090. Family and Medical Leave.**

(a) Purpose. It is the purpose of this Section to provide guidelines for employees regarding leaves of absence in accordance with the Family and Medical Leave Act of 1993, as amended (FMLA or Act). The provisions set forth herein are intended to comply with such Act, and if any conflict arises or if an issue or definition is not addressed herein, the Act shall control. When referred to herein, the term "Act" shall include all federal rules and regulations promulgated pursuant to authority of the Act, including, but not limited to, provisions set forth in 29 C.F.R. Part 825, as amended. The provisions of this Section are also intended to comply with the National Defense Authorization Act, enacted January 28, 2008, as Public Law 110-181, and the amendments to the FMLA adopted therein.

(b) Eligible Employees. Employees eligible for Family and Medical Leave Act leave as provided herein include employees who: (1) have been employed by the City for at least twelve (12) months; and (2) have been employed by the City for at least one thousand two hundred fifty (1,250) hours of service during the 12-month period immediately preceding the commencement of the leave.

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(c) Qualifying Reasons for Leave. Eligible employees shall be entitled to FMLA leave for circumstances qualifying for FMLA leave under the Act, which qualifying reasons are summarized as follows:

- (1) For the birth of a son or daughter of the employee and to care for the newborn child;
- (2) For the placement with the employee of a son or daughter for adoption or foster care and to care for such son or daughter;
- (3) To care for the employee's ~~s~~ spouse, son, daughter, or parent with a serious health condition; or
- (4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
- (5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
- (6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

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d) Amount of Leave. Except in the case of leave to care for a covered servicemember with a serious injury or illness under Subsection (c)(6), an eligible employee's FMLA leave entitlement is limited to a total of twelve (12) workweeks of leave during any "12-month period," as defined in Subsection (e), for any one or more qualifying reasons. An eligible employee's FMLA leave entitlement is limited to a total of twenty-six (26) workweeks of leave during a "single 12-month period," as defined in Subsection (e), to care for a covered servicemember with a serious injury or illness. During the "single 12-month period," as defined in Subsection (e), an eligible employee's FMLA leave entitlement is limited to a combined total of twenty-six (26) workweeks of FMLA leave for any qualifying reasons as more particularly provided in the Act.

(e) Designation of 12-Month Period. Except in cases of leave to care for a covered servicemember with a serious injury or illness under Subsection (c)(6), for purposes of determining the "12-month period" in which the twelve (12) weeks of leave entitlement occurs, the City uses a 12-month "rolling" measurement period also known as the look-back measurement period, measured forward from the date an employee's first FMLA leave begins. The 12-Month "rolling" measurement period is measured backward from the date an employee uses any FMLA leave. Under this measurement period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months. In cases of leave to care for a covered servicemember with a serious injury or illness, for purposes of determining the "single 12-month period" in which the twenty-six (26) weeks of leave entitlement occurs, the City is required to use a 12-month period measured forward from the date of an employee's first FMLA leave to care for the covered servicemember begins.

(f) Employee Notice Requirements.

(1) General Notice. Except as otherwise provided in the Act, an employee giving notice of the need for FMLA leave does not need to expressly assert rights under the Act or even mention the FMLA to meet his or her obligation to provide notice, although the employee does need to state a qualifying reason for the needed leave and must otherwise satisfy the notice requirements set for herein.

(2) Customary Leave Procedures. Except as otherwise prohibited by the Act and ~~absent~~ unusual circumstances, employees shall comply with the City's customary notice and procedural requirements for requesting leave as more particularly set forth in Chapter 8 of these Policies and Procedures.

(3) Notice for Foreseeable Leave. An employee must provide the City at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If thirty (30) days' notice is not practicable, notice must be given as soon as practicable. Such notice shall comply with the provisions of 29 C.F.R. § 825.302, as amended.

(4) Notice for Unforeseeable Leave. When the approximate timing of the need for FMLA leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case. Such notice shall comply with the provisions of 29 C.F.R. § 825.302, as amended.

(5) Failure to Comply. When an employee fails to give the required notice as provided herein or as required by the Act, FMLA coverage may be delayed in accordance with applicable provisions of the Act.

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(g) Employer Notice Requirements.

(1) General Notice. The City is required to post a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of the violations of the Act with the Wage and Hour Division. Such notice shall be posted prominently and the text must be large enough to be easily read. In addition, the City shall provide general notice to each employee by including the notice in any employee handbook or other written guidance to employees concerning employee benefits or leave rights. In compliance with these notice requirements, a copy of the Employee Rights and Responsibilities (WH Publication 1420) is attached hereto as Appendix I, and incorporated herein by this reference.

(2) Eligibility Notice. When an employee requests FMLA leave, or when the City acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the City must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, ~~absent~~except in extenuating circumstances as provided by the Act. The employee eligibility notice must state whether the employee is eligible for FMLA leave under the terms and provisions of Subsection (b) of this policy and the provisions of 29 C.F.R. § 825.110(a). If the employee is not eligible for FMLA leave, the eligibility notice must state at least one reason why the employee is not eligible, such as the number of hours or months the employee has been employed by the City. Notification of eligibility may be oral or in writing, and, if in writing, may be in the form of the hereto and incorporated by this reference.

(3) Rights and Responsibilities. The City shall provide written notice detailing the specific expectations and obligations of the employee taking FMLA leave and explaining any consequences of failure to meet such obligations in accordance with the provisions of the Act. The rights and responsibilities notice shall be provided to the employee each time the eligibility notice is provided pursuant to Subsection (g)(2). If leave has already begun, the notice should be mailed to the employee's address of record. The rights and responsibilities notice shall include all required information as provided in 29 C.F.R. § 825.300, as amended, and shall be substantially in the form of the Notice of Eligibility and Rights & Responsibilities (Form WH-381) set forth in Appendix J, attached hereto and incorporated herein by this reference.

(4) Designation of Leave. Pursuant to the Act, the City is responsible for designating leave as FMLA-qualifying and for giving notice of the designation to the employee as provided in 29 C.F.R. § 825.300, as amended. Once the City enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g. after receiving a certification), or has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the City must notify the employee whether the leave will be designated and counted as FMLA leave within five (5) business days, ~~absent~~except in extenuating circumstances as provided in the Act. The designation notice must be in writing and shall be substantially in the form of the Designation Notice (Form WH-382) set forth in Appendix K, attached hereto and incorporated herein by this reference.

(h) Certification of Health Care Provider. The City may require the employee to provide certification from a health care provider regarding the necessity of the FMLA leave in accordance with and subject to provisions of the Act, including, but not limited to 29 C.F.R. § 825.305, et. Seq., as amended. Medical certification shall be substantially in the form of the Certification of Health Care Provider for Employee's Serious Health Condition (Form WH-380E), as set for in Appendix L, attached hereto and incorporated herein by this reference, or the Certification of Health Care Provider for Family

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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Member's Serious Health Condition (Form WH-380F), as set forth in Appendix M, attached hereto and incorporated herein by this reference. Certifications for a qualifying exigency shall be substantially in the form of the Certification of Qualifying Exigency for Military Family Leave (Form WH-384), as set forth in Appendix N, attached hereto and incorporated herein. Certification for FMLA leave taken to care for a covered servicemember with a serious injury or illness shall be substantially in the form of the Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (Form WH-385), as set forth in Appendix O, attached hereto and incorporated herein

(i) Reporting. The City may require the employee on FMLA leave to report periodically to the City on the employee's status and intent to return to work in accordance with and subject to provisions of the Act, including, but not limited to, 29 C.F.R. § 825.311, as amended.

(j) Fitness for Duty. As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, it is the City's uniformly-applied policy to require all employees who take leave under such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The City may see fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. In order to require the fitness-for-duty certification, the City shall provide the employee with a list of essential function of the employee's job with the designation notice provided in Subsection (g)(4). NO second or third opinions on a fitness-for-duty certificate may be required. All fitness-for-duty certifications shall be in accordance with and subject to applicable provisions of the Act, including, but not limited to, 29 C.F.R. § 825.312, et. seq., as amended.

(k) Intermittent Leave. Intermittent leave or reduced schedule leave may be taken under certain circumstances in accordance with and subject to provisions of the Act, including, but not limited to, 29 C.F.R. § 825.202, et. seq., as amended.

(l) Leave Protection.

(1) Compensation. Employees shall be required to use accrued paid vacation and sick leave hours for FMLA leave provided herein to the extent such FMLA leave qualifies as sick leave under provisions of this Chapter. Any leave not covered by previously accrued paid vacation and sick leave shall be permitted as leave without pay in accordance with the provisions set forth herein. To the extent permitted by law, it is the intent of the City that all paid leave substituted for unpaid FMLA leave run concurrently with and be counted as FMLA leave.

(2) Position. Except as otherwise provided in the Act, employees who take FMLA leave shall be entitled, on return from such leave, to be returned to the same position the employee held when the FMLA commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The employee may be denied restoration of his or her position in accordance with and subject to provisions set forth in the Act.

(3) Benefits. The taking of family or medical leave shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced, other than the required use of vacation and sick leave. An employee's entitlement to benefits other than group health benefits during a period of FMLA leave shall be determined in accordance with the City's policy for providing such benefits for the type of leave taken; i.e. paid or unpaid, as applicable. The City's right to recover costs incurred by the City for non-health plan benefits during FMLA leave shall be determined by applicable provisions of the Act.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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(4) Insurance. The City shall maintain coverage for the employee under any "group health plan" during any FMLA leave at the level and under the conditions of coverage the employee would have been provided had the employee had been continuously employed during the FMLA leave period as required by the Act and applicable provisions of COBRA. The employee shall be responsible for any premiums which had been paid by the employee prior to FMLA leave. If FMLA leave is substituted for paid leave, the employee's share of the premiums must be paid by the method normally use during any paid leave, such as payroll deduction. If the FMLA leave is unpaid, the applicable policies for payment by employees on leave without pay will be followed. The City may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expired, unless the reason the employee does not return is due to exemptions set forth in 29 C.F.R. § 825.213, as amended.

(m) Records. The City shall make, keep and preserve records pertaining to FMLA leave in accordance with the Act. Access and maintenance of such records shall be subject to the requirements of the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as adopted and amended by the City. Documents relating to medical certifications, recertification, fitness for duty or medical histories of employees or employees' family members shall be treated as confidential medical records [as per state and federal law](#).

### 8.100. Military Leave.

Employees who enter active service in any branch of the armed forces of the State of Utah or of the United States shall be granted a leave of absence from employment with the City during his or her military service to the extent required by State and Federal law, including provisions regarding "Governmental Employees in Military Service," as set forth at *Utah Code Ann.* ' 39-3-1, *et seq.*, as amended, and the Uniformed Services Employment and Reemployment Rights Act of 1994, as set forth in 38 U.S.C. §§ 4301, *et seq.*, as amended. Military personnel may also be eligible for family leave in accordance with the provisions of the National Defense Authorization Act, Public Law 110-181, and the Family Medical Leave Act of 1993, as amended. Such leave is more particularly described in Section 8.090 of these Policies and Procedures regarding Family and Medical Leave.

### 8.110. Jury Duty Leave.

The City recognizes the duty of its employees as citizens to serve on juries or as court witnesses. Employees who are required to miss work as a result of being summoned to serve on a jury, or have been subpoenaed to appear as a witness, may be eligible for paid leave during such jury duty and witness periods, less compensation received by the employee for such services, for a period of time not to exceed sixty (60) days. This Section does not apply when an employee appears in court on his or her own behalf, such as a traffic offense or as a party to a lawsuit. Employees appearing in court on behalf of the City in their official capacity shall be paid their regular rate of pay as hours worked in accordance with applicable provisions of the Fair Labor Standards Act.

### 8.120. Injury Leave.

An employee injured on the job must report the injury in accordance with reporting procedures set forth in Chapter 14. Employees injured during performance of their job duties are covered by Worker's Compensation Insurance as provided by State law and shall be compensated for such leave in accordance therewith.

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### 8.130. Funeral Leave.

Full-Time Employees may be granted up to three (3) days or up to twenty-four (24) hours of paid funeral leave to attend the funeral of the employee's legal or common law spouse, child, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, parent, mother-in-law, father-in-law, grandparent, spouse's grandparents, daughter-in-law, son-in-law, or grandchild. Approved funeral leave shall be paid leave as provided by the City. If additional time is needed, the employee may use accrued sick or vacation leave with department head approval.

### 8.140. Administrative Leave.

Employees may be placed on paid administrative leave pending investigation or disciplinary action in accordance with and subject to the provisions set forth in Chapter 22.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### CHAPTER 9 EMPLOYEE CONDUCT

- 9.010. Employee Vision and Mission Statements.
- 9.020. Public Relations.
- 9.030. Working Relations.
- 9.040. Personal Appearance.
- 9.050. Uniforms.
- 9.060. Employee Ethics.
- 9.070. Honesty.
- 9.080. Confidentiality.
- ~~9.090. Nepotism.~~
- ~~9.090.100.~~ Attendance.
- ~~9.100.110.~~ Outside Employment.
- ~~9.110.120.~~ Personal Activities.
- ~~9.120.130.~~ Political Activities.
- ~~9.130.140.~~ Social Networking
- ~~9.140.~~ Smoking.
- 9.150. Consensual Romantic Relationships.
- 9.160. Workplace ~~Harassment and~~ Violence.
- 9.170. Americans with Disabilities Policy.
- 9.180. Credit Cards.

#### 9.010. Employee Vision and Mission Statements.

The vision statement for Syracuse City employees, as identified and developed by the employees, is: *"Always setting the standard for providing quality customer service in every aspect of municipal government."* The mission statement for Syracuse City employees, as identified and developed by the employees, is: *"We, the employees of Syracuse City, with citizen involvement, will provide quality municipal services to enhance and simplify the lives of our citizens."*

#### 9.020. Public Relations.

Syracuse City is a public entity whose purpose, among others, is to provide professional public services to its citizens. Employees are expected to be courteous, cooperative, diplomatic and discrete in dealing with the public (face to face, telephone conversations and written correspondence, including email, text, and voice messages). Employees shall treat all citizens equally and with respect and professionalism. Employees shall not participate in or encourage the use of threatening or offensive conduct or language toward the public. Complaints or concerns expressed by citizens are to be promptly reported or referred to the appropriate supervisor. When an employee is uncertain of the correct response to an inquiry or request from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

#### 9.030. Working Relations.

Employees are expected to maintain a productive and supportive working relationship with others in the course of carrying out their responsibilities. They shall also encourage teamwork, support team

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

efforts, communicate in a constructive manner and exhibit good listening skills. Employees shall be courteous and cooperative with those they work with and consistently treat others equally and with respect and professionalism. Employees shall not participate in or encourage the use of threatening or offensive conduct or language towards other officers or employees and shall avoid cultural, ethnic, racist and sexist remarks.

### 9.040. Personal Appearance.

Impressions gained by the public visiting the office or dealing with City employees at any location are very important to the City as a public entity. Consequently, employees are expected to take pride in their appearance ~~and~~ grooming (including facial hair) and to dress in a neat and clean manner. The City's standards of dress are defined as "business casual" for office employees and employees who have regular contact with the public. shall be appropriate to the job and the tasks to be accomplished. Employees in departments that have specific uniform standards shall follow the uniform guidelines set by that department. Additional standards may be adopted by departments for safety reasons.

- (a) Appropriate Dress. Traditional business attire; dress or casual slacks or leggings, i.e. khakis, capri pants, casual dress-length dresses or dress-length skirts, or maxi-length skirts or dresses; shirts or blouses; open collared shirts or sweaters, i.e., golf shirts or polo shirts; blazers, sport coats, vests or cardigans.
- (b) Inappropriate Dress. Jeans or denim; t-shirts (except for city logo shirts); halter or spaghetti strap tank top (unless covered by a jacket); tube top; revealing or low-cut clothing or clothing showing bare midriffs; shorts of any kind; miniskirts; sweat suits or other athletic clothing; hats. (see subparagraph (c))
- (c) Jeans or denim pants, shorts, hats and tennis shoes may be worn if they are appropriate for the position (Maintenance Worker, Recreation Assistant, etc) or for the job duties of the day. Jeans must not have holes or be frayed.
- (d) Body piercing other than earrings should not be visible.
- (e) Visible tattoos are discouraged, but will be allowed if they are not violent, offensive or pornographic.

On Fridays or any other designated day, the City may allow employees to dress in a more casual fashion than is normally required and jeans or denim pants in good condition and tennis shoes may be worn. Jeans must not have holes or be frayed. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, disheveled or similarly inappropriate clothing.

Any employee who does not meet the standards of this policy will be required to take corrective action. The employee may be sent home and directed to return to work in proper work attire. Time missed because of failure to comply with this policy will not be considered as hours worked. The employee's supervisor and/or department head is responsible for providing individual feedback to employees who do not meet the City's standards of dress. Violation of this policy may result in disciplinary action up to and including termination.

### 9.050. Uniforms.

Uniforms or uniform allowance may be provided to personnel of certain departments as

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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authorized by the City. Employees in departments that require uniforms must adhere to department uniform standards unless otherwise directed by the department head. Uniforms shall be kept as neat and presentable as working conditions permit.

### 9.060. Employee Ethics.

All employees are required to adhere to legal, moral and professional standards of conduct, including conflicts of interest, in the fulfillment of their duties with the City and shall demonstrate the highest ideals of honor and integrity in all public and personal relationships to merit the respect, trust and confidence of the public. Employees shall adhere to the provisions of the Municipal Officers' and Employees' Ethics Act, as set forth in *Utah Code Ann.* ' 10-3-1301, *et seq.*, as amended. The appropriate disclosure statement, as required by the Act, shall be filed with the Mayor when required in accordance with the Act. Employees are encouraged to discuss and raise any questions or concerns regarding public employees' ethical duties with their department head or the Human Resources ~~Specialist~~ Director when such questions arise.

### 9.070. Honesty.

Employees shall be honest in the performance of their duties and responsibilities for the City and in their dealings with the public.

### 9.080. Confidentiality.

Unauthorized disclosure of privileged, private, and/or confidential information is prohibited and shall be grounds for disciplinary action, up to and including termination.

### ~~9.090. Nepotism.~~

~~It is the policy of the City to comply with the provisions of Title 52, Chapter 3, of the Utah Code Annotated, as amended, regarding the prohibition of employment of relatives.~~

### ~~9.090.100.~~ Attendance.

Regular attendance and punctuality are essential to providing high quality work, service to the public, and to avoid extra work for fellow employees. Employees shall be to work on time and shall perform duties during work hours as provided herein. Employees shall comply with the leave procedures set forth in Chapter 8 when leave is necessary.

### ~~9.100.110.~~ Outside Employment.

In order to reduce mental and physical fatigue, limit conflicts of interest, and reduce liability insurance expenses, no employee shall be permitted to engage in any outside employment except as provided herein. Any employee desiring to engage in outside employment or has any change in outside employment status must submit a request, fill out and submit the Notice of Second Employment form and turn it in-in-writing, to his or her department head. The department head shall review the request or status change based on the considerations set forth in this Section and make a recommendation to the City ~~Manager~~ Administrator regarding the same. The City ~~Manager~~ Administrator shall review the request for outside employment and approve or deny the same based on the following considerations:

- (a) whether the outside employment will in any way interfere with the employee's ability to

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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meet the City's work schedule, including reasonable overtime and standby assignments;

(b) whether the outside employment will be directly connected with or contingent upon a representation that the employee is in any way representing the City, either directly or indirectly;

(c) whether the outside employment is consistent and appropriate with the employee's position held with the City; and

(d) whether the outside employment will interfere with the employee's physical, mental, or emotional ability to fully and completely discharge the job duties of his or her City position.

The City ~~Manager~~~~Administrator~~ shall notify the Human Resources ~~Specialist~~~~Director~~ of any approved outside employment request and such request and approval shall be retained with the employee's personnel records. The City reserves the right to cancel an approval for outside employment when it is deemed such employment is not in the City's best interest. Any employee engaged in outside employment without prior approval required herein may be subject to discipline up to and including termination. City employees may not use City equipment or uniforms in connection with outside employment, nor may they engage in outside employment while on City time. In no event shall any full-time outside employment be permitted for full-time employees. Employees may not accept other employment which might impair his or her independence of judgment in the performance of his or her public duties as an employee of the City or which might interfere with the ethical performance of such duties.

### ~~9.110.420-~~ **Personal Activities.**

Employees shall not perform personal business during working hours and shall not use City owned property in support of outside interests and activities. Employees are to pursue personal and outside activities on the employee's own time away from City facilities and offices. Employees shall arrange for annual leave or compensatory time off in advance to pursue personal and outside interests. Use of City computers, equipment and vehicles shall be limited to and conducted in accordance with applicable provisions of Chapter 18 and Chapter 19.

### ~~9.120.430-~~ **Political Activities.**

Employees shall not be coerced to support a political activity. An employee shall not use, discriminate in favor or against any person or applicant for employment based on political activities. Employees shall not engage in political activities during working hours. Employees shall not use City owned equipment, supplies or resources, or other expenses ~~(such as diskettes, paper, computers, access charges, etc.)~~ when engaged in political activities. The City and its public officials are subject to the Political Activities of Public Entities Act, as set forth in *Utah Code Ann.* §§ 20A-11-1201, *et seq.*, as amended.

### ~~9.130.440-~~ **Social Networking.**

Employee's participating on internet social networking sites (facebook, Twitter, etc.) must use appropriate discretion to not discredit or disparage the City or themselves as employees of the City. In order to achieve and maintain the public's highest level of respect, employees are expected to follow the standards of conduct below.

(a) Except in the performance of an authorized duty, excessive use of department equipment to

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

access social networking sites, blogs or bulletin boards while on duty is prohibited. For the purposes of this section, "excessive" means accessing a site(s) to the point that it interferes with the City's operations or the employee's ability to properly perform his or her duties.

(b) Employees shall not post, transmit, and/or disseminate information (texts, pictures, video, audio, etc.) to the internet or any other forum that would tend to discredit, disparage or reflect unfavorably upon the City or its employees. Any inappropriate or unsatisfactory occurrences observed should be addressed with the employee's immediate supervisor.

(c) Personal Social Networking Account Posts. Employees are prohibited from posting, transmitting and/or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies Syracuse City or any department without the express written permission of their department head.

(d) City Sponsored Social Networking Account Posts. Only authorized employees within the scope of assigned job duties shall post on City sponsored websites representing the City.

(e) Upon request from their department head, employees are to remove any content that is in violation of this policy in a reasonable and prompt manner.

Violations of this policy may subject an employee to disciplinary action, up to and including termination. Content posted to the internet has the potential to be shared broadly, including individuals with whom you did not intend to communicate. Employees are strongly discouraged from posting information regarding off duty activity that may bring their reputation into question. Nothing in this policy is intended to prohibit or infringe upon any employees communication, speech or expression that has been clearly established as protected or privileged.

### **9.140. Smoking.**

In compliance with the Utah Indoor Clean Air Act, as set forth in *Utah Code Ann.* §§ 26-38-1, *et seq.*, as amended, smoking, including the use of electronic cigarettes, is not permitted in Syracuse City facilities. The City also prohibits smoking and the use of electronic cigarettes in City owned vehicles or while an employee is on-duty.

### **9.150. Consensual Romantic Relationships.**

(a) Background. It is not the City's desire to discourage friendship among employees, however, it is recognized that consensual "romantic" or sexual relationships between supervisors and their subordinates could lead to actual or perceived conflicts of interest, favoritism, or sexual harassment. The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment.

(b) Relationships between a supervisor and a subordinate:

(1) Consensual "romantic" or sexual relationships between a supervisor and a subordinate are prohibited, as well as any conduct, such as dating, that is designated or may reasonably be expected to lead to the formation of a "romantic" or sexual relationship. Persons should not be hired, promoted, transferred, or otherwise changed into a position where the supervisor and subordinate have had such a relationship within the last two (2) years. Where

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## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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such a relationship existed beyond two (2) years ago, the department head in consultation with the Human Resources ~~Specialist~~~~Director~~ will review the specific circumstances to determine whether or not to approve the action.

(2) If such a relationship should develop, the supervisor is obligated to promptly disclose the existence of the relationship to the department head and/or the Human Resources ~~Specialist~~~~Director~~. The employee may make the disclosure as well, but the burden of doing so is upon the supervisor.

(3) The department head should inform the Human Resources ~~Specialist and the City Manager~~~~Director and~~ In consultation with the Human Resources Specialist and the City Manager others with a need-to-know basis of the existence of the relationship, including the person responsible for the employee's work assignments will be informed. Upon being informed or learning of the existence of such a relationship, the Human Resources ~~Specialist~~~~Director~~, in consultation with the department head and the City Manager, may take steps that he/she deems appropriate. At a minimum, the subordinate and supervisor will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the supervisor must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments, and discipline) that may reward or disadvantage any employee with whom the supervisor has or had had such a relationship. The supervisor may be subject to disciplinary action, up to and including termination.

(4) Any person who believes that he or she has been affected by such a relationship, notwithstanding its disclosure, shall report the matter in accordance with the procedures set forth in Chapter 10 regarding sexual harassment.

(c) Dating relationships between other employees:

(1) Dating relationships between other employees are permitted, however both employees have a responsibility to notify their department head when dating begins to document that the relationship is consensual and welcome. Employees will be instructed to inform the department head when/if the relationship ends. Employees involved in a dating relationship may not be promoted or transferred to a supervisor position where one will be a direct or indirect supervisor over the other.

(2) The City's implementation of this policy is not intended to inhibit the social interaction (such as lunches, dinners, or attendance at entertainment events) that are or should be an important part or extension of the working environment.

(3) This policy shall apply without regard to gender and without regard to sexual orientation of the participants in a relationship of the kind described.

### 9.160. Workplace ~~Harassment and~~ Violence.

(a) Purpose. Syracuse City is committed to preventing workplace ~~harassment and~~ violence and to maintaining a safe work environment. Given the increasing violence in society in general, Syracuse City has adopted the following policies and guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur during business hours or on its premises. It is the purpose of this policy to communicate to all employees of the City and all persons conducting business

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with or served by the City that intimidation, harassment or other threats of or actual violence within the workplace is prohibited and shall not be tolerated.

(b) Policy. All employees, ~~including supervisors and temporary employees,~~ should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Syracuse City unless the employee has a valid permit issued or recognized by the State of Utah and has notified the department head and the City Manager in writing without proper authorization. Conduct that threatens, intimidates, harasses, coerces, or harms another employee, a customer, or a member of the public will not be tolerated. ~~This prohibition includes all acts of harassment, including harassment that is based on an individual's race, age, disability, or any characteristic protected by Federal, State, or local law, except for sexual harassment which shall be governed by the provisions and procedures set forth in Chapter 10.~~

(c) Reporting. Any intimidating, threatening, or harassing conduct, and any threats of or actual violence, both direct and indirect, should be reported as soon as possible to the employee's immediate ~~supervisor or any supervisor, any~~ department head, the Human Resource Specialist, the City Attorney or the City Manager. Such supervisor or department head shall notify the Human Resource Specialist and/or the City Manager as soon as possible. Intimidating, threatening or harassing conduct by employees, as well as conduct by members of the public should be reported. Reports of such conduct should be as specific and detailed as possible. Employees are empowered to contact the proper law enforcement authorities without first informing their supervisor or department head if they believe a threat to the safety of others exists. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees should not place themselves in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

(d) Investigation. Syracuse City will promptly and thoroughly investigate all reports of intimidating, threatening, or harassing conduct, threats of or actual violence, and suspicious individuals or activities, as deemed appropriate under the circumstances.

(e) Employee Responsibility. Syracuse City encourages employees to bring their disputes or differences with other employees to the attention of their supervisor or the City ~~Manager/Administrator~~ before the situation escalates into potential harassment or violence. Syracuse City is eager to assist in the resolution of employee disputes. Such prompt reporting and discussion will assist the City in eliminating any intimidation, harassment and/or workplace violence at an early stage and in reducing or eliminating any resulting harm.

~~(f) — Complaint Procedures. Whenever an employee believes he or she has experienced, learned of or witnessed any type of intimidation, harassment, or violence in the workplace (other than sexual harassment which is governed by Chapter 10) the employee may file a written complaint in accordance with the grievance procedures set forth in Chapter 22.~~

~~(fg)~~ Discipline. Any violation of this policy by City employees shall result in disciplinary action, up to and including termination.

### 9.170. Americans with Disabilities Policy.

(a) Policy. It is the policy of the City to fully comply with the provisions and protections of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101, *et. seq.*, as amended, including, but not limited to, the Americans with Disabilities Act Amendments of 2009 (ADAAA), Public Law 110-325,

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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prohibiting employment discrimination against qualified individuals with disabilities. Pursuant to the ADA and the ADAAA, which shall hereinafter be referred to collectively as the ADA, the City shall not discriminate against a qualified individual with a disability in job application procedures, hiring, firing, advancement, compensation, job training, leave, benefits, and any other term, condition and privilege of employment with the City. It is further the intent of the City to fully comply with the provisions and interpretations of the EEOC regulations and guidelines issued pursuant to authority of the ADA, including, but not limited to, regulations set forth in 29 C.F.R. Part 1630, as amended.

(b) ADA Coordinator. The Human Resources ~~Specialist~~Director is hereby designated as the ADA Coordinator for the City. The ADA Coordinator shall be responsible for the administration of this policy. Any questions, comments or complaints regarding matters set forth herein should be addressed to the ADA Coordinator, Syracuse City Offices, 1979 West, 1900 South, Syracuse, Utah, 84075.

(c) Disability. Pursuant to the ADA, an individual with a disability is a person who: (A) has a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) has a record of such impairment; or (C) is regarded as having such an impairment. The ADA only protects a person who is qualified for the job he or she has or for which he or she is applying. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position he or she holds or for which he or she is applying. Pursuant to the ADA, the definition of disability shall be construed in favor of broad coverage of individuals.

(d) Reasonable Accommodation. The City shall provide a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability in accordance with applicable provisions of the ADA unless doing so would impose an undue hardship on the operation of the City's business. Undue hardship means that providing the reasonable accommodation would result in significant difficulty or expense, based on the resources and operation of the employer's business.

(e) Requesting Reasonable Accommodation. An employer generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. Thus, it is generally up to the applicant or employee to request a reasonable accommodation from the City. Any applicant or employee requesting a reasonable accommodation shall make such request to the City's ADA Coordinator as designated in Subsection (b). The request may be made in general terms that the individual needs an adjustment or change for a reason related to a medical condition. The request does not have to include the terms "ADA" or "reasonable accommodation." The City may initiate discussions about the need for a reasonable accommodation if the disability is obvious, e.g., the individual uses a wheelchair, or if the medical condition is causing a performance or conduct problem, as more particularly provided in the ADA and applicable regulations.

(f) Interactive Process for Determining Accommodation. The ADA suggests the employee and employer work together informally in an interactive process to determine potential or appropriate accommodations under the circumstances that would enable the employee to perform the essential functions of his or her job. Once a reasonable accommodation is requested, the ADA Coordinator and the applicant or employee should sit down and discuss the applicant's or employee's needs and identify the appropriate reasonable accommodation. If such consultation does not identify an appropriate accommodation, the City may seek further assistance from the EEOC, State or local vocational rehabilitation agencies, the Job Accommodation Network (JAN), or other appropriate service to assist the City in making individualized accommodations. The ADA Coordinator shall respond promptly to all requests for a reasonable accommodation and should keep lines of communication open with the applicant or employee making the request, particularly when it will take longer than expected to provide

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an accommodation or when supporting documentation is needed.

