SYRACUSE CITY

Syracuse City Council
Work Session Notice **AMENDED**
August 25, 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, August 25, 2015, 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:

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a. Prayer or thought.

b. Public Comments.

c. Presentation from Davis School District re: upcoming bond election. (15 min.)

d. Davis County Proposal Regarding Animal Care and Control Services. (10 min.)

e. Report on results of Park Survey for Parks Master Plan. (15 min.)

f. Policy and Procedures Manual amendments. (15 min.)

g. Discuss RDA tax rebate payment to Syracuse Family Fun Center aka The Rush Funplex. (15 min.)

h. Discuss process for filling City Council vacancy. (10 min.)

i. Review items forwarded by the Planning Commission
   i. Proposed Resolution R15-24 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 3600 W. 1700 S. from Professional Office to Business Park.
   ii. Proposed Ordinance 2015-16 amending the existing zoning map of Title Ten by changing from Professional Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S.

j. 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 21st day of August, 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 August 21, 2015.

CASSIE Z. BROWN, CMC
SYRACUSE CITY RECORDER
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COUNCIL AGENDA

August 25, 2015

Agenda Item **"c"** Title of Agenda Item

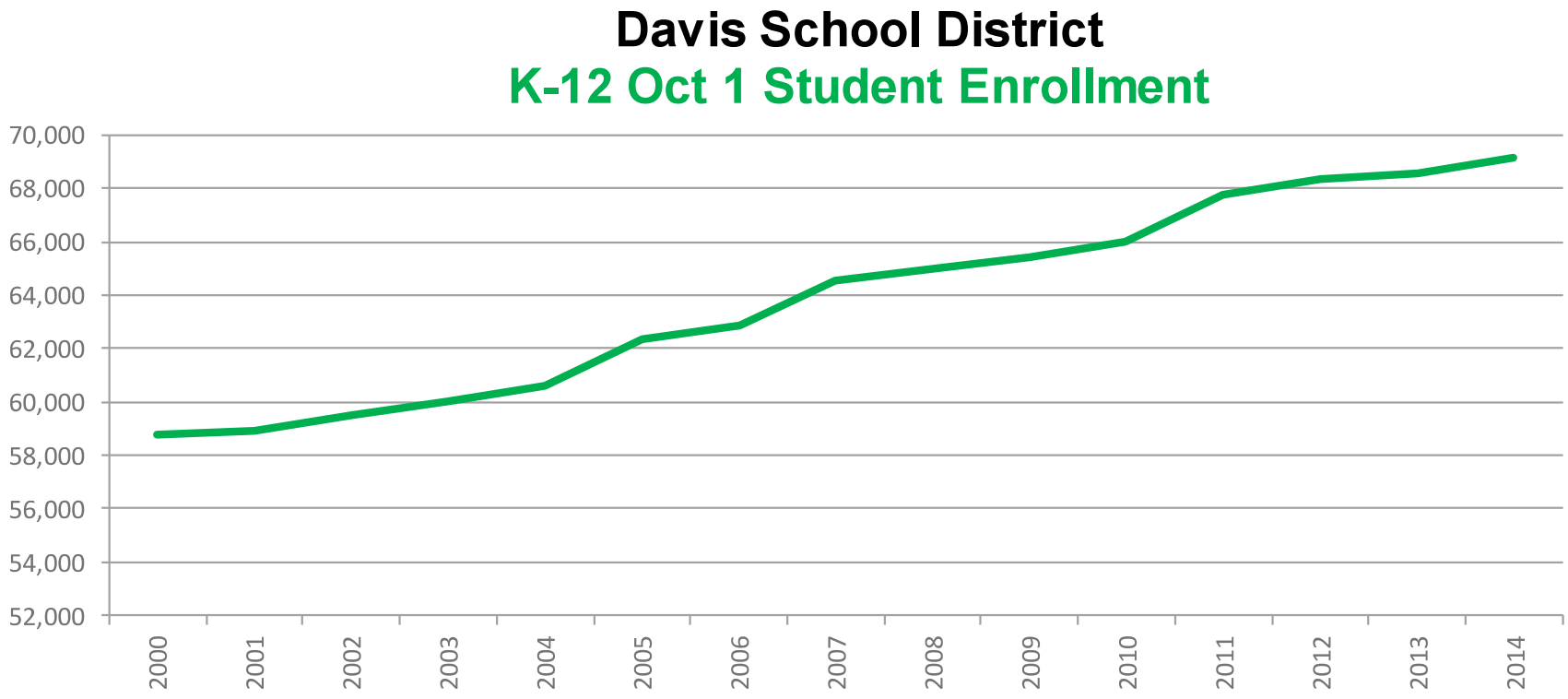
Factual Summation

- Representatives of Davis School District requested time on the City Council agenda to address the Council and provide information regarding the upcoming school bond election that will be held in conjunction with the City's General Election on November 3, 2015.
- A copy of the presentation the District plans to make during the meeting has been included as an attachment to this memo.

ROOM TO LEARN

THE DAVIS SCHOOL DISTRICT 2015 BUILDING IMPROVEMENT & CONSTRUCTION PLAN

THE DISTRICT HAS BEEN GROWING FOR A LONG TIME



HOW HAVE WE MET THAT GROWTH?

The district first uses portables (350), year-round schedules, and makes boundary adjustments to handle growth.

It currently has five year-round elementary schools in areas of high growth.

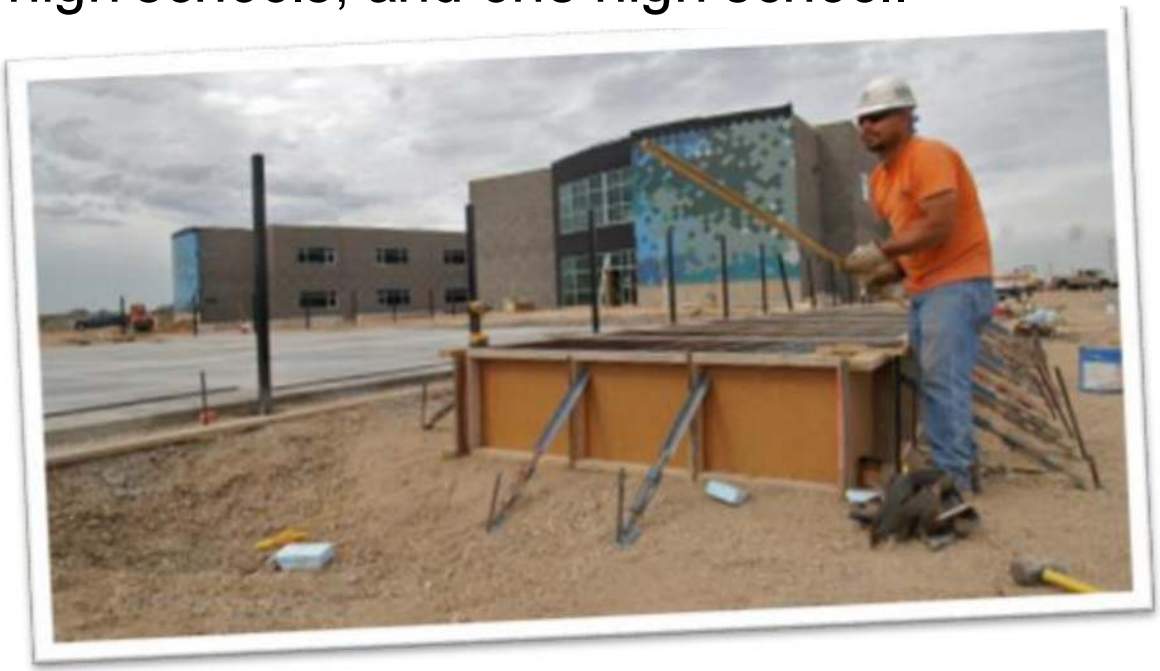
- Bluff Ridge in Syracuse — 1,035 students
- Eagle Bay in west Farmington — 917 students
- Endeavour in west Kaysville — 1,142 students
- Heritage in west Layton — 1,074 students
- Sand Springs in west Layton — 1,041 students

(Enrollment numbers as of April 1, 2015)

HOW HAVE WE MET THAT GROWTH?

Since 1995, the district has also built 15 elementary schools, three junior high schools, and one high school.

Bluff Ridge • Buffalo Point
Creekside • Eagle Bay
Ellison Park • Endeavour
Foxboro • Heritage • Lakeside
Mountain View • Odyssey
Parkside • Sand Springs
S. Weber K-2 • Windridge
Centennial JH • Legacy JH
West Point JH • Syracuse HS



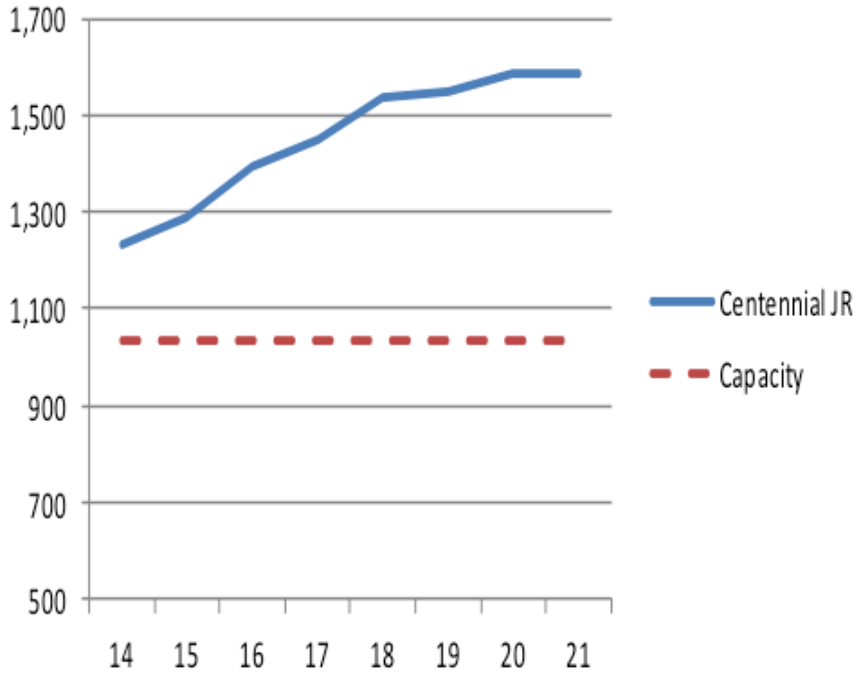
HOW HAVE WE MET THAT GROWTH?