(g) **Complaint.** Whenever an applicant or employee believes he or she has been discriminated against on the basis of a disability regarding his or her employment or application for employment with the City, the applicant or employee may file a written complaint with the ADA Coordinator. The complaint should set forth the facts and circumstances surrounding the complaint and the basis for the complaint. Upon receipt of a complaint, the ADA Coordinator shall immediately notify the City ~~Manager~~Administrator of the complaint and conduct an investigation of the complaint. The ADA Coordinator may also hire a third party to investigate the matter. Investigation of the complaint may include, but is not limited to: interviewing the complainant and affording all interested persons and their representatives, if any, the opportunity to submit oral or documentary evidence relevant to the complaint. The ADA Coordinator shall, within a reasonable time from receipt of the complaint, prepare and distribute his or her findings and conclusions from the investigation, including a description of the resolution of the complaint and notice of the complainant's right to appeal.

(h) **Appeal.** Any person aggrieved by a decision of the ADA Coordinator regarding a complaint filed hereunder may appeal such decision by filing with the City Council a written appeal within ten (10) days from the date of the decision stating the grounds for the appeal. The City Council shall review the ADA Coordinator's decision for correctness and prepare its findings and conclusions within a reasonable time from receipt of the appeal.

(i) **Retaliation.** It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, hearing or litigation under the ADA. Any applicant or employee who believes he or she has been subjected to any act of retaliation described herein has the right to file a further complaint alleging reprisal as a separate action under this policy.

(j) **Records.** The ADA Coordinator shall maintain or cause to be maintained all records of the City pertaining to ADA matters and complaints filed hereunder in accordance with the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63G-2-101, *et seq.*, as amended, and all applicable records provisions of the ADA. Medical information shall not be filed in the employee's regular personnel file but shall be filed in a separate medical file that is accessible only to designated officials. Disclosure of medical information about applicants or employees shall be subject to the confidentiality requirements of the ADA. An employee's request for a reasonable accommodation shall be considered medical information subject to the ADA's confidentiality requirements.

(k) **Other Procedures and Remedies.** The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving discrimination based upon disability.

### **9.180. Credit Cards.**

Syracuse City credit cards shall be used for official business only. [See Chapter 17 for additional information.](#)

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**CHAPTER 10  
SEXUAL HARASSMENT**

- 10.010. Policy.
- 10.020. Purpose.
- 10.030. Notice
- 10.040. Definitions.
- 10.050. Prohibited Conduct.
- 10.060. Employee Responsibility.
- 10.070. Complaint Procedures.
- 10.080. File Records.
- 10.090. Confidentiality.
- 10.100. Retaliation.
- 10.110. Misuse of Policy.
- 10.120. Other Procedures and Remedies.

**10.010. Policy.**

It is the policy of Syracuse City to provide its employees with a work environment free from discrimination and sexual harassment, where employees treat each other with professionalism, respect, dignity and courtesy. Each employee must exercise good judgment to avoid engaging in conduct that may be perceived by others as harassment, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. ~~Sexual h~~Harassment is prohibited and shall not be tolerated by the City under any circumstances. This zero tolerance policy applies to all employees, officers, and agents of the City, as well as any other third parties doing business with or served by the City.

**10.020. Purpose.**

It is the purpose of this policy to communicate to all employees of the City and all persons conducting business with or served by the City that ~~sexual~~ harassment is prohibited. It is also the intent of this policy to inform and communicate to employees experiencing or witnessing ~~sexual~~ harassment that they have a means to discourage and report intimidating, offensive, hostile or inappropriate conduct and that such reports will be immediately investigated and appropriate action will be taken.

**10.030. Notice.**

All employees of the City shall be responsible for knowing the provisions of this policy regarding ~~sexual~~ harassment. The Human Resources ~~Specialist~~Director shall be responsible for informing employees of any amendments to this policy. Any violation of this policy by City employees shall result in disciplinary action up to and including termination.

**10.040. Definitions.**

As used herein, the following words shall have the meaning described below:

- (a) ~~"Retaliation"~~ means a retaliatory action taken against any person complaining of or reporting ~~sexual~~ harassment or any person involved or cooperating in an

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

investigation of ~~sexual~~ harassment or a retaliatory action taken against any other person or property as a result of a ~~sexual~~ harassment complaint and/or investigation.

(b) "Harassment" may include but is not limited to unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age, disability, or genetic information. Harassment becomes unlawful when: (i) enduring the offensive conduct becomes a condition of continued employment, or (ii) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

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(c) "Sexual harassment" means unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

### 10.050. Prohibited Conduct.

~~Sexual h~~Harassment of any nature is prohibited under this policy, whether or not such conduct rises to the level of unlawful harassment. Examples of the kind of conduct that constitutes ~~sexual~~ harassment under this policy, includes, but is not limited to, the following types of behavior. Prohibitions hereunder include same-sex harassment.

(a) ~~(a)~~ Verbal. Lewd or suggestive comments, repeated sexual innuendoes, sexual flirtations, racial or sexual epithets, derogatory slurs, sexual or off-color jokes, offensive personal or sexual references, propositions, advances, threats or suggestive or insulting sounds;

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(b) Visual/Non-Verbal (communicated through any means, including via internet, text messaging or e-mail). Demeaning, insulting, intimidating, sexually suggestive or derogatory photographs, posters, cartoons, graffiti or drawings, objects or pictures, commentaries, leering; or obscene gestures;

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(c) Physical. Unwanted physical contact, including touching, interference with any individual's normal work movement, or assault; and

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(d) Other. Any harassment that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an environment that is intimidating, hostile or offensive. Any conduct that targets a lawfully protected class as mentioned in 10.040.

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(e) ~~Sex~~Gender Role Stereotyping. This conduct consists of assignment of non-job related duties, functions or roles based on gender. Examples include making coffee, serving refreshments, and running errands, when not related or necessary to the functions and responsibilities of the employee's ~~s~~ position with the City.

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~~(b) Targeted Gender Harassment. This conduct includes intentional behavior that is directed at a specific gender. Examples of this kind of prohibited conduct include sexual comments and jokes as well as suggestions or gestures about gender or sexuality.~~

~~(c) Targeted Individual Harassment. This conduct consists of intentional behavior that is targeted at an individual or a specific group which causes serious negative physical or psychological effects to the victim and adversely affects productivity and morale. This prohibited conduct includes negative or offensive sexual comments, jokes, or gestures directed to or relating to an individual's gender or sexuality, or unwelcome physical conduct of a non-criminal nature.~~

~~(d) Criminal Sexual Harassment. This conduct includes behavior which violates State or Federal law. Prohibited conduct includes forcible sexual abuse, intentional intimate touching of another (such as buttocks or genitals of another or the breasts of a female), and taking indecent liberties with another individual.~~

### 10.060. Employee Responsibility.

Employees shall promptly report any ~~sexually~~ harassing conduct they experience, learn of or witness utilizing the complaint procedures provided herein. Such prompt reporting will assist the City in eliminating any harassment at an early stage and/or reduce or eliminate any resulting harm.

### 10.070. Complaint Procedures.

Whenever an employee believes he or she has experienced, learned of or witnessed any type of ~~sexual~~ harassment, the employee shall report the matter utilizing the following procedures.

(a) Complaint. An employee may report and/or complain of any alleged ~~sexual~~ harassment by verbally notifying or filing a written complaint of the harassment with his or her supervisor. If the employee's ~~s~~ supervisor is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her supervisor, the employee may verbally notify or file a written complaint with the employee's ~~s~~ department head or the Human Resources ~~SpecialistDirector~~. If the department head or the Human Resources ~~SpecialistDirector~~ is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her department head or the Human Resources ~~SpecialistDirector~~, the employee may verbally notify or file a written complaint with the City ~~ManagerAdministrator, City Attorney~~ or the Mayor. If a member of the City Council or other appointed board or commission member is implicated in the matter, the employee may verbally notify or file a written complaint with the City ~~ManagerAdministrator, City Attorney~~ or the Mayor. If the Mayor is implicated in the matter, the employee may verbally notify or file a written complaint with the City ~~ManagerAdministrator, City Attorney~~ or the Human Resources ~~SpecialistDirector~~.

(b) Notice. Except as otherwise provided herein, any supervisor, department head, the Human Resources ~~SpecialistDirector, the City Attorney~~ or the Mayor receiving notice of an alleged incident of ~~sexual~~ harassment, either verbally or in writing, shall take immediate action to report such incident and/or complaint to the City ~~ManagerAdministrator~~. In the event the City ~~ManagerAdministrator~~ is implicated in the complaint, the Mayor shall be notified by the supervisor, department head, ~~City Attorney~~ or the Human Resources ~~SpecialistDirector~~ of the report or complaint.

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(c) Investigation. It is an express policy of the City that all complaints of ~~sexual~~ harassment will be investigated. Except as otherwise provided herein, the Human Resources ~~SpecialistDirector~~, or his or her designee, shall promptly and thoroughly investigate any such complaint of ~~sexual~~ harassment. In the event the Human Resources ~~SpecialistDirector~~ is implicated in any ~~sexual~~ harassment complaint, the City ~~ManagerAdministrator~~ shall cause to be conducted a prompt and thorough investigation of the matter. In such event, all references in Subsections (d) and (e) to the Human Resources ~~SpecialistDirector~~ shall be read to refer to the City ~~ManagerAdministrator~~. The City may also hire a third party investigator to conduct any investigation of alleged ~~sexual~~ harassment. All investigations shall include, at a minimum, providing a copy of this policy to the complainant and the accused; informing the parties of the law regarding ~~sexual~~ harassment and the provisions of this policy; and reviewing the complaint with the complainant and the accused.

(d) Decision. Upon completion and review of the investigation, the Human Resources ~~SpecialistDirector~~ shall determine whether there has been a violation of this policy and shall immediately thereafter take such action as he or she deems appropriate under the circumstances in accordance with applicable procedures regarding the same. In the event a third party investigator has been hired to investigate the matter, the Human Resources ~~SpecialistDirector~~ shall review the conclusions of the investigation and make a determination regarding the matter as provided herein. Written notice of the decision, including any appropriate findings and ~~recommended~~ conclusions ~~or remedies~~, shall be prepared and distributed to the ~~City Manager and department head~~ parties within a reasonable time from receipt of the complaint.

(e) Determine Remedy. ~~Based on the notice of decision written by the Human Resource Specialist, if a violation of this policy is found the City Manager and Department Head shall determine the appropriate discipline for the violator ranging from written reprimand to termination of employment. If a violation of this policy is found, the Human Resources Director shall determine the appropriate discipline for the violator ranging from written reprimand to termination of employment.~~ The ~~City Manager and department head~~ in consultation with the Human Resources ~~SpecialistDirector~~ shall take the following factors into consideration in determining the appropriate discipline, together with any other appropriate factors:

- (1) the relationship of the parties;
- (2) the nature of the offense;
- (3) the number of complainants; and
- (4) the number of occurrences.

### 10.080. File Records.

~~If the accused is found to have violated this policy, a~~ All records concerning the complaint, investigation, findings, and discipline shall be maintained in a confidential file separate from his or her personnel records. If the accused is found to have violated this policy, records concerning the discipline shall be maintained with his or her personnel records. If the accused is found innocent of any violation of this policy, no records concerning the incident shall be maintained with his or her personnel records.

### 10.090. Confidentiality.

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All complaints and investigations of ~~sexual~~ harassment will be confidential to the extent possible under the circumstances and only those persons necessary for the investigation and resolution of the complaint will be provided information. Breach of this confidentiality requirement may result in disciplinary action being taken.

### **10.100. Retaliation.**

Employees are entitled to bring good faith complaints regarding alleged ~~sexual~~ harassment and/or to participate in the investigation of any such complaints without any fear of retaliation. Retaliation against an accused or any person involved or cooperating in an investigation of ~~sexual~~ harassment is a separate violation of this policy. If an employee believes he or she has been subjected to any act of retaliation resulting from any complaint or investigation of ~~sexual~~ harassment, he or she has the right to file a complaint hereunder alleging retaliation as a separate action under this policy.

### **10.110. Misuse of Policy.**

Any false claims of sexual harassment or allegations made in bad faith will result in disciplinary action up to and including termination taken against the accuser.

### **10.120. Other Procedures and Remedies.**

The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving ~~sexual~~ harassment and shall be exhausted prior to pursuing other available remedies.

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**CHAPTER 11  
NON-DOT DRUG AND ALCOHOL TESTING POLICY**

- 11.010. Purpose.
- 11.020. General Policy.
- 11.030. Applicability.
- 11.040. Definitions.
- 11.050. Regulations.
- 11.060. Zero-Tolerance.
- 11.070. Voluntary Rehabilitation.
- 11.080. Prescription and Over-the-Counter Drugs.
- 11.090. Testing Required.
- 11.100. Basis for Testing.
- 11.110. Testing Procedures.
- 11.120. Results.
- 11.130. Action.
- 11.140. Confidentiality and Access to Test Results.
- 11.150. Notification of Conviction.
- 11.160. Americans with Disabilities Act (ADA).
- 11.170. Amendments.

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### **11.010. Purpose.**

The purpose of this policy is to convey to all current and prospective employees of Syracuse City the City's "zero-tolerance" policy on alcohol and drug use in the workplace and to provide guidelines for the implementation and management of a drug and alcohol testing program for the City. This policy is intended to provide a safer and more efficient workforce by avoiding the negative circumstances created by employee drug and alcohol use. These policies and procedures are not intended to create or alter any existing employment status or contract, written or verbal, between Syracuse City and its employees or job applicants. The provisions of this policy are intended and shall be interpreted to be in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act, as set forth in *Utah Code Ann.* §§ 34-41-101, *et seq.*, as amended.

### **11.020. General Policy.**

Alcohol or drug use can impair an employee's ability to safely and effectively perform the functions of the particular job, increase accidents, absenteeism, and sub-standard performance, create poor employee morale, and/or undermine public confidence in the City's work force. It is the policy of the City to employ a work force and create a workplace free from the adverse effects of alcohol and drug use. To accomplish this, Syracuse City has developed a "zero-tolerance" substance abuse policy for all current and prospective employees as more particularly set forth in this policy. This policy shall be distributed to employees and made available for review by prospective employees.

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### 11.030. Applicability.

This Non-DOT Drug and Alcohol Testing Policy shall apply to all City employees and prospective employees, including those City employees or prospective employees who are required to comply with the DOT Drug and Alcohol Testing Policy as set forth in Chapter 12, to the extent not otherwise covered therein. In the event of conflict between the two policies, the DOT Drug and Alcohol Policy shall control for DOT employees as defined in Chapter 12.

### 11.040. Definitions.

As used herein, the following words shall have the meanings set forth below:

(a) **Actual Knowledge.** "Actual Knowledge" means actual knowledge by an employer that an employee has used a controlled substance and/or alcohol based on the employer's direct observation of the employee, or an employee's admission of alcohol and/or controlled substance use. Direct observation as used in this definition means observation of alcohol or controlled substance use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.

(b) **Adulterated Test Result.** "Adulterated Test Result" means a specimen which contains a substance that is not expected to be present in human urine or contains a substance expected to be present, but is at a concentration so high that it is not consistent with human urine.

(c) **Alcohol.** "Alcohol" means the intoxicating agent in beverage alcohol (ethyl alcohol) or other low molecular weight alcohols including methyl and isopropyl alcohol.

(d) **Alcohol Use.** "Alcohol Use" means the drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

(e) **Alcohol Testing.** "Alcohol Testing" means to be tested by a certified breath-alcohol technician, using an approved breath alcohol test device or an approved initial screening device, as more particularly set forth in this policy. Blood and urine alcohol testing may also be used at the discretion of the City when breath alcohol testing is not available.

(f) **Controlled Substance or Drugs.** "Controlled Substance" or "Drugs" means any substance, and its metabolite, recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other recognized drug compendia, or supplement to such compendia, including Title 58, Chapter 37 of the Utah Code Annotated (Utah Controlled Substances Act), and any prescribed medication or controlled substance including those assigned by 21 USC 802 and includes all substances listed on Schedule I through Schedule V, as they may be revised from time to time (21 CFR 1308), including but not limited to:

- (1) Marijuana
- (2) Cocaine
- (3) Amphetamines
- (4) Benzodiazepines

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(5) Barbiturates

(6) Opiates and other narcotics

(7) Phencyclidine (PCP) and other hallucinogens

(g) Drug Testing. "Drug Testing" means the scientific analysis for the presence of drugs or their metabolites in specimens from the human body, as more particularly set forth in this policy.

(h) Employee. "Employee" means any person employed by the City for compensation.

(i) Medical Review Officer (MRO). "Medical Review Officer" or "MRO" means a licensed physician with knowledge of drug abuse disorders used by Syracuse City to determine and verify if a legitimate or medical explanation exists for a positive, adulterated, substituted, or invalid drug test result.

(j) Non-Negative Drug Test Result. "Non-Negative Drug Test Result" means any drug test result other than a negative test result, including, but not limited to adulterated, substituted, diluted or invalid drug test result.

(k) On-Duty. "On-Duty" means all working hours, including meals or break periods, regardless of whether the employee is on Syracuse City property, and at any time the employee represents Syracuse City in any capacity, including operating Syracuse City equipment or vehicles.

(l) Positive Alcohol Test. "Positive Alcohol Test" means test levels on both the initial and confirmation tests that are 0.04 percent or greater (0.04 gm/210 liters of breath or 0.04 gm/deciliter of blood or 0.04 gm/dl of urine).

(m) Positive Drug Test. "Positive Drug Test" means drug test levels on both the screening test and the confirmation test that are at or above the level recognized as positive by the US Department of Health and Human Services in its Mandatory Guidelines for Federal Workplace Drug Testing Programs or the standard cutoff levels set by the laboratory and the MRO has verified the test result as positive.

(n) Prospective Employee. "Prospective Employee" means any person who has made written or oral application for employment with the City and who has been selected as a final applicant for such employment.

(o) Refusal to Submit. "Refusal to Submit" means that the employee: (1) fails to provide adequate breath for alcohol testing as required herein without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide an adequate urine sample for controlled substances testing as required herein without a genuine inability to provide a specimen after he or she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

(p) Safety Sensitive Position. "Safety Sensitive Position" means any position involving duties which directly affect the safety of governmental employees or the general public, or positions where there is access to controlled substances as defined in Utah Code Annotated, Title 58, Chapter 37 (Utah Controlled Substances Act) during the course of performing job duties.

(q) Sample. "Sample" means any sample of urine, blood, breath, oral fluid or hair for drug and/or alcohol screening.

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(r) Substituted Test Result. "Substituted Test Result" means a specimen with creatinine and specific gravity values that are so diminished or divergent that they are not consistent with human urine.

(s) Use. "Use" means to illegally consume, sell, purchase, manufacture, distribute, be under the influence of, report to work under the influence of, or be in possession of drugs and/or alcohol. The term use shall also include the presence of drugs and/or alcohol in the body of an employee, including the presence as a metabolite, the use of a prescription drug without a valid prescription from a health care provider and not using a prescription drug as prescribed by the authorizing health care provider.

(t) Utah Local Governmental Entity Drug-Free Workplace Act. "Utah Local Governmental Entity Drug-Free Workplace Act" means the Drug-Free Workplace Act set forth at *Utah Code Ann.* §§ 34-41-101, *et seq.*, as amended.

### 11.050. Regulations.

No employee of the City may possess, sell or be under the influence of any drugs or alcohol while on-duty, when conducting City business or while on City premises, as shown by the presence of such substances or their metabolites in the employee's system. The following activities are examples of activities that are strictly prohibited for all Syracuse City employees:

(a) Working while under the influence of a controlled substance or alcohol unless the substance is legally prescribed and used in accordance with the terms of this policy.

(b) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance or drug paraphernalia while on Syracuse City time, while conducting Syracuse City business, while on Syracuse City property, or while using City vehicles or equipment.

(c) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance or drug paraphernalia when not at work.

(d) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance, including prescription medications which are considered controlled substances, unless the prescription medication is legally prescribed to the employee and has been taken as prescribed.

(e) Operating any vehicle or machinery while under the influence of any drug, including prescription or over-the-counter medications which render the employee incapable of safely and adequately operating a vehicle, machinery, or performing any other job duties.

(f) Using alcohol, in any form, while on Syracuse City time or business, or to report to work under the influence of alcohol. An employee is considered to be in violation of this policy if they report to work with a blood alcohol level (as determined by a breath alcohol (BAC) test) greater than or equal to 0.04.

(g) Consuming or using alcohol in any form, ~~within~~ four (4) hours prior to a scheduled work period, including when "on-call."

(h) Refusing to submit a specimen for controlled substances or alcohol testing.

(i) Having positive drug and/or alcohol test results.

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- (j) Tampering with, substituting, or adulterating any specimen collected for drug and/or alcohol testing. Any sample reported by the laboratory or MRO as “substituted” or “adulterated” will be considered a “refusal to test” or a refusal to submit a valid sample.
- (k) Obstructing or not fully cooperating with specimen collection or testing procedures.
- (l) Failing to report the legal use of prescription and/or over-the-counter medications that could adversely render the employee incapable of operating a vehicle, machinery and performing job duties.
- (m) For a Syracuse City supervisor to allow an employee to work if they have actual knowledge that the employee has violated this policy or has reasonable suspicion to believe that an employee may be impaired by drugs and/or alcohol.

### 11.060. Zero-Tolerance.

If it is determined that an employee tests positive for use of controlled substances and/or alcohol, abuses prescribed drugs, refuses to provide a sample, knowingly supplies an excess fluids (diluted), substituted or adulterated sample, or otherwise violates the terms and provisions of this policy, that employee shall be subject to disciplinary action, up to and including termination. Any disciplinary action taken for violations of this policy shall comply with the disciplinary action procedures, as applicable, set forth in Chapter 22 of these Policies and Procedures.

### 11.070. Voluntary Rehabilitation.

Employees seeking assistance with overcoming drug or alcohol abuse before they are selected and tested for drug and/or alcohol testing and before it interferes with job performance may contact their supervisor, department head, or the Human Resources ~~Specialist~~Director for information about counseling and rehabilitation programs. Employees having a drug or alcohol problem are strongly encouraged to seek help. The Human Resources ~~Specialist~~Director may provide assistance in referring employees to appropriate rehabilitation programs. This assistance, however, does not financially obligate the City for the costs associated with rehabilitation. Rehabilitation is the employee's responsibility. The City will allow employees who seek voluntary assistance for alcohol and drug problems to first utilize their accrued sick leave and then their accrued annual leave for rehabilitation. Leave without pay may be requested by the employee and will be considered on an individual case basis. If the FMLA does not apply, an employee's position may be held open for a reasonable period of time up to a maximum of thirty (30) days for voluntary rehabilitation upon approval by the City ~~Manager~~Administrator. Employees returning to work after treatment must first provide the City with a certification from a reputable substance abuse program that the employee is sober, has successfully completed the treatment program and has the potential for full recovery. A licensed professional medical practitioner that specializes in substance abuse must sign this certification. The employee must also, as a condition of returning to work, agree to follow-up rehabilitation drug and/or alcohol testing and sign a return to work agreement. Follow-up rehabilitation testing will be required for a period of not less than six (6) months and not more than one (1) year after completion of the employee's substance abuse treatment program. The date and time of any required follow-up rehabilitation drug and/or alcohol testing will be unannounced and conducted on a random basis. Voluntary notification and enrollment in a rehabilitation program shall only prevent disciplinary action for previous drug or alcohol use that was unknown to the City and shall not prevent the City from testing or taking disciplinary action against an employee who subsequently violates this policy.

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### 11.080. Prescription and Over-the-Counter Drugs.

Prescribed and over-the-counter drugs and the necessary instrumentalities of administration brought on City premises may only be used by the person for whom they are prescribed and taken as directed so long as the use of such drugs does not adversely affect the safety of the work environment or significantly impede performance of essential job functions. There are various prescription and over-the-counter drugs that may adversely affect the safety of the work environment. Examples include, but are not limited to, pain relievers that contain opiates, and muscle relaxants. It is the employee's responsibility to be informed about the effects of prescription and over-the-counter drugs they are taking by reading the information that accompanies the drug, including any information provided by the pharmacist, by consulting with their physician, and by accessing and utilizing other sources of information available to the employee, and acting accordingly. Any employee who chooses or is medically required to ingest prescribed or over-the-counter medications that may adversely affect the safety of the work environment, shall immediately notify his or her department head of the type of medication and time period over which said medications will be taken. The department head will make a determination of any restrictions to be placed on the employee after appropriate confidential consultation with the Human Resources Specialist Director, the City Attorney's Office, and/or medical professionals. A written statement from the employee's physician may be required regarding whether the physician is of the opinion that the employee can safely work or perform his or her job duties while taking the prescribed drug. Any employee who chooses or is medically required to ingest a prescribed or over-the-counter medication outside of the workplace must ensure that the impairing effects have ended prior to reporting for work. For purposes of this policy, medications used as prescribed, which do not constitute a safety concern, shall not be considered a violation of this policy.

### 11.090. Testing Required.

In accordance with the provisions of this policy, all prospective and current employees shall be subject to drug and alcohol testing as a condition of hiring and continued employment with the City. Failure to comply with this policy shall result in the City refusing to hire a prospective employee or disciplinary action for current employees as set forth in Section 11.060 regarding the City's zero-tolerance policy. All drug testing shall consist of a CRL nine (9) panel plus narcotics drug screen to set for the presence of controlled substances. All testing shall be based on and under the circumstances set forth in Section 11.100 regarding basis for testing.

### 11.100. Basis for Testing.

Prospective and current employees shall be subject to testing for the presence of drugs and/or their metabolites and alcohol by the City in accordance with the provisions of this policy as a condition of hiring and continued employment for any of the following reasons or under the following circumstances.

(a) Pre-Employment. All prospective employees, upon acceptance of a conditional offer of employment with the City, shall be required to submit to a pre-employment drug test at the facility designated by Syracuse City. Pre-employment tests will be conducted on prospective employees on their own time, meaning that prospective employees will not be paid for the time they spend participating in pre-employment testing required by Syracuse City. All pre-employment drug testing will be conducted at the third-party administrator's facility and prospective employees are responsible for their transportation to and from the collection facility. Refusal to consent to a pre-employment drug test will terminate further action towards employment. A positive, adulterated, or substituted test result will also terminate further action towards employment with Syracuse City. Only those prospective employees whose pre-employment drug test results are negative will be considered for further action towards employment.

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(b) Reasonable Suspicion. Employees acting in a manner which raises reasonable suspicion that the employee has improperly used or reported to work under the influence of drugs or alcohol shall be subject to drug and alcohol testing. "Reasonable suspicion" shall be determined by the supervising agent and shall mean an articulated belief based upon recorded facts and reasonable inferences drawn from those facts that the employee is in violation of this policy. Reasonable suspicion drug and/or alcohol testing will be required when there is any of the following: observable phenomena (actual use, possession, odors, etc); abnormal behavior or physical characteristics; or a drug-related investigation, arrest, or conviction or any investigation of theft.

(1) In the event that reasonable suspicion testing is warranted, it is the responsibility of an agent of Syracuse City to transport the employee being tested to and from the testing facility. In most cases, either the Designated Employee Representative (DER) or the employee's supervisor will be responsible for transporting the employee.

(2) Before requiring reasonable suspicion testing, the employee's supervisor or the person requesting the reasonable suspicion testing shall complete the "Observed Behavior-Reasonable Cause Record". It is essential that this form be completed before the employee is required to submit to testing in order to properly document the circumstances leading up to the testing referral.

(3) Any employee who is required to submit to reasonable suspicion testing will be removed from any safety sensitive functions and placed on alternative duty, if necessary, or placed on paid administrative leave until the results of the drug and/or alcohol test can be verified. If the test result(s) are negative, the employee will be able to return to work upon receipt of the test result(s). If the test results are positive, the employee will be subject to termination as provided herein.

(4) If an employee refuses to submit to reasonable suspicion testing or attempts to leave any Syracuse City premises and is impaired, in the opinion of a trained supervisor, to the extent that he/she would present a danger to either him/herself or others, local law enforcement should be contacted immediately by the supervisor.

(5) In an effort to ensure that supervisors are knowledgeable about the symptoms of drug and/or alcohol use, training on symptom recognition will be held for all Syracuse City employees in supervisory positions and only those persons who have attended the training will be qualified to require reasonable suspicion testing. Records regarding training attendance will be kept for a minimum of three (3) years after the date of the training.

(c) Random. Employees in safety sensitive positions shall be subject to unannounced drug and alcohol testing. Employees in non-safety sensitive positions will be periodically tested.

(1) Random drug and/or alcohol testing will be conducted for Syracuse City employees working in non-DOT safety sensitive positions, including, but not limited to the following positions:

(A) Fire Chief

~~(B) Assistant Fire Chief~~

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- ~~(C) Fire Captain~~
- ~~(D) Fire Lieutenant~~
- ~~(E) Fire Engineer~~
- ~~(BF) Fire Fighter~~
- ~~(C) Administrative Professional (Fire)~~
- ~~(DG) Police Chief~~
- ~~(EH) Police Lieutenant~~
- ~~(F) Police Sergeant~~
- ~~(GJ) Police Officer~~
- ~~(H) Code Enforcement Officer~~
- ~~(I) Bailiff~~
- ~~(K) Reserve Police Officer~~
- ~~(JL) Crossing Guard~~
- ~~(M) Substitute Crossing Guard~~
- ~~(K) City Engineer~~
- ~~(L) Meter Reader~~
- ~~(M) Building Official~~
- ~~(N) Building Inspector~~
- ~~(O) Land Maintenance Worker~~
- ~~(PA) Parks Maintenance Worker I, II and III~~
- ~~(Q) Recreation Coordinator~~
- ~~(R) Recreation Supervisor~~
- ~~(S) Parks Coordinator~~
- ~~(T) Cemetery Maintenance Worker~~
- ~~(U) Gang Mower Operator~~

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~~(V) Recreation Assistant~~

~~(W) Sports Fields Worker~~

~~(X) Streets Maintenance Worker~~

~~(Y) Water Maintenance Worker~~

~~(Z) Environmental Maintenance Worker~~

~~(O) Streets Maintenance Worker I, II and III~~

~~(P) Water Maintenance Worker I, II and III~~

(2) Selection for random testing will be done by an outside organization in order to ensure that selection is truly random and is uninfluenced by any personal characteristics, behavior, or any other attribute.

(3) Random drug and alcohol testing will be conducted quarterly. Random drug testing will be administered at a fifty (50) percent annualized rate. Random alcohol testing will be conducted at a ten (10) percent annualized rate. This means that the total number of drug tests conducted during any twelve (12) month period will be equal to at least fifty (50) percent of the total Syracuse City non-DOT testing pool, and the total number of alcohol tests conducted during any twelve (12) month period will be equal to at least ten (10) percent of the total Syracuse City non-DOT testing pool. Employees will be notified by their supervisor and/or the DER of the requirement to submit to a random drug and/or alcohol test and should then proceed immediately to the collection site designated by Syracuse City.

(d) Post-Accidents. Employees involved in any work-related accident involving a vehicle, injury requiring medical treatment, or property damage anticipated to exceed \$1,000, are required to submit to post-accident drug and alcohol testing. Off-duty employees involved in motor vehicle accidents involving Syracuse City vehicles will also be subject to post-accident drug and alcohol testing.

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(1) Post-accident drug tests must be conducted within 32 hours of the accident and/or incident. Post accident alcohol tests should be conducted within two (2) hours of the accident and not later than eight (8) hours after the accident. If these time limits have passed, the City should cease attempts to collect the sample.

(2) In the event that post-accident drug and alcohol testing is warranted, it is the ~~employee's supervisor's~~ responsibility ~~of~~ an agent of Syracuse City or emergency personnel to transport the employee being tested to and from the testing facility. In most cases, ~~it is the employee's supervisor's responsibility to ensure the employee is transported, either the Designated Employee Representative (DER) or the employee's supervisor will be responsible for transporting the employee.~~

(3) Any employee who is required to submit to post-accident drug and alcohol testing will be removed from any safety sensitive functions and placed on alternative duty, as necessary, or placed on paid administrative leave until the results of the drug and alcohol tests can be verified. If the test results are negative, the employee will be able to return to work upon receipt of the test results. If the test results are positive or non-negative, the employee will be subject to termination as provided herein.

(e) Pre-Announced Periodic. Employees may be subject to pre-selected and pre-announced drug and alcohol testing as a condition of continued employment conducted on a regular schedule.

(f) Rehabilitation. Employees in any rehabilitation program shall be subject to drug and alcohol testing in accordance with the program requirements or as part of a return-to-work requirement after treatment or program participation. Rehabilitation testing means unannounced but pre-selected drug or alcohol testing done as part of a program of counseling, education, and treatment of an employee in conjunction with this policy.

(g) Compliance. Employees shall be subject to drug and alcohol testing when required by State or Federal law. See, DOT Drug and Alcohol Testing Policy regarding additional drug and alcohol testing requirements for employees subject to commercial driver's license requirements under the Omnibus Transportation Employees Testing Act and the Department of Transportation Regulations enacted thereunder.

### 11.110. Testing Procedures.

(a) Consent. ~~Drug and Alcohol screening will be conducted by an outside organization.~~ Prior to submitting to a drug and alcohol test required herein, prospective and current employees shall sign a Consent Form authorizing the test, permitting the release of test results to the appropriate personnel. ~~Employees or prospective employees under the age of eighteen (18) will also be required to have their parent or legal guardian sign a testing release form.~~

(b) Collection. All sample collection for drugs and alcohol testing under this policy shall be performed under reasonable and sanitary conditions. Sample collection, documentation, storage and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination or adulteration and which ensures the privacy of the individual being tested. The instructions, chain of custody forms, and collection kits, including bottles and seals used for sample collection shall be prepared by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology. Sample collection shall be conducted in accordance with the terms and conditions

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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of this policy and the Utah Local Governmental Entity Drug-Free Workplace Act by an entity independent of the City.

(c) **Samples.** Employees shall submit a split urine sample for drug testing or retesting as required herein. The urine sample shall be divided into two specimen bottles by the collection entity in accordance with the Utah Governmental Entity Drug-Free Workplace Act. Alcohol testing will typically be done with an evidentiary breath testing device. An initial screening alcohol test will be conducted. If that result is greater than or equal to 0.04, a confirmation test will be conducted using an evidential testing device. The confirmation test is the final result. Any confirmed breath alcohol test result greater than 0.04 grams per 210 liters of breath will be considered a positive alcohol test result.

(d) **Inadequate Samples.** In the case of urine-based drug testing, an applicant and/or employee who fails to provide an adequate quantity of urine for testing will be instructed to drink not more than 24 ounces of fluid and, after a period of up to two hours, again attempt to provide a complete sample. If an applicant fails to provide an adequate quantity of urine a second time, that applicant will no longer be considered for employment. If an employee fails to provide an adequate quantity of urine a second time, the third party administrator will notify the MRO to determine pertinent information concerning whether or not the individual's inability to provide a specimen is genuine or constitutes a refusal to test. Upon completion of the examination, the MRO will report their conclusions to the Syracuse City DER in writing. If the City or the collector has reasonable cause to believe that the donor of the sample has tampered with their sample, a new sample will be immediately collected.

(e) **Testing.** Sample drug testing shall conform to scientifically accepted analytical methods and procedures and shall be conducted in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology. The City has designated IHC as the City's third party administrator to assist in setting up and administering the drug and alcohol testing program set forth herein.

(f) **Dilute Specimens.** Specimens which the laboratory reports as dilute, meaning specific gravity less than 1.003 and creatinine levels less than 20 mg/dL, may be considered invalid and the employee/applicant will be required to give a second specimen. The second specimen will be considered the final result.

(g) **Invalid Specimens.** If Syracuse City receives a test result that is determined to be invalid, the employee will be immediately retested. The employee will be given no notification of the need to retest. No action will be taken regarding the first test result and the results of the second test will be considered final. A second "invalid" test result will be treated as a positive test result.

(h) **Time.** Any drug or alcohol testing required by the City under this policy shall occur during or immediately after the regular work period for current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

(i) **Costs.** Except as otherwise provided, the City shall pay all costs of sample collection and testing required herein, including the cost of transporting current employees to the testing site if the testing is conducted at a place other than the work site.

(j) **Disclaimer.** A physician/patient relationship is not created between a prospective or current employee and the City or any person performing the test, solely by this policy and the procedures set forth herein.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### 11.120. Results.

(a) Positive. Positive test results shall refer to those test results that meet or exceed the standard permissible levels of substance in the body as defined and set forth in this policy, the Federal DOT Rules and Regulations if addressed therein, or by standards adopted by the State of Utah if not addressed by the Federal DOT Rules and Regulations.

(b) MRO. It is the policy of Syracuse City that all positive or non-negative drug tests results be immediately referred to an MRO to verify the positive or non-negative result. In the case of a positive, adulterated, substituted, or invalid test result, the employee or prospective employee shall be so advised by the MRO by telephone on a confidential basis prior to the reporting of the results to the designated employer representative. The employee shall have the right to discuss and explain the results, including the right to advise the MRO of any prescription or over-the-counter medication or other substance consumed which may have affected the results of the test. The MRO shall also review the chain-of-custody documentation to ensure compliance with normal chain-of-custody procedures. If the MRO can verify a legitimate explanation, the MRO would then reverse the test result to negative and report it as negative to the employer. The MRO can report a positive or non-negative test to the employer, without interviewing the employee/applicant, if: an individual has expressly declined the opportunity to discuss the test result with the MRO; the employer has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the employer contacted the employee; or if neither the employer nor MRO, after making and documenting all reasonable efforts, has been able to contact the employee within ten (10) days of the date on which the MRO receives the confirmed test result from the laboratory. No MRO review will be done on positive breath or blood alcohol tests.

(c) Notice. In addition to the MRO procedures set forth in Subsection (b), prospective and current employees shall be notified as soon as possible of any positive test results conducted in accordance with this policy by telephone or in writing at their last-known telephone number and address and told of his or her option to have the split urine sample tested as provided in Subsection (e).

(d) Confirmation. Before the result of any test required herein may be used as a basis for action by the City, the positive test result shall be verified or confirmed using a gas chromatography-mass spectroscopy, or other comparably reliable analytical method.

(e) Second Test Option. If the test results of the urine sample indicate the presence of drugs or their metabolites, the donor of the test shall have seventy-two (72) hours from the time he or she is notified of such results to request, at his or her option, to have the split urine sample testing performed. The cost of the second test shall be equally divided between the donor and the City, unless the second sample tests negative, in which case the City shall pay for the entire cost of the second test. In addition to the initial test results, the test results of the split urine sample shall be considered at any subsequent disciplinary hearing if the requirements of this policy have been complied with in the collection, handling and testing of the samples.

(f) Request for Report. An employee who has tested positive or non-negative shall have the right to request, in writing, from the City a copy of the laboratory and MRO report regarding the testing.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### **11.130. Action.**

(a) Referral. Any non-DOT employee who has a non-negative drug test or a positive breath alcohol test result will be immediately referred by the Syracuse City DER to the Employee Assistance Program (EAP), a licensed substance abuse counselor (LSAC), or a Substance Abuse Professional (SAP) for an initial consultation. Syracuse City will be responsible for the cost of the initial consultation. However, additional services provided to the employee by the SAP and/or LSAC will be at the expense of the employee.

(b) Discipline or Refusal to Hire. The City may use confirmed positive test results or non-negative test results, or any refusal of a prospective or current employee to take the test, as a basis for disciplinary action up to and including termination of current employees and refusal to hire prospective employees. Any disciplinary action taken by the City for violation of this policy shall be in accordance with the City disciplinary procedures. Such procedures shall include any required pre-disciplinary hearing and appeal proceedings.

(c) Rehabilitation. The City may also require that any employee rendering positive test results enroll in a City-approved rehabilitation, treatment or counseling program, which may include additional drug or alcohol testing, at the expense of the employee and as a condition of continued employment.

### **11.140. Confidentiality and Access to Test Results.**

The use and disposition of all drug and alcohol testing results and records shall be considered confidential and are subject to the limitations of the Utah Government Records Access and Management Act and the Americans with Disabilities Act. In an effort to ensure that all drug and/or alcohol test results remain confidential, the third party administrator and/or MRO for the Syracuse City drug testing program are only authorized to release test results to the Syracuse City DER. After being received by Syracuse City, all drug and alcohol test results will be stored in confidential employee files (established for all Syracuse City employees) and will remain confidential to the extent required or allowed by law. The DER will determine which person(s) within the City have a need to know which test results. Test and other records will be maintained in a secure manner so that disclosure of confidential and/or medical information to unauthorized persons does not occur. Test results may be released in legal proceedings where the employee raises the issue of drug test (i.e. unemployment hearing, wrongful termination, etc.). Test results can be released to persons representing Syracuse City (i.e. attorneys, workers compensation insurance adjuster, etc.). Employees, former employees, and prospective employees can request copies of their drug and/or alcohol test results by making a written request to the Syracuse City DER.

### **11.150. Notification of Conviction.**

Any investigation by law enforcement or conviction for controlled substance or alcohol activity may be cause for dismissal from employment. Failure of an employee to report any conviction for illegal drug use or alcohol misuse to their supervisor and/or the Syracuse City DER within five (5) days of conviction may result in disciplinary action up to and including termination.

### **11.160. Americans with Disabilities Act (ADA).**

Alcoholism is considered a disability under the ADA. Syracuse City will make reasonable accommodations for current employees who suffer from alcoholism, including encouraging an employee to participate in rehabilitation programs. However, Syracuse City will hold an alcoholic employee to the

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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same performance standards as other employees and will discipline an employee, up to and including termination, if the employee's alcohol use adversely affects the employee's job performance or is considered to be a safety hazard. An employee or prospective employee whose controlled substance or alcohol (except as modified by the ADA) tests are confirmed and verified positive in accordance with the provisions of this program shall not, by reason of those results alone, be defined as a person with a "handicap" or "disability" for the purposes of Utah Code Annotated Chapter 35, Title 34 (Utah Anti-Discriminatory Act) or the Federal Americans with Disabilities Act.

### **11.170. Amendments.**

Syracuse City reserves the right to interpret, modify, and/or revise this policy in whole or in part. Nothing in this policy is to be construed as an employment contract nor does this alter an employee's employment status. This policy will be amended from time to time to comply with changes in Federal and State laws.

# SYRACUSE CITY CORPORATION



## **Personnel Policies and Procedures Manual**

**Effective  
Updated 2014**

**This document supersedes all personnel policies and procedures previously established or approved by Syracuse City.**

**SYRACUSE CITY  
PERSONNEL POLICIES AND PROCEDURES**

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## CHAPTER 1 INTRODUCTION

- 1.010. Purpose.**
- 1.020. Applicability.**
- 1.030. Interpretation.**
- 1.040. Amendments.**
- 1.050. Distribution.**
- 1.060. Acknowledgement Form.**
- 1.070. Disclaimer.**
- 1.080. Conflicts.**

### **1.010. Purpose.**

The purpose of these Personnel Policies and Procedures (“Policies and Procedures”) is to provide guidelines and information for City employees to assist them in performing and pursuing competent and satisfying employment with the City. It is the intent of the City to comply with all Federal and State laws and regulations applicable to the City and/or its employees, whether mentioned herein or not.

### **1.020. Applicability.**

These Policies and Procedures shall apply to all City employees and appointed officers, except where otherwise specifically excluded. These Policies and Procedures do not apply to elected officials, members of commissions and committees, or persons engaged under contract to supply professional or technical services. These Policies and Procedures are in addition to any other department-approved policies and procedures or operational standards, including, but not limited to, Police Department and Fire Department policies and operational standards.

### **1.030. Interpretation.**

The City Manager shall provide the official interpretation of these Policies and Procedures. The department heads and supervisors shall be responsible for implementing these Policies and Procedures within their departments under the direction of the City Manager and the Human Resources Specialist.

### **1.040. Amendments.**

Personnel practices and procedures are in a constant state of change and the City will review the policies and procedures set forth herein as needed to best serve the needs of the City and its employees. The City reserves the right to unilaterally alter, amend, except or revoke any policy, practice or procedure set forth herein in its sole discretion. All amendments shall be submitted for review by the City Council. The City Manager shall submit any proposed changes to the City Council for discussion on the next regularly scheduled work meeting, unless a proposed policy requires immediate action or otherwise permitted action under the Public and Open Meetings Act requirements of the Utah Code. If there are no objections from the Mayor or any member of the City Council, the proposed policy amendments shall be approved. If the mayor or any member of the City Council objects to the proposed changes, the proposed changes shall be scheduled for the next City Council Meeting for a vote by the Council. In such case, the proposed amendments must be approved by a majority vote of the City Council per the City Code.

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### **1.050. Distribution.**

A copy of these Policies and Procedures and any amendments hereto shall be made available to all employees and appointed officers in electronic or hard copy format. Employees will be notified in writing of any amendments to these Policies and Procedures. The content of the amendments will be made available in electronic format unless a hard copy is requested by the employee. The City shall be responsible for keeping the electronic and hard copy of the Personnel Policies and Procedures up to date with amendments. A log sheet may be provided by the City to assist in recording and tracking updates.

### **1.060. Acknowledgment Form.**

City employees are responsible to be aware of and adhere to all the provisions of these Policies and Procedures and any amendments hereto. Each employee shall sign and submit to the City an Acknowledgment Form, as provided by the City, attesting to the fact that he or she has received instructions how to access a copy of these Policies and Procedures and any amendments to these Policies and Procedures and has agreed to read and understand the provisions set forth herein. Submission of a signed Acknowledgment Form shall be a condition of employment for all employees. The signed Acknowledgment Form shall be filed in the employee's personnel file.

### **1.070. Disclaimer.**

The information contained herein, and any amendments or alterations hereto, do not constitute a contract or agreement of any kind between the City and its employees. No person other than the City Manager, with the advice and consent of the City Council, has the authority to enter into an agreement with any employee for any specified employment term or to make any commitments contrary to the relationship of City employees. Any such agreement or commitment must be made in writing. The information and policies contained herein shall not constitute or create any rights in or obligations to any persons or parties other than to the City and its employees. Nothing herein shall be construed to limit the City's right to discharge an employee or to create any other obligation or liability on the City. The City alone shall be entitled to enforce or waive the provisions of any policy, practice or procedure set forth herein.

### **1.080. Conflicts.**

Except as otherwise specifically provided, these Policies and Procedures supersede all prior letters, memoranda, resolutions, policies and procedures of the City which are inconsistent with the matters stated herein. In the event of a conflict between any of the provisions set forth herein or with department approved policies and procedures, the more restrictive provision shall apply. If any provision or part of these Policies and Procedures or the application thereof is found to be in conflict with any State or Federal law or City Ordinance, the conflicting provision or 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 their application.

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## CHAPTER 2 ADMINISTRATION

- 2.010. Human Resources Specialist.**
- 2.020. Job Descriptions.**
- 2.030. Classification Plan.**
- 2.040. Personnel Records.**
- 2.050. Employee Inquiries and References.**

### **2.010. Human Resources Specialist.**

The City has created the position of Human Resources Specialist. The Human Resources Specialist is responsible for the administration and implementation of these Policies and Procedures and applicable City Ordinances. The duties and responsibilities of the Human Resources Specialist, with respect to these Policies and Procedures, include, but are limited to, the following:

- (a) to develop, implement and administer these Policies and Procedures;
- (b) to promote the fair treatment of employees and the administration of these Policies and Procedures; and
- (c) to review these Policies and Procedures and recommend suggestions or changes deemed necessary to the City Manager and City Council.

### **2.020. Job Descriptions.**

The City should provide and maintain a current job description for each employment position available within the City. Each job description should include the scope of responsibility, supervisory duties, typical duties, qualifications, knowledge, skills and abilities, essential functions, and physical demands and job environment. All employees will be assigned to employment as provided in an established job description and must be able to meet the requirements for performing the essential functions of the position to which assigned (with or without a reasonable accommodation to the extent required under the Americans with Disabilities Act). Recruitment and hiring of new employees should be based on the requirements and duties listed in the relevant job description.

### **2.030. Classification Plan.**

The City shall establish and adopt a Classification Plan setting forth the positions and corresponding job descriptions of City employees.

### **2.040. Personnel Records.**

- (a) Personnel Records. Federal and State law requires employers to keep detailed data about their employees. It is the policy of the City to maintain personnel records concerning its employees in accordance with applicable Federal and State law. Such records may include, but are not limited to, records regarding hiring, compensation, leave, awards, grievances, disciplinary action, education, training and other relevant records.

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(b) Updates. Each employee is responsible for keeping the City notified of any changes in employee information such as name, address, telephone number, tax exemptions and related information so that the employee's personnel records may be accurately maintained.

(c) Maintenance. Personnel records shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, and the Utah Municipal Records Retention Schedule, as adopted and amended by the City.

(d) Access. Pursuant to *Utah Code Ann.* §§ 67-18-1, *et seq.*, as amended, employees of the City have the right to examine and make copies of documents in their own personnel files. Upon written request from an employee, the City shall produce the employee's personnel file for inspection and copying during regular business hours. Such inspection and copying shall be under the direct supervision of the Human Resources Specialist, or his or her designee. Access and examination of personnel records by persons other than the employee must provide a written request and is subject to the provisions of the Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as adopted and amended by the City. Access and examination of personnel records by the City Manager and/or Department Head will be provided upon written request which will be kept with the personnel file and is not subject to the provisions of the Government Records Access and Management Act.

### **2.050. Employee Inquiries and References.**

All inquiries from outside parties regarding current and former employees shall be directed to the Human Resources Specialist. For purposes of extensive background investigations on current and former Police Officers a liability release form signed by the employee is required and the Police Chief in cooperation with the Human Resource Specialist may respond to questions with factual information. Pursuant to the Employer Reference Immunity provisions of Utah law, as set forth in *Utah Code Ann.* § 34-42-1, as amended, an employer who in good faith provides information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee, at the request of the prospective employer of that employee, may not be held civilly liable for the disclosure or the consequences of providing the information. Notwithstanding statutory protection, the City reserves the right to require a written reference and liability release form from former employees regarding requested references. Reference and liability release forms may also be filled out by employees upon termination of employment with the City.

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## CHAPTER 3 EMPLOYEE HIRING

- 3.010 Equal Opportunity Employer.
- 3.020. Employment Philosophy.
- 3.030. Employment of Relatives (Nepotism).
- 3.040. Employment of Minors.
- 3.050. Authority to Hire.
- 3.060 Recruiting.
- 3.070. Newly Created or Existing Positions.
- 3.080. Advertising.
- 3.090. Open Position Notices.
- 3.100. Application Process.
- 3.110. Interviews.
- 3.120. Testing and Investigations.
- 3.130. Job Offers.
- 3.140. Employment Eligibility Verification.
- 3.150. Employee Orientation.
- 3.160. Disqualification.
- 3.170. Rehires.

### 3.010 Equal Opportunity Employer.

Syracuse City is an "Equal Opportunity Employer" and it is the policy of the City to comply with Federal and State equal employment opportunity laws and guidelines. The City shall not discriminate in the hiring, employment, promotion or other employment practices with respect to its employees on the basis of race, color, religion, sex, national origin, political affiliation, age, pregnancy, childbirth or pregnancy-related condition, disability, status as a veteran, or genetic information, in accordance with applicable Federal and State laws. It is the policy and commitment of the City to protect the civil rights of all employees and applicants for employment with the City and to provide a work environment free from discrimination and harassment.

### 3.020. Employment Philosophy.

The City Council shall adopt and maintain a Recruitment and Retention Policy for the city, which purpose is to attract the best talent possible, motivate and retain that talent for the overall benefit of the citizens. The City seeks to attract and retain the most highly qualified and competent employees who exhibit the qualities and characteristics required for and consistent with the job to be performed. Evaluation of employment applicants will be made on the basis of education, skills, experience, character, competence, ability to work and relate with co-workers, supervisors and the public, and potential job performance and learning consistent with the needs of the City and the specific position to be filled. A copy of the Recruitment and Retention Policy is attached hereto as Appendix (?), and incorporated herein by this reference.

### 3.030. Employment of Relatives (Nepotism).

It is the policy of the City to comply with the provisions of Title 52, Chapter 3, of the *Utah Code Annotated*, as amended, regarding the prohibition of employment of relatives. The City restricts the hiring of city employees' relatives. A relative is defined as the employees' husband, wife, parent, step-parent,

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nephew, niece, grandparent, son-in-law, daughter-in-law, sister, step-sister, brother, step-brother, son, step-son, daughter, step-daughter, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin; or a spouses' grandparent, grandchild, aunt, uncle, nephew, niece, or first cousin. Guidelines regarding employment of relatives is as follows:

- (a) A person may be hired within the same department as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, a conflict of interest or the appearance of a conflict of interest.
- (b) In the event that an employee who directly or indirectly supervises another employee whom become related as a result of a marriage, the City will attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.
- (c) No employee who is related to someone within the same department shall be promoted to a Department Head or Supervisor position.

### **3.040. Employment of Minors.**

The City may employ minors from time to time and it is the policy of the City to comply with all State and Federal laws and regulations regarding the employment of minors, including, but not limited to, *Utah Code Ann.* §§ 34-23-101, *et seq.*, 29 U.S.C. §212 and 29 C.F.R. Part 570. The law prohibits employment of minors under age 14 and no one under the age of 18 may perform a hazardous job as defined by the Fair Labor Standards Act (FLSA). Please see the Human Resource Specialist for further information on such duties. Please see Work Hours and Breaks and Lunch Periods in Chapter 6 for additional information in regards to employment of minors.

### **3.050. Authority to Hire.**

In accordance with the hiring provisions set forth in Title 1 (Administration) of the Syracuse City Ordinances, hiring shall be conducted as follows:

- (a) With the exception of department head positions and positions required by law to be appointed by the Mayor and/or City Council, the City Manager, or his or her designee, has the authority to post, interview, and hire for all available employment positions within the City.
- (b) It is the responsibility of the Mayor, with the advice and consent of the City Council, to appoint individuals to all department head positions and positions otherwise required by law, such as the City Recorder and City Treasurer. The City Manager, or his or her designee, shall assume the responsibilities of posting, interviewing and making final recommendations to the Mayor and City Council for such positions.

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### **3.060 Recruiting.**

All recruitment shall be conducted in accordance with the City's Equal Opportunity Employer policy as set forth in Section 3.010. Any and all selecting and advancing of employees in the City personnel system shall be on the basis of the applicant and/or employee's ability, knowledge, and skill levels related to the vacant position in accordance with the City's Employment Philosophy set forth in Section 3.020. All hiring shall be based upon the job description for the specific position opening. If the recruitment is for a newly created position, a job description, classification and salary range shall be prepared by the City prior to recruiting for the proposed position and the position approved by the City Council in accordance with Section 3.070. As an alternative to outside recruitment, the City may promote or consider employees from within to fill vacant job positions. Syracuse City employees that apply for and meet minimum qualifications required for the open position should be interviewed during the interviewing process with the other outside applicants; however, this is not required when an employee is promoted.

### **3.070. Newly Created or Existing Positions.**

Newly created regular or appointed positions may be created by the City Council through authorization and approval of the job description, classification, and salary range of the position, either through the annual budget authorization or by separate action of the City Council. Any department head wishing to create a new position within their department shall submit a request to the Human Resources Specialist, including a proposed job description, classification, and the pay range for the job. If acceptable to the Human Resources Specialist, the new position request shall be forwarded to the City Manager for review and recommendation to the City Council. Job openings for existing positions, which have been previously authorized by the City Council shall be reviewed by the Human Resources Specialist and approved by the City Manager to initiate the hiring process.

### **3.080. Advertising.**

Upon approval by the City Council for new positions and approval by the City Manager for existing positions, the Human Resources Specialist will prepare advertisements for job openings and post notice of such openings as provided herein. Advertising for job openings should be posted at the City Offices and a copy of the posting sent via email to each department head for posting within the Department. Department heads are responsible for ensuring that all job postings are posted within their Department. Internal posting of job openings will also be posted on employee bulletin boards. In addition, and at the same time, the Human Resources Department will advertise all new and vacant positions as it deems appropriate unless directed otherwise by the City Manager. In general, all new and vacant positions will be posted externally on the Syracuse City Website and through the Utah Department of Workforce Services. Other media, including newspapers, social media and professional publications, may be used.

### **3.090. Open Position Notices.**

Open position notices prepared by the Human Resources Specialist should contain a statement indicating the City's Equal Opportunity Employer status. Open position notices should also specify what application information is required (resume, cover letter, etc.), where job applications may be obtained, instructions on returning completed applications, and the deadline for filing an application.

### **3.100. Application Process.**

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(a) An application for employment will be accepted from applicants for employment on forms provided by Syracuse City. Job applications are available via the City website at [www.syracuseut.com](http://www.syracuseut.com) or at the City Office building. No one under the age of eighteen (18) may apply for or be hired for full-time employment with the City. No one under the age of sixteen (16) may apply for or be hired for any employment position with the City.

(b) All applications and resumes shall be forwarded to the Human Resources Specialist. Upon receipt, each application, resume, and/or cover letter will be marked with the date it was received. Completed applications will be placed in a file for the open position and shall be retained in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann. §§ 63-2-101, et seq.*, as adopted and amended by the City.

(c) All job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.

(d) Applications may be rejected for, but not limited to, the following reasons:

(i) The applicant does not meet the minimum qualifications established for the position;

(ii) The applicant voluntarily indicates that he or she is physically or mentally unable to perform the essential duties and responsibilities of the position with or without reasonable accommodation(s) (determined only after a conditional offer of employment has been extended to a job applicant and pending the results of a medical examination);

(iii) The applicant has falsified a material fact or failed to complete the application;

(iv) The applicant failed to timely file the application;

(v) The applicant has an unsatisfactory employment history or poor work references;  
or

(vi) The applicant failed to attain a passing score, if an examination is required.

### **3.110. Interviews.**

The Human Resources Specialist, in conjunction with the hiring department head or the City Manager, will select applicants to interview from those who have passed the preliminary screening tests and job applications. Job related duties and qualifications will provide the basis for initial screening of job applicants. Individuals conducting job interviews shall only ask questions that pertain to the job position. A structured interview guide shall be developed and reviewed by the Human Resources Specialist and the department head filling the position before the interview begins. The guide will be developed in accordance with the Syracuse City Equal Employment Opportunity policy. During the interview each interviewer will complete the structured interview guide developed for the position. The Human Resources Specialist shall be given the opportunity to attend all interviews for Full-Time positions.

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### 3.120. Testing and Investigations.

Applicants for positions with the City may be subject to competitive testing or condition of employment testing which may include, but is not limited to: determination of bondability, rating of education and experience, written, oral, or physical tests, drug testing, medical examinations, driving record evaluations, and/or background investigations in accordance with these Policies and Procedures and applicable provisions of law. See, Chapter 13 of these Policies and Procedures regarding Employee Testing and Evaluation. The structure and methods of testing shall be reviewed by the Human Resources Specialist prior to the testing being conducted.

### 3.130. Job Offers.

After a job applicant is approved by the Human Resources Specialist and the hiring department head (and City Council as applicable for department head positions), with the consent of the City Manager, the Human Resources Specialist or department head in coordination with the Human Resources Specialist, shall notify the successful job applicant of his or her conditional selection through: (1) a telephone call; and (2) a written job offer letter. To accept a job offer, the candidate must sign the written job offer, thereby making the offer official. The original job offer letter is then filed in the employee's file and a copy is given to the new employee. Written job offer letters will include the following:

- (a) The employee's job title;
- (b) A clear statement of the job description;
- (c) The employee's supervisor;
- (d) The employee's starting salary (starting salary offers for exempt positions shall be figured as both an annual and bi-weekly amount and starting salary offers for non-exempt positions shall be figured as the equivalent hourly wage);
- (e) Any applicable relocation commitments;
- (f) A summary of the benefits in which the employee will be eligible to participate;
- (g) Syracuse City's at-will employment policy, to the extent applicable;
- (h) The employee's starting date;
- (i) The length of the employee's probationary period;
- (j) Notice that employment is contingent upon passing a background investigation, drug testing, driving record evaluation, medical examination, and any other testing or investigation, to the extent required under these Policies and Procedures for the particular position.

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### **3.140 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 illegal workers, the Human Resources Specialist 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.

### **3.150. Employee Orientation.**

On the first day of work the new employee should receive a general orientation concerning benefits, compensation practices, personnel policies and procedures, vacation, holiday and sick leave, work hours, parking, and various employment expectations. After a new employee is hired he or she shall fill out all required pre-employment forms, benefit applications, and enrollment forms. In addition to any other required forms, the following forms shall be filled out by all new employees:

- (a) Employment Eligibility Verification Form (Form I-9);
- (b) Federal Withholding Statement (Form W-4);
- (c) Utah New Hire Registry Reporting Form;
- (d) Applicable Utah Retirement System (URS) Form;
- (e) Syracuse City Direct Deposit Form;
- (f) Personnel Policies and Procedures Acknowledgement Form; and
- (g) If applicable, all benefits enrollment forms.

### **3.160 Disqualification.**

The City reserves the right to reject any application which 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 statements or who are found to have engaged in any type of deception or fraud in the application or testing process may be rejected or terminated, if hired.

### **3.170 Rehires.**

Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications. The Human Resources Specialist will review the former employee's personnel records and the circumstances surrounding termination of previous employment with the City. Former employees who have been terminated for cause, or who voluntarily resigned while facing disciplinary action, or who did not give a two (2) week notice are not eligible for rehire. Employees must give a two (2) week notice in order to be rehireable unless deemed otherwise at the discretion of the City Manager. Eligibility for rehire should be noted on termination forms. Applicants who are rehired shall be required to serve a probationary period in accordance with these Policies and Procedures. Former employees who terminated employment with the City in good standing may maintain the original anniversary date for benefit purposes if they are re-employed by the City within one (1) year after the date of termination.

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## CHAPTER 4 EMPLOYMENT STATUS

- 4.010. General Policy.**
- 4.020. Employee Definitions.**
- 4.030. FLSA Employment Status.**
- 4.040. Probationary Employment Period.**
- 4.050. Light Duty Status.**
- 4.060. Volunteers.**
- 4.070. Court Ordered Service.**

### **4.010. General Policy.**

Employment positions within Syracuse City are defined and classified into various categories that relate to employment status, hiring procedures, compensation, benefits eligibility, and applicability of certain Federal and State laws. Such categories are subject to change depending upon the requirements of State and Federal law, City policy or City Ordinances.