We have also rebuilt four existing schools and added to their capacities.

Wasatch Elementary • North Davis Junior High • Davis High • Vista (Special Education) Center

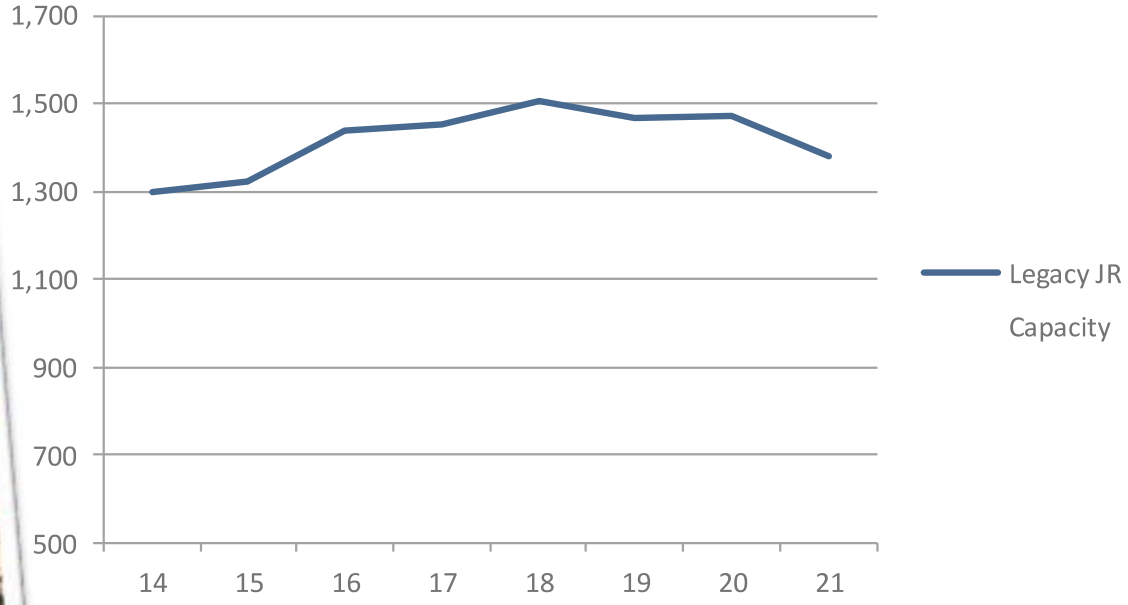
OUR CURRENT CHALLENGE AT THE JUNIOR HIGH LEVEL

CENTENNIAL JUNIOR HIGH SCHOOL



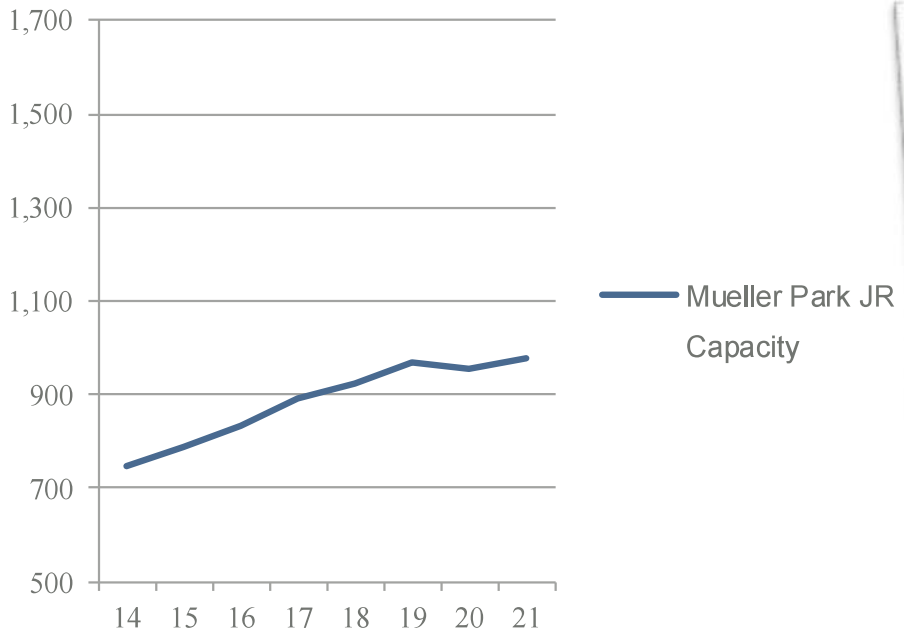
OUR CURRENT CHALLENGE AT THE JUNIOR HIGH LEVEL

LEGACY JUNIOR HIGH SCHOOL



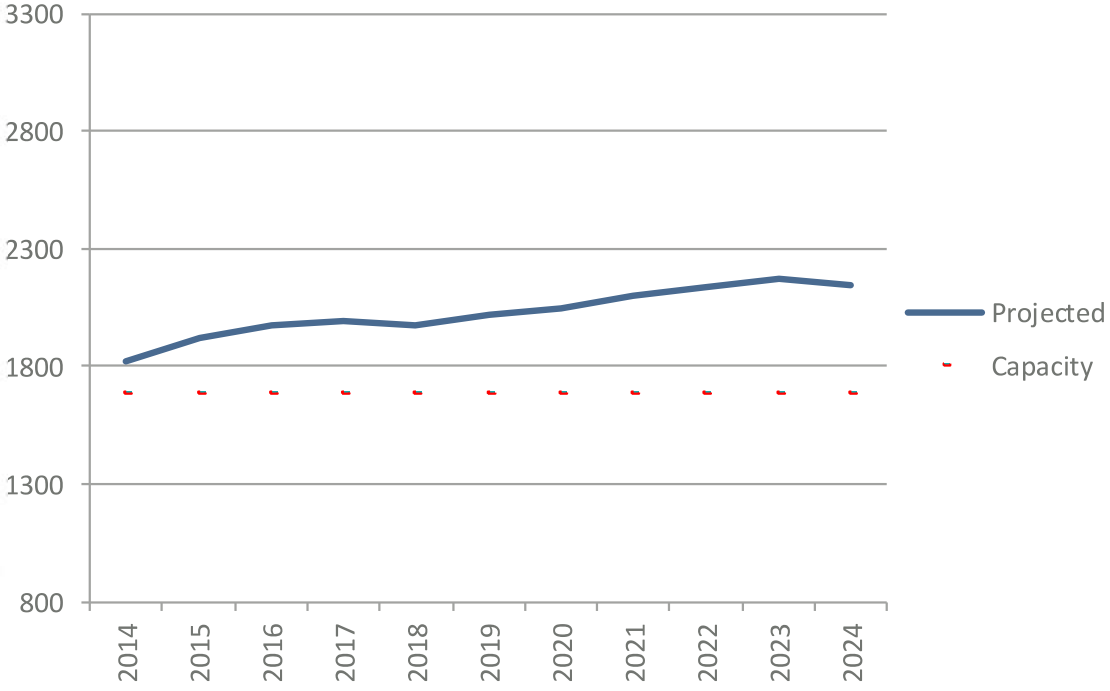
OUR CURRENT CHALLENGE AT THE JUNIOR HIGH LEVEL

MUELLER PARK JUNIOR HIGH SCHOOL



OUR CURRENT CHALLENGE AT THE HIGH SCHOOL LEVEL

LAYTON HIGH SCHOOL

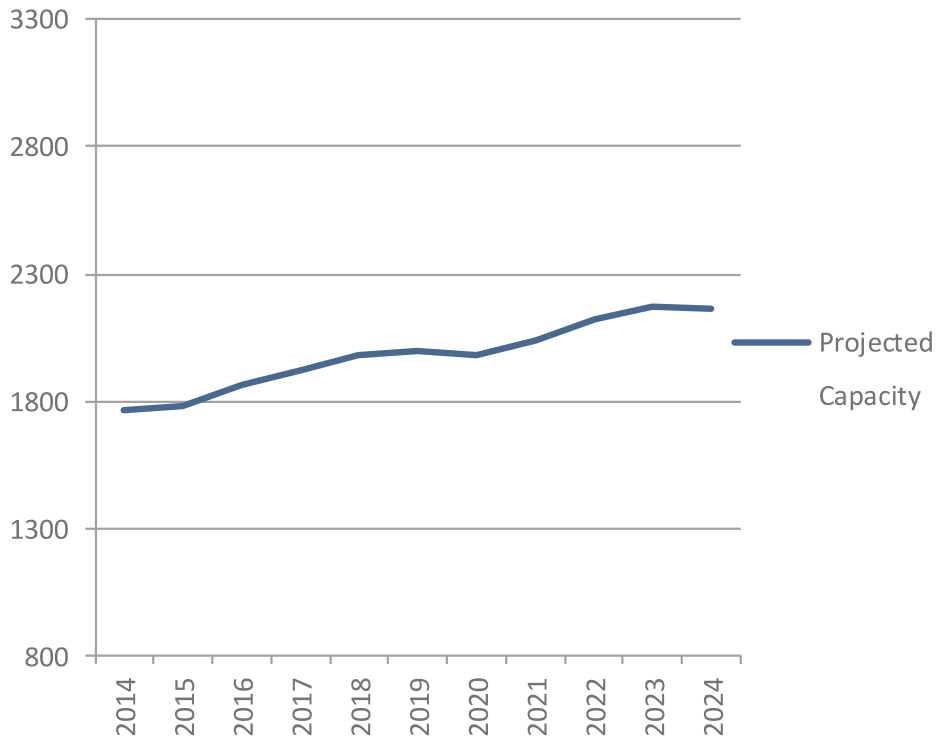


Based on current projections, 14 portables will be on-site by 2018.