### **4.020. Employee Definitions.**

Each employee position available with the City is defined and categorized as one of the following, depending upon the number of required working hours for the particular position and/or the temporary nature of the position. Elected officials are excluded from these categories.

- (a) Full-Time. An employee working in a position for which the normal work schedule is forty (40) or more hours per week is considered a full-time employee. Full-time employees are eligible for participation in City provided benefits programs as more particularly set forth in these Policies and Procedures.
- (b) Part-Time. An employee working in a position for which the normal work schedule is less than thirty (30) hours per week is considered a part-time employee. Part-time employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Part-time employees are at-will and may be terminated at any time with or without cause, without appeal.
- (c) Seasonal. An employee working in a position that is expected to work for six (6) months or less per year and which the need for the position ends typically in conjunction with a season is considered a seasonal employee. Seasonal employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Seasonal employees are at-will and may be terminated at any time with or without cause, without appeal.
- (d) Temporary. An employee working in a position that is expected to work for six (6) months or less per year, less than thirty (30) hours per week and which the need for the position ends after a single project is not typically repeated each year is considered a temporary employee. Temporary employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Temporary employees are at-will and may be terminated at any time with or without cause, without appeal.

### **4.030. FLSA Employment Status.**

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To facilitate provisions of the Fair Labor Standards Act ("FLSA") regarding employee eligibility for overtime compensation, employees shall be classified as either exempt or nonexempt. These categories are defined as:

(a) Exempt. Employees who are not covered by or subject to the overtime requirements and regulations of the FLSA are deemed "exempt." Employees are classified as exempt based upon the nature of the work, conditions of employment, and criteria set forth in the FLSA and related Federal rules and regulations.

(b) Non-Exempt. Employees who are covered by and subject to the overtime requirements and regulations of the FLSA are deemed "non-exempt."

#### **4.040 Probationary Employment Period.**

(a) All newly hired Full-Time employees shall be subject to a twelve (12) month Probationary Period. The Probationary Period shall begin on the first day of employment and shall continue for twelve (12) months thereafter. The Probationary Period is established to evaluate the performance and potential of the new employee, determine the employee's retention, possible transfer or termination, and to give the employee the chance to evaluate the job.

(b) At any time during the Probationary Period, the employee may be terminated by the City with or without cause and without right to due process, notice, or appeal in connection with the termination.

#### **4.050. Light Duty Status.**

Employees that incur a medical condition and are recommended by a medical doctor to only be involved in "light duty" activity may be assigned work in accordance with light duty operations and functions as approved by the Human Resources Specialist in cooperation with the Department Head. Light duty assignments will be temporary and short term in nature, usually not exceeding thirty (30) work days. Each case will be reviewed independently and will only be extended for extenuating circumstances. Light duty assignments over thirty (30) days must be approved by the City Manager.

#### **4.060 Volunteers.**

(a) Volunteers are persons who donate services as authorized by the City without pay or other compensation other than expenses actually and reasonably incurred as approved by the City, exclusive of "court ordered" volunteers as set forth in Section 4.070. The City Manager may establish volunteer programs and develop guidelines for the use of volunteers. Volunteer programs and guidelines proposed by the City Manager that are either outside of the current adopted budget or involves an exceptional amount of risk would require approval from the City Council. All volunteers providing services for the City shall sign an agreement defining the nature and terms of the volunteer services. A volunteer may not donate any service to the City unless the volunteer's services are approved by the City Manager and the volunteer has submitted a signed volunteer form to the City as required herein.

(b) Volunteers may be provided protections under the Volunteer Government Workers Act, as set forth in *Utah Code Ann.* §§ 67-20-1, *et seq.*, as amended, which provides volunteers may be

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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deemed an employee of the City for purposes of workers' compensation benefits, operation of motor vehicles, and liability protection and indemnification normally afforded paid government employees.

### **4.070. Court Ordered Service.**

Court ordered community service volunteer labor is authorized but shall be accepted at Syracuse City only when ordered through the Syracuse City Justice Court. Court ordered volunteers may be considered an employee of the City for purposes of workers' compensation benefits as more particularly provided in the Volunteer Government Workers Act, as set forth in *Utah Code Ann.* §§ 67-20-1, *et seq.*, as amended, regarding "compensatory service workers," as defined therein.

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## CHAPTER 5 COMPENSATION

- 5.010. General Policy.
- 5.020. Compensation Plan.
- 5.030. Pay Grade for New Employees.
- 5.040. Pay Progression.
- 5.050. Meritorious Performance.
- 5.060. Longevity Increase.
- 5.070. Cost of Living Adjustments.
- 5.080. Position Adjustments.
- 5.090. Overtime.
- 5.100. Compensatory Time.
- 5.110. Holiday Pay.
- 5.120. Special Programs.
- 5.130. Severance Pay.

### 5.010 General Policy.

Syracuse City will pay at least minimum wage and overtime to all Non-Exempt employees in accordance with applicable provisions of the Fair Labor Standards Act (FLSA). Syracuse City may compensate all Exempt employees with time off for extra hours worked as more particularly set forth herein. Syracuse City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the FLSA and the Equal Pay Act of 1963.

### 5.020. Compensation Plan.

(a) Compensation Plan. The City Council shall adopt and maintain a compensation plan for the City, including minimum and maximum rates of pay for each position within the City's personnel system and such intermediate steps or grades as deemed necessary and equitable for employee compensation ("Compensation Plan"). The Compensation Plan may also include salary administration guidelines, position pay grade schedule, and salary schedule, as adopted by the City. Salaries shall be linked to the position classification plan and may take into consideration the following prevailing practices and factors: ranges of pay for other positions; prevailing rates of pay for similar employment in both public and private organizations; cost of living; market trends, other benefits; and the financial policy and economic conditions of the City. Independent market studies may be authorized at the discretion of the City Council when deemed necessary. Compensation for statutory officers shall be subject to public hearing requirements and adopted by ordinance of the City Council in accordance with applicable provisions of *Utah Code Ann.* § 10-3-818, as amended. A copy of the Compensation Plan is attached hereto as Appendix (?), and incorporated herein by this reference.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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(b) Updates and Amendments. The Compensation Plan should be reviewed and analyzed annually by the Human Resources Specialist and City Manager who may recommend appropriate changes to the City Council. The City Council may review and make appropriate changes to the Compensation Plan at anytime in accordance with applicable procedures regarding the same. Implementation of any recommended adjustments to the Compensation Plan shall be subject to City Council approval and availability of funds. Any amendments or updates to compensation or compensation schedules for statutory officers shall be subject to public hearing requirements and adopted by ordinance of the City Council in accordance with applicable provisions of *Utah Code Ann.* § 10-3-818, as amended.

### **5.030. Pay Grade for New Employees.**

Except as provided herein, pay for newly hired employees shall be set at the minimum of the pay range assigned to the specific job position. The City Manager may approve higher starting compensation, up to the midpoint of the pay range for the specific job position, as warranted by job qualification and experience and subject to the availability of funds.

### **5.040. Pay Progression.**

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Progression within the salary and wage scale for any given position may be based upon recommendation of the City Manager with final approval given by the City Council. In making recommendations, for pay progression or special adjustments, the City Manager shall consider level of responsibility, performance, length of service, market conditions or other factors. Employees may advance through the salary and wage scale at a minimum of a half-percent (.5%) wage increase up to a maximum of a five percent (5%) wage increase per fiscal year as authorized within the City's budget and recommendation by the Department Head. The City Manager may approve all recommended salary and wage increases up to five percent (5%). No salary or wage increase above five percent (5%) may be approved without the review and consent of the City Council.

### **5.050. Meritorious Performance.**

The City Council may, in its sole discretion, adopt meritorious performance increase guidelines on an annual basis to provide for employee compensation increases. Such meritorious performance increase guidelines shall be adopted and effective as of the first pay period with a July start date each calendar year and shall be subject to funding in the approved budget. Full-time and part-time employees are eligible to receive a meritorious performance increase, subject to the terms and conditions set forth herein. Temporary or seasonal employees may be eligible at the discretion of the City Manager, within budgetary limits and subject to the terms and conditions set forth herein. Employees who have completed their Probationary Period and who have received a satisfactory or better performance rating for performance related to the last twelve (12) months prior to the rating date shall be eligible to receive a meritorious performance increase. Employees who are still in their Probationary Period may be eligible to receive a meritorious performance increase if they have completed at least six (6) months of their Probationary Period and have received a satisfactory or better performance rating for such Probationary Period. Employees at or above the pay range maximum and employees whose performance is rated less than satisfactory shall not be eligible to receive a meritorious performance increase. A meritorious performance pay increase shall not exceed the maximum range of pay assigned to the specific employee position.

### **5.060. Longevity Increase.**

The City Council may, in its sole discretion, grant a longevity increase not to exceed five percent (5%) of an employee's gross pay to an employee who has been paid at or above the range maximum for a minimum of five (5) years, provided the employee has received a successful or outstanding performance rating in the last year and has been employed by Syracuse City for at least eight (8) years. An employee whose salary exceeds the range maximum is eligible to receive a longevity adjustment no more frequently than every five (5) years after the initial longevity adjustment. Any subsequent longevity increase shall not exceed five percent (5%) of the employee's gross pay. An employee is eligible to receive a maximum of five (5) successive longevity adjustments beyond the range maximum ("Longevity Scale Maximum").

### **5.070. Cost of Living Adjustments.**

The City Council may, in its sole discretion, approve Cost of Living Adjustments ("COLA") to employee salaries and/or compensation plans or schedules. COLA increases may increase the employee's salary range maximum or the position pay range.

### **5.080. Position Adjustments.**

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(a) Promotions. The City Manager may approve higher starting compensation for an employee receiving a promotion if the new salary minimum pay is less than what the employee was receiving in his or her previous position. Promotions include an upward movement in the position that significantly increases the employee's responsibilities and/or supervisory duties. An employee who is promoted will receive an increase to the minimum wage of the entering wage scale, or a seven and a half percent (7.5%) increase, whichever is greater.

(b) Reassignment or Transfer. Except when due to a demotion or other disciplinary action, an employee who is reassigned or transferred to another position shall be paid at least the same salary received prior to reassignment or transfer.

(c) Reclassification. If the City reclassifies a position to a higher level, the incumbent's salary shall be adjusted to at least the minimum of the new range and may give a salary increase, based upon increased responsibility. If the City reclassifies a position to a lower level, the incumbent's salary shall remain the same. If the incumbent's salary exceeds the maximum of the new range, the incumbent is ineligible to receive a salary increase until the salary range or longevity scale increases to incorporate the incumbent's pay rate. An employee is ineligible to receive COLA increases until the salary range increases.

(d) Advancements. Advancements includes movement to a higher position due to improved skill, knowledge, or capability, but does not significantly increase the employee's responsibilities and/or supervisory duties. An employee who advances to a higher position will receive an increase to the minimum wage of the entering pay scale, or a three and a half percent (3.5%) increase, whichever is greater. The wage increase becomes effective immediately, pending budget constraints, or at a minimum on the first pay period with a July start date following the advancement. The employee is still eligible for a retention bonus or merit increase.

### **5.090. Overtime.**

The City Manager and/or Department Heads may direct an employee to work overtime. Each department shall develop internal rules and procedures to ensure overtime usage is efficient and economical. These policies and procedures shall include:

- a. Prior City Manager and/or Department Head approval for all overtime worked;
- b. Recordkeeping guidelines for all overtime worked;
- c. Verification of sufficient funds in the budget to compensate for overtime worked.

Overtime compensation standards are identified for each job title as either nonexempt or exempt.

(a) Eligibility. Except as otherwise provided herein for limited compensatory time, Exempt employees, as defined in Chapter 4, are not entitled to overtime compensation. Although working extra hours beyond the scheduled workweek may be recognized through compensatory time off for extra hours worked.

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Non-Exempt employees, as defined in Chapter 4, are entitled to overtime compensation in accordance with the terms and conditions set forth in this section.

(b) Authorization. Overtime hours of all employees shall be pre-approved by the City Manager and/or Department Heads. Overtime hours shall be authorized for personnel only when absolutely necessary to provide required services or to complete a required project. Every effort should be made by the City Manager and Department Heads to keep overtime hours to a minimum. Any employee who works unauthorized overtime may be disciplined.

(c) Overtime Hours. .

- i. Non-Exempt Employees. Overtime shall be paid when the employee actually works more than forty (40) hours per work week. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for purposes of calculating overtime compensation. Hours worked over two or more weeks may not be averaged.
- ii. Exempt Employees. For each hour of approved overtime worked in excess of forty (40) hours per work week, an exempt employee shall accrue an hour of compensatory time. Such compensatory time for exempt employees is not required under the FLSA, and shall be considered herein as non-FLSA compensatory time or limited compensatory time.
- iii. Law Enforcement Employees. Overtime shall be paid when the employee actually works more than eighty-six (86) hours per 14 day work period. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for purposes of calculating overtime compensation. Employee's performing bona fide public safety services must meet the following criteria in order to be considered for overtime compensation
  1. Be a uniformed or plainclothes sworn officer;
  2. Be empowered by local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accident or willful injury, and to prevent and detect crimes;
  3. Have the power to arrest;
  4. Be POST certified; and
  5. Perform over eighty percent (80%) law enforcement duties.
- iv. Fire Protection Employees. Overtime shall be paid when the employee actually works more than one hundred and six (106) hours per 14 day work period. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for purposes of calculating overtime compensation.

(d) Overtime Compensation Rate. All employees shall be paid overtime compensation at the rate of time-and-one-half the employee's regular rate of pay for all overtime hours worked. Payments for overtime shall be issued on the regularly scheduled pay day for the work period in which it was earned. Employees may be granted compensatory time off in lieu of overtime compensation in accordance with the provisions of the FLSA.

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Exempt employees may be granted limited compensatory time off at the straight time rate for all hours worked in excess of forty (40) hours per week. FLSA Exempt employees shall not be paid cash for any overtime hours worked unless an exception is made by the City Manager.

### **5.100. Compensatory Time.**

(a) Election. Non-Exempt employees may elect to receive compensatory time off in lieu of overtime payment in cash. Non-Exempt Employees desiring to obtain compensatory time off in lieu of overtime payment in cash shall note on their timecard.

(b) Accrual Limit. Non-Exempt employees shall accrue compensatory time at one and one half hours of compensatory time for each hour of overtime worked. Employees who have elected to receive compensatory time in lieu of overtime payment in cash may accrue up to eighty (80) hours of compensatory time off; Fire protection employees working 24-hour shifts may accrue one hundred and twelve (112) hours of compensatory time off. Once an employee reaches the maximum, additional overtime shall be paid on the payday for the period in which it was earned. Employees may request use of compensatory time off in accordance with the leave procedures set forth herein. Only with prior approval of the City Manager, may compensatory time accrue up to 240 hours for regular employees or up to 480 hours for Law Enforcement and Fire Protection employees.

If a Non-Exempt employee's status changes to Exempt, that employee's compensatory time earned while in Non-Exempt status shall be paid out at the current rate of pay before the transfer took place.

Exempt employees may be granted compensatory time off at the straight time rate for all hours worked (including any hours worked on a holiday) in excess of forty (40) hours per week. For each hour of overtime worked over forty (40) hours, an Exempt employee shall accrue an hour of compensatory time. Exempt employees may accrue up to eighty (80) hours of compensatory time off. Leave and holiday time within the work period may not count as hours worked when calculating compensatory time. Any compensatory time earned by an Exempt employee is not an entitlement, a benefit, nor a vested right. Any compensatory time earned by an Exempt employee shall lapse by the first pay period ending in January of each year. .

If an Exempt employees status changes to Non-Exempt, that employee's compensatory time earned while in Exempt status shall lapse if not used by the first pay period ending in January of the year after the transfer takes place. Exceptions may be granted at the discretion of the City Manager.

(c) Use and Rate. Department Heads and/or the City Manager shall arrange for an employee's use of compensatory time as soon as possible without unduly disrupting agency operations or endangering public health, safety or property. Payments for compensatory time off shall be paid at the employee's regular rate of pay at the time the employee receives such payment.

Exceptions to this overtime compensation policy may be granted by the City Manager, in accordance with the rules governing FLSA.

### **5.110. Holiday Pay.**

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Full-time Non-Exempt employees who are not engaged in bona fide Law Enforcement and Fire Protection services that are requested by their supervisor and/or department head to work on a City-recognized holiday will be compensated at a rate of one and one-half times their hourly wage for each hour worked. This compensation will be in addition to any paid holiday leave provided by the City.

### **5.120. On-Call Pay.**

Employees who are not engaged in bona fide Law Enforcement and Fire Protection activities and are required to be assigned to on-call status on a rotating basis will be issued a city communication device. Employees who are on-call shall carry a communication device, respond within 15 minutes if contacted, and shall be expected to report to work if deemed necessary. Time responding to a call or reporting to work will be considered as hours worked and shall be recorded in fifteen (15) minute increments on the employee's timecard. Employees who do not respond in a timely manner or do not report to work when deemed necessary may be subject to discipline up to and including termination.

On-call employees shall be paid \$20 per day and shall record on-call days on his or her timecard during that pay period.

### **5.130. Special Programs.**

Employees who participate in special programs outside of their regular employment, such as Seat Belt Enforcement, D.U.I. Enforcement, the Metro Narcotics Task Force, Metro SWAT or other program funded by federal or state grants, will be compensated at a their regular rate of pay unless otherwise established by the specific program in which they are participating.

### **5.140. Severance Pay.**

(a) **Eligibility.** Only those individuals employed by the City in department head positions will be eligible for severance pay. Eligible employees will only receive severance pay if they are involuntarily terminated by the City and only in those instances where the involuntary termination was not a "for cause" termination. Department head employees who are involuntarily terminated for cause or who voluntarily terminate their employment with Syracuse City will not be eligible for severance pay.

(b). **Payment Amount.** Severance pay provided will be paid in the form of a lump sum payment to be paid upon termination. The amount of this payment to be provided to eligible employees (refer to 5.130(a)) will be calculated according to the following guidelines:

(1) All department head employees will be eligible for a minimum severance payment amount equal to three (3) months of their salary prior to their termination.

(2) Eligible employees will receive additional severance pay equal to two (2) weeks of their salary prior to termination for each year of employment with Syracuse City up to a maximum severance payment amount equal to four (4) months salary.

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## CHAPTER 6 PAYROLL ADMINISTRATION

- 6.010. Work Hours.**
- 6.020. Work Periods.**
- 6.030. Breaks and Lunch Periods.**
- 6.040. Time Keeping.**
- 6.050. Paydays.**
- 6.060. Automatic Payroll Deposits.**
- 6.070. Payroll Deductions and Withholdings.**
- 6.080. Garnishments.**
- 6.090. Reimbursable Expenses.**
- 6.100. Advances.**

### **6.010. Work Hours.**

The normal work hours for most employees are eight (8) hours a day, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, including a one (1) hour non-paid lunch period. Employee work hours may vary from this general schedule as directed by the employee's department head or the City Manager. Alternative work schedules, such as four ten (10) hour days, may also be approved by the City Manager for various Departments or positions.

### **6.020. Work Periods.**

(a) Regular Employees. The defined work period for employees, other than employees performing bona fide law enforcement and fire protection services, for purposes of calculating overtime hours as set forth in Chapter 5, shall be a seven (7) day work period beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on the following Friday.

(b) Law Enforcement Employees. The defined work period for all employees performing bona fide law enforcement services, for purposes of calculating overtime hours as set forth in Chapter 5, shall be a fourteen (14) day work period beginning at 12:00 a.m. on Saturday and ending fourteen (14) days later on Friday at 11:59 p.m.

(c) Fire Protection Employees. The defined work period for fire protection employees performing bona fide fire protection services shall be a fourteen (14) day work period beginning at 12:00 a.m. on Saturday and ending fourteen (14) days later on Friday at 11:59 p.m.

### **6.030. Breaks and Meal Periods.**

Employee break and meal periods will be taken at the discretion of their department head to ensure continuity in the flow of work.

- (a) Breaks. Employees will receive one (1) paid fifteen (15) minute break during every four (4) hours worked. Break periods can be combined and used to shorten an employee's lunch period with prior approval of the Department Head. Break periods cannot be used at the beginning or the end of a shift. Employees are encouraged to take their breaks when scheduled. However, if an employee chooses to work through his or her paid

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break, it is their discretion to do so and no extra compensation will be given for the extra time worked.

- (b) Meal Period. Full-time employees, other than employees performing bona fide law enforcement and fire protection services, may take one (1) one (1) hour unpaid meal period during a standard work day of eight (8) hours. Shorter meal periods may be approved by the City Manager for Departments or positions working under an approved alternative work schedule. Meal periods can be used to extend or shorten an employee's work hours or work day with prior approval of the Department Head. Unpaid meal periods must be uninterrupted and employees must be fully relieved of duties.
- (c) Law Enforcement & Fire Protection Employees. Meal Periods for Law Enforcement and Fire Protection employees are defined by each Department Manual and will be paid as hours worked.
- (d) Minors. Employees that are 17 years of age and younger must receive a meal break of at least thirty (30) minutes no later than five (5) hours from the beginning of their shift. A paid fifteen (15) minute rest break is also required for every three (3) hour period. Unpaid meal periods must be uninterrupted and employees must be fully relieved of duties.
- (e) Nursing Mothers. Employees who are nursing will be provided with reasonable unpaid breaks to express breast milk as frequently as needed for up to one (1) year after the birth of a child. The City will provide a place for the break, other than a bathroom, that is shielded from view and free from intrusion. Employees will not be retaliated against for exercising their rights under this policy. Employees may use their paid fifteen (15) minute break(s) to express breast milk as needed.

### **6.040. Time Keeping.**

Employees shall be responsible for accurately recording their hours of work. Federal and State regulations require the City to keep an accurate record of time worked in order to calculate employee compensation, benefits, taxes and other relevant information. Time worked is time actually spent on the job performing assigned duties. Nonexempt employees shall be required to accurately fill out City-approved time sheets for each day of work. Hours of work shall be recorded in fifteen (15) minute increments. All completed time sheets shall be signed and verified as to accuracy by the employee and submitted to the employee's department head or supervisor for signature and verification. Department heads are responsible for reviewing, verifying and submitting them to the Human Resources Department no later than 9:00 a.m. on the Monday following the completion of the pay period.

- a) Time Reporting. All employees shall complete and sign a biweekly time record that accurately reflects the hours actually worked to include approved and unapproved overtime, on-call time, approved leave time (holiday, sick, vacation, compensatory time, etc.). An employee who fails to accurately record time may be disciplined.

### **6.050. Pay Days.**

(a) Bi-Weekly. The pay period for City employees is two (2) work weeks as defined in Section 6.020. Employees are paid bi-weekly on every other Friday following the previous pay period.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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(b) Stipend. Certain employees may be paid by stipend as approved by the City Council. Stipend employees are paid monthly on the second pay period of each month.

### **6.060. Automatic Payroll Deposits.**

It is City policy that all employees are paid by direct deposit to their respective checking or savings account. Accordingly, the City has established an automatic payroll deposit program, which provides automatic transfers of an employee's pay directly to the employee's bank account(s) (checking or savings) on each payday. Paystubs will be e-mailed to the employee on or before the payday. Except in the case of compelling circumstances as determined by the City, employee paystubs will not be given to anyone other than the employee. Upon written request, permission and release from the employee, the City may release a copy of the employee's paystub to the person designated by the employee.

### **6.070. Payroll Deductions and Withholdings.**

The law requires the City to make certain deductions from employee's compensation. Among these are Federal and State income taxes, social security taxes, and medicare taxes, as applicable. All employees shall complete and keep accurate a W-4 form designating various status and withholding requirements. City authorized voluntary pay deductions may also be made at the written direction of the employee.**6.080. Garnishments.**

An employee's pay shall be subject to attachment, garnishment and execution under such rights, remedies and procedures provided by law. Garnishments are court-ordered pay deductions that must be taken out of an employee's pay by the City and forwarded to another party who is authorized to receive them.

### **6.090. Reimbursable Expenses.**

With prior approval from the department head, legitimate expenses will be reimbursed by the City to the employee. Receipts are required to reimburse the employee. Reimbursement may be in the form of petty cash, direct deposit or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received. Reimbursement for travel and seminars shall be provided in accordance with Chapter 17.

### **6.100. Advances.**

The City does not make pay advances to employees.

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## CHAPTER 7 BENEFITS

- 7.010 Disclaimer.
- 7.020 Eligibility.
- 7.030 Medical, Dental and Vision Insurance.
- 7.040 Life Insurance.
- 7.050 Long-Term Disability Insurance.
- 7.060 Accidental Death and Dismemberment Insurance.
- 7.070 Retirement Program.
- 7.080 Social Security.
- 7.090 COBRA Coverage.
- 7.100 Health Savings Account & Flex Spending Account.
- 7.110 Employee Assistance Program.
- 7.120 Community Center Membership.
- 7.130 Health and Wellness.
- 7.140 Termination.

### 7.010. Disclaimer.

The following provisions briefly describe the City's employee benefits. The City reserves the right to modify or eliminate any employee benefits at any time and for any reason, as permitted by law. For more complete information regarding any of these benefit programs, employees may contact the Human Resources Specialist or the City Manager.

### 7.020. Eligibility.

- (a) Full-Time Employees. Full-time employees, as defined in Chapter 4, shall be eligible for participation in all of the employee benefits outlined in this Chapter.
- (b) Part-Time Employees. Part-time employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.
- (d) Seasonal Employees. Seasonal employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.
- (e) Temporary Employees. Temporary employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.
- (e)Suspended Employee. An employee suspended for disciplinary action reasons shall continue to be eligible for participation in employee benefits as he or she was otherwise qualified for prior to such disciplinary action.

### 7.030 Medical, Dental and Vision Insurance.

- (a) Participation. Full-time have the option to participate in the medical, dental and vision insurance plans offered by the City. New employees may begin coverage at the beginning of the month following the month in which they were hired. Employees may only make changes to their insurance

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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elections on an annual basis during open enrollment or if they experience a qualifying event.

(b) Premiums. On an annual basis, the City will adopt an insurance premium contribution schedule, including contribution percentages and dollar amounts for both the City and the employee. The premium contribution schedule will be based on the City's financial situation for the upcoming fiscal year.

(c) Leave of Absence. If an employee is on an unpaid leave of absence, that employee will be responsible for making any applicable employee insurance premium payments. Payments for applicable insurance premiums will need to be made on a bi-weekly basis according to the City's pay schedule so as to coincide with the date(s) the premiums would have normally been withheld from the employees pay check.

### **7.040. Life Insurance.**

(a) Basic Life Insurance. A basic life insurance policy is provided by Syracuse City for each full-time employee, as well as their eligible dependents, at no cost to the employee. This policy will include coverage in the amounts approved by the City Council.

(b) Optional Life Insurance. Full-time employees have the option to enroll in additional life insurance coverage, beyond that provided by Syracuse City, as described in their benefits enrollment packet. Employees will be responsible for any additional premiums associated with optional life insurance elections. Additional premiums, if any, will be deducted through payroll deductions.

### **7.050. Long-Term Disability Insurance.**

The City participates in a long term disability program in accordance with *Utah Code Ann.* ' 49-9-101, *et seq.*, as amended.

### **7.060. Accidental Death and Dismemberment Insurance.**

A basic accidental death and dismemberment policy is provided by Syracuse City for each full-time employee. The policy will include coverage in the amounts approved by the City Council. Employees may, at their discretion, purchase additional accidental death and dismemberment coverage. Additional premiums, if any, will be deducted through payroll deduction.

### **7.070. Retirement Program.**

- (a) Non-Contributory Retirement System. The City is a member of the Utah Retirement Systems ("URS"). Participation and administration of the system shall be conducted in accordance with State statutes and regulations regarding the same. No employee shall be exempt from such system unless permitted by law and approved by the City Council. Eligible police officers will be enrolled in the URS Public Safety Retirement System. Eligible fire department employees will be enrolled in the URS Firefighters Retirement System. The City will be responsible for all required contributions associated with enrollment in these respective retirement systems.

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(b) Exemption from Non-Contributory Retirement System. The following positions are eligible for exemption out of the Non-Contributory Retirement System subject to approval by the City Council: City Manager, City Recorder, Community and Economic Development Director, Finance Director, Fire Chief, IT Director, Parks and Recreation Director, Police Chief, Public Works Director, and any elected official who is qualified to participate in URS. The City will contribute an amount equal to the URS contribution rate into the exempted employee's qualified 401(k) plan account. New employees starting on or after July 1, 2011 are not allowed to exempt out of the URS retirement in accordance with state law.

(c) Deferred Compensation Plan. Eligible employees shall be allowed to contribute to the deferred compensation plans provided by the Utah Retirement Systems. The City may match, dollar for dollar, up to four percent (4%) of an employee's base wages that the employee contributes to his or her deferred compensation plan(s) for qualifying and eligible employees. Such City contributions shall not exceed a total of four percent (4%) of the employee's base wages and shall be contributed directly into a 401(k) plan account. The determination as to whether or not the City will match deferred compensation contributions will be based on the availability of funds and will be re-evaluated on an "as needed" basis.

(d) Elected and Appointed Officials. For purposes of Utah Retirement Systems (URS) coverage, the City classifies all elected officials as Part-Time. The City classifies appointed Board of Adjustment members, Planning Commission members, and Judge as Part-Time and appointed City Recorder, Treasurer and Police Chief as Full-Time. Eligibility for retirement coverage under URS shall be administered in accordance with the statutory rules governing URS.

### **7.080. Social Security.**

All employees of the City are covered by the Old Age, Survivors, and Disability Insurance ("OASDI") and Social Security program as administered by the Federal Government. This is a system of retirement benefits based on employer and employee contributions to public insurance reserves. This is a mandatory Federal program and no guarantee of payment or any benefits under such program is implied by this reference.

### **7.090. COBRA Coverage.**

Employees whose employment with Syracuse City is either voluntarily or involuntarily terminated will be eligible for continuation of benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA").

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### **7.100. Health Savings Account and Flex Spending Account.**

A Health Savings Account (HSA) and a Flex Spending Account (FSA), which are taxed-advantaged financial accounts to help employees pay for out-of-pocket medical and child care expenses are made available to Full-Time or benefitted employees of the City. The City may front load a specified contribution amount into eligible employees' HSA account. New hires may be eligible to receive a pro-rated HSA contribution from the City. The determination as to whether or not the City will contribute to HSA accounts will be based on the availability of funds and will be re-evaluated on an "as needed" basis.

### **7.110. Employee Assistance Program.**

The City provides an Employee Assistance Program (EAP) where employees and family members living in the same household may receive professional counseling in legal, martial, financial, alcohol, or drug related problems. The counseling is completely confidential.

### **7.120. Community Center Membership.**

All Full-Time employees of the City are eligible to receive a family membership to the Syracuse City Community Center at no cost. Only immediate family members living in the same household of the employee may be included in this membership.

### **7.130. Health and Wellness.**

In order to promote good health, Full-Time employees are eligible to participate in a fitness activity for up to thirty (30) minutes per regularly scheduled work day, unless authorized by the department head for longer duration, but in no case shall exceed ninety (90) minutes per week. This time must be authorized by the department head and shall not interfere with matters of business. Health and wellness time shall not be considered hours worked for purposes of calculating overtime compensation.

### **7.140. Termination.**

Except as otherwise required by law, such as for COBRA continuation of insurance coverage, when an employee is terminated from employment with the City, the City will cease making contributions to the employee's insurance or other benefit plans and no additional continuation of benefit options will be extended to the terminated employee regardless of the nature of their termination.

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## CHAPTER 8 LEAVE

- 8.010. Paid Leave.
- 8.020. Leave Without Pay.
- 8.030. Leave Procedures.
- 8.040. Leave Procedures Exceptions.
- 8.050. Unauthorized Absence.
- 8.060. Vacation Leave.
- 8.070. Sick Leave.
- 8.080. Holiday Leave.
- 8.090. Family and Medical Leave.
- 8.100. Military Leave.
- 8.110. Jury Duty Leave.
- 8.120. Injury Leave.
- 8.130. Funeral Leave.
- 8.140. Administrative Leave.

### 8.010. Paid Leave.

Full-time employees are entitled to vacation leave, sick leave and other paid leave as may be established by the City. Except as required by law or as otherwise expressly provided for herein, part-time and temporary or seasonal employees are not entitled to accrue or receive vacation leave, sick leave or other paid leave.

### 8.020. Leave Without Pay.

Employees may be granted leave without pay under certain circumstances in accordance with the procedures set forth herein. Full-Time employees that accrue paid leave must exhaust all accrued paid leave options in order to be eligible for leave without pay. Unless otherwise provided by law, such as military or family and medical leave, leave without pay is a privilege and not a right. An employee is considered to be in leave without pay status when they do not work the number of hours required by their regular schedule and are unable to substitute any unworked hours with accrued paid leave. Leave without pay shall not constitute a break in service. Full-Time employees shall not be entitled to the accrual of any vacation leave, sick leave, or holiday leave during the period of leave without pay, but shall be entitled to life insurance, group health insurance, and seniority entitlement as required by law. To the extent permitted by law, Full-Time employees may be required to pay for continuation of insurance benefits while in leave without pay status.

- (a) Full-Time Employees. The Department Head may pre-approve leave without pay for up to fourteen (14) calendar days. Requests for leave without pay in excess of fourteen (14) calendar days up to thirty (30) calendar days must be pre-approved by the Department Head and the City Manager. Requests for leave without pay in excess of thirty (30) calendar days must be pre-approved by the City Council.
- (b) Part-Time Employees. The Department Head may pre-approve leave without pay for up to thirty (30) calendar days. Requests for leave without pay in excess of thirty (30) calendar days must be pre-approved by the City Manager.

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- (c) Seasonal and Temporary Employees. The Department Head may pre-approve leave without pay for up to two (2) consecutive weeks. Seasonal and Temporary employees are not eligible for leaves without pay greater than two (2) consecutive weeks.

Leave without pay may be granted for reasons deemed appropriate by the Department Head, City Manager or City Council, as applicable. Employees are expected to apply for leave without pay in advance and in writing setting forth the grounds for the leave.

### **8.030. Leave Procedures.**

(a) Leave Requests Except as provided in Sections 8.040, employees desiring leave, whether paid or unpaid, shall request leave with his or her department head. Failure to schedule non-emergency leave in advance may result in disapproval of the leave and/or disciplinary action if the leave is required to be taken.

(b) Approval. The department head shall approve or deny Employee Leave Requests at his or her discretion, except as otherwise provided herein. Leave approval may be delegated to supervisors as deemed appropriate by each department head. Any Employee Leave Request exceeding fourteen (14) calendar days for Full-Time employees and exceeding thirty (30) calendar days for Part-Time employees requires approval from the City Manager. Any Leave Request for paid leave exceeding one hundred eighty (180) days requires approval from the City Council. Any leave which qualifies or may qualify as Family Medical Leave must be reported to the City Manager and the Human Resources Specialist to ensure that the appropriate notice and records are maintained for such leave. Any department head desiring leave shall consult with the City Manager prior to scheduling such leave to ensure that proper measures have been or will be taken to provide for the proper and efficient functioning of the Department during the department head's absence. In no event shall an employee be allowed to use more paid leave than he or she has accrued. City Manager taking leave of one (1) full working day or greater shall consult with the Mayor and notify department heads and may select an individual employee to manage administrative functions during the absence.

(c) Status. Employees are responsible for keeping his or her supervisor notified on a daily basis, if necessary, of the anticipated return date from leave. For sick leave in excess of three (3) consecutive working days, or two (2) consecutive twenty-four (24) hour fire department duty shifts, or if abuse or excessive use of sick leave is indicated, the department head or the Human Resources Specialist may require a certificate from the employee's physician verifying the employee's illness, stating that such illness prevented or prevents the employee from working, and describing its expected duration. The department head or Human Resources Specialist may also request official documentation of any absence, such as, but not limited to, military leave or jury duty.

(d) Compensation. Employees shall be compensated for paid leave at his or her regular rate of pay.

(e) Records. All paid leave shall be documented on the employee's timecard.

### **8.040. Leave Procedures Exceptions.**

Exceptions to the leave procedures set forth in Section 8.030 shall be made in the following instances:

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(a) Absence due to Illness. In the event an employee is absent due to illness, the request for leave may be handled by a phone, text or email to his or her supervisor or department head. In the event the supervisor or department head is not available, the employee may notify the City Manager. If a department head is absent due to illness, the department head shall notify the City Manager of such absence. Such notice shall be given no later than normal starting time on each day of the absence unless circumstances surrounding the absence make such notification impossible. The department head, supervisor or City Manager shall respond to the employee to confirm the receipt of absence notification.

(b) Family Accident, Medical or Other Emergency. In the event there is a family emergency or accident where the presence of the employee is required, the employee may take the appropriate leave after notifying his or her supervisor or department head unless circumstances surrounding the absence make such notification impossible. In the event the supervisor or department head is not available, the employee may notify the Human Resources Specialist or the City Manager unless circumstances surrounding the absence make such notification impossible. Such notice shall be given as soon as practical of the emergency.

### **8.050. Unauthorized Absence.**

(a) Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination.

(b) Any employee who is absent for three (3) or more consecutive work days, or two (2) scheduled shifts for fire fighters, without authorized leave shall be deemed to have voluntarily resigned his or her position and employment without notice.

### **8.060. Vacation Leave.**

(a) Eligibility. Full-time employees are eligible to accrue vacation leave in accordance with his or her tenure of employment at the rates set forth herein and are eligible to use accrued vacation leave. Except as otherwise expressly provided herein, part-time and temporary or seasonal employees are not eligible to accrue vacation leave. Vacation leave shall not accrue if an employee was in leave without pay status for any portion of the fourteen (14) day pay period.

(b) Employee Accrual Rates. Eligible employees shall accrue vacation leave at the following rates:

(1) From effective starting date through three (3) years of service, 3.08 hours of vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 10 days per year), except that fire fighters working 24-hour shifts shall accrue 4.30 hours of vacation leave upon the completion of each fourteen (14) day pay period.

(2) From four (4) years through nine (9) years of service, 3.69 hours of vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 12 days per year), except that fire fighters working 24-hour shifts shall accrue 5.16 hours of vacation leave upon completion of each fourteen (14) day pay period.

(3) From ten (10) years through fourteen (14) years of service, 4.61 hours of vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 15 days per year), except that fire fighters working 24-hour shifts shall accrue 6.46 hours of vacation leave upon completion of each fourteen (14) day pay period.

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- (4) For over fifteen (15) years of service, 6.15 hours of vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 20 days per year), except that fire fighters working 24-hour shifts shall accrue 8.61 hours of vacation leave upon completion of each fourteen (14) day pay period.
- (c) Accumulation. Employees can accumulate and carry forward a maximum of two hundred forty (240) hours of vacation leave, except that fire fighters working 24-hour shifts shall be allowed to accumulate and carry forward up to three hundred thirty-six (336) hours of vacation leave. Any unused accumulated vacation leave hours in excess of two hundred forty (240) hours, or three hundred thirty-six (336) hours for full-time fire fighters, as applicable, will be forfeited on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date..
- (d) Utilization. Employees may use up to a maximum of fourteen (14) calendar days of vacation leave as approved by their department head. Any leave greater than fourteen (14) calendar days must be pre-approved by the City Manager
- (e) Scheduling. Vacation leave is intended to benefit the employee and employees are encouraged to take such leave in the year in which it is earned. In order to accommodate the efficient management of the City, vacation leave must be scheduled with the employee's department head, or his or her designee, in accordance with the employee leave request procedures set forth herein. All vacation leave requests should be submitted by the employee a reasonable time in advance of the desired time off to his or her department head. The City will try to honor employees' requested vacation dates, but retains the right to determine final scheduling order or to change the vacation schedules according to the needs of the City. When necessary due to vacation requests for the same time period, vacation leave will be granted in the order of the employee leave requests in accordance with these policies. Department heads are expected to establish yearly vacation schedules to provide efficient management of the City.
- (f) Termination or Change in Status. Upon termination of employment with the City, eligible employees shall be paid for unused vacation leave at his or her regular rate of pay on the following payday. Employees who transition from full-time employment to part-time employment with the City, shall be paid unused vacation leave at his or her regular rate of pay on the following payday.
- (g) Cash Out. Employees may choose to cash out vacation leave up to a specified amount as provided in Chapter 17 for reimbursement of emergency preparedness costs. See Chapter 17 for additional information.

### **8.070. Sick Leave.**

The City provides eligible employees with paid sick leave each year to cover approved absences due to illness or other approved reasons as designated herein.

- (a) Eligibility. Full-time employees are eligible to accrue sick leave in accordance with the accrual rates set forth herein.
- (b) Accrual. Full-time employees shall accrue sick leave at the rate of 3.69 hours upon completion of each fourteen (14) day pay period (approximately 12 days per year), except for fire fighters

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working 24-hour shifts shall accrue sick leave at the rate of 5.16 hours upon completion of each fourteen (14) day pay period. Employees will begin to accrue sick leave immediately upon being hired by the City. Sick leave shall not accrue if an employee was on leave without pay status for any portion of the 14 day pay period.

(c) Accumulation. Employees can accumulate and carry forward a maximum of one thousand and forty (1,040) hours of sick leave, except that fire fighters working 24-hour shifts shall be allowed to accrue up to one thousand four hundred and fifty six (1,456) hours of sick leave. Any unused accrued sick leave in excess of one thousand and forty (1,040) hours, or one thousand and four hundred and fifty six (1,456) hours for full-time fire fighters, as applicable, will be forfeited on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date. .

(d) Utilization. Sick leave shall not be considered as a privilege that employees may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or an immediate family member of the employee. For purposes of this Section, immediate family member shall include the employee's legal or common law spouse, child, foster child, step-child, brother, brother-in-law, sister, sister-in-law, parent, step parent, mother-in-law, father-in-law, grandparent, spouse's grandparents, daughter-in-law, son-in-law, or grandchild. Sick leave may be used when the employee is unable to perform regular duties due to illness or disability of the employee or an immediate family member or for visits to the hospital, clinics, doctor's office, or dentist's office for diagnosis or treatment of illness, injury or examination of the employee or an immediate family member. In no event shall employees perform any work of any kind for compensation for any public or private entity or person (including for him or herself) during any period for which sick leave payments are being received from the City, without prior written approval from the City Manager. In no event shall employees be allowed to use more sick leave than he or she has accrued. Any absence for illness beyond accrued sick leave will result in the employee being carried on vacation leave status to the extent accrued vacation leave is available, and thereafter on leave without pay, to the extent approved by the City and/or required by law.

(e) Separation or Change in Status. Except as otherwise provided herein for qualified retirement with URS, an employee who is terminated from employment with the City, voluntarily or involuntarily, shall not be compensated for unused accrued sick leave. An employee who retires, other than retirement due to pending disciplinary action, will be compensated for twenty percent (20%) of his or her unused accrued sick leave. Employee's who transition from full-time employment to part-time employment with the City, shall not be eligible or compensated for unused accrued sick leave. Any unused accrued sick leave shall be forfeited at the date of change in status from full-time to part-time.

(f) Scheduling. Scheduling sick leave is to be done in accordance with the leave procedures set forth in Section 8.030 and 8.040, as applicable.

(g) Cash Out. Employees may choose to cash out sick leave up to specified amount as provided in Chapter 17 for reimbursement of emergency preparedness costs. See Chapter 17 for additional information.

### **8.080. Holiday Leave.**

Full-time employees not involved in bona fide law enforcement and fire protection activities shall receive eight (8) hours of holiday pay for each of those days defined herein as legal holidays of the City. Full-Time fire fighters working 24-hour shifts shall accrue 5.16 hours of holiday leave every two (2) weeks in lieu of holiday time off and may accumulate and carry forward a maximum of one hundred and thirty-four (134) hours of holiday leave. Sworn police officers shall accrue 3.69 hours of holiday leave every

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two (2) weeks in lieu of holiday time off and may accumulate and carry forward a maximum of ninety-six (96) hours of holiday leave. Any unused, accrued holiday leave in excess of these accrual maximums will be forfeited on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date. Full-time employees who are in leave without pay status for the workday before or after the applicable holiday will not be eligible for holiday pay or leave accrual. If any designated holiday falls on a Saturday, the preceding Friday shall be the holiday. If any designated holiday falls on a Sunday, the following Monday shall be the holiday. Designated and observed City holidays are as follows:

- |     |                            |                                      |
|-----|----------------------------|--------------------------------------|
| (a) | New Year's Day             | January 1 <sup>st</sup>              |
| (b) | Martin Luther King Jr. Day | 3 <sup>rd</sup> Monday in January    |
| (c) | President's Day            | 3 <sup>rd</sup> Monday in February   |
| (d) | Memorial Day               | Last Monday in May                   |
| (e) | Independence Day           | July 4 <sup>th</sup>                 |
| (f) | Pioneer Day                | July 24 <sup>th</sup>                |
| (g) | Labor Day                  | 1 <sup>st</sup> Monday in September  |
| (h) | Columbus Day               | 2 <sup>nd</sup> Monday in October    |
| (i) | Veteran's Day              | November 11 <sup>th</sup>            |
| (j) | Thanksgiving Day           | 4 <sup>th</sup> Thursday in November |
| (k) | Day after Thanksgiving     | 4 <sup>th</sup> Friday in November   |
| (l) | Christmas Day              | December 25 <sup>th</sup>            |

### **8.090. Family and Medical Leave.**

(a) Purpose. It is the purpose of this Section to provide guidelines for employees regarding leaves of absence in accordance with the Family and Medical Leave Act of 1993, as amended (FMLA or Act). The provisions set forth herein are intended to comply with such Act, and if any conflict arises or if an issue or definition is not addressed herein, the Act shall control. When referred to herein, the term "Act" shall include all federal rules and regulations promulgated pursuant to authority of the Act, including, but not limited to, provisions set forth in 29 C.F.R. Part 825, as amended. The provisions of this Section are also intended to comply with the National Defense Authorization Act, enacted January 28, 2008, as Public Law 110-181, and the amendments to the FMLA adopted therein.

(b) Eligible Employees. Employees eligible for Family and Medical Leave Act leave as provided herein include employees who: (1) have been employed by the City for at least twelve (12) months; and (2) have been employed by the City for at least one thousand two hundred fifty (1,250) hours of service during the 12-month period immediately preceding the commencement of the leave.

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(c) **Qualifying Reasons for Leave.** Eligible employees shall be entitled to FMLA leave for circumstances qualifying for FMLA leave under the Act, which qualifying reasons are summarized as follows:

- (1) For the birth of a son or daughter of the employee and to care for the newborn child;
- (2) For the placement with the employee of a son or daughter for adoption or foster care and to care for such son or daughter;
- (3) To care for the employee's spouse, son, daughter, or parent with a serious health condition; or
- (4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
- (5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
- (6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

d) **Amount of Leave.** Except in the case of leave to care for a covered servicemember with a serious injury or illness under Subsection (c)(6), an eligible employee's FMLA leave entitlement is limited to a total of twelve (12) workweeks of leave during any "12-month period," as defined in Subsection (e), for any one or more qualifying reasons. An eligible employee's FMLA leave entitlement is limited to a total of twenty-six (26) workweeks of leave during a "single 12-month period," as defined in Subsection (e), to care for a covered servicemember with a serious injury or illness. During the "single 12-month period," as defined in Subsection (e), an eligible employee's FMLA leave entitlement is limited to a combined total of twenty-six (26) workweeks of FMLA leave for any qualifying reasons as more particularly provided in the Act.

(e) **Designation of 12-Month Period.** Except in cases of leave to care for a covered servicemember with a serious injury or illness under Subsection (c)(6), for purposes of determining the "12-month period" in which the twelve (12) weeks of leave entitlement occurs, the City uses a 12-month "rolling" measurement period also known as the look-back measurement period. . The 12-Month "rolling" measurement period is measured backward from the date an employee uses any FMLA leave. Under this measurement period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months. In cases of leave to care for a covered servicemember with a serious injury or illness, for purposes of determining the "single 12-month period" in which the twenty-six (26) weeks of leave entitlement occurs, the City is required to use a 12-month period measured forward from the date of an employee's first FMLA leave to care for the covered servicemember begins.

(f) **Employee Notice Requirements.**

- (1) **General Notice.** Except as otherwise provided in the Act, an employee giving notice of the need for FMLA leave does not need to expressly assert rights under the Act or even mention the FMLA to meet his or her obligation to provide notice, although the employee does

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need to state a qualifying reason for the needed leave and must otherwise satisfy the notice requirements set for herein.

(2) Customary Leave Procedures. Except as otherwise prohibited by the Act and unusual circumstances, employees shall comply with the City's customary notice and procedural requirements for requesting leave as more particularly set forth in Chapter 8 of these Policies and Procedures.

(3) Notice for Foreseeable Leave. An employee must provide the City at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If thirty (30) days' notice is not practicable, notice must be given as soon as practicable. Such notice shall comply with the provisions of 29 C.F.R. § 825.302, as amended.

(4) Notice for Unforeseeable Leave. When the approximate timing of the need for FMLA leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case. Such notice shall comply with the provisions of 29 C.F.R. § 825.302, as amended.

(5) Failure to Comply. When an employee fails to give the required notice as provided herein or as required by the Act, FMLA coverage may be delayed in accordance with applicable provisions of the Act.

(g) Employer Notice Requirements.

(1) General Notice. The City is required to post a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of the violations of the Act with the Wage and Hour Division. Such notice shall be posted prominently and the text must be large enough to be easily read. In addition, the City shall provide general notice to each employee by including the notice in any employee handbook or other written guidance to employees concerning employee benefits or leave rights. In compliance with these notice requirements, a copy of the Employee Rights and Responsibilities (WH Publication 1420) is attached hereto as Appendix I, and incorporated herein by this reference.

(2) Eligibility Notice. When an employee requests FMLA leave, or when the City acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the City must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, except in extenuating circumstances as provided by the Act. The employee eligibility notice must state whether the employee is eligible for FMLA leave under the terms and provisions of Subsection (b) of this policy and the provisions of 29 C.F.R. § 825.110(a). If the employee is not eligible for FMLA leave, the eligibility notice must state at least one reason why the employee is not eligible, such as the number of hours or months the employee has been employed by the City. Notification of eligibility may be oral or in writing, and, if in writing, may be in the form of the hereto and incorporated by this reference.

(3) Rights and Responsibilities. The City shall provide written notice detailing the specific expectations and obligations of the employee taking FMLA leave and explaining any consequences of failure to meet such obligations in accordance with the provisions of the Act. The rights and responsibilities notice shall be provided to the employee each time the eligibility notice is provided pursuant to Subsection (g)(2). If leave has already begun, the notice should be mailed to the employee's address of record. The rights and responsibilities notice shall include all

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required information as provided in 29 C.F.R. § 825.300, as amended, and shall be substantially in the form of the Notice of Eligibility and Rights & Responsibilities (Form WH-381) set forth in Appendix J, attached hereto and incorporated herein by this reference.

(4) Designation of Leave. Pursuant to the Act, the City is responsible for designating leave as FMLA-qualifying and for giving notice of the designation to the employee as provided in 29 C.F.R. § 825.300, as amended. Once the City enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g. after receiving a certification), or has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the City must notify the employee whether the leave will be designated and counted as FMLA leave within five (5) business days, except in extenuating circumstances as provided in the Act. The designation notice must be in writing and shall be substantially in the form of the Designation Notice (Form WH-382) set forth in Appendix K, attached hereto and incorporated herein by this reference.

(h) Certification of Health Care Provider. The City may require the employee to provide certification from a health care provider regarding the necessity of the FMLA leave in accordance with and subject to provisions of the Act, including, but not limited to 29 C.F.R. § 825.305, et. Seq., as amended. Medical certification shall be substantially in the form of the Certification of Health Care Provider for Employee's Serious Health Condition (Form WH-380E), as set for in Appendix L, attached hereto and incorporated herein by this reference, or the Certification of Health Care Provider for Family Member's Serious Health Condition (Form WH-380F), as set forth in Appendix M, attached hereto and incorporated herein by this reference. Certifications for a qualifying exigency shall be substantially in the form of the Certification of Qualifying Exigency for Military Family Leave (Form WH-384), as set forth in Appendix N, attached hereto and incorporated herein. Certification for FMLA leave taken to care for a covered servicemember with a serious injury or illness shall be substantially in the form of the Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (Form WH-385), as set forth in Appendix O, attached hereto and incorporated herein

(i) Reporting. The City may require the employee on FMLA leave to report periodically to the City on the employee's status and intent to return to work in accordance with and subject to provisions of the Act, including, but not limited to, 29 C.F.R. § 825.311, as amended.

(j) Fitness for Duty. As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, it is the City's uniformly-applied policy to require all employees who take leave under such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The City may see fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. In order to require the fitness-for-duty certification, the City shall provide the employee with a list of essential function of the employee's job with the designation notice provided in Subsection (g)(4). NO second or third opinions on a fitness-for-duty certificate may be required. All fitness-for-duty certifications shall be in accordance with and subject to applicable provisions of the Act, including, but not limited to, 29 C.F.R. § 825.312, et. seq., as amended.

(k) Intermittent Leave. Intermittent leave or reduced schedule leave may be taken under certain circumstances in accordance with and subject to provisions of the Act, including, but not limited to, 29 C.F.R. § 825.202, et. seq., as amended.

(l) Leave Protection.

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(1) Compensation. Employees shall be required to use accrued paid vacation and sick leave hours for FMLA leave provided herein to the extent such FMLA leave qualifies as sick leave under provisions of this Chapter. Any leave not covered by previously accrued paid vacation and sick leave shall be permitted as leave without pay in accordance with the provisions set forth herein. To the extent permitted by law, it is the intent of the City that all paid leave substituted for unpaid FMLA leave run concurrently with and be counted as FMLA leave.

(2) Position. Except as otherwise provided in the Act, employees who take FMLA leave shall be entitled, on return from such leave, to be returned to the same position the employee held when the FMLA commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The employee may be denied restoration of his or her position in accordance with and subject to provisions set forth in the Act.

(3) Benefits. The taking of family or medical leave shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced, other than the required use of vacation and sick leave. An employee's entitlement to benefits other than group health benefits during a period of FMLA leave shall be determined in accordance with the City's policy for providing such benefits for the type of leave taken; i.e. paid or unpaid, as applicable. The City's right to recover costs incurred by the City for non-health plan benefits during FMLA leave shall be determined by applicable provisions of the Act.

(4) Insurance. The City shall maintain coverage for the employee under any "group health plan" during any FMLA leave at the level and under the conditions of coverage the employee would have been provided had the employee had been continuously employed during the FMLA leave period as required by the Act and applicable provisions of COBRA. The employee shall be responsible for any premiums which had been paid by the employee prior to FMLA leave. If FMLA leave is substituted for paid leave, the employee's share of the premiums must be paid by the method normally use during any paid leave, such as payroll deduction. If the FMLA leave is unpaid, the applicable policies for payment by employees on leave without pay will be followed. The City may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expired, unless the reason the employee does not return is due to exemptions set forth in 29 C.F.R. § 825.213, as amended.

(m) Records. The City shall make, keep and preserve records pertaining to FMLA leave in accordance with the Act. Access and maintenance of such records shall be subject to the requirements of the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as adopted and amended by the City. Documents relating to medical certifications, recertification, fitness for duty or medical histories of employees or employees' family members shall be treated as confidential medical records as per state and federal law.

### **8.100. Military Leave.**

Employees who enter active service in any branch of the armed forces of the State of Utah or of the United States shall be granted a leave of absence from employment with the City during his or her military service to the extent required by State and Federal law, including provisions regarding "Governmental Employees in Military Service," as set forth at *Utah Code Ann.* ' 39-3-1, *et seq.*, as amended, and the Uniformed Services Employment and Reemployment Rights Act of 1994, as set forth in 38 U.S.C. §§ 4301, *et seq.*, as amended. Military personnel may also be eligible for family leave in accordance with the provisions of the National Defense Authorization Act, Public Law 110-181, and the

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Family Medical Leave Act of 1993, as amended. Such leave is more particularly described in Section 8.090 of these Policies and Procedures regarding Family and Medical Leave.

### **8.110. Jury Duty Leave.**

The City recognizes the duty of its employees as citizens to serve on juries or as court witnesses. Employees who are required to miss work as a result of being summoned to serve on a jury, or have been subpoenaed to appear as a witness, may be eligible for paid leave during such jury duty and witness periods, less compensation received by the employee for such services, for a period of time not to exceed sixty (60) days. This Section does not apply when an employee appears in court on his or her own behalf, such as a traffic offense or as a party to a lawsuit. Employees appearing in court on behalf of the City in their official capacity shall be paid their regular rate of pay as hours worked in accordance with applicable provisions of the Fair Labor Standards Act.

### **8.120. Injury Leave.**

An employee injured on the job must report the injury in accordance with reporting procedures set forth in Chapter 14. Employees injured during performance of their job duties are covered by Worker's Compensation Insurance as provided by State law and shall be compensated for such leave in accordance therewith.

### **8.130. Funeral Leave.**

Full-Time Employees may be granted up to three (3) days or up to twenty-four (24) hours of paid funeral leave to attend the funeral of the employee's legal or common law spouse, child, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, parent, mother-in-law, father-in-law, grandparent, spouse's grandparents, daughter-in-law, son-in-law, or grandchild. If additional time is needed, the employee may use accrued sick or vacation leave with department head approval.

### **8.140. Administrative Leave.**

Employees may be placed on paid administrative leave pending investigation or disciplinary action in accordance with and subject to the provisions set forth in Chapter 22.

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## CHAPTER 9 EMPLOYEE CONDUCT

- 9.010. Employee Vision and Mission Statements.
- 9.020. Public Relations.
- 9.030. Working Relations.
- 9.040. Personal Appearance.
- 9.050. Uniforms.
- 9.060. Employee Ethics.
- 9.070. Honesty.
- 9.080. Confidentiality.
- 9.090. Attendance.
- 9.100. Outside Employment.
- 9.110. Personal Activities.
- 9.120. Political Activities.
- 9.130. Social Networking
- 9.140. Smoking.
- 9.150. Consensual Romantic Relationships.
- 9.160. Workplace Violence.
- 9.170. Americans with Disabilities Policy.
- 9.180. Credit Cards.

### 9.010. Employee Vision and Mission Statements.

The vision statement for Syracuse City employees, as identified and developed by the employees, is: *“Always setting the standard for providing quality customer service in every aspect of municipal government.”* The mission statement for Syracuse City employees, as identified and developed by the employees, is: *“We, the employees of Syracuse City, with citizen involvement, will provide quality municipal services to enhance and simplify the lives of our citizens.”*

### 9.020. Public Relations.

Syracuse City is a public entity whose purpose, among others, is to provide professional public services to its citizens. Employees are expected to be courteous, cooperative, diplomatic and discrete in dealing with the public (face to face, telephone conversations and written correspondence, including email, text, and voice messages). Employees shall treat all citizens equally and with respect and professionalism. Employees shall not participate in or encourage the use of threatening or offensive conduct or language toward the public. Complaints or concerns expressed by citizens are to be promptly reported or referred to the appropriate supervisor. When an employee is uncertain of the correct response to an inquiry or request from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

### 9.030. Working Relations.

Employees are expected to maintain a productive and supportive working relationship with others in the course of carrying out their responsibilities. They shall also encourage teamwork, support team efforts, communicate in a constructive manner and exhibit good listening skills. Employees shall be

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courteous and cooperative with those they work with and consistently treat others equally and with respect and professionalism. Employees shall not participate in or encourage the use of threatening or offensive conduct or language towards other officers or employees and shall avoid cultural, ethnic, racist and sexist remarks.

### **9.040. Personal Appearance.**

Impressions gained by the public visiting the office or dealing with City employees at any location are very important to the City as a public entity. Consequently, employees are expected to take pride in their appearance grooming (including facial hair) and to dress in a neat and clean manner. The City's standards of dress are defined as "business casual" for office employees and employees who have regular contact with the public. Employees in departments that have specific uniform standards shall follow the uniform guidelines set by that department. Additional standards may be adopted by departments.

- (a) Appropriate Dress. Traditional business attire; dress or casual slacks or leggings, i.e. khakis, capri pants, casual dress-length dresses or dress-length skirts, or maxi-length skirts or dresses; shirts or blouses; open collared shirts or sweaters, i.e., golf shirts or polo shirts; blazers, sport coats, vests or cardigans.
- (b) Inappropriate Dress. Jeans or denim; t-shirts (except for city logo shirts); halter or spaghetti strap tank top (unless covered by a jacket); tube top; revealing or low-cut clothing or clothing showing bare midriffs; shorts of any kind; miniskirts; sweat suits or other athletic clothing; hats. (see subparagraph (c))
- (c) Jeans or denim pants, shorts, hats and tennis shoes may be worn if they are appropriate for the position (Maintenance Worker, Recreation Assistant, etc) or for the job duties of the day. Jeans must not have holes or be frayed.
- (d) Body piercing other than earrings should not be visible.
- (e) Visible tattoos are discouraged, but will be allowed if they are not violent, offensive or pornographic.

On Fridays or any other designated day, the City may allow employees to dress in a more casual fashion than is normally required and jeans or denim pants in good condition and tennis shoes may be worn. Jeans must not have holes or be frayed. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, disheveled or similarly inappropriate clothing.

Any employee who does not meet the standards of this policy will be required to take corrective action. The employee may be sent home and directed to return to work in proper work attire. Time missed because of failure to comply with this policy will not be considered as hours worked. The employee's supervisor and/or department head is responsible for providing individual feedback to employees who do not meet the City's standards of dress. Violation of this policy may result in disciplinary action up to and including termination.

### **9.050. Uniforms.**

Uniforms or uniform allowance may be provided to personnel of certain departments as authorized by the City. Employees in departments that require uniforms must adhere to department

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uniform standards unless otherwise directed by the department head. Uniforms shall be kept as neat and presentable as working conditions permit.

### **9.060. Employee Ethics.**

All employees are required to adhere to legal, moral and professional standards of conduct, including conflicts of interest, in the fulfillment of their duties with the City and shall demonstrate the highest ideals of honor and integrity in all public and personal relationships to merit the respect, trust and confidence of the public. Employees shall adhere to the provisions of the Municipal Officers' and Employees' Ethics Act, as set forth in *Utah Code Ann.* ' 10-3-1301, *et seq.*, as amended. The appropriate disclosure statement, as required by the Act, shall be filed with the Mayor when required in accordance with the Act. Employees are encouraged to discuss and raise any questions or concerns regarding public employees' ethical duties with their department head or the Human Resources Specialist when such questions arise.