OUR CURRENT CHALLENGE AT THE HIGH SCHOOL LEVEL

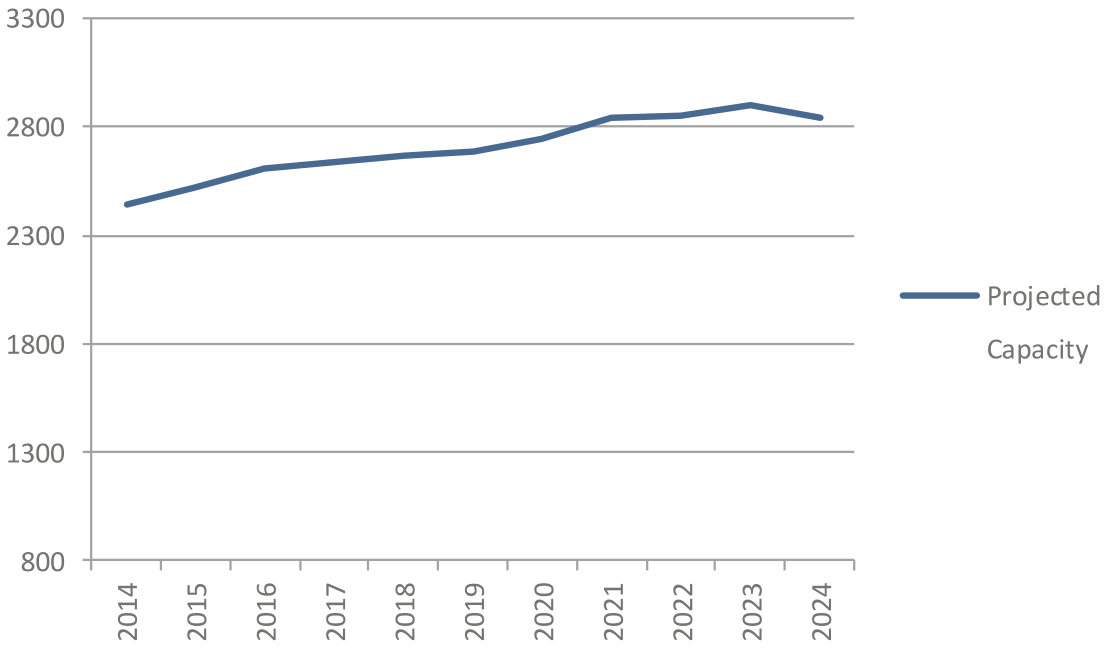
VIEWMONT HIGH SCHOOL

Based on current projections, 19 portables will be on-site by 2018.



OUR CURRENT CHALLENGE AT THE HIGH SCHOOL LEVEL

DAVIS HIGH SCHOOL



Based on current projections, eight portables will be on-site by 2018.

THE SCHOOL BOARD PROPOSES A BUILDING BOND

- New Construction, Renovations, Additions and Property Purchases:

  $ 246 M

- Maintain and Enhance Existing Infrastructure — more than 10 million square feet.
  (roofs, boilers, power upgrades, water line replacements, parking lots, fire alarm upgrades, etc.)

  $ 52 M

Total: $ 298 M

FUNDS WILL ONLY BE USED FOR BUILDING

The funds can't be used for salaries or supplies.

HANDLING THE GROWTH

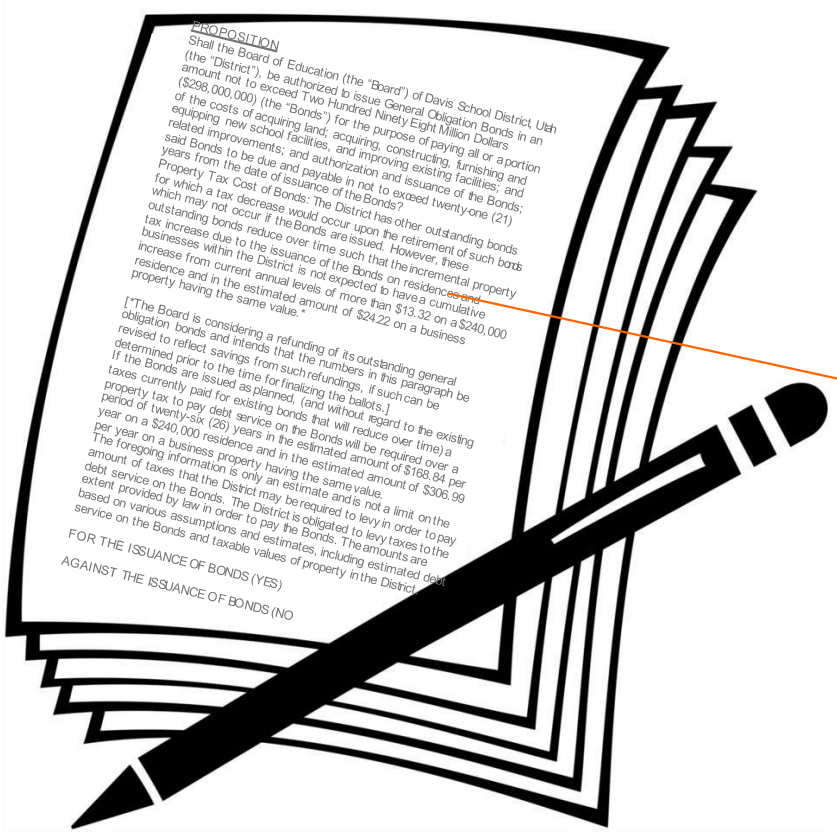
- High school in Farmington.
- Junior high school in west Layton.
- Elementary school in the northwest portion of district.
- Depending on student growth, a second new elementary school or a rebuild of an older elementary in the north end.

IMPROVING SCHOOLS

- Viewmont High remodel
- Woods Cross High phase II
- Mountain High addition
- Sunset Junior High remodel
- Mueller Park Junior addition
- West Bountiful El. rebuild

Plus, increase security, replace waterlines, upgrade HVAC and energy systems, and address a host of other needs at many schools.

THE BALLOT LANGUAGE IS CONFUSING



PROPOSITION

Shall the Board of Education (the "Board") of Davis School District, Utah (the "District"), be authorized to issue General Obligation Bonds in an amount not to exceed Two Hundred Ninety Eight Million Dollars ($298,000,000) (the "Bonds") for the purpose of paying all or a portion of the costs of acquiring land; acquiring, constructing, furnishing and equipping new school facilities, and improving existing facilities; and related improvements; and authorization and issuance of the Bonds; said Bonds to be due and payable in not to exceed twenty-one (21) years from the date of issuance of the Bonds?

Property Tax Cost of Bonds: The District has other outstanding bonds for which a tax decrease would occur upon the retirement of such bonds which may not occur if the Bonds are issued. However, these outstanding bonds reduce over time such that the incremental property tax increase due to the issuance of the Bonds on residences and businesses within the District is not expected to have a cumulative increase from current annual levels of more than $13.32 on a $240,000 residence and in the estimated amount of $24.22 on a business property having the same value.*

[*The Board is considering a refunding of its outstanding general obligation bonds and intends that the numbers in this paragraph be revised to reflect savings from such refundings, if such can be determined prior to the time for finalizing the ballots.]

If the Bonds are issued as planned, (and without regard to the existing taxes currently paid for existing bonds that will reduce over time) a property tax to pay debt service on the Bonds will be required over a period of twenty-six (26) years in the estimated amount of $168.84 per year on a $240,000 residence and in the estimated amount of $306.99 per year on a business property having the same value.

The foregoing information is only an estimate and is not a limit on the amount of taxes that the District may be required to levy in order to pay debt service on the Bonds. The District is obligated to levy taxes to the extent provided by law in order to pay the Bonds. The amounts are based on various assumptions and estimates, including estimated debt service on the Bonds and taxable values of property in the District.

FOR THE ISSUANCE OF BONDS (YES)

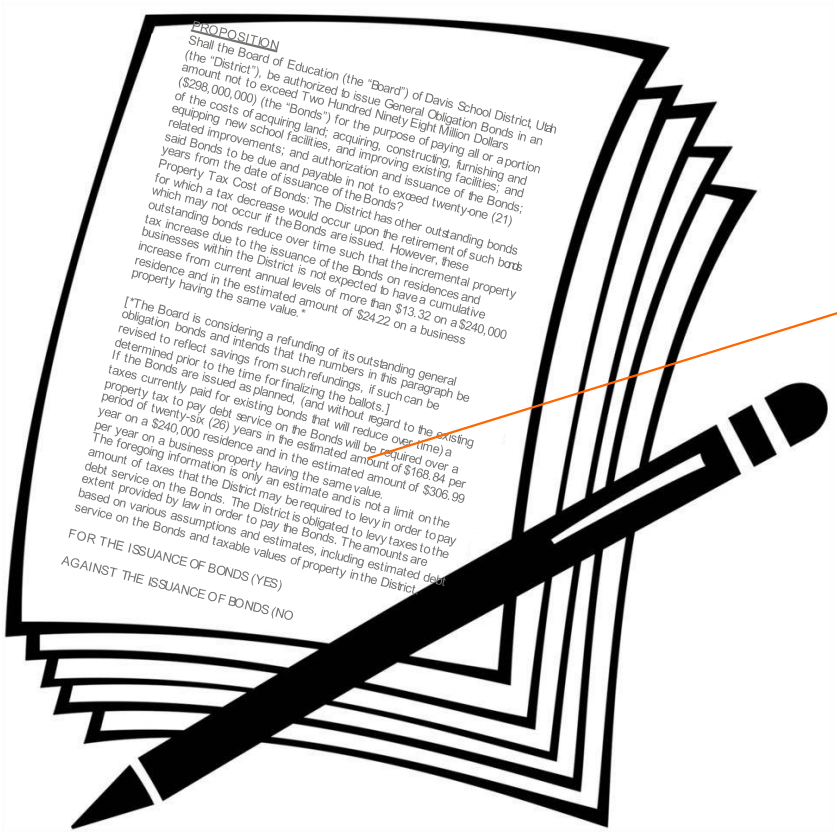
AGAINST THE ISSUANCE OF BONDS (NO

Most of the language that appears on the ballot is required by law and could be misconstrued. It is important to understand the ballot.

… is not expected to have a cumulative increase … of more than **$13.32 on a $240,000 residence.**

(That means a $2 to $3 increase per year.)