### **9.070. Honesty.**

Employees shall be honest in the performance of their duties and responsibilities for the City and in their dealings with the public.

### **9.080. Confidentiality.**

Unauthorized disclosure of privileged, private, and/or confidential information is prohibited and shall be grounds for disciplinary action, up to and including termination.

### **9.090. Attendance.**

Regular attendance and punctuality are essential to providing high quality work, service to the public, and to avoid extra work for fellow employees. Employees shall be to work on time and shall perform duties during work hours as provided herein. Employees shall comply with the leave procedures set forth in Chapter 8 when leave is necessary.

### **9.100. Outside Employment.**

In order to reduce mental and physical fatigue, limit conflicts of interest, and reduce liability insurance expenses, no employee shall be permitted to engage in any outside employment except as provided herein. Any employee desiring to engage in outside employment or has any change in outside employment status must fill out and submit the Notice of Second Employment form and turn it in to his or her department head. The department head shall review the request or status change based on the considerations set forth in this Section and make a recommendation to the City Manager regarding the same. The City Manager shall review the request for outside employment and approve or deny the same based on the following considerations:

(a) whether the outside employment will in any way interfere with the employee's ability to meet the City's work schedule, including reasonable overtime and standby assignments;

(b) whether the outside employment will be directly connected with or contingent upon a representation that the employee is in any way representing the City, either directly or indirectly;

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(c) whether the outside employment is consistent and appropriate with the employee's position held with the City; and

(d) whether the outside employment will interfere with the employee's physical, mental, or emotional ability to fully and completely discharge the job duties of his or her City position.

The City Manager shall notify the Human Resources Specialist of any approved outside employment request and such request and approval shall be retained with the employee's personnel records. The City reserves the right to cancel an approval for outside employment when it is deemed such employment is not in the City's best interest. Any employee engaged in outside employment without prior approval required herein may be subject to discipline up to and including termination. City employees may not use City equipment or uniforms in connection with outside employment, nor may they engage in outside employment while on City time. In no event shall any full-time outside employment be permitted for full-time employees. Employees may not accept other employment which might impair his or her independence of judgment in the performance of his or her public duties as an employee of the City or which might interfere with the ethical performance of such duties.

### **9.110. Personal Activities.**

Employees shall not perform personal business during working hours and shall not use City owned property in support of outside interests and activities. Employees are to pursue personal and outside activities on the employee's own time away from City facilities and offices. Employees shall arrange for annual leave or compensatory time off in advance to pursue personal and outside interests. Use of City computers, equipment and vehicles shall be limited to and conducted in accordance with applicable provisions of Chapter 18 and Chapter 19.

### **9.120. Political Activities.**

Employees shall not be coerced to support a political activity. An employee shall not use, discriminate in favor or against any person or applicant for employment based on political activities. Employees shall not engage in political activities during working hours. Employees shall not use City owned equipment, supplies or resources, or other expenses when engaged in political activities. The City and its public officials are subject to the Political Activities of Public Entities Act, as set forth in *Utah Code Ann.* §§ 20A-11-1201, *et seq.*, as amended.

### **9.130. Social Networking.**

Employee's participating on internet social networking sites (facebook, Twitter, etc.) must use appropriate discretion to not discredit or disparage the City or themselves as employees of the City. In order to achieve and maintain the public's highest level of respect, employees are expected to follow the standards of conduct below.

- (a) Except in the performance of an authorized duty, excessive use of department equipment to access social networking sites, blogs or bulletin boards while on duty is prohibited. For the purposes of this section, "excessive" means accessing a site(s) to the point that it interferes with the City's operations or the employee's ability to properly perform his or her duties.
- (b) Employees shall not post, transmit, and/or disseminate information (texts, pictures, video, audio, etc.) to the internet or any other forum that would tend to discredit, disparage or reflect unfavorably upon the City or its employees. Any inappropriate or unsatisfactory occurrences

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observed should be addressed with the employee's immediate supervisor.

- (c) **Personal Social Networking Account Posts.** Employees are prohibited from posting, transmitting and/or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies Syracuse City or any department without the express written permission of their department head.
- (d) **City Sponsored Social Networking Account Posts.** Only authorized employees within the scope of assigned job duties shall post on City sponsored websites representing the City.
- (e) Upon request from their department head, employees are to remove any content that is in violation of this policy in a reasonable and prompt manner.

Violations of this policy may subject an employee to disciplinary action, up to and including termination. Content posted to the internet has the potential to be shared broadly, including individuals with whom you did not intend to communicate. Employees are strongly discouraged from posting information regarding off duty activity that may bring their reputation into question. Nothing in this policy is intended to prohibit or infringe upon any employees communication, speech or expression that has been clearly established as protected or privileged.

### **9.140. Smoking.**

In compliance with the Utah Indoor Clean Air Act, as set forth in *Utah Code Ann. §§ 26-38-1, et seq.*, as amended, smoking, including the use of electronic cigarettes, is not permitted in Syracuse City facilities. The City also prohibits smoking and the use of electronic cigarettes in City owned vehicles or while an employee is on-duty.

### **9.150. Consensual Romantic Relationships.**

(a) **Background.** It is not the City's desire to discourage friendship among employees, however, it is recognized that consensual "romantic" or sexual relationships between supervisors and their subordinates could lead to actual or perceived conflicts of interest, favoritism, or sexual harassment. The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment.

(b) **Relationships between a supervisor and a subordinate:**

(1) Consensual "romantic" or sexual relationships between a supervisor and a subordinate are prohibited, as well as any conduct, such as dating, that is designated or may reasonably be expected to lead to the formation of a "romantic" or sexual relationship. Persons should not be hired, promoted, transferred, or otherwise changed into a position where the supervisor and subordinate have had such a relationship within the last two (2) years. Where such a relationship existed beyond two (2) years ago, the department head in consultation with the Human Resources Specialist will review the specific circumstances to determine whether or not to approve the action.

(2) If such a relationship should develop, the supervisor is obligated to promptly disclose the existence of the relationship to the department head and/or the Human Resources

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Specialist. The employee may make the disclosure as well, but the burden of doing so is upon the supervisor.

(3) The department head should inform the Human Resources Specialist and the City Manager in consultation with the Human Resources Specialist and the City Manager others with a need-to-know basis of the existence of the relationship, including the person responsible for the employee's work assignments will be informed. Upon being informed or learning of the existence of such a relationship, the Human Resources Specialist, in consultation with the department head and the City Manager, may take steps that he/she deems appropriate. At a minimum, the subordinate and supervisor will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the supervisor must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments, and discipline) that may reward or disadvantage any employee with whom the supervisor has or had had such a relationship. The supervisor may be subject to disciplinary action, up to and including termination.

(4) Any person who believes that he or she has been affected by such a relationship, notwithstanding its disclosure, shall report the matter in accordance with the procedures set forth in Chapter 10 regarding sexual harassment.

(c) Dating relationships between other employees:

(1) Dating relationships between other employees are permitted, however both employees have a responsibility to notify their department head when dating begins to document that the relationship is consensual and welcome. Employees will be instructed to inform the department head when/if the relationship ends. Employees involved in a dating relationship may not be promoted or transferred to a supervisor position where one will be a direct or indirect supervisor over the other.

(2) The City's implementation of this policy is not intended to inhibit the social interaction (such as lunches, dinners, or attendance at entertainment events) that are or should be an important part or extension of the working environment.

(3) This policy shall apply without regard to gender and without regard to sexual orientation of the participants in a relationship of the kind described.

### **9.160. Workplace Violence.**

(a) Purpose. Syracuse City is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Syracuse City has adopted the following policies and guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur during business hours or on its premises. It is the purpose of this policy to communicate to all employees of the City and all persons conducting business with or served by the City that intimidation, harassment or other threats of or actual violence within the workplace is prohibited and shall not be tolerated.

(b) Policy. All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Syracuse City unless the employee has a valid permit issued or recognized by the State

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of Utah and has notified the department head and the City Manager in writing. Conduct that threatens, intimidates, harasses, coerces, or harms another employee, a customer, or a member of the public will not be tolerated.

(c) Reporting. Any intimidating, threatening, or harassing conduct, and any threats of or actual violence, both direct and indirect, should be reported as soon as possible to the employee's immediate supervisor, any department head, the Human Resource Specialist, the City Attorney or the City Manager. Such supervisor or department head shall notify the Human Resource Specialist and/or the City Manager as soon as possible. Intimidating, threatening or harassing conduct by employees, as well as conduct by members of the public should be reported. Reports of such conduct should be as specific and detailed as possible. Employees are empowered to contact the proper law enforcement authorities without first informing their supervisor or department head if they believe a threat to the safety of others exists. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees should not place themselves in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

(d) Investigation. Syracuse City will promptly and thoroughly investigate all reports of intimidating, threatening, or harassing conduct, threats of or actual violence, and suspicious individuals or activities, as deemed appropriate under the circumstances.

(e) Employee Responsibility. Syracuse City encourages employees to bring their disputes or differences with other employees to the attention of their supervisor or the City Manager before the situation escalates into potential harassment or violence. Syracuse City is eager to assist in the resolution of employee disputes. Such prompt reporting and discussion will assist the City in eliminating any intimidation, harassment and/or workplace violence at an early stage and in reducing or eliminating any resulting harm.

(f) Discipline. Any violation of this policy by City employees shall result in disciplinary action, up to and including termination.

### **9.170. Americans with Disabilities Policy.**

(a) Policy. It is the policy of the City to fully comply with the provisions and protections of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101, *et. seq.*, as amended, including, but not limited to, the Americans with Disabilities Act Amendments of 2009 (ADAAA), Public Law 110-325, prohibiting employment discrimination against qualified individuals with disabilities. Pursuant to the ADA and the ADAAA, which shall hereinafter be referred to collectively as the ADA, the City shall not discriminate against a qualified individual with a disability in job application procedures, hiring, firing, advancement, compensation, job training, leave, benefits, and any other term, condition and privilege of employment with the City. It is further the intent of the City to fully comply with the provisions and interpretations of the EEOC regulations and guidelines issued pursuant to authority of the ADA, including, but not limited to, regulations set forth in 29 C.F.R. Part 1630, as amended.

(b) ADA Coordinator. The Human Resources Specialist is hereby designated as the ADA Coordinator for the City. The ADA Coordinator shall be responsible for the administration of this policy. Any questions, comments or complaints regarding matters set forth herein should be addressed to the ADA Coordinator, Syracuse City Offices, 1979 West, 1900 South, Syracuse, Utah, 84075.

(c) Disability. Pursuant to the ADA, an individual with a disability is a person who: (A) has a physical or mental impairment that substantially limits one or more major life activities of such individual;

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(B) has a record of such impairment; or (C) is regarded as having such an impairment. The ADA only protects a person who is qualified for the job he or she has or for which he or she is applying. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position he or she holds or for which he or she is applying. Pursuant to the ADA, the definition of disability shall be construed in favor of broad coverage of individuals.

(d) Reasonable Accommodation. The City shall provide a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability in accordance with applicable provisions of the ADA unless doing so would impose an undue hardship on the operation of the City's business. Undue hardship means that providing the reasonable accommodation would result in significant difficulty or expense, based on the resources and operation of the employer's business.

(e) Requesting Reasonable Accommodation. An employer generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. Thus, it is generally up to the applicant or employee to request a reasonable accommodation from the City. Any applicant or employee requesting a reasonable accommodation shall make such request to the City's ADA Coordinator as designated in Subsection (b). The request may be made in general terms that the individual needs an adjustment or change for a reason related to a medical condition. The request does not have to include the terms "ADA" or "reasonable accommodation." The City may initiate discussions about the need for a reasonable accommodation if the disability is obvious, *e.g.*, the individual uses a wheelchair, or if the medical condition is causing a performance or conduct problem, as more particularly provided in the ADA and applicable regulations.

(f) Interactive Process for Determining Accommodation. The ADA suggests the employee and employer work together informally in an interactive process to determine potential or appropriate accommodations under the circumstances that would enable the employee to perform the essential functions of his or her job. Once a reasonable accommodation is requested, the ADA Coordinator and the applicant or employee should sit down and discuss the applicant's or employee's needs and identify the appropriate reasonable accommodation. If such consultation does not identify an appropriate accommodation, the City may seek further assistance from the EEOC, State or local vocational rehabilitation agencies, the Job Accommodation Network (JAN), or other appropriate service to assist the City in making individualized accommodations. The ADA Coordinator shall respond promptly to all requests for a reasonable accommodation and should keep lines of communication open with the applicant or employee making the request, particularly when it will take longer than expected to provide an accommodation or when supporting documentation is needed.

(g) Complaint. Whenever an applicant or employee believes he or she has been discriminated against on the basis of a disability regarding his or her employment or application for employment with the City, the applicant or employee may file a written complaint with the ADA Coordinator. The complaint should set forth the facts and circumstances surrounding the complaint and the basis for the complaint. Upon receipt of a complaint, the ADA Coordinator shall immediately notify the City Manager of the complaint and conduct an investigation of the complaint. The ADA Coordinator may also hire a third party to investigate the matter. Investigation of the complaint may include, but is not limited to: interviewing the complainant and affording all interested persons and their representatives, if any, the opportunity to submit oral or documentary evidence relevant to the complaint. The ADA Coordinator shall, within a reasonable time from receipt of the complaint, prepare and distribute his or her findings and conclusions from the investigation, including a description of the resolution of the complaint and notice of the complainant's right to appeal.

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(h) Appeal. Any person aggrieved by a decision of the ADA Coordinator regarding a complaint filed hereunder may appeal such decision by filing with the City Council a written appeal within ten (10) days from the date of the decision stating the grounds for the appeal. The City Council shall review the ADA Coordinator's decision for correctness and prepare its findings and conclusions within a reasonable time from receipt of the appeal.

(i) Retaliation. It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, hearing or litigation under the ADA. Any applicant or employee who believes he or she has been subjected to any act of retaliation described herein has the right to file a further complaint alleging reprisal as a separate action under this policy.

(j) Records. The ADA Coordinator shall maintain or cause to be maintained all records of the City pertaining to ADA matters and complaints filed hereunder in accordance with the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann. §§ 63G-2-101, et seq.*, as amended, and all applicable records provisions of the ADA. Medical information shall not be filed in the employee's regular personnel file but shall be filed in a separate medical file that is accessible only to designated officials. Disclosure of medical information about applicants or employees shall be subject to the confidentiality requirements of the ADA. An employee's request for a reasonable accommodation shall be considered medical information subject to the ADA's confidentiality requirements.

(k) Other Procedures and Remedies. The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving discrimination based upon disability.

### **9.180. Credit Cards.**

Syracuse City credit cards shall be used for official business only. See Chapter 17 for additional information.

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## CHAPTER 10 HARASSMENT

- 10.010. Policy.**
- 10.020. Purpose.**
- 10.030. Notice**
- 10.040. Definitions.**
- 10.050. Prohibited Conduct.**
- 10.060. Employee Responsibility.**
- 10.070. Complaint Procedures.**
- 10.080. File Records.**
- 10.090. Confidentiality.**
- 10.100. Retaliation.**
- 10.110. Misuse of Policy.**
- 10.120. Other Procedures and Remedies.**

### **10.010. Policy.**

It is the policy of Syracuse City to provide its employees with a work environment free from discrimination and harassment, where employees treat each other with professionalism, respect, dignity and courtesy. Each employee must exercise good judgment to avoid engaging in conduct that may be perceived by others as harassment, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. Harassment is prohibited and shall not be tolerated by the City under any circumstances. This zero tolerance policy applies to all employees, officers, and agents of the City, as well as any other third parties doing business with or served by the City.

### **10.020. Purpose.**

It is the purpose of this policy to communicate to all employees of the City and all persons conducting business with or served by the City that harassment is prohibited. It is also the intent of this policy to inform and communicate to employees experiencing or witnessing harassment that they have a means to discourage and report intimidating, offensive, hostile or inappropriate conduct and that such reports will be immediately investigated and appropriate action will be taken.

### **10.030. Notice.**

All employees of the City shall be responsible for knowing the provisions of this policy regarding harassment. The Human Resources Specialist shall be responsible for informing employees of any amendments to this policy. Any violation of this policy by City employees shall result in disciplinary action up to and including termination.

### **10.040. Definitions.**

As used herein, the following words shall have the meaning described below:

- (a) "Retaliation" means a retaliatory action taken against any person complaining of or reporting harassment or any person involved or cooperating in an investigation of harassment or a retaliatory action taken against any other person or property as a result of a harassment complaint and/or investigation.

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- (b) "Harassment" may include but is not limited to unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age, disability, or genetic information. Harassment becomes unlawful when: (i) enduring the offensive conduct becomes a condition of continued employment, or (ii) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- (c) "Sexual harassment" means unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

### **10.050. Prohibited Conduct.**

Harassment of any nature is prohibited under this policy, whether or not such conduct rises to the level of unlawful harassment. Examples of the kind of conduct that constitutes harassment under this policy, includes, but is not limited to, the following types of behavior. Prohibitions hereunder include same-sex harassment.

- (a) Verbal. Lewd or suggestive comments, repeated sexual innuendoes, sexual flirtations, racial or sexual epithets, derogatory slurs, sexual or off-color jokes, offensive personal or sexual references, propositions, advances, threats or suggestive or insulting sounds;
- (b) Visual/Non-Verbal (communicated through any means, including via internet, text messaging or e-mail). Demeaning, insulting, intimidating, sexually suggestive or derogatory photographs, posters, cartoons, graffiti or drawings, objects or pictures, commentaries, leering; or obscene gestures;
- (c) Physical. Unwanted physical contact, including touching, interference with any individual's normal work movement, or assault; and
- (d) Other. Any harassment that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an environment that is intimidating, hostile or offensive. Any conduct that targets a lawfully protected class as mentioned in 10.040.
- (e) Gender Role Stereotyping. This conduct consists of assignment of non-job related duties, functions or roles based on gender. Examples include making coffee, serving refreshments, and running errands, when not related or necessary to the functions and responsibilities of the employee's position with the City.

### **10.060. Employee Responsibility.**

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Employees shall promptly report any harassing conduct they experience, learn of or witness utilizing the complaint procedures provided herein. Such prompt reporting will assist the City in eliminating any harassment at an early stage and/or reduce or eliminate any resulting harm.

### **10.070. Complaint Procedures.**

Whenever an employee believes he or she has experienced, learned of or witnessed any type of harassment, the employee shall report the matter utilizing the following procedures.

(a) **Complaint.** An employee may report and/or complain of any alleged harassment by verbally notifying or filing a written complaint of the harassment with his or her supervisor. If the employee's supervisor is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her supervisor, the employee may verbally notify or file a written complaint with the employee's department head or the Human Resources Specialist. If the department head or the Human Resources Specialist is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her department head or the Human Resources Specialist, the employee may verbally notify or file a written complaint with the City Manager, City Attorney or the Mayor. If a member of the City Council or other appointed board or commission member is implicated in the matter, the employee may verbally notify or file a written complaint with the City Manager, City Attorney or the Mayor. If the Mayor is implicated in the matter, the employee may verbally notify or file a written complaint with the City Manager, City Attorney or the Human Resources Specialist.

(b) **Notice.** Except as otherwise provided herein, any supervisor, department head, the Human Resources Specialist, the City Attorney or the Mayor receiving notice of an alleged incident of harassment, either verbally or in writing, shall take immediate action to report such incident and/or complaint to the City Manager. In the event the City Manager is implicated in the complaint, the Mayor shall be notified by the supervisor, department head, City Attorney or the Human Resources Specialist of the report or complaint.

(c) **Investigation.** It is an express policy of the City that all complaints of harassment will be investigated. Except as otherwise provided herein, the Human Resources Specialist, or his or her designee, shall promptly and thoroughly investigate any such complaint of harassment. In the event the Human Resources Specialist is implicated in any harassment complaint, the City Manager shall cause to be conducted a prompt and thorough investigation of the matter. In such event, all references in Subsections (d) and (e) to the Human Resources Specialist shall be read to refer to the City Manager. The City may also hire a third party investigator to conduct any investigation of alleged harassment. All investigations shall include, at a minimum, providing a copy of this policy to the complainant and the accused; informing the parties of the law regarding harassment and the provisions of this policy; and reviewing the complaint with the complainant and the accused.

(d) **Decision.** Upon completion and review of the investigation, the Human Resources Specialist shall determine whether there has been a violation of this policy and shall immediately thereafter take such action as he or she deems appropriate under the circumstances in accordance with applicable procedures regarding the same. In the event a third party investigator has been hired to investigate the matter, the Human Resources Specialist shall review the conclusions of the investigation and make a determination regarding the matter as provided herein. Written notice of the decision, including any appropriate findings and

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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recommended conclusions or remedies, shall be prepared and distributed to the City Manager and department head within a reasonable time from receipt of the complaint.

(e) Determine Remedy. Based on the notice of decision written by the Human Resource Specialist, if a violation of this policy is found the City Manager and Department Head shall determine the appropriate discipline for the violator ranging from written reprimand to termination of employment. The City Manager and department head in consultation with the Human Resources Specialist shall take the following factors into consideration in determining the appropriate discipline, together with any other appropriate factors:

- (1) the relationship of the parties;
- (2) the nature of the offense;
- (3) the number of complainants; and
- (4) the number of occurrences.

### **10.080. File Records.**

All records concerning the complaint, investigation, findings, and discipline shall be maintained in a confidential file separate from his or her personnel records. If the accused is found to have violated this policy, records concerning the discipline shall be maintained with his or her personnel records. If the accused is found innocent of any violation of this policy, no records concerning the incident shall be maintained with his or her personnel records.

### **10.090. Confidentiality.**

All complaints and investigations of harassment will be confidential to the extent possible under the circumstances and only those persons necessary for the investigation and resolution of the complaint will be provided information. Breach of this confidentiality requirement may result in disciplinary action being taken.

### **10.100. Retaliation.**

Employees are entitled to bring good faith complaints regarding alleged harassment and/or to participate in the investigation of any such complaints without any fear of retaliation. Retaliation against an accused or any person involved or cooperating in an investigation of harassment is a separate violation of this policy. If an employee believes he or she has been subjected to any act of retaliation resulting from any complaint or investigation of harassment, he or she has the right to file a complaint hereunder alleging retaliation as a separate action under this policy.

### **10.110. Misuse of Policy.**

Any false claims of sexual harassment or allegations made in bad faith will result in disciplinary action up to and including termination taken against the accuser.

### **10.120. Other Procedures and Remedies.**

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The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving harassment and shall be exhausted prior to pursuing other available remedies.

# SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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## CHAPTER 11 NON-DOT DRUG AND ALCOHOL TESTING POLICY

- 11.010. Purpose.**
- 11.020. General Policy.**
- 11.030. Applicability.**
- 11.040. Definitions.**
- 11.050. Regulations.**
- 11.060. Zero-Tolerance.**
- 11.070. Voluntary Rehabilitation.**
- 11.080. Prescription and Over-the-Counter Drugs.**
- 11.090. Testing Required.**
- 11.100. Basis for Testing.**
- 11.110. Testing Procedures.**
- 11.120. Results.**
- 11.130. Action.**
- 11.140. Confidentiality and Access to Test Results.**
- 11.150. Notification of Conviction.**
- 11.160. Americans with Disabilities Act (ADA).**
- 11.170. Amendments.**

### **11.010. Purpose.**

The purpose of this policy is to convey to all current and prospective employees of Syracuse City the City's "zero-tolerance" policy on alcohol and drug use in the workplace and to provide guidelines for the implementation and management of a drug and alcohol testing program for the City. This policy is intended to provide a safer and more efficient workforce by avoiding the negative circumstances created by employee drug and alcohol use. These policies and procedures are not intended to create or alter any existing employment status or contract, written or verbal, between Syracuse City and its employees or job applicants. The provisions of this policy are intended and shall be interpreted to be in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act, as set forth in *Utah Code Ann.* §§ 34-41-101, *et seq.*, as amended.

### **11.020. General Policy.**

Alcohol or drug use can impair an employee's ability to safely and effectively perform the functions of the particular job, increase accidents, absenteeism, and sub-standard performance, create poor employee morale, and/or undermine public confidence in the City's work force. It is the policy of the City to employ a work force and create a workplace free from the adverse effects of alcohol and drug use. To accomplish this, Syracuse City has developed a "zero-tolerance" substance abuse policy for all current and prospective employees as more particularly set forth in this policy. This policy shall be distributed to employees and made available for review by prospective employees.

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### 11.030. Applicability.

This Non-DOT Drug and Alcohol Testing Policy shall apply to all City employees and prospective employees, including those City employees or prospective employees who are required to comply with the DOT Drug and Alcohol Testing Policy as set forth in Chapter 12, to the extent not otherwise covered therein. In the event of conflict between the two policies, the DOT Drug and Alcohol Policy shall control for DOT employees as defined in Chapter 12.

### 11.040. Definitions.

As used herein, the following words shall have the meanings set forth below:

(a) **Actual Knowledge.** "Actual Knowledge" means actual knowledge by an employer that an employee has used a controlled substance and/or alcohol based on the employer's direct observation of the employee, or an employee's admission of alcohol and/or controlled substance use. Direct observation as used in this definition means observation of alcohol or controlled substance use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.

(b) **Adulterated Test Result.** "Adulterated Test Result" means a specimen which contains a substance that is not expected to be present in human urine or contains a substance expected to be present, but is at a concentration so high that it is not consistent with human urine.

(c) **Alcohol.** "Alcohol" means the intoxicating agent in beverage alcohol (ethyl alcohol) or other low molecular weight alcohols including methyl and isopropyl alcohol.

(d) **Alcohol Use.** "Alcohol Use" means the drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

(e) **Alcohol Testing.** "Alcohol Testing" means to be tested by a certified breath-alcohol technician, using an approved breath alcohol test device or an approved initial screening device, as more particularly set forth in this policy. Blood and urine alcohol testing may also be used at the discretion of the City when breath alcohol testing is not available.

(f) **Controlled Substance or Drugs.** "Controlled Substance" or "Drugs" means any substance, and its metabolite, recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other recognized drug compendia, or supplement to such compendia, including Title 58, Chapter 37 of the Utah Code Annotated (Utah Controlled Substances Act), and any prescribed medication or controlled substance including those assigned by 21 USC 802 and includes all substances listed on Schedule I through Schedule V, as they may be revised from time to time (21 CFR 1308), including but not limited to:

- (1) Marijuana
- (2) Cocaine
- (3) Amphetamines
- (4) Benzodiazepines

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(5) Barbiturates

(6) Opiates and other narcotics

(7) Phencyclidine (PCP) and other hallucinogens

(g) Drug Testing. "Drug Testing" means the scientific analysis for the presence of drugs or their metabolites in specimens from the human body, as more particularly set forth in this policy.

(h) Employee. "Employee" means any person employed by the City for compensation.

(i) Medical Review Officer (MRO). "Medical Review Officer" or "MRO" means a licensed physician with knowledge of drug abuse disorders used by Syracuse City to determine and verify if a legitimate or medical explanation exists for a positive, adulterated, substituted, or invalid drug test result.

(j) Non-Negative Drug Test Result. "Non-Negative Drug Test Result" means any drug test result other than a negative test result, including, but not limited to adulterated, substituted, diluted or invalid drug test result.

(k) On-Duty. "On-Duty" means all working hours, including meals or break periods, regardless of whether the employee is on Syracuse City property, and at any time the employee represents Syracuse City in any capacity, including operating Syracuse City equipment or vehicles.

(l) Positive Alcohol Test. "Positive Alcohol Test" means test levels on both the initial and confirmation tests that are 0.04 percent or greater (0.04 gm/210 liters of breath or 0.04 gm/deciliter of blood or 0.04 gm/dl of urine).

(m) Positive Drug Test. "Positive Drug Test" means drug test levels on both the screening test and the confirmation test that are at or above the level recognized as positive by the US Department of Health and Human Services in its Mandatory Guidelines for Federal Workplace Drug Testing Programs or the standard cutoff levels set by the laboratory and the MRO has verified the test result as positive.

(n) Prospective Employee. "Prospective Employee" means any person who has made written or oral application for employment with the City and who has been selected as a final applicant for such employment.

(o) Refusal to Submit. "Refusal to Submit" means that the employee: (1) fails to provide adequate breath for alcohol testing as required herein without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide an adequate urine sample for controlled substances testing as required herein without a genuine inability to provide a specimen after he or she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

(p) Safety Sensitive Position. "Safety Sensitive Position" means any position involving duties which directly affect the safety of governmental employees or the general public, or positions where there is access to controlled substances as defined in Utah Code Annotated, Title 58, Chapter 37 (Utah Controlled Substances Act) during the course of performing job duties.

(q) Sample. "Sample" means any sample of urine, blood, breath, oral fluid or hair for drug and/or alcohol screening.

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(r) Substituted Test Result. "Substituted Test Result" means a specimen with creatinine and specific gravity values that are so diminished or divergent that they are not consistent with human urine.

(s) Use. "Use" means to illegally consume, sell, purchase, manufacture, distribute, be under the influence of, report to work under the influence of, or be in possession of drugs and/or alcohol. The term use shall also include the presence of drugs and/or alcohol in the body of an employee, including the presence as a metabolite, the use of a prescription drug without a valid prescription from a health care provider and not using a prescription drug as prescribed by the authorizing health care provider.

(t) Utah Local Governmental Entity Drug-Free Workplace Act. "Utah Local Governmental Entity Drug-Free Workplace Act" means the Drug-Free Workplace Act set forth at *Utah Code Ann.* §§ 34-41-101, *et seq.*, as amended.

### **11.050. Regulations.**

No employee of the City may possess, sell or be under the influence of any drugs or alcohol while on-duty, when conducting City business or while on City premises, as shown by the presence of such substances or their metabolites in the employee's system. The following activities are examples of activities that are strictly prohibited for all Syracuse City employees:

(a) Working while under the influence of a controlled substance or alcohol unless the substance is legally prescribed and used in accordance with the terms of this policy.

(b) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance or drug paraphernalia while on Syracuse City time, while conducting Syracuse City business, while on Syracuse City property, or while using City vehicles or equipment.

(c) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance or drug paraphernalia when not at work.

(d) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance, including prescription medications which are considered controlled substances, unless the prescription medication is legally prescribed to the employee and has been taken as prescribed.

(e) Operating any vehicle or machinery while under the influence of any drug, including prescription or over-the-counter medications which render the employee incapable of safely and adequately operating a vehicle, machinery, or performing any other job duties.

(f) Using alcohol, in any form, while on Syracuse City time or business, or to report to work under the influence of alcohol. An employee is considered to be in violation of this policy if they report to work with a blood alcohol level (as determined by a breath alcohol (BAC) test) greater than or equal to 0.04.

(g) Consuming or using alcohol in any form, four (4) hours prior to a scheduled work period, including when "on-call."

(h) Refusing to submit a specimen for controlled substances or alcohol testing.

(i) Having positive drug and/or alcohol test results.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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- (j) Tampering with, substituting, or adulterating any specimen collected for drug and/or alcohol testing. Any sample reported by the laboratory or MRO as “substituted” or “adulterated” will be considered a “refusal to test” or a refusal to submit a valid sample.
- (k) Obstructing or not fully cooperating with specimen collection or testing procedures.
- (l) Failing to report the legal use of prescription and/or over-the-counter medications that could adversely render the employee incapable of operating a vehicle, machinery and performing job duties.
- (m) For a Syracuse City supervisor to allow an employee to work if they have actual knowledge that the employee has violated this policy or has reasonable suspicion to believe that an employee may be impaired by drugs and/or alcohol.

### **11.060. Zero-Tolerance.**

If it is determined that an employee tests positive for use of controlled substances and/or alcohol, abuses prescribed drugs, refuses to provide a sample, knowingly supplies an excess fluids (diluted), substituted or adulterated sample, or otherwise violates the terms and provisions of this policy, that employee shall be subject to disciplinary action, up to and including termination. Any disciplinary action taken for violations of this policy shall comply with the disciplinary action procedures, as applicable, set forth in Chapter 22 of these Policies and Procedures.

### **11.070. Voluntary Rehabilitation.**

Employees seeking assistance with overcoming drug or alcohol abuse before they are selected and tested for drug and/or alcohol testing and before it interferes with job performance may contact their supervisor, department head, or the Human Resources Specialist for information about counseling and rehabilitation programs. Employees having a drug or alcohol problem are strongly encouraged to seek help. The Human Resources Specialist may provide assistance in referring employees to appropriate rehabilitation programs. This assistance, however, does not financially obligate the City for the costs associated with rehabilitation. Rehabilitation is the employee's responsibility. The City will allow employees who seek voluntary assistance for alcohol and drug problems to first utilize their accrued sick leave and then their accrued annual leave for rehabilitation. Leave without pay may be requested by the employee and will be considered on an individual case basis. If the FMLA does not apply, an employee's position may be held open for a reasonable period of time up to a maximum of thirty (30) days for voluntary rehabilitation upon approval by the City Manager. Employees returning to work after treatment must first provide the City with a certification from a reputable substance abuse program that the employee is sober, has successfully completed the treatment program and has the potential for full recovery. A licensed professional medical practitioner that specializes in substance abuse must sign this certification. The employee must also, as a condition of returning to work, agree to follow-up rehabilitation drug and/or alcohol testing and sign a return to work agreement. Follow-up rehabilitation testing will be required for a period of not less than six (6) months and not more than one (1) year after completion of the employee's substance abuse treatment program. The date and time of any required follow-up rehabilitation drug and/or alcohol testing will be unannounced and conducted on a random basis. Voluntary notification and enrollment in a rehabilitation program shall only prevent disciplinary action for previous drug or alcohol use that was unknown to the City and shall not prevent the City from testing or taking disciplinary action against an employee who subsequently violates this policy.

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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### **11.080. Prescription and Over-the-Counter Drugs.**

Prescribed and over-the-counter drugs and the necessary instrumentalities of administration brought on City premises may only be used by the person for whom they are prescribed and taken as directed so long as the use of such drugs does not adversely affect the safety of the work environment or significantly impede performance of essential job functions. There are various prescription and over-the-counter drugs that may adversely affect the safety of the work environment. Examples include, but are not limited to, pain relievers that contain opiates, and muscle relaxants. It is the employee's responsibility to be informed about the effects of prescription and over-the-counter drugs they are taking by reading the information that accompanies the drug, including any information provided by the pharmacist, by consulting with their physician, and by accessing and utilizing other sources of information available to the employee, and acting accordingly. Any employee who chooses or is medically required to ingest prescribed or over-the-counter medications that may adversely affect the safety of the work environment, shall immediately notify his or her department head of the type of medication and time period over which said medications will be taken. The department head will make a determination of any restrictions to be placed on the employee after appropriate confidential consultation with the Human Resources Specialist, the City Attorney's Office, and/or medical professionals. A written statement from the employee's physician may be required regarding whether the physician is of the opinion that the employee can safely work or perform his or her job duties while taking the prescribed drug. Any employee who chooses or is medically required to ingest a prescribed or over-the-counter medication outside of the workplace must ensure that the impairing effects have ended prior to reporting for work. For purposes of this policy, medications used as prescribed, which do not constitute a safety concern, shall not be considered a violation of this policy.

### **11.090. Testing Required.**

In accordance with the provisions of this policy, all prospective and current employees shall be subject to drug and alcohol testing as a condition of hiring and continued employment with the City. Failure to comply with this policy shall result in the City refusing to hire a prospective employee or disciplinary action for current employees as set forth in Section 11.060 regarding the City's zero-tolerance policy. All drug testing shall consist of a CRL nine (9) panel plus narcotics drug screen to set for the presence of controlled substances. All testing shall be based on and under the circumstances set forth in Section 11.100 regarding basis for testing.

### **11.100. Basis for Testing.**

Prospective and current employees shall be subject to testing for the presence of drugs and/or their metabolites and alcohol by the City in accordance with the provisions of this policy as a condition of hiring and continued employment for any of the following reasons or under the following circumstances.

(a) Pre-Employment. All prospective employees, upon acceptance of a conditional offer of employment with the City, shall be required to submit to a pre-employment drug test at the facility designated by Syracuse City. Pre-employment tests will be conducted on prospective employees on their own time, meaning that prospective employees will not be paid for the time they spend participating in pre-employment testing required by Syracuse City. All pre-employment drug testing will be conducted at the third-party administrator's facility and prospective employees are responsible for their transportation to and from the collection facility. Refusal to consent to a pre-employment drug test will terminate further action towards employment. A positive, adulterated, or substituted test result will also terminate further action towards employment with Syracuse City. Only those prospective employees whose pre-employment drug test results are negative will be considered for further action towards employment.

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(b) Reasonable Suspicion. Employees acting in a manner which raises reasonable suspicion that the employee has improperly used or reported to work under the influence of drugs or alcohol shall be subject to drug and alcohol testing. "Reasonable suspicion" shall be determined by the supervising agent and shall mean an articulated belief based upon recorded facts and reasonable inferences drawn from those facts that the employee is in violation of this policy. Reasonable suspicion drug and/or alcohol testing will be required when there is any of the following: observable phenomena (actual use, possession, odors, etc); abnormal behavior or physical characteristics; or a drug-related investigation, arrest, or conviction or any investigation of theft.

(1) In the event that reasonable suspicion testing is warranted, it is the responsibility of an agent of Syracuse City to transport the employee being tested to and from the testing facility. In most cases, either the Designated Employee Representative (DER) or the employee's supervisor will be responsible for transporting the employee.

(2) Before requiring reasonable suspicion testing, the employee's supervisor or the person requesting the reasonable suspicion testing shall complete the "Observed Behavior-Reasonable Cause Record". It is essential that this form be completed before the employee is required to submit to testing in order to properly document the circumstances leading up to the testing referral.

(3) Any employee who is required to submit to reasonable suspicion testing will be removed from any safety sensitive functions and placed on alternative duty, if necessary, or placed on paid administrative leave until the results of the drug and/or alcohol test can be verified. If the test result(s) are negative, the employee will be able to return to work upon receipt of the test result(s). If the test results are positive, the employee will be subject to termination as provided herein.

(4) If an employee refuses to submit to reasonable suspicion testing or attempts to leave any Syracuse City premises and is impaired, in the opinion of a trained supervisor, to the extent that he/she would present a danger to either him/herself or others, local law enforcement should be contacted immediately by the supervisor.

(5) In an effort to ensure that supervisors are knowledgeable about the symptoms of drug and/or alcohol use, training on symptom recognition will be held for all Syracuse City employees in supervisory positions and only those persons who have attended the training will be qualified to require reasonable suspicion testing. Records regarding training attendance will be kept for a minimum of three (3) years after the date of the training.

(c) Random. Employees in safety sensitive positions shall be subject to unannounced drug and alcohol testing. Employees in non-safety sensitive positions will be periodically tested.

(1) Random drug and/or alcohol testing will be conducted for Syracuse City employees working in non-DOT safety sensitive positions, including, but not limited to the following positions:

(A) Fire Chief

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- (B) Fire Fighter
- (C) Administrative Professional (Fire)
- (D) Police Chief
- (E) Police Lieutenant
- (F) Police Sergeant
- (G) Police Officer
- (H) Code Enforcement Officer
- (I) Bailiff
- (J) Crossing Guard
- (K) City Engineer
- (L) Meter Reader
- (M) Building Official
- (N) Building Inspector
- (O) Land Maintenance Worker
- (P) Parks Maintenance Worker
- (Q) Recreation Coordinator
- (R) Recreation Supervisor
- (S) Parks Coordinator
- (T) Cemetery Maintenance Worker
- (U) Gang Mower Operator
- (V) Recreation Assistant
- (W) Sports Fields Worker
- (X) Streets Maintenance Worker
- (Y) Water Maintenance Worker

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### (Z) Environmental Maintenance Worker

(2) Selection for random testing will be done by an outside organization in order to ensure that selection is truly random and is uninfluenced by any personal characteristics, behavior, or any other attribute.

(3) Random drug and alcohol testing will be conducted quarterly. Random drug testing will be administered at a fifty (50) percent annualized rate. Random alcohol testing will be conducted at a ten (10) percent annualized rate. This means that the total number of drug tests conducted during any twelve (12) month period will be equal to at least fifty (50) percent of the total Syracuse City non-DOT testing pool, and the total number of alcohol tests conducted during any twelve (12) month period will be equal to at least ten (10) percent of the total Syracuse City non-DOT testing pool. Employees will be notified by their supervisor and/or the DER of the requirement to submit to a random drug and/or alcohol test and should then proceed immediately to the collection site designated by Syracuse City.

(d) Post-Accidents. Employees involved in any work-related accident involving a vehicle, injury requiring medical treatment, or property damage anticipated to exceed \$1,000, are required to submit to post-accident drug and alcohol testing. Off-duty employees involved in motor vehicle accidents involving Syracuse City vehicles will also be subject to post-accident drug and alcohol testing.

(1) Post-accident drug tests must be conducted within 32 hours of the accident and/or incident. Post accident alcohol tests should be conducted within two (2) hours of the accident and not later than eight (8) hours after the accident. If these time limits have passed, the City should cease attempts to collect the sample.

(2) In the event that post-accident drug and alcohol testing is warranted, it is the employee's supervisor's responsibility or an agent of Syracuse City or emergency personnel to transport the employee being tested to and from the testing facility. In most cases, it is the employee's supervisor's responsibility to ensure the employee is transported.

(3) Any employee who is required to submit to post-accident drug and alcohol testing will be removed from any safety sensitive functions and placed on alternative duty, as necessary, or placed on paid administrative leave until the results of the drug and alcohol tests can be verified. If the test results are negative, the employee will be able to return to work upon receipt of the test results. If the test results are positive or non-negative, the employee will be subject to termination as provided herein.

(e) Pre-Announced Periodic. Employees may be subject to pre-selected and pre-announced drug and alcohol testing as a condition of continued employment conducted on a regular schedule.

(f) Rehabilitation. Employees in any rehabilitation program shall be subject to drug and alcohol testing in accordance with the program requirements or as part of a return-to-work requirement after treatment or program participation. Rehabilitation testing means unannounced but pre-selected drug or alcohol testing done as part of a program of counseling, education, and treatment of an employee in conjunction with this policy.

(g) Compliance. Employees shall be subject to drug and alcohol testing when required by State or Federal law. See, DOT Drug and Alcohol Testing Policy regarding additional drug and alcohol

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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testing requirements for employees subject to commercial driver's license requirements under the Omnibus Transportation Employees Testing Act and the Department of Transportation Regulations enacted thereunder.

### **11.110. Testing Procedures.**

(a) Consent. Drug and Alcohol screening will be conducted by an outside organization. Prior to submitting to a drug and alcohol test required herein, prospective and current employees shall sign a Consent Form authorizing the test, permitting the release of test results to the appropriate personnel.

(b) Collection. All sample collection for drugs and alcohol testing under this policy shall be performed under reasonable and sanitary conditions. Sample collection, documentation, storage and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination or adulteration and which ensures the privacy of the individual being tested. The instructions, chain of custody forms, and collection kits, including bottles and seals used for sample collection shall be prepared by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology. Sample collection shall be conducted in accordance with the terms and conditions of this policy and the Utah Local Governmental Entity Drug-Free Workplace Act by an entity independent of the City.

(c) Samples. Employees shall submit a split urine sample for drug testing or retesting as required herein. The urine sample shall be divided into two specimen bottles by the collection entity in accordance with the Utah Governmental Entity Drug-Free Workplace Act. Alcohol testing will typically be done with an evidentiary breath testing device. An initial screening alcohol test will be conducted. If that result is greater than or equal to 0.04, a confirmation test will be conducted using an evidential testing device. The confirmation test is the final result. Any confirmed breath alcohol test result greater than 0.04 grams per 210 liters of breath will be considered a positive alcohol test result.

(d) Inadequate Samples. In the case of urine-based drug testing, an applicant and/or employee who fails to provide an adequate quantity of urine for testing will be instructed to drink not more than 24 ounces of fluid and, after a period of up to two hours, again attempt to provide a complete sample. If an applicant fails to provide an adequate quantity of urine a second time, that applicant will no longer be considered for employment. If an employee fails to provide an adequate quantity of urine a second time, the third party administrator will notify the MRO to determine pertinent information concerning whether or not the individual's inability to provide a specimen is genuine or constitutes a refusal to test. Upon completion of the examination, the MRO will report their conclusions to the Syracuse City DER in writing. If the City or the collector has reasonable cause to believe that the donor of the sample has tampered with their sample, a new sample will be immediately collected.

(e) Testing. Sample drug testing shall conform to scientifically accepted analytical methods and procedures and shall be conducted in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology. The City has designated IHC as the City's third party administrator to assist in setting up and administering the drug and alcohol testing program set forth herein.

(f) Dilute Specimens. Specimens which the laboratory reports as dilute, meaning specific gravity less than 1.003 and creatinine levels less than 20 mg/dL, may be considered invalid and the

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employee/applicant will be required to give a second specimen. The second specimen will be considered the final result.

(g) **Invalid Specimens.** If Syracuse City receives a test result that is determined to be invalid, the employee will be immediately retested. The employee will be given no notification of the need to retest. No action will be taken regarding the first test result and the results of the second test will be considered final. A second "invalid" test result will be treated as a positive test result.

(h) **Time.** Any drug or alcohol testing required by the City under this policy shall occur during or immediately after the regular work period for current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

(i) **Costs.** Except as otherwise provided, the City shall pay all costs of sample collection and testing required herein, including the cost of transporting current employees to the testing site if the testing is conducted at a place other than the work site.

(j) **Disclaimer.** A physician/patient relationship is not created between a prospective or current employee and the City or any person performing the test, solely by this policy and the procedures set forth herein.

### **11.120. Results.**

(a) **Positive.** Positive test results shall refer to those test results that meet or exceed the standard permissible levels of substance in the body as defined and set forth in this policy, the Federal DOT Rules and Regulations if addressed therein, or by standards adopted by the State of Utah if not addressed by the Federal DOT Rules and Regulations.

(b) **MRO.** It is the policy of Syracuse City that all positive or non-negative drug tests results be immediately referred to an MRO to verify the positive or non-negative result. In the case of a positive, adulterated, substituted, or invalid test result, the employee or prospective employee shall be so advised by the MRO by telephone on a confidential basis prior to the reporting of the results to the designated employer representative. The employee shall have the right to discuss and explain the results, including the right to advise the MRO of any prescription or over-the-counter medication or other substance consumed which may have affected the results of the test. The MRO shall also review the chain-of-custody documentation to ensure compliance with normal chain-of-custody procedures. If the MRO can verify a legitimate explanation, the MRO would then reverse the test result to negative and report it as negative to the employer. The MRO can report a positive or non-negative test to the employer, without interviewing the employee/applicant, if: an individual has expressly declined the opportunity to discuss the test result with the MRO; the employer has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the employer contacted the employee; or if neither the employer nor MRO, after making and documenting all reasonable efforts, has been able to contact the employee within ten (10) days of the date on which the MRO receives the confirmed test result from the laboratory. No MRO review will be done on positive breath or blood alcohol tests.

(c) **Notice.** In addition to the MRO procedures set forth in Subsection (b), prospective and current employees shall be notified as soon as possible of any positive test results conducted in accordance with this policy by telephone or in writing at their last-known telephone number and address and told of his or her option to have the split urine sample tested as provided in Subsection (e).

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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(d) Confirmation. Before the result of any test required herein may be used as a basis for action by the City, the positive test result shall be verified or confirmed using a gas chromatography-mass spectroscopy, or other comparably reliable analytical method.

(e) Second Test Option. If the test results of the urine sample indicate the presence of drugs or their metabolites, the donor of the test shall have seventy-two (72) hours from the time he or she is notified of such results to request, at his or her option, to have the split urine sample testing performed. The cost of the second test shall be equally divided between the donor and the City, unless the second sample tests negative, in which case the City shall pay for the entire cost of the second test. In addition to the initial test results, the test results of the split urine sample shall be considered at any subsequent disciplinary hearing if the requirements of this policy have been complied with in the collection, handling and testing of the samples.

(f) Request for Report. An employee who has tested positive or non-negative shall have the right to request, in writing, from the City a copy of the laboratory and MRO report regarding the testing.

### **11.130. Action.**

(a) Referral. Any non-DOT employee who has a non-negative drug test or a positive breath alcohol test result will be immediately referred by the Syracuse City DER to the Employee Assistance Program (EAP), a licensed substance abuse counselor (LSAC), or a Substance Abuse Professional (SAP) for an initial consultation. Syracuse City will be responsible for the cost of the initial consultation. However, additional services provided to the employee by the SAP and/or LSAC will be at the expense of the employee.

(b) Discipline or Refusal to Hire. The City may use confirmed positive test results or non-negative test results, or any refusal of a prospective or current employee to take the test, as a basis for disciplinary action up to and including termination of current employees and refusal to hire prospective employees. Any disciplinary action taken by the City for violation of this policy shall be in accordance with the City disciplinary procedures. Such procedures shall include any required pre-disciplinary hearing and appeal proceedings.

(c) Rehabilitation. The City may also require that any employee rendering positive test results enroll in a City-approved rehabilitation, treatment or counseling program, which may include additional drug or alcohol testing, at the expense of the employee and as a condition of continued employment.

### **11.140. Confidentiality and Access to Test Results.**

The use and disposition of all drug and alcohol testing results and records shall be considered confidential and are subject to the limitations of the Utah Government Records Access and Management Act and the Americans with Disabilities Act. In an effort to ensure that all drug and/or alcohol test results remain confidential, the third party administrator and/or MRO for the Syracuse City drug testing program are only authorized to release test results to the Syracuse City DER. After being received by Syracuse City, all drug and alcohol test results will be stored in confidential employee files (established for all Syracuse City employees) and will remain confidential to the extent required or allowed by law. The DER will determine which person(s) within the City have a need to know which test results. Test and other records will be maintained in a secure manner so that disclosure of confidential and/or medical information to unauthorized persons does not occur. Test results may be released in legal proceedings where the employee raises the issue of drug test (i.e. unemployment hearing, wrongful termination, etc.).

## SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES

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Test results can be released to persons representing Syracuse City (i.e. attorneys, workers compensation insurance adjuster, etc.). Employees, former employees, and prospective employees can request copies of their drug and/or alcohol test results by making a written request to the Syracuse City DER.

### **11.150. Notification of Conviction.**

Any investigation by law enforcement or conviction for controlled substance or alcohol activity may be cause for dismissal from employment. Failure of an employee to report any conviction for illegal drug use or alcohol misuse to their supervisor and/or the Syracuse City DER within five (5) days of conviction may result in disciplinary action up to and including termination.

### **11.160. Americans with Disabilities Act (ADA).**

Alcoholism is considered a disability under the ADA. Syracuse City will make reasonable accommodations for current employees who suffer from alcoholism, including encouraging an employee to participate in rehabilitation programs. However, Syracuse City will hold an alcoholic employee to the same performance standards as other employees and will discipline an employee, up to and including termination, if the employee's alcohol use adversely affects the employee's job performance or is considered to be a safety hazard. An employee or prospective employee whose controlled substance or alcohol (except as modified by the ADA) tests are confirmed and verified positive in accordance with the provisions of this program shall not, by reason of those results alone, be defined as a person with a "handicap" or "disability" for the purposes of Utah Code Annotated Chapter 35, Title 34 (Utah Anti-Discriminatory Act) or the Federal Americans with Disabilities Act.

### **11.170. Amendments.**

Syracuse City reserves the right to interpret, modify, and/or revise this policy in whole or in part. Nothing in this policy is to be construed as an employment contract nor does this alter an employee's employment status. This policy will be amended from time to time to comply with changes in Federal and State laws.



# COUNCIL AGENDA

## January 27, 2015

Agenda Item C                      Intersection of 3000 West and Antelope Drive

### ***Factual Summation***

- Any questions about this agenda item can be directed to Robert Whiteley.
- Syracuse City and UDOT are working together to improve the intersection of 3000 West Antelope Drive in an effort to improve traffic safety.
- In an effort to line up the offset asphalt roadways that exist on the north and south legs of the intersection, Syracuse City will expand the asphalt section along the west edge of the south leg.
- Syracuse City will also pipe a section of ditch along the east side of the north leg.
- UDOT will install a traffic signal. Their anticipated cost is: \$178,000
- The anticipated cost to Syracuse City is: \$262,000
- The schedule on this is anticipated to begin in June 2015.

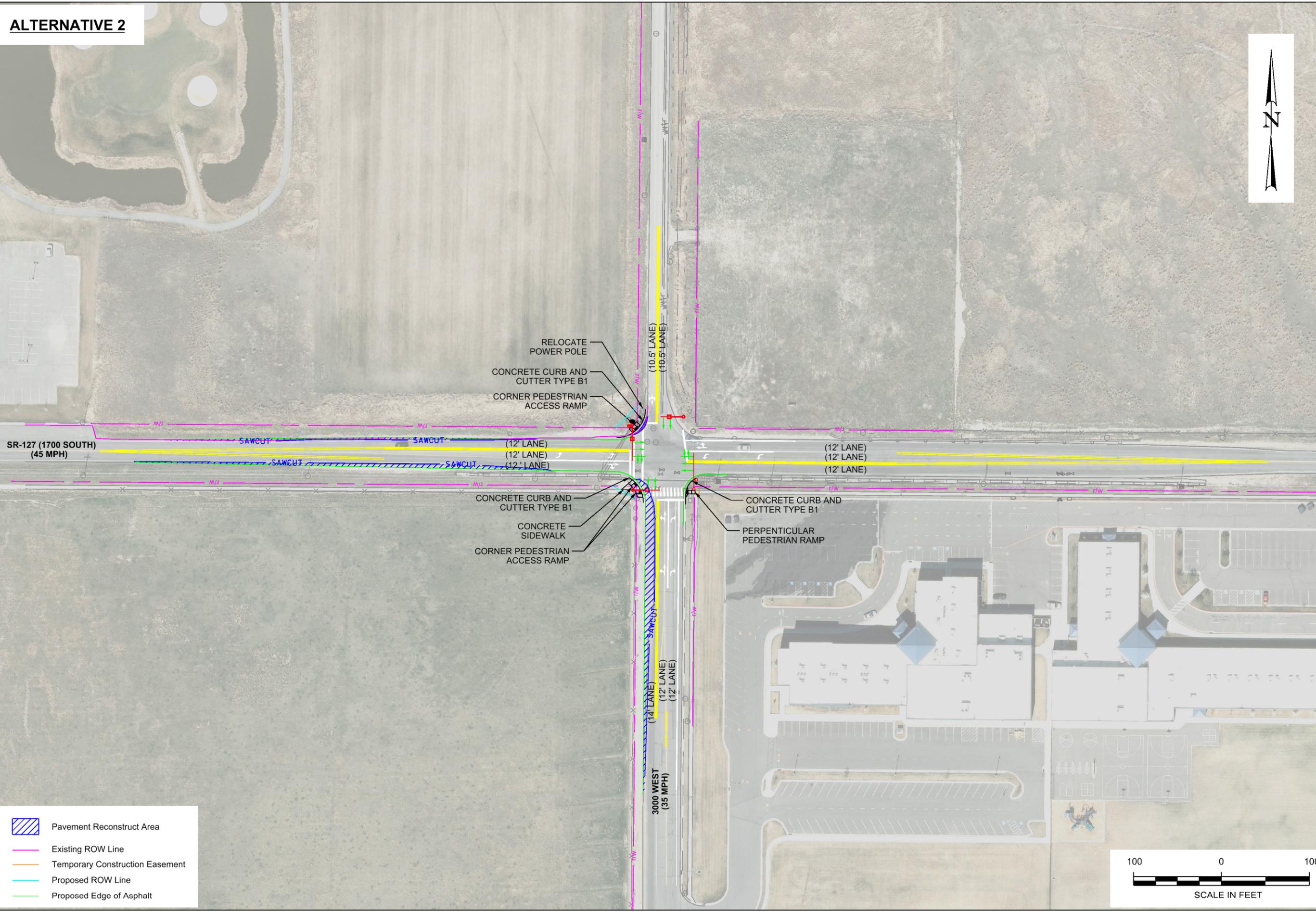
### ***Recommendation***

Include this as a capital improvement in the budget.

**ALTERNATIVE 2**



1/20/2015 N:\12039\_New\_Signal.at\_SR-127\_&\_3000\_West.in\_Syracuse\roadway\_design\Sheets\CITY\Alternative 2 - Estimate100.dgn



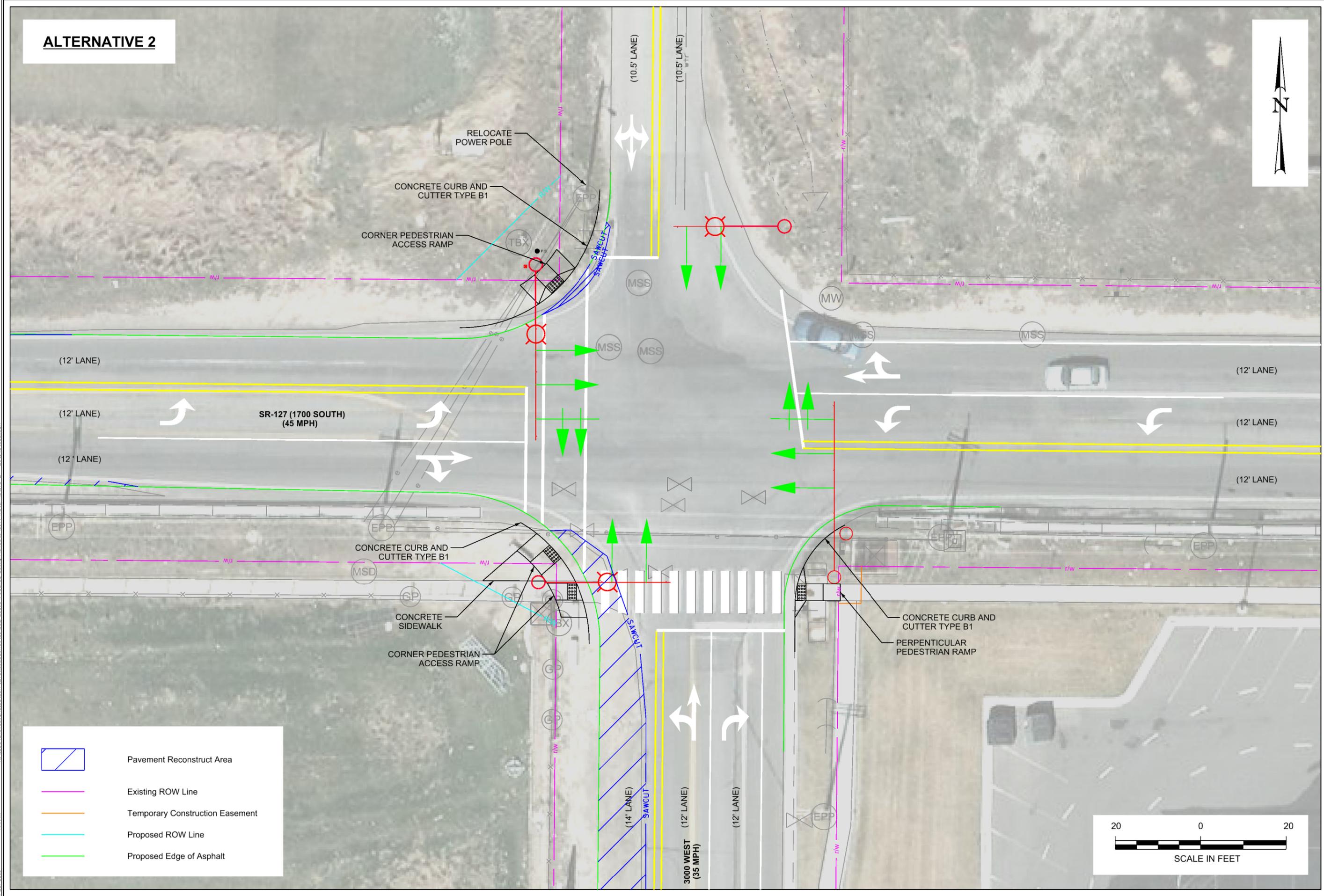
- Pavement Reconstruct Area
- Existing ROW Line
- Temporary Construction Easement
- Proposed ROW Line
- Proposed Edge of Asphalt



**ALTERNATIVE 2**



1/20/2015 NNNNN H:\12639\_New\_Signal.at\_SR-127\_&\_3000\_West\_in\_Syracuse\roadway\_design\Sheets\CITY\Alternative 2 - Estimate.dgn



|                                                                                     |                                 |
|-------------------------------------------------------------------------------------|---------------------------------|
|  | Pavement Reconstruct Area       |
|  | Existing ROW Line               |
|  | Temporary Construction Easement |
|  | Proposed ROW Line               |
|  | Proposed Edge of Asphalt        |

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SCALE IN FEET



# COUNCIL AGENDA

January 27, 2015

Agenda Item: **D**                      Review and discuss City Council appointments and assignments.

***Factual Summation***

- Historically the City Council has reviewed the list of appointments and assignments at the beginning of each calendar year. Changes are typically made to the various appointments and assignments based on recent election results or other determining factors.
- The general assignment resolution that was adopted on 2014 is included herein for reference.
- The City has two additional appointments that have been addressed independent of the general assignment resolution: the City's position on the Wasatch Integrated Waste Management District (WIWMD) Board and the City's position on the North Davis Sewer District.
- Staff recommends the Council determine appropriate changes to the appointments and assignments in anticipation of adopting any changes at the February 10, 2015 business meeting.

## **RESOLUTION R14-02**

### **A RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS.**

**WHEREAS** Syracuse City Councilmembers are desirous of being appointed to and serving on various community committees and boards; and

**WHEREAS** there are also internal City positions, such as Mayor Pro-Tem that Councilmembers are desirous of being appointed to; and

**WHEREAS** the Syracuse City Council discussed committee appointments and assignments during their Work Session Meeting of January 28, 2014 and determined appropriate appointments and assignments for each Councilmember and members of the Administration.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
SYRACUSE CITY, UTAH, AS FOLLOWS:**

#### **Section 1. Appointment.**

- a. Mayor Palmer is hereby appointed to serve as the City's representative on the Clearfield High School Community Council.
- b. Mayor Palmer is hereby appointed to serve as the liaison to the Youth Council.
- c. Councilmember Duncan is hereby appointed to serve as a preparedness liaison.
- d. Councilmember Duncan is hereby appointed to serve as an Employee Appeals Board alternate member.
- e. Councilmember Duncan is hereby appointed to serve as the City's representative on the Cook Elementary Community Council.
- f. Councilmember Duncan is hereby appointed to serve as the City's representative on the Syracuse High School Community Council.
- g. Councilmember Gailey is hereby appointed to serve as an Employee Appeals Board member.
- h. Councilmember Gailey is hereby appointed to serve as the City's representative on the Bluff Ridge Elementary Community Council.
- i. Councilmember Gailey is hereby appointed to serve as the liaison to SBOSS.
- j. Councilmember Gailey is hereby appointed to serve as the Museum Board Advisor.
- k. Councilmember Gailey is hereby appointed to serve as the Third Mayor Pro-Tem.