THE BALLOT LANGUAGE IS CONFUSING



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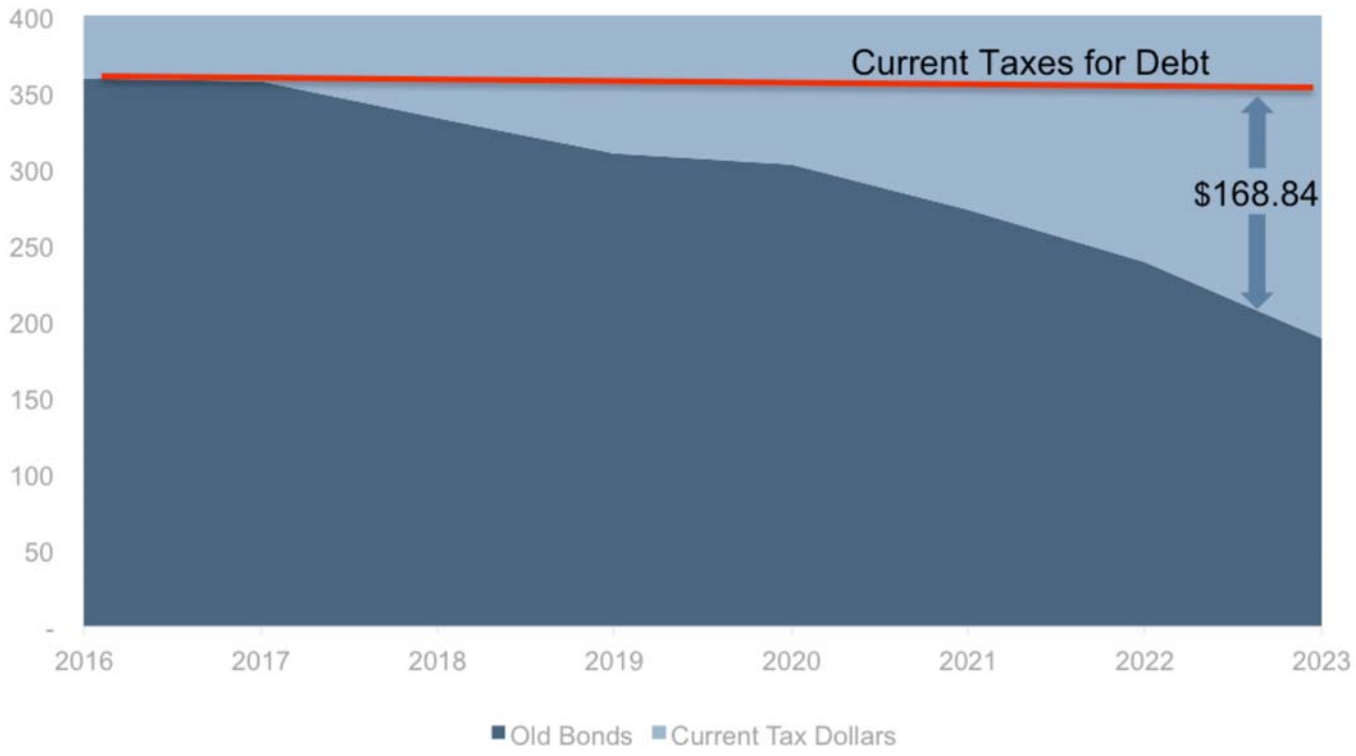
FOR THE ISSUANCE OF BONDS (YES)

AGAINST THE ISSUANCE OF BONDS (NO

If the Bonds are issued as planned, (and without regard to the existing taxes currently paid for existing bonds that will reduce over time) a property tax to pay debt service on the Bonds will be required over a period of 26 years in the estimated amount of $168.84 per year on a $240,000 residence.

TAX IMPACT OF THE BOND

Without this $298 million bond, property taxes could decrease gradually over seven years by about$168.84.



WHAT WE'VE DONE SINCE 2009

ROOM TO LEARN

CAST YOUR VOTE NOV. 3.

COUNCIL AGENDA
August 25, 2015

Agenda Item **"d"** Davis County Proposal Regarding Animal Care and Control Services

Factual Summation

- Any questions regarding this agenda item may be directed to Brody Bovero, City Manager.
- Please see attached supporting documentation provided by Brody Bovero.

- As of 2015 cities in Davis County pay for 37% of all animal control service fees and Davis County pays for the other 63%. The cumulative amount of money budgeted for all Davis County cities was $654,575, and the portion budgeted for the County was a total of $1,105,743. Of the $654,775 budgeted for the cities in Davis County for 2015 $46,998 belonged to Syracuse City.

- 7.23% of calls for service in 2014 belonged to Syracuse City.

- The County proposes that the County and its cities near the end of the 2015 calendar year to amend the current contracts for animal care and control services, in such a way that the County and cities will equally share the costs at a 50/50 ratio.

- The County also proposes that the County and its cities between now and the end of the 2016 calendar year to engage in further dialogue regarding this matter, with the goal of reaching a long term resolution for the 2017 calendar year and beyond.

- It is projected that the County would like to transfer more of the cost of paying for animal control fees to its cities with each calendar year (see supporting documentation on the back for all yearly projections). Eventually reaching the point in calendar year 2020 where there would be a city/county ratio of 90/10.

- Once cities are paying for 90% of yearly animal control fees, the total expenditure of all cities in Davis County in 2020 would be $1,887,270. If Syracuse City's % average (7.18 %) remains consistent the 2020 amount it would pay of the required animal service fees would be $135,506. However, Syracuse is an expanding city, and its portion of annual animal control service needs will most likely increase as well.

- The city managers in Davis County met in July to discuss this matter and concluded that we would recommend to our councils that if we are willing to consider a shift in cost sharing, the following would need to occur:

    - We would honor the existing contract, which runs through 2017
    - We agree to look at the shelter fees to ensure they are charging enough for users of the service.
    - We have a serious discussion about levels of service, specifically:
        - What constitutes a call for service
        - What services can be provided by cities or are duplicative
        - Whether animal control staffing levels are appropriate
    - What portion of costs should be borne county-wide (county property tax) vs paid by cities. In essence, is animal control primarily a county operation, or should decisions be made by the cities (cost = ownership of the service).

- The purpose of the discussion is to alert the Council of the County's proposal and discuss the potential impacts on Syracuse City.

Davis County Commission

Commissioner P. Bret Millburn Commissioner John Petroff, Jr. Commissioner Jim Smith

June 22, 2015

Via United States Mail and Email

Brody Bovero
Syracuse City, City Manager
1979 West 1900 South
Syracuse, UT 84075
bbovero@syracuseut.com

Re: Animal Care and Control Services

Dear Brody:

Thank you for attending the second meeting recently held by Davis County (the "County") to discuss the current cost structure regarding the animal care and control services provided by the County's exceptional Animal Care and Control Department, and the proposed modification to the current cost structure. I, as well as the other County representatives who attended the meeting, greatly appreciated the discussion and dialogue at the meeting.

After significant thought, I write to inform you that the County will not take the formal action of providing the cities with a written notice of termination of the contracts that the County currently has with the cities for animal care and control services. Rather, the County will rely on the cities to continue to act in good faith, and, thus, the County proposes for the County and the cities, near the end of this calendar year, to amend the current contracts for animal care and control services such that the County and the cities will *equally* share the costs associated with the 2016 calendar year, after all other revenues (e.g. animal license fees, animal shelter fees, animal surgical fees, and donations/contributions) have been applied to offset, in part, the total costs associated with the animal care and control services. The County also proposes for the County and the cities, between now and the end of the 2016 calendar year, to engage in further dialogue regarding this matter with the goal of reaching a long term resolution that will be acceptable to the County, as well as the cities, for the 2017 calendar year and beyond.

Thank you for your attention to these matters. I look forward to working with you on this in the future.

Sincerely,

John Petroff, Jr.
Davis County Commissioner

cc: P. Bret Millburn, Davis County Commissioner
Jim Smith, Davis County Commissioner
Curtis Koch, Davis County Clerk/Auditor
Clint Thacker, Davis County Animal Care and Control Director

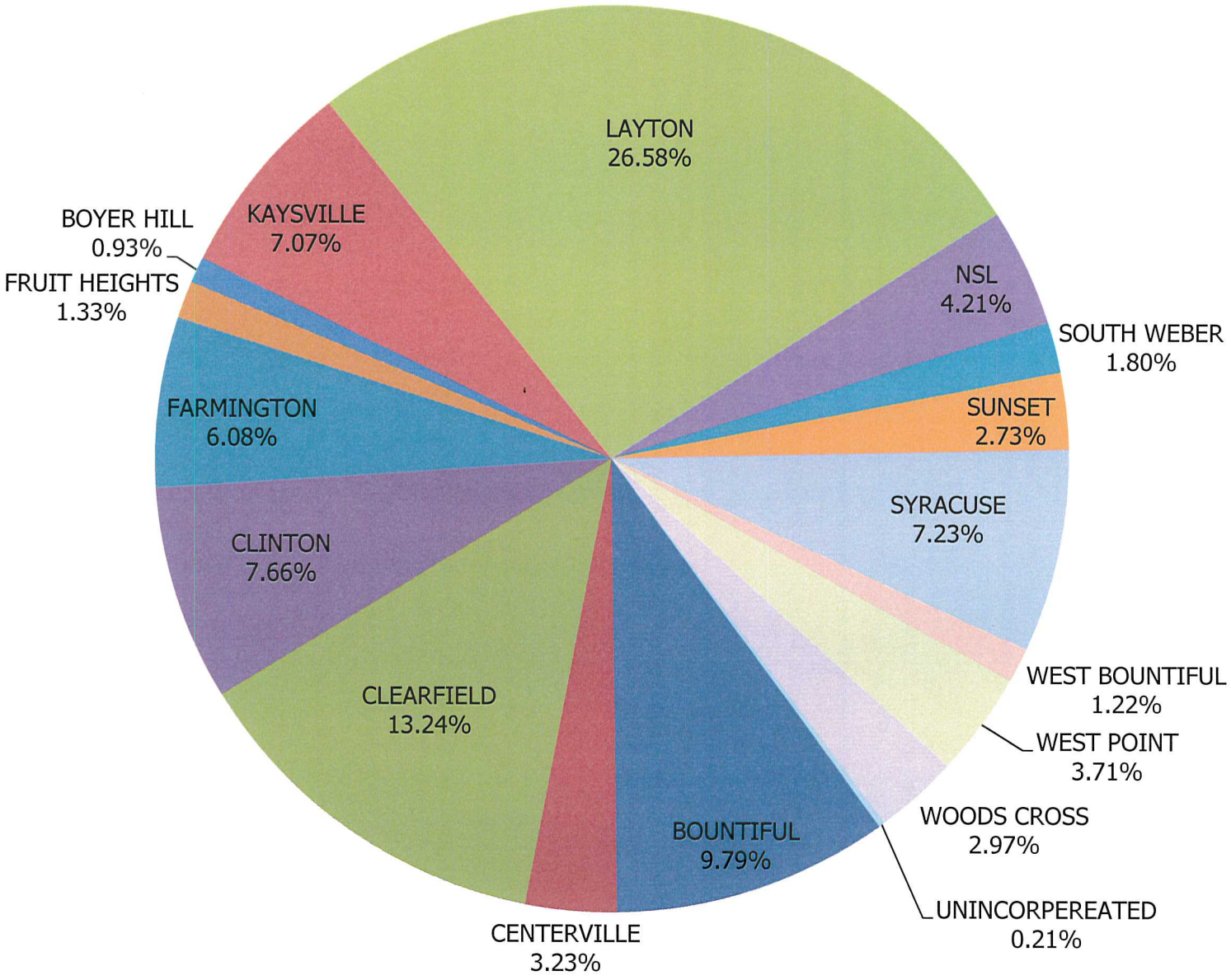
Animal Control Fees

	2015 Budgeted	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected	2021 Projected
	37/63	50/50	60/40	70/30	80/20	90/10	90/10
Shelter Fees	481,500	495,945	510,823	526,148	541,932	558,190	574,936
City Fees	654,575	931,564	1,151,413	1,383,614	1,628,712	1,887,270	1,943,888
County Portion	1,105,743	931,564	767,609	592,978	407,178	209,697	215,988
Expenditures	(2,241,818)	(2,359,073)	(2,429,845)	(2,502,740)	(2,577,822)	(2,655,157)	(2,734,812)

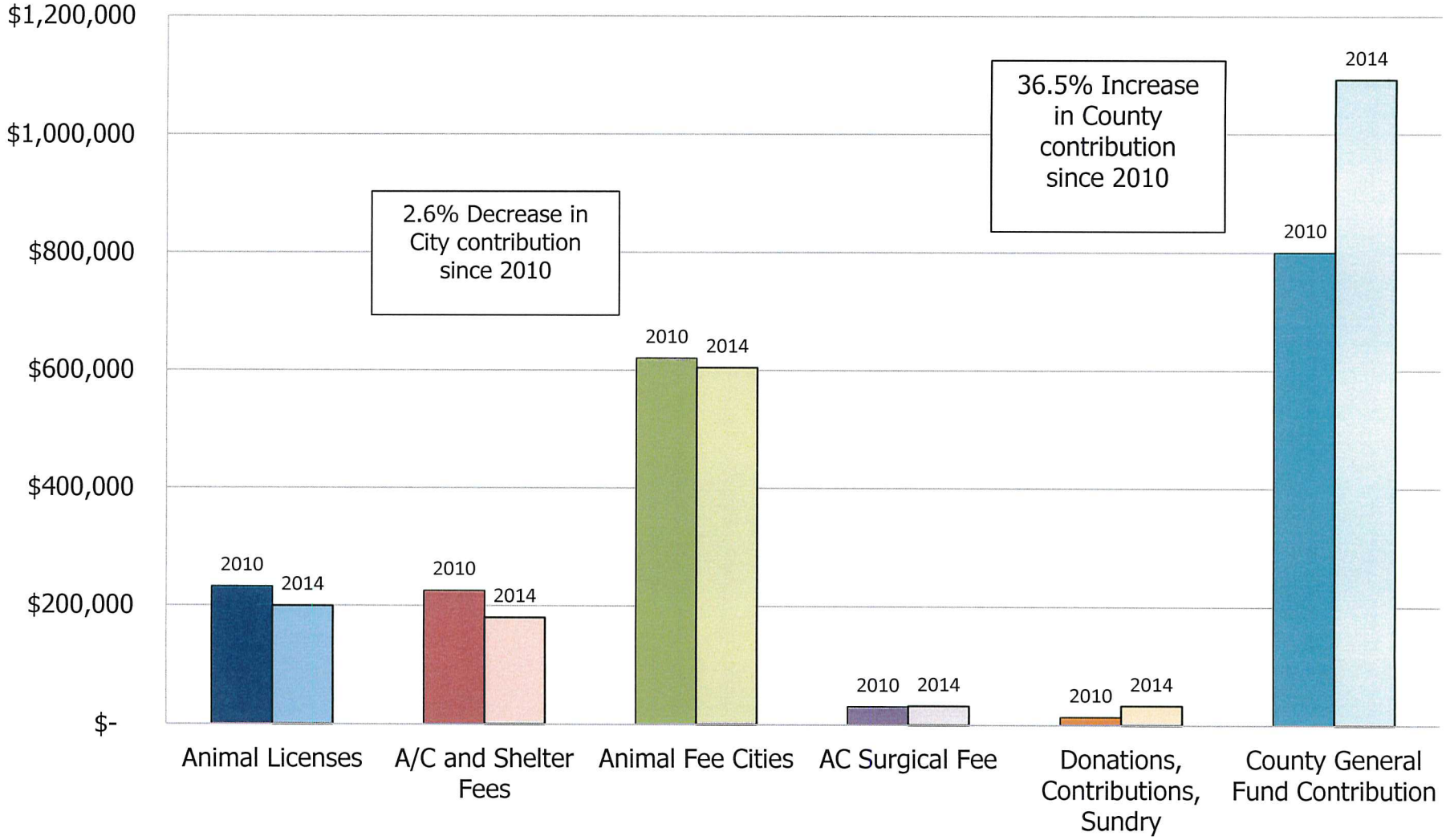
Annual Fee by Service Area

Service Area	2014 Calls for Service	3yr % avg of 2y %avg	2015	2016	2017	2018	2019	2020	2021
			654,575	931,564	1,151,413	1,383,614	1,628,712	1,887,270	1,943,888
BOUNTIFUL	1,309	10.24%	67,028	95,392	117,905	141,682	166,780	193,256	199,054
CENTERVILLE	386	3.44%	22,517	32,046	39,609	47,596	56,028	64,922	66,870
CLEARFIELD	1,599	12.30%	80,513	114,582	141,624	170,185	200,332	232,134	239,098
CLINTON	1,016	7.39%	48,373	68,843	85,089	102,249	120,362	139,469	143,653
FARMINGTON	623	6.66%	43,595	62,042	76,684	92,149	108,472	125,692	129,463
FRUIT HEIGHTS	160	1.42%	9,295	13,228	16,350	19,647	23,128	26,799	27,603
BOYER HILL	98	1.08%	7,069	10,061	12,435	14,943	17,590	20,383	20,994
KAYSVILLE	823	7.49%	49,028	69,774	86,241	103,633	121,991	141,357	145,597
LAYTON	3,315	25.98%	170,059	242,020	299,137	359,463	423,139	490,313	505,022
NSL	510	4.00%	26,183	37,263	46,057	55,345	65,148	75,491	77,756
SOUTH WEBER	210	1.85%	12,110	17,234	21,301	25,597	30,131	34,915	35,962
SUNSET	342	2.86%	18,721	26,643	32,930	39,571	46,581	53,976	55,595
SYRACUSE	940	7.18%	46,998	66,886	82,671	99,344	116,942	135,506	139,571
WEST BOUNTIFUL	127	1.60%	10,473	14,905	18,423	22,138	26,059	30,196	31,102
WEST POINT	459	3.84%	25,136	35,772	44,214	53,131	62,543	72,471	74,645
WOODS CROSS	396	2.67%	17,477	24,873	30,743	36,943	43,487	50,390	51,902
TOTALS	12,313	100%							

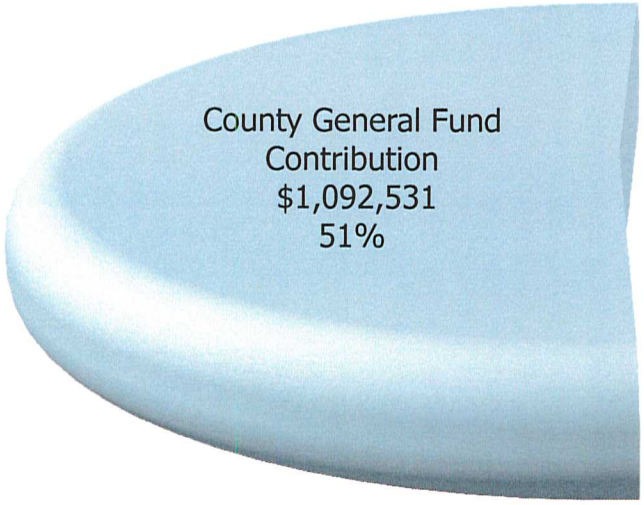
2014 Calls for Service

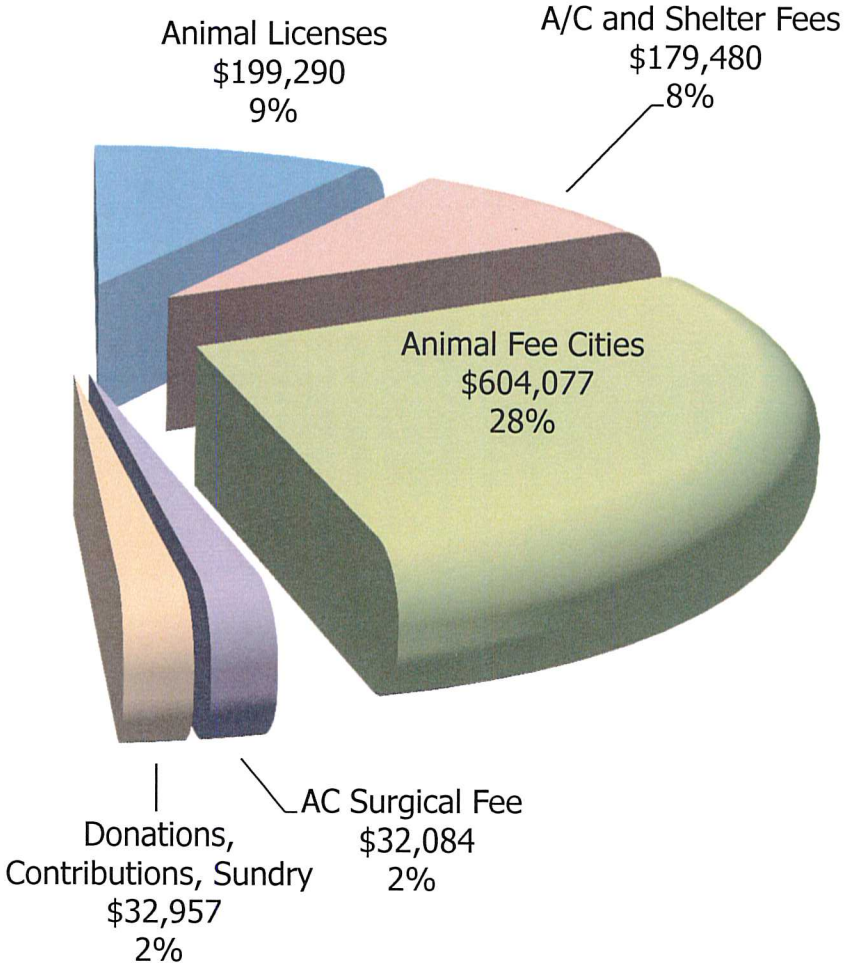


Revenue Trends 2010-2014

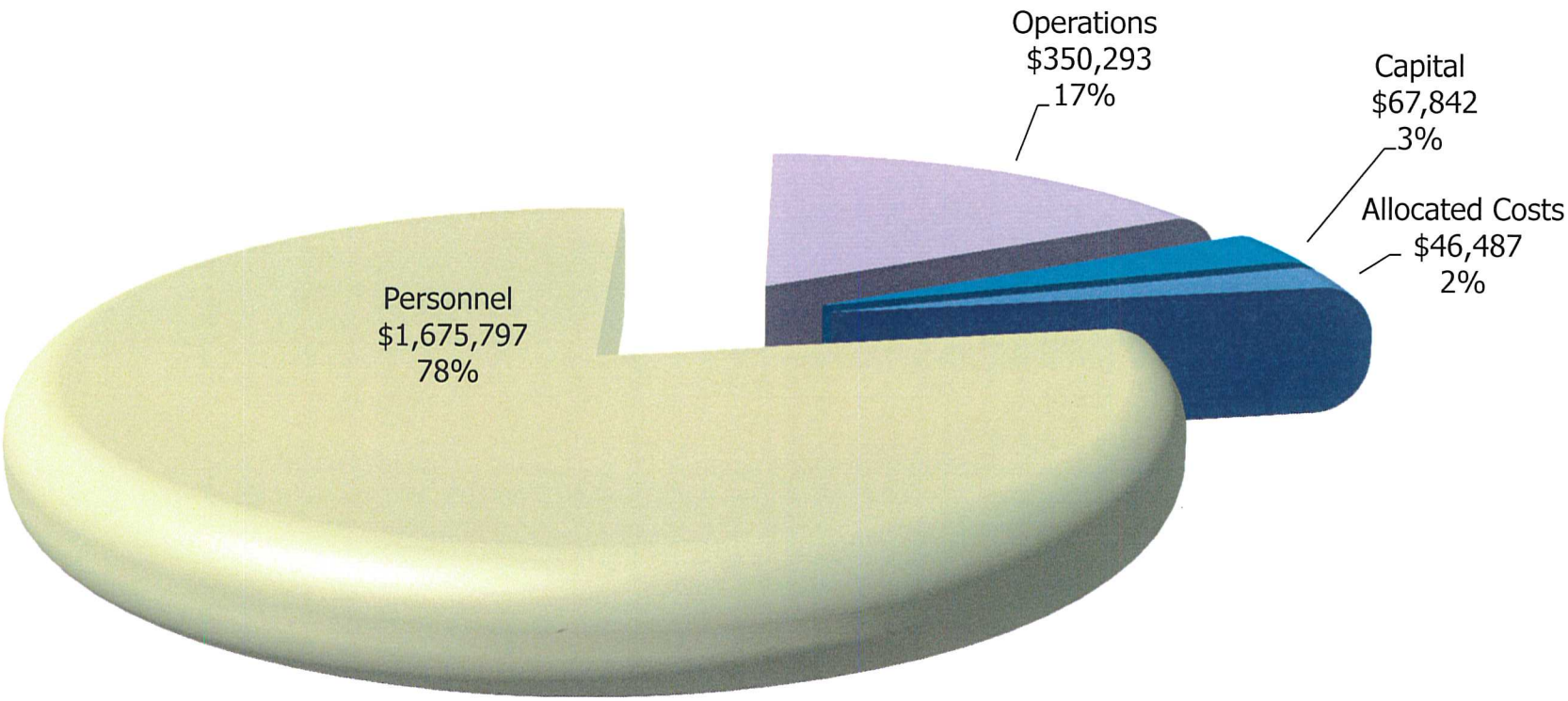


2014 Revenues

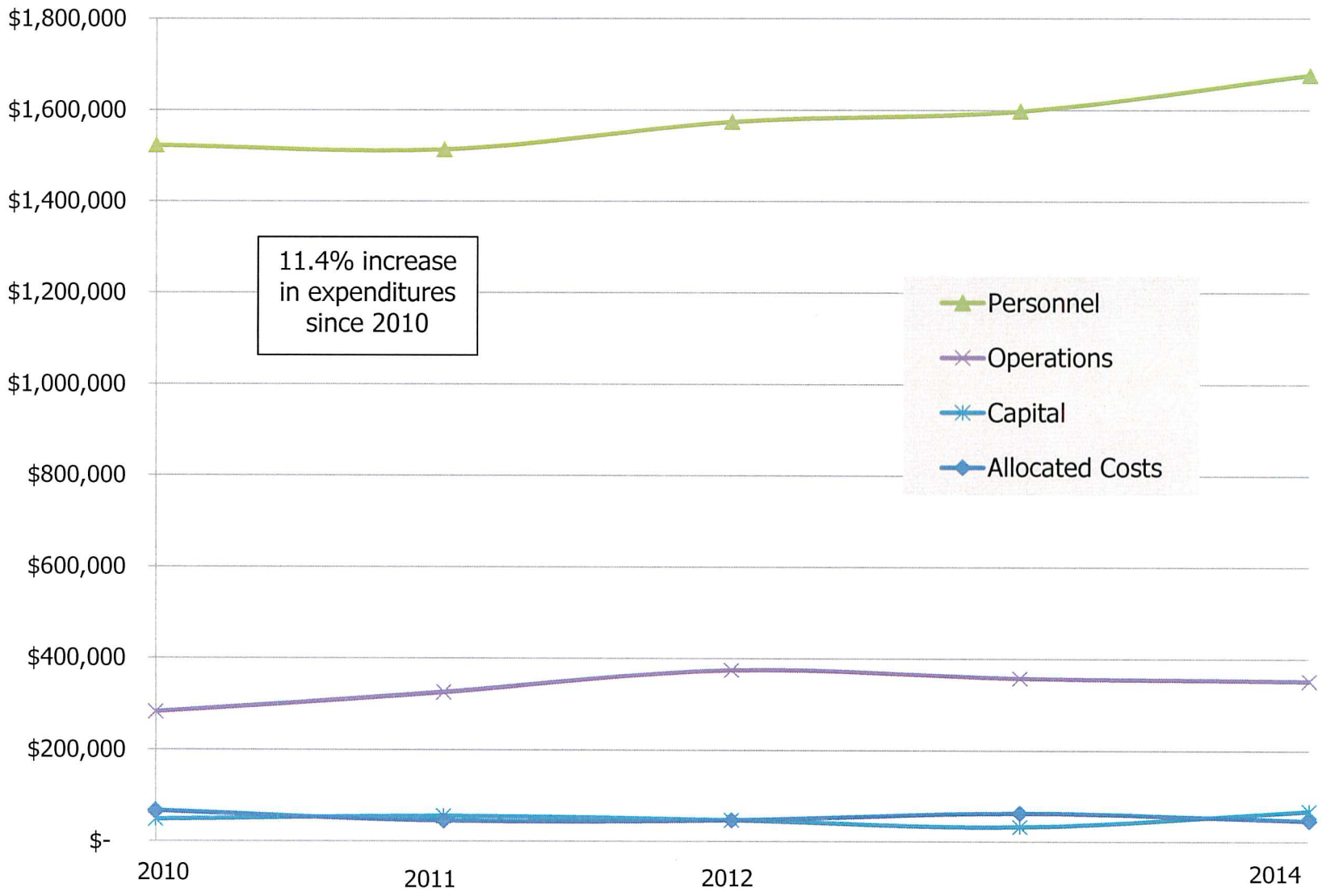




2014 Expenditures



Expenditure Trends 2010 - 2014



Dear Syracuse City,

Thank you for your continued support of Davis County Animal Care and Control. Your support is vital to insure that the County has the most efficient and cost effective method for providing animal services to the citizens of Davis County.

Enclosed you will find a contract amendment for the 2015 year. As in the past, the charges are based upon the usage of Animal Care and Control by your citizens. The City's two year average is divided by the grand total of averaged calls to get a percentage of the total calls. That percentage is then taken out of the total amount needed from the cities as set by Davis County. The fee paid by the city provides full 24 hour animal care and control services, including the housing and processing of stray animals. Wildlife is billed separately at a rate of $25.75 per call. Below is a breakdown of the 2015 charges for Syracuse City:

2015 County Portion of Animal Care and Control Budget	$1,694,259.88
2015 City Portion of Animal Care and Control Budget	$584,133.12
2 Yr. Average for Davis County Total Billable Calls	12,403
2 Yr. Average for Syracuse Billable Calls	899
2014 Syracuse Usage Rate	7.248%
2015 Syracuse City Animal Service Fees	$42,337.97
2014 Syracuse City Wildlife Calls	79
2015 Syracuse City Wildlife Fees	$2,034.25

Please review and sign the included contract amendment. Please scan the entire signed amendment and email it back to me. A copy of the fully signed amendment will be mailed back to you. You may also mail the signed amendment. If you mail the signed amendment and want an original sent back to you, please include two signed copies. If a copy of the original is satisfactory, it will be sent to you automatically.

Thank your for your cooperation and patience. It is a privilege to serve in Syracuse City. If you have any questions or concerns please contact me.

Sincerely,

Clint Thacker
Director
Davis County Animal Care & Control
1422 E 600 N
Fruit Heights, UT 84037
Office 801-444-2204
Cell 801-200-9325

2015-06
01-2024

AMENDMENT NO. 2 TO INTERLOCAL COOPERATION AGREEMENT BETWEEN DAVIS COUNTY AND THE CITY OF SYRACUSE FOR ANIMAL CONTROL SERVICES

This Amendment No. 2 to Interlocal Cooperation Agreement Between Davis County and the City of Syracuse for Animal Control Services (this "Amendment") is made and entered into by and between DAVIS COUNTY, a political subdivision of the State of Utah (the "County"), and SYRACUSE CITY, a municipal corporation of the State of Utah (the "City"). The County and the City may be collectively referred to in this Amendment as the "Parties."

RECITALS

This Amendment is made and entered into by and between the Parties based, in part, upon the following recitals:

A. The Parties previously entered into an *Inter-local Cooperation Agreement Between Davis County and the City of Syracuse for Animal Control Services*, dated April 9, 2013 (the "Agreement"), which is labeled Davis County Contract No. 2013-123, and by which the County agreed to provide animal services to the City;

B. The term of the Agreement is for the five-year period beginning on January 1, 2013 and continuing through December 31, 2017;

C. Paragraph 5 of the Agreement specified the amount of compensation to be paid by the City to the County and further provided that the compensation amount shall be reviewed and adjusted annually by a written amendment to the Agreement as may be agreed upon by the County and the City; and

D. The County and the City have agreed to the adjusted compensation specified in this Amendment.

Now, therefore, in consideration of the terms set forth in this Amendment, the Parties do hereby agree as follows:

1. **Compensation and Costs**

A. Paragraph 5A(1) of the Agreement is amended to read as follows:

The City shall pay the County Forty-Two Thousand Three Hundred Thirty-Seven Dollars and 97/100 Cents ($42,337.97) for the animal care services that the County will provide and perform on behalf of the City during the Calendar Year 2015. This payment obligation is calculated as follows:

The Cities' Portion of Animal Care and Control's 2015 Budget	$584,133.12
2013 and 2014 Average for Davis County's Total Billable Calls	12,403
2013 and 2014 Average for the City's Billable Calls	899
The City's 2014 Usage Rate	7.248%
The City's Payment Obligation to the County for Calendar Year 2015	$42,337.97

For calendar years subsequent to Calendar Year 2015, the compensation paid by the City to the County shall be annually reviewed and adjusted to accurately reflect the amount that the City must pay the County for animal care services. The City shall pay its obligation to the County in eleven (11) equal monthly installments of Three Thousand Five Hundred Twenty-Eight Dollars and 16/100 Cents ($3,528.16) and one (1) final monthly installment of Three Thousand Five Hundred Twenty-Eight Dollars and 21/100 Cents ($3,528.21). The first monthly installment payment by the City to the County is due on or before January 1, 2015. All subsequent payments by the City to the County are due on or before the 1st day of each month thereafter until paid in full (e.g. February 1, 2015, March 1, 2015, etc.).

B. Paragraphs 5A(2) and 5A(3) of the Agreement are unchanged and remain in full force and effect.

C. Paragraph 5B of the Agreement is amended to read as follows:

The City shall pay the County Two Thousand Thirty-Four Dollars and 25/100 Cents ($2,034.25) for the animal control services (specifically picking up and/or euthanizing nuisance animals under Paragraph 1C of this agreement) that the County will provide and/or perform on behalf of the City during the Calendar Year 2015.

D. Paragraphs 5B(1) through 5(B)(3) of the Agreement are unchanged and remain in full force and effect.

2. **Continuing Effect of the Agreement**

Except to the extent specifically modified by this Amendment, the terms and conditions of the Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment in duplicate, each of which shall be deemed an original.

Dated this ____ day of _____, 2015

DAVIS COUNTY

By: _____
Chairperson
Davis County Board of County Commissioners
Date: _____, 2015

ATTEST:

_____
Davis County Clerk/Auditor

Dated this ____ day of _____, 2015

CITY OF SYRACUSE

By: T. Palmer
Mayor
Date: 3-4-15, 2015

ATTEST:

City Recorder

Attorney Review

The undersigned, being the authorized attorney for the City of SYRACUSE, reviewed this Amendment and found it to be in proper form and compliance with applicable law.

City Attorney

Attorney Review

The undersigned, being the authorized attorney for Davis County, reviewed this Amendment and found it to be in proper form and compliance with applicable law.

_____
Davis County Attorney

COUNCIL AGENDA
August 25, 2015

Agenda Item **"e"** Results of Survey for Parks Master Plan

Factual Summation

- Any question regarding this agenda item may be directed at Brody Bovero and Kresta Robinson.

- Please see attached Memorandum and Supporting documentation provided by Brody Bovero.

- As an important public participation element of the Parks Master Plan, the City contracted with JUB Engineers and The Langdon Group to conduct a city-wide survey on park and recreation services.

- The raw survey results are attached, and a summary of the analysis will be presented by JUB at the council meeting.

- The survey results are scheduled to be presented to the Parks Advisory Committee at their August 20th meeting. They will utilize the input received by the survey to draft the Parks Master Plan, with the assistance of JUB..

- The purpose of the presentation to the Council is to provide an update on the progress of the master plan process, and share the survey results.

SYRACUSE PARKS & RECREATION MASTER PLAN
CITIZEN SURVEY | April 21, 2015

The City of Syracuse Parks and Recreation Department is currently developing a new parks and recreation master plan. This plan will guide future efforts to update the long-term plan for park and open-space acquisition, development, and maintenance. It will also aid in the development and continuation of recreational opportunities within the community.

As a part of this planning effort, the City would like the public to take a survey to help guide the direction of this master plan. Please take 15 minutes to complete this survey.

To encourage you to take the survey online, the City is offering the following 5 prizes:
(1) I-Pad
(2) Youth Registrations to any City-sponsored recreational program
(2) Family Passes to the Syracuse Community Center

These prizes will be awarded by random drawing to those who fully complete the survey and take it online.

Contact information and survey responses will be used only for the purposes of this recreation master plan. Contact information and survey responses will not be shared with any other person or organization.

1,185 total responses.

1. Where do you live?
   1,158 Syracuse (Indicate the number which represents the area you live in based on the attached map) 97.7 %_____
   27 Outside Syracuse City limits 2.3%

2. If you live outside of Syracuse, where do you live? _____

3. If you live outside of the City, why do you recreate in or use the parks/trails in Syracuse? _____
   _____

4. If you would like to be entered in a drawing for one of the following free prizes (including an I-Pad, two youth recreation program registrations, or 2 family passes to the Community Center) being offered by the City for participating in this questionnaire, please provide the following contact information:
   Residential Address: _____
   E-mail: _____
   Note: Only surveys that are completely filled out, start to finish, and taken online, will be eligible for prizes.

5. On average during the past year, how often have you or members of your household visited any Syracuse park facilities and/or trails? (Check one) 1,161 responses
   637 1 or more times/week..... 54.9%
   268 1 time/month 23.1%
   163 5-6 times/year 14.0%
   70 1-2 times/year..... 6.0%
   23 Didn't Go 2.0%

6. When you visit a park, how long do you usually stay? (Check one) 1,145 responses

3 All day.....0.3%
26 Half day.....2.3%
731 Couple of hours..... 63.8%
385 An hour or less 33.6%

7. Of the City parks and facilities listed below, which ones did you visit last year? (Check all that apply) 1,155 responses

1,007 Jensen Nature Park 87.2%
700 Founders Park.....60.6%
602 Trail System 52.1%
461 Community Center 39.9%
417 Centennial Park 36.1%
361 Bluff Ridge Park 31.3%
313 Canterbury Park 27.1%
256 Fremont Park.....22.2%
254 Linda Vista Park 22.0%
230 Legacy Park 19.9%
218 Trailside Park.....18.8%
171 Rock Creek Park 14.8%
159 Stoker Park.....13.8%
115 Ice Rink.....10.0%
72 North Canterbury Park.....6.2%
49 Tuscany Park 4.2%
33 Equestrian Park 2.9%

8. Of the previously listed parks or trails, which one did you visit the most often? 1,126 responses

Answer Options	Response Count	Response Percent
Jensen Nature Park (3176 S Bluff Rd)	362	32.1
Founders Park (1904 W 1700 S)	182	16.2
Trail System	164	14.6
Canterbury Park (1600 S 2500 W)	68	6.0
Bluff Ridge Park (885 W 2700 S)	58	5.2
Fremont Park (1865 S 3000 W)	58	5.2
Rockcreek Park 3850 W 700 S)	49	4.4
Centennial Park (1800 S 2000 W)	46	4.1
Community Center (1912 W 1900 S)	36	3.2
Linda Vista Park (1865 W 2700 S)	36	3.2
Tuscany Park (2350 S 3400 W)	20	1.8
Stoker Park (1150 W 1575 S)	17	1.5
Legacy Park (2356 S 1000 W)	15	1.3
Trailside Park (2850 S 2000 W)	8	0.7
Equestrian Park (2750 S 2400 W)	4	0.4
North Canterbury Park (1200 S 2500 W)	2	0.2
Ice Rink	1	0.1

9. What type of park do you enjoy most? (Using numbers 1 thru 5, rank the following park types in order of preference: 1 = most enjoyable, 5 = least enjoyable. Use each number only once.) *Playgrounds may be found in all of the above listed parks. 1,151 responses

TYPE OF PARK	1	2	3	4	5	Rating Average
Passive Park	241 (2)	224	319 (1)	226	140 (5)	2.83
Nature Park	211 (4)	285	234 (2)	263	157 (4)	2.89
Trails	274 (1)	220	224 (3)	204	228 (3)	2.91
Water Park	188 (5)	264	200 (4)	246	253 (2)	3.10
Sports Park	236 (3)	157	173 (5)	212	373 (1)	3.29

10. What activities do you like to do when you visit a park or trail? (Check all that apply) 1,157 responses

924 Exercise/Walk/Run (79.9%)
907 Family time/play with my kids (78.4%)
713 Use the park amenities (61.6%)
699 Experience nature/fresh air (60.4%)
673 Picnic/BBQ (58.2%)
555 Socialize with friends (48.0%)
553 Swimming/water play (47.8%)
550 Biking (47.5%)
516 Festivals/City Special Events (44.6%)
504 Watch organized sports (43.6%)
474 Play organized sports (41.0%)
470 Passive play (40.6%)
384 Walk my pet (33.2%)
335 Relax/Read (29.0%)
327 Solitude or have alone time (28.3%)
309 Fishing (26.7%)
221 Campfire (18.2%)
73 Skating/Skateboarding (6.3%)
39 Other (specify) (3.4%) _____

11. Of the activities listed above, which one is most important to you? (List one) 1,127 responses

Answer Options	Response Count	Response Percent
Family time/play with my kids	401	35.6
Exercise/Walk/Run	227	20.1
Play organized sports	97	8.6
Watch organized sports	68	6.0
Use the park amenities (playground)	64	5.7
Walk my pet	61	5.4
Experience nature/fresh air	49	4.3
Biking	42	3.7
Swimming/water play	29	2.6
Picnic/BBQ	22	2.0
Socialize with friends	15	1.3
Fishing	14	1.2
Festivals/City Special Events	10	0.9
Passive play (frisbee, lawn games, etc.)	9	0.8
Relax/Read	8	0.7
Solitude or have alone time	7	0.6
Skating/Skateboarding	3	0.3
Campfire	1	0.1

12. Do you feel your household would use the following recreational amenities/facilities? (Check all that apply) 1,158 responses

Answer Options	Yes	No (rank)	No Opinion (rank)
Shade (trees, structures, etc.)	1048	59	23
Walking/Running Trails	1040	72	20
Nature Center and Nature Trails	993	91	48
Picnic Shelters	985	103	45
Neighborhood Parks (3-10 acres)	985	90	54
Playgrounds	955	145	38
Outdoor Swimming Pools/Water Park	950	153	37
Biking Trails	924	155	44
Natural Features (native vegetation, rocks, water, etc.)	923	129	69
Community Parks (11-25 acres)	904	104	109
Indoor Swimming Pools	900	176	51
Large Group Pavilions	784	236	93
Indoor Recreation Center	757	252	108
Passive Open Space/Turf Areas	708	276	113
Large Regional Parks (>25 acres)	702	227	178 (4)
Basketball Courts (outdoor)	644	375	94
Shooting Range	608	417	88
Fishing Areas	607	414	95
Camping	602	418	97
Soccer Fields	600	434	104
Tennis Courts	565	423	119
Basketball Courts (indoor)	586	425	105
Performing Area (amphitheater, stage)	564	413	135
Baseball/Softball Fields, Youth	562	452	113
Volleyball Courts (outdoor, sand)	562	433	112
Ice Skating Rink	501	446	154 (8)
Multi-Purpose Room(s)	479	448	174 (6)
Horseshoe Pits	477	487	137
Golf Courses	476	542	92
Racquetball Courts	473	511	124
Dog Parks	440	584	72
Baseball/Softball Fields, Adult	369	615	137
Boating Areas	348	637 (9)	118
Football Fields	337	634 (10)	136
Volleyball Courts (indoor)	334	614	152
Pickleball Courts	247	646 (8)	202 (2)
Rollerblade or In-line Skating Facilities	240	699 (6)	159 (7)
Interpretive Signage/Monuments	232	637 (9)	220 (1)
Bocce Ball Courts	226	688 (7)	177 (5)
BMX Bike Racing Tracks	166	804 (3)	122
Lacrosse Fields	160	762 (5)	179 (3)
Equestrian Trails	153	801 (4)	144 (10)
Skateboard Parks	145	836 (1)	112
Riding/Rodeo Arenas	135	811 (2)	149 (9)

Other (specify) _____

13. If you seldom or do not visit a park or trail in Syracuse, why? (Check all that apply) 823 responses

269 Amenities I want are not there (32.7%)
263 No restroom/I don't like restrooms (32.0%)
251 Not enough trees/shade (30.5%)
238 I am too busy/I don't have time (28.9%)
130 I go somewhere else (15.8%)
129 Facilities not well maintained (15.7%)
100 Park is too crowded (12.2%)
99 Park is too far away (12.0%)
94 I don't know where parks are located (11.4%)
63 I can't bike or walk to get there (7.7%)
53 No place to park/parking too difficult (6.4%)
43 Fee is too expensive (5.2%)
27 Not safe enough (3.3%)
79 Other (specify) ____

14. Of the previously listed reasons for seldom or not going to a park, which is the most important reason for you not visiting a park or trail in Syracuse? (List one) 716 responses

Answer Options	Response Count	Response Percent
Amenities I want are not there	167	23.3
I am too busy/I don't have time	149	20.8
No restroom/I don't like the restrooms	91	12.7
Not enough trees/shade	66	9.2
I go somewhere else	49	6.8
Park is too crowded	41	5.7
Facilities not well maintained	36	5.0
Park is too far away	32	4.5
I don't know where parks are located	31	4.3
I can't bike or walk to get there	24	3.4
No place to park/parking too difficult	13	1.8
Fee is too expensive	11	1.5
Not safe enough	6	0.8

15. Do you visit other parks outside of Syracuse? 1,138 responses

909 Yes 79.9%
229 No 20.1%

16. If yes, why? (Check all that apply) 916 responses

350 More of the amenities I like (38.2%)
335 More established; mature trees (36.6%)
297 More variety of things to do (32.4%)
250 Organized sports there (27.3%)
121 Equipment is better maintained (13.2%)
89 Better programs there (9.7%)
53 Less crowded (5.8%)
289 Other (specify) (31.6%) _____

17. Which parks outside of Syracuse do you visit? (Specify name and location) _____

_____

_____

18. Currently, or within the next 3 years, will your household use the following existing recreational programs/services sponsored by the City? (Check all that apply) 1,144 responses

Answer Options	Yes	No (rank)	No Opinion (rank)
Community Event – Heritage Days	932	151	35
Community Event – Pumpkin Walk	873	196	44
Community Event – Easter Egg Hunt	479	556	60
Youth Soccer (Spring and Fall)	457	590	65
Ice Rink (city owned, rented out)	451	533	98 (4)
Aerobic/Fitness Classes	440	550	98 (4)
Youth Basketball	440	603	71
Summer Program of Kids	431	579	81
Youth Baseball	430	620	66
Art Classes	320	662	100 (3)
Youth Softball	231	768 (8)	85 (7)
Youth Football (Tackle)	220	790 (7)	84 (8)
Community Gardening	219	749 (10)	110 (1)
Youth Music Classes	209	762 (9)	105 (2)
Youth Competitive Boys Basketball (5th – 9th)	165	835 (5)	77
Little Dancers	159	821 (6)	97 (6)
Senior Citizen Activities	158	848 (3)	66
Baby Sitting Classes	152	839 (4)	82 (9)
Adult Basketball	133	865 (2)	81 (10)
Youth Competitive Girls Basketball (5th – 9th)	92	912 (1)	77

Other (specify) _____

19. Of the above existing recreational programs and services listed in Question 18, which one do you think is most important for the City of Syracuse to provide? (List one) 1,021 responses

Answer Options	Response Count	Response Percent
Community Event – Heritage Days	405	39.7
Youth Soccer (Spring and Fall)	118	11.6
Summer Program of Kids	92	9.0
Community Event – Pumpkin Walk	68	6.7
Youth Baseball	66	6.5
Youth Football (Tackle)	59	5.8
Senior Citizen Activities	46	4.5
Youth Basketball	43	4.2
Aerobic/Fitness Classes	42	4.1
Community Gardening	15	1.5
Ice Rink (city owned, rented out)	15	1.5
Youth Softball	10	1.0
Community Event – Easter Egg Hunt	9	0.9
Art Classes	9	0.9
Little Dancers	6	0.6
Adult Basketball	6	0.6
Youth Competitive Boys Basketball (5th – 9th)	6	0.6
Youth Music Classes	4	0.4
Youth Competitive Girls Basketball (5th – 9th)	1	0.1
Baby Sitting Classes	1	0.1

20. How would you rate the City of Syracuse in providing the following recreational program services? (Circle one rating for each service listed) 1,143 responses

Answer Options	Excellent	Good	Fair	Poor	Don't Know
1. Providing places for the quiet enjoyment of the outdoors	277	585	179	40	54
2. Operating parks and facilities that are safe	264	628	150	21	68
3. Operating parks/facilities that are clean, well maintained	229	560	220	77	47
4. Opportunity for Participation	223	516	168	27	203
5. Providing places for the enjoyment of active sports	193	494	205	86	152
6. Providing natural areas for wildlife (habitat)	188	485	233	51	176
7. Type/Variety of Programs	163	539	222	37	173
8. Providing places for indoor recreation and fitness activities	155	420	278	98	185
9. Reasonable Participation Fees	154	444	223	39	273
10 .Quality of Organization	136	431	209	40	318
11. Quality of Leadership	132	414	205	35	351
12. Managing resources wisely (e.g. water conservation)	97	358	266	93	317
13. Adequate Facilities to Meet Demand	97	353	281	158	239
14. Managing tax dollars efficiently	88	313	257	84	389
15. Allocating resources fairly to different parts of City	77	309	239	84	425
16. Enough Qualified Coaches/Instructors	74	318	235	62	444
Other (specify)					

21. Of the above recreational programs and services listed in Question 19, which one do you think is most important for the City of Syracuse to provide? (List one) 1,064 responses

Answer Options	Response Count	Response Percent
1. Type/Variety of Programs	180	16.9
2. Managing tax dollars efficiently	161	15.1
3. Operating facilities that are clean, well maintained	143	13.4
4. Adequate Facilities to Meet Demand	109	10.2
5. Operating parks and facilities that are safe	84	7.9
6. Opportunity for Participation	48	4.5
7. Managing resources wisely (e.g. water conservation)	45	4.2
8. Providing natural areas for wildlife (habitat)	44	4.1
9. Providing places for quiet enjoyment of the outdoors	42	3.9
10. Providing places for the enjoyment of active sports	41	3.9
11. Quality of Leadership	39	3.7
12. Quality of Organization	33	3.1
13. Reasonable Participation Fees	31	2.9
14. Allocating resources fairly to different parts of City	28	2.6
15. Enough Qualified Coaches/Instructors