- l.** Councilmember Gailey is hereby appointed to serve as the Youth Court Liaison.
- m.** Councilmember Johnson is hereby appointed to serve as a volunteer liaison.
- n.** Councilmember Johnson is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- o.** Councilmember Johnson is hereby appointed to serve as the City's representative on the Syracuse Junior High School Community Council.
- p.** Councilmember Johnson is hereby appointed to serve as the liaison to the Planning Commission.
- q.** Councilmember Johnson is hereby appointed to serve as the Second Mayor Pro-Tem.
- r.** Councilmember Lisonbee is hereby appointed to serve as a volunteer liaison.
- s.** Councilmember Lisonbee is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- t.** Councilmember Lisonbee is hereby appointed to serve as an Employee Appeals Board alternate member.
- u.** Councilmember Lisonbee is hereby appointed to serve as the City's representative on the Buffalo Point Community Council.
- v.** Councilmember Lisonbee is hereby appointed to serve as the liaison to the Arts Council.
- w.** Councilmember Lisonbee is hereby appointed to serve as the Mayor Pro-Tem.
- x.** Councilmember Peterson is hereby appointed to serve as a preparedness liaison.
- y.** Councilmember Peterson is hereby appointed to serve as an Employee Appeals Board member.
- z.** Councilmember Peterson is hereby appointed to serve as the City's representative on the Syracuse Elementary Community Council.
- aa.** Councilmember Peterson is hereby appointed to serve as the City's representative on the Legacy Junior High Community Council.
- bb.** City Attorney Drake is hereby appointed to serve as a non-voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee
- cc.** Public Works Director Whiteley is hereby appointed to serve as the City's representative on the Layton Canal Board.
- dd.** Public Works Director Whiteley shall seek election to the Davis and Weber Canal Board.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 11<sup>th</sup> DAY OF FEBRUARY, 2014.**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
Cassie Z. Brown, City Recorder

By: \_\_\_\_\_  
Terry Palmer, Mayor



# COUNCIL AGENDA

January 27, 2015

## Agenda Item E Title X Amendments-Second Kitchens & Yard Landscaping

### *Factual Summation*

Please see the attached:

- a. Proposed Ordinance 14-xx, amendment to Title X
- b. Redline Title X
- c. Draft Second Kitchen Agreement
- d. International Building Code Excerpt

Any question regarding this agenda item may be directed at Sherrie Christensen, Community & Economic Development Director.

### **Background**

Staff has requested the proposed revisions to the City Code Title 10 regarding administrative issues regarding: second kitchens, not part of an accessory dwelling unit and a requirement for landscaping to be installed within 1 year of occupancy of a dwelling.

Staff has requested this amendment to allow home owners to construct second kitchens in their homes without requiring a conditional use permit for an accessory dwelling unit. Many people wish to have a second kitchen in their basements for entertaining or canning purposes. The Building Code and the Zoning Code currently require that be viewed as a second living unit and as such require additional permitting and expensive construction for fire walls, utility access, etc.

The proposed amendment would allow homeowners to build a second kitchen, file a notice on the property that the kitchen is not approved as a second living unit, until such time that appropriate permits are obtained. This protects future home buyers who will receive notice prior to closing on the home that they cannot rent the basement as an apartment until it is brought up to code and has a permit issued.

A draft Second Kitchen Agreement has been created to demonstrate how the ordinance would be administered. The agreement would be recorded and would only be binding until such time that permits were obtained to use the kitchen as part of an accessory dwelling unit. This is a common method used in many cities, examples can be found in

Draper, Herriman, Hurricane, Murray, Pleasant Grove, Salt Lake City, Provo, and West Point.

Also in the packet are excerpts from the International Building Codes. Under these codes the Building Inspector would still need to treat a kitchen as a second dwelling unit, unless the agreement noted above was recorded for assurance

The second part of the requested amendment is a requirement that landscaping be installed within 1 year of issuance of a certificate of occupancy. This will give homeowners at least one summer season to complete landscaping regardless of the month the home is completed.

The Planning Commission held public hearings on the proposed amendments on October 21, 2014. At a public meeting on November 18, 2014 the Planning Commission recommended to the City Council the adoption of the proposed amendments.

In making determination on Code amendments the City Council should review the City Municipal Code, Section 10-4-070(E)(1), which states the following:

(E) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter of legislative discretion by City Council and not controlled by any one standard. However, in making an amendment, the City Council should consider: (Ord. 10-02)

1. Whether it would be is consistent with goals, objectives and policies of the City's General Plan; (Ord. 10-02)

### **Recommendation for City Council Approval of Ordinance 14-xx, Various Sections, Title VIII**

The Syracuse City Planning Commission hereby recommends that the City Council approve the adoption of Ordinance 14-xx, Amending Title X.

### 10-30-25 Second Kitchen

A second kitchen within a single family residence shall be permitted to allow City residents to have a second kitchen within a single family dwelling unit for use by the family residing within the dwelling unit for the purpose of entertaining, recreation or convenience, accessory to the first kitchen within the dwelling unit.

Approval of a second kitchen within a single family dwelling unit shall not be an approval of a second dwelling unit or accessory dwelling unit without the required approvals for such as prescribed under Section 10-30-20 of this Title.

(A) A second kitchen in a single family residence dwelling may be allowed in any residential zone if all of the following requirements are met:

(1) The second kitchen is located within the basement area of the home.

(2) The basement has no exterior doorway access.

(3) An interior access shall be maintained to all parts of the residence to assure that an accessory unit or apartment is not created.

(4) The residence shall have no more than one electrical meter.

(5) A second kitchen shall exist only as part of the primary structure and shall not be installed in an accessory or "out" building.

(6) The residence owner shall sign a written document prescribed by Syracuse City which declares that the residence will not be converted into two units without specific approval under the sections of this Title governing such use. The signature on such a document shall be notarized and the document shall be recorded with the Davis County Recorder's Office prior to issuance of a building permit.

(7) Once a second kitchen is approved under the above criteria, both present and future owners of the residence shall limit use of the single family residence to a family only. No roomers or boarders shall be permitted.

(8) Construction of any such kitchen shall meet standards of the current building codes adopted by the City.

(B) A second kitchen shall not be established on a single family residential lot which contains an Accessory Dwelling, whether or not such accessory dwelling was established pursuant to Section 10-30-30.

10.30.50

(F) Installation of landscaping. Within one year of final inspection and or the issuance of a certificate of occupancy, front and side yard landscaping shall be substantially complete upon all residential lots.



# COUNCIL AGENDA

January 27, 2015

## Agenda Item F Concept Plan Report

### *Factual Summation*

Please see the draft minutes of the following meetings:

- a. Steeds Lakeview Farms Subdivision Concept

Any question regarding this agenda item may be directed at Sherrie Christensen, Community & Economic Development Director.

### *Summary*

Staff is providing this report of the Pre-application meeting conducted for the concept plan, Steeds Lakeview Farms Subdivision in accord with Syracuse City Code Section 8.20.030:

#### **8.20.030 Pre-Application Review.**

The developer shall meet with City staff to review the plan of the proposed subdivision. The pre-application meeting shall be attended by staff from applicable city departments, special service districts, county agency and others as deemed necessary by the Community Development Director.

The Community Development Director shall report to the Planning Commission and City Council of pre-application meetings during regular work sessions.

### Details

Pre-Application Date: Wednesday, January 14, 2015  
Subdivision Name: Steeds Lakeview Farms  
Location: 700 S 3000 W  
Total Area: 46.82 Acres  
Zoning: R-2 with 31.10 net developable area  
Density Allowed 31.10@ 3.79 lots/acre=117 lots  
Requested 92 lots  
R-3 with 15.66 net developable area  
Density Allowed 15.66@ 5.44 lots/acre=85 lots  
Requested 49 lots





# COUNCIL AGENDA

January 27, 2015

Agenda Item G                      Mid-year Budget Opening Discussion including capital project discussion for the fiscal year ending June 30, 2015.

## *Factual Summation*

- Any questions about this agenda item may be directed at Finance Director Stephen Marshall. See the attached PDF budget opening document as well as the capital project list summaries. I have also attached the fund balance Power Point presentation from November 2014 to help aid in our budget discussion.
- Each fiscal year, I complete a mid-year review of our budget. I do this around the mid-point of the fiscal year to make recommendations on any needed changes to the current year budget. Along with this review, I have also worked with Brody and Robert Whiteley in updating and revising our capital projects list for upcoming projects.
- I have included a separate spreadsheet on capital projects. The items in black are existing projects that have already been approved in previous budgets. The items in red are the proposed changes to the capital projects listing. We are proposing adding two new projects as well as changing a couple of projects from the previous list. The total cost of the new projects would be approximately \$832,000. These projects are needed to fix aging infrastructure. We have cash in the funds to pay for the new projects.
- Along with the capital project changes, I have included a list below of requested budget changes in this budget opening:

### **General Fund**

- \$100,000 increase in sales tax revenue.
- -\$4,000 decrease for liquor fund allotment.
- \$25,000 increase in ambulance revenue.
- \$6,500 increase for basketball program revenues.
- \$3,000 increase for ice skating rink sponsorships.

- -\$50,000 decrease in court fines.
- \$7,000 increase in park reservations revenue.
- \$27,000 increase in professional & technical for efficiency audit (total budget of \$50,000)
- \$51,325 increase for purchase of ice rink, skates, and construction supplies.
- \$6,000 decrease in expense for liquor fund expenses.
- \$617,000 increase in transfer of funds to transportation fund to pay for additional road construction projects and surface treatments.
  - Over the past 5 years we have added roughly \$400,000 to fund balance. It looks like we will be adding the same amount to this fund balance. This would put us over the 25% cap. We are proposing committing this money to road construction projects and also adding another \$217,000 from fund balance to draw the fund balance down to around 22%. This would still leave 5.3% or approximately 500k to 600k in fund balance above our required 16.7% in accordance with our fund balance policy.

#### **Capital Projects Fund**

- Decrease in capital lease payment of \$25,000 for police vehicle lease.
- Increase in capital equipment of \$25,000 for purchase of ambulance equipment and upgrades. The net change to the fund is 0.

#### **Recommendation:**

I recommend moving forward with a budget opening on the February 10, 2015 meeting and adjusting the Syracuse City budget for the fiscal year ending June 30, 2015.

# Syracuse City

## FY2015 Mid-Year Budget Adjustments



|                                                                                   | <u>Original Budget</u> | <u>Amended Budget</u> | <u>Increase / (Decrease)</u> |
|-----------------------------------------------------------------------------------|------------------------|-----------------------|------------------------------|
| <b>General Fund:</b>                                                              |                        |                       |                              |
| <u>REVENUE ADJUSTMENTS:</u>                                                       |                        |                       |                              |
| Sales Tax                                                                         | 3,200,000.00           | 3,300,000.00          | 100,000.00                   |
| Liquor Fund Allotment                                                             | 21,000.00              | 17,000.00             | (4,000.00)                   |
| Ambulance Revenue                                                                 | 300,000.00             | 325,000.00            | 25,000.00                    |
| Recreation - Basketball                                                           | 55,000.00              | 61,500.00             | 6,500.00                     |
| Sponsorships<br>(Ice Rink)                                                        | -                      | 3,000.00              | 3,000.00                     |
| Court Fines                                                                       | 270,000.00             | 220,000.00            | (50,000.00)                  |
| Park Reservations                                                                 | 10,000.00              | 17,000.00             | 7,000.00                     |
|                                                                                   |                        |                       | <u>87,500.00</u>             |
| <u>EXPENDITURE ADJUSTMENTS:</u>                                                   |                        |                       |                              |
| Administration:                                                                   |                        |                       |                              |
| Professional & Technical<br>(Increase to fund the cost of the efficiency audit)   | 69,200.00              | 96,200.00             | 27,000.00                    |
| Building Maintenance                                                              |                        |                       |                              |
| Building and Ground Maintenance<br>(Ice Rink Construction and Supplies)           | 102,200.00             | 103,250.00            | 1,050.00                     |
| Community & Econ Development                                                      |                        |                       |                              |
| Office Supplies                                                                   | 3,610.00               | 3,710.00              | 100.00                       |
| Equipment, Supplies, & Maintenance                                                | 7,775.00               | 8,275.00              | 500.00                       |
| Professional & Technical<br>(Purchase of Ice Rink Surface and supplies)           | 11,900.00              | 21,900.00             | 10,000.00                    |
| Police                                                                            |                        |                       |                              |
| Liquor Fund Expenses<br>(Decrease to match actual grant funds received)           | 23,000.00              | 17,000.00             | (6,000.00)                   |
| Parks & Recreation                                                                |                        |                       |                              |
| Equipment, Supplies, & Maintenance<br>(Purchase of Ice Skates and Supplies)       | 80,600.00              | 94,175.00             | 13,575.00                    |
| Special Department Materials<br>(Purchase of Ice Rink Surface and Supplies)       | 24,500.00              | 49,200.00             | 24,700.00                    |
| Transfer to Other Funds<br>(Transfer to Class C Roads Fund for Road Improvements) | 54,600.00              | 671,600.00            | 617,000.00                   |
|                                                                                   |                        |                       | <u>687,925.00</u>            |

|                                                | <u>Revenue</u> | <u>Expenses</u> |                     |
|------------------------------------------------|----------------|-----------------|---------------------|
| General Fund net change                        | 87,500.00      | 687,925.00      | (600,425.00)        |
| Beginning fund deficit                         |                |                 | (39.00)             |
| Overall fund deficit to come from fund balance |                |                 | <u>(600,464.00)</u> |

## Parks Maintenance Fund

### EXPENDITURE ADJUSTMENTS:

|                                                                                                |            |            |                 |
|------------------------------------------------------------------------------------------------|------------|------------|-----------------|
| Vehicle Expense                                                                                | 23,000.00  | 23,600.00  | 600.00          |
| Buildings & Ground Maintenance<br>(Surface Treatments, 1000 West Project, Allison Way Project) | 156,800.00 | 157,600.00 | 800.00          |
|                                                                                                |            |            | <u>1,400.00</u> |

|                                      | <u>Revenue</u>  | <u>Expenses</u> |                 |
|--------------------------------------|-----------------|-----------------|-----------------|
| Trans. Fund net change               | -               | 1,400.00        | (1,400.00)      |
| Beginning fund overage               |                 |                 | 8,870.00        |
| Overall Change                       |                 |                 | <u>7,470.00</u> |
| <b>Estimated Ending Fund Balance</b> | <b>\$51,461</b> |                 |                 |

## Transportation Fund

### REVENUE ADJUSTMENTS:

|                                                                                     |   |            |                   |
|-------------------------------------------------------------------------------------|---|------------|-------------------|
| Transfer from other funds<br>(Transfer to Class C Roads Fund for Road Improvements) | - | 617,000.00 | 617,000.00        |
|                                                                                     |   |            | <u>617,000.00</u> |

### EXPENDITURE ADJUSTMENTS:

|                                                                                  |              |              |                   |
|----------------------------------------------------------------------------------|--------------|--------------|-------------------|
| Capital Projects<br>(Surface Treatments, 1000 West Project, Allison Way Project) | 1,038,000.00 | 1,898,000.00 | 860,000.00        |
|                                                                                  |              |              | <u>860,000.00</u> |

|                                      | <u>Revenue</u>  | <u>Expenses</u> |                     |
|--------------------------------------|-----------------|-----------------|---------------------|
| Trans. Fund net change               | 617,000.00      | 860,000.00      | (243,000.00)        |
| Beginning fund shortage              |                 |                 | (350,500.00)        |
| Overall Change                       |                 |                 | <u>(593,500.00)</u> |
| <b>Estimated Ending Fund Balance</b> | <b>\$22,059</b> |                 |                     |

## Secondary Water Impact Fund:

### EXPENDITURE ADJUSTMENTS:

|                                                                      |              |              |              |
|----------------------------------------------------------------------|--------------|--------------|--------------|
| Capital Outlay                                                       | 200,000.00   | 394,000.00   | 194,000.00   |
| Move to Balance Sheet<br>(1000 West Project from 1700 S. to 2075 S.) | (200,000.00) | (394,000.00) | (194,000.00) |
|                                                                      |              |              | <u>-</u>     |

|                                   | <u>Revenue</u> | <u>Expenses</u> |   |
|-----------------------------------|----------------|-----------------|---|
| Sec. Water Impact Fund net change | -              | -               | - |
| Beginning fund overage            |                |                 |   |

Overall fund deficit to come from fund balance -

**Estimated Ending Cash Balance \$271,785**

## Culinary Water Fund:

### EXPENDITURE ADJUSTMENTS:

|                                                                      |                |                |              |
|----------------------------------------------------------------------|----------------|----------------|--------------|
| Capital Outlay                                                       | 1,428,000.00   | 1,683,000.00   | 255,000.00   |
| Move to Balance Sheet<br>(1000 West Project from 1700 S. to 2075 S.) | (1,428,000.00) | (1,683,000.00) | (255,000.00) |
|                                                                      |                |                | <u>-</u>     |

|                                | <u>Revenue</u> | <u>Expenses</u> |   |
|--------------------------------|----------------|-----------------|---|
| Culinary Water Fund net change | -              | -               | - |
| Beginning fund Shortage        |                |                 |   |

Overall fund overage contributed to fund balance -

**Estimated Ending Cash Balance \$574,194**

## Sewer Fund:

### EXPENDITURE ADJUSTMENTS:

|                                                                 |              |              |             |
|-----------------------------------------------------------------|--------------|--------------|-------------|
| Capital Outlay                                                  | 300,000.00   | 390,000.00   | 90,000.00   |
| Move to Balance Sheet<br>(Allison Way - Sewer Main Replacement) | (300,000.00) | (390,000.00) | (90,000.00) |
|                                                                 |              |              | <u>-</u>    |

|                         | <u>Revenue</u> | <u>Expenses</u> |   |
|-------------------------|----------------|-----------------|---|
| Sewer Fund net change   | -              | -               | - |
| Beginning fund shortage |                |                 |   |

Overall fund deficit to come from fund balance -

**Estimated Ending Cash Balance \$811,762**

## Capital Improvement Fund

### REVENUE ADJUSTMENTS:

Capital Lease Proceeds

-

-

### EXPENDITURE ADJUSTMENTS:

Capital Lease Repayment

145,000.00

120,000.00

(25,000.00)

Capital Equipment

761,000.00

786,000.00

25,000.00

(Transfer to Pay for Ambulance Equipment)

-

Revenue

Expenses

CIP Fund net change

-

-

-

Beginning fund shortage

Overall fund deficit to come from fund balance

-

**Estimated Ending Cash Balance    \$142,705**

**CAPITAL IMPROVEMENT APPROVED BUDGET SUMMARY FOR FISCAL YEAR 2015**

| Project                                                         | Class C Capital<br>204070 | Class C Ramps<br>204044 | Culinary 501670       | Secondary<br>301670 | Storm Drain<br>401670 | Sewer Capital<br>531670 | Road Impact Fee<br>21-40-70 | Culinary Impact<br>Fee 51-40-70 | Secondary<br>Impact Fee 31-<br>40-70 | Storm Drain<br>Impact Fee 41-<br>40-70 | Parks, Trails, &<br>Rec Impact Fee<br>12-40-70 | Budgeted<br>Project Total | Completed<br>Project Total<br>Cost |
|-----------------------------------------------------------------|---------------------------|-------------------------|-----------------------|---------------------|-----------------------|-------------------------|-----------------------------|---------------------------------|--------------------------------------|----------------------------------------|------------------------------------------------|---------------------------|------------------------------------|
| Marilyn Acres Culinary Phase II                                 | \$20,000.00               |                         | \$100,000.00          |                     |                       |                         |                             |                                 |                                      |                                        |                                                | \$120,000.00              | \$115,724.01                       |
| Smedley Acres Phase I                                           | \$80,000.00               |                         | \$111,000.00          |                     | \$5,000.00            |                         |                             |                                 |                                      |                                        |                                                | \$196,000.00              | \$162,557.42                       |
| 3000 West Environmental/30% Design                              |                           |                         |                       |                     |                       |                         | \$37,000.00                 |                                 |                                      |                                        |                                                | \$37,000.00               | \$51,579.15                        |
| Widen east half of 3000 W. from 2495 S. to 2700 S.              |                           |                         |                       |                     |                       |                         |                             |                                 |                                      | \$128,000.00                           |                                                | \$128,000.00              | In Process                         |
| 700 South 2500 West                                             |                           |                         |                       |                     |                       |                         | \$5,000.00                  |                                 |                                      |                                        |                                                | \$5,000.00                | \$5,000.00                         |
| 2700 South Storm Drain Outfall                                  |                           |                         |                       |                     |                       |                         |                             |                                 |                                      | \$100,000.00                           |                                                | \$100,000.00              | In Process                         |
| 2000 West / Roundabout / Trailside Road Widening                | \$114,000.00              |                         |                       | \$85,000.00         | \$15,000.00           |                         | \$95,000.00                 |                                 |                                      |                                        |                                                | \$309,000.00              | \$342,910.89                       |
| 700 South Impr. - Ivory Development                             | \$137,000.00              |                         | \$40,000.00           | \$31,000.00         |                       |                         | \$300,000.00                | \$400,000.00                    |                                      |                                        |                                                | \$908,000.00              | In Process                         |
| Gentile St. - Culinary Water Line Project                       |                           |                         | \$150,000.00          |                     |                       |                         |                             |                                 |                                      |                                        |                                                | \$150,000.00              | \$131,700.90                       |
| 2000 West Storm Drain Impact - 3600 South to Gentile            |                           |                         |                       |                     |                       |                         |                             |                                 |                                      | \$120,000.00                           |                                                | \$120,000.00              | In Process                         |
| Smedley Acres Phase II                                          | \$147,000.00              |                         | \$135,000.00          | \$73,000.00         | \$4,500.00            |                         |                             |                                 |                                      |                                        |                                                | \$359,500.00              | Not Started                        |
| 3000 West Culinary & Secondary Lines north of 700 S.            |                           |                         | \$251,000.00          | \$360,000.00        |                       |                         |                             |                                 |                                      |                                        |                                                | \$611,000.00              | Not Started                        |
| 3000 West - 1200 South to 700 South (WFRC Funding)              |                           |                         | \$400,000.00          | \$0.00              |                       |                         | \$3,699,000.00              |                                 | \$200,000.00                         |                                        |                                                | \$4,299,000.00            | Not Started                        |
| Lakeview Farms -1000 S. between 3000 W. to 3500 W.              |                           |                         |                       |                     |                       |                         |                             |                                 |                                      | \$400,000.00                           |                                                | \$400,000.00              | Not Started                        |
| <del>1475 West Improvement Project (2400 S. to 2700 S.)</del>   | \$0.00                    |                         |                       |                     |                       |                         |                             |                                 |                                      |                                        |                                                | \$0.00                    | Move to FY2016                     |
| 1000 West (SR-193 to RR Crossing)                               | \$50,000.00               |                         |                       |                     |                       |                         |                             |                                 |                                      |                                        |                                                | \$50,000.00               | Complete                           |
| Surface Treatments throughout city                              | \$1,107,000.00            |                         |                       |                     |                       |                         |                             |                                 |                                      |                                        |                                                | \$1,107,000.00            | Not Started                        |
| ADA Sidewalk Ramp Installation                                  |                           | \$20,000.00             |                       |                     |                       |                         |                             |                                 |                                      |                                        |                                                | \$20,000.00               | In Process                         |
| Abandon 4" main, Rollover services - 1000 West                  |                           |                         | \$60,000.00           |                     |                       |                         |                             |                                 |                                      |                                        |                                                | \$60,000.00               | Not Started                        |
| Allison Way - Sewer Main Replacement w/ road repair             | \$70,000.00               |                         |                       |                     |                       | \$90,000.00             |                             |                                 |                                      |                                        |                                                | \$160,000.00              | Not Started                        |
| 1000 West - 1700 South to 2075 South                            | \$173,000.00              |                         | \$255,000.00          | \$50,000.00         |                       |                         |                             |                                 | \$194,000.00                         |                                        |                                                | \$672,000.00              | Not Started                        |
| <del>Sliplining Uncover manholes / sewer main replacement</del> |                           |                         |                       |                     |                       | \$300,000.00            |                             |                                 |                                      |                                        |                                                | \$300,000.00              | Not Started                        |
| Tuscany Meadows - Playground & Picnic Shelters                  |                           |                         |                       |                     |                       |                         |                             |                                 |                                      |                                        | \$35,000.00                                    | \$35,000.00               | Not Started                        |
| SR-193 Trail Installation                                       |                           |                         |                       |                     |                       |                         |                             |                                 |                                      |                                        | \$15,250.00                                    | \$15,250.00               | Not Started                        |
| Centennial Park Restroom w/ pump for splash pad                 |                           |                         |                       |                     |                       |                         |                             |                                 |                                      |                                        | \$170,000.00                                   | \$170,000.00              | Not Started                        |
| <b>FY2015</b>                                                   | <b>\$1,898,000.00</b>     | <b>\$20,000.00</b>      | <b>\$1,502,000.00</b> | <b>\$599,000.00</b> | <b>\$24,500.00</b>    | <b>\$390,000.00</b>     | <b>\$4,136,000.00</b>       | <b>\$400,000.00</b>             | <b>\$394,000.00</b>                  | <b>\$748,000.00</b>                    | <b>\$220,250.00</b>                            | <b>\$10,331,750.00</b>    |                                    |

|                               |                       |                    |                       |                     |                     |                       |                       |                     |                     |                       |                       |
|-------------------------------|-----------------------|--------------------|-----------------------|---------------------|---------------------|-----------------------|-----------------------|---------------------|---------------------|-----------------------|-----------------------|
| Beginning Cash Balance        | \$1,762,134.00        | \$ 20,000.00       | \$1,521,339.00        | \$ 510,169.79       | \$ 265,274.00       | \$ 968,453.00         | \$ 916,268.00         | \$ 561,852.00       | \$ 665,785.00       | \$1,167,702.00        | \$ 2,898,596.00       |
| Non Cash Depreciation Expense | \$ -                  | \$ -               | \$419,855.00          | \$ 314,000.00       | \$ 38,000.00        | \$ 233,309.00         | \$ -                  | \$ -                | \$ -                | \$ -                  | \$ -                  |
| Reimbursements                | \$147,000.00          | \$ -               | \$135,000.00          | \$ -                | \$ 4,500.00         | \$ -                  | \$ 3,300,150.00       | \$ -                | \$ -                | \$ -                  | \$ -                  |
| <b>Cash Available</b>         | <b>\$1,909,134.00</b> | <b>\$20,000.00</b> | <b>\$2,076,194.00</b> | <b>\$824,169.79</b> | <b>\$307,774.00</b> | <b>\$1,201,762.00</b> | <b>\$4,216,418.00</b> | <b>\$561,852.00</b> | <b>\$665,785.00</b> | <b>\$1,167,702.00</b> | <b>\$2,898,596.00</b> |
| Capital Projects              | \$1,898,000.00        | \$20,000.00        | \$1,502,000.00        | \$599,000.00        | \$24,500.00         | \$390,000.00          | \$4,136,000.00        | \$400,000.00        | \$394,000.00        | \$748,000.00          | \$220,250.00          |
| <b>Cash Balance Ending</b>    | <b>\$11,134.00</b>    | <b>\$0.00</b>      | <b>\$574,194.00</b>   | <b>\$225,169.79</b> | <b>\$283,274.00</b> | <b>\$811,762.00</b>   | <b>\$80,418.00</b>    | <b>\$161,852.00</b> | <b>\$271,785.00</b> | <b>\$419,702.00</b>   | <b>\$2,678,346.00</b> |

**Description of Color Scheme**  
 Completed Project = Actual Cost  
 Budgeted Projected already approved by Council  
 Revised Budget Proposal



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# Fund Balance Presentation

November 19, 2014

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## FACTS

- Per Utah Code section 10-6-116 sections 2 & 4, the general fund balance is required to be between 5 – 25% of the final revenues for that fiscal year.
  - General Fund balance at June 30, 2014 = \$2,372,821. The FY2014 final revenues = \$9,632,160. Fund balance = 24.63%.
-



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## FACTS

- FY2014 General Fund balance increased \$544,588 over FY2013 balance.
  - Adopted Fund Balance Policy requires a minimum of 16.7% of the general fund annual budgeted revenue.
-



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# HISTORICAL FACTS

- **Fund balance over last 6 years:**
    - FY2009 = \$285,445 or approximately 5%
    - FY2010 = \$625,253 or approximately 10%
    - FY2011 = \$1,017,689 or 14.49%
    - FY2012 = \$1,454,387 or 17.26%
    - FY2013 = \$1,828,234 or 19.30%
    - FY 2014 = \$2,372,821 or 24.63%
-



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# Fund Balance Policy

- Min. fund balance acts as a rainy day fund.
  - Amount in excess of 16.7% shall be used for capital improvements (i.e. streets, parks, etc), capital purchases (i.e. vehicles, equipment, etc), debt reduction, or other one-time expenditures.
  - City Manager to recommend use of excess.
-



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# General Fund Balance

## General Fund Balance Calculation

|                                 |                 |        |
|---------------------------------|-----------------|--------|
| FY2014 Final Revenues           | \$ 9,632,160.00 |        |
| Fund Balance @ 6/30/2014        | \$ 2,372,821.00 | 24.63% |
| Target Fund Balance @ 16.7%     | \$ 1,608,571.00 | 16.7%  |
| Excess to be used in operations | \$ 764,250.00   |        |



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# FY2015 Budget

- Started with a balance budget.
  - No use of fund balance.
  - Sales tax revenues projected at a 3.9% increase. Seen increase of 6.1% through first two months.
  - Conservative estimates on revenues & liberal on expenses.
-



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# ADMINISTRATION PHILOSOPHY

- Philosophy of budgeting conservatively on revenues and liberal on expenses has resulted in an increased fund balance over last 5 years.
  - Invest in departments/systems; spend money to make money.
  - Credit to Departments for spending conservatively and finding ways to cut costs (i.e. operating more efficiently).
-



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# Menu Options

## Options for Funding:

|                                                                                                               |                  |
|---------------------------------------------------------------------------------------------------------------|------------------|
| 3- Yr Projected Needs for Vehicles                                                                            | \$ (330k – 600k) |
| - Pub Works, Fire, Police, P&R                                                                                |                  |
| Regional Park                                                                                                 | \$ (26,000.00)   |
| New Ambulance to replace 2002 model                                                                           | \$ (130,000.00)  |
| Transfer to Class C Roads Fund**                                                                              | \$ (764,250)     |
| **Use monies for crack seal repair, surface treatments, and roads reconstruction projects. 1000 West project. |                  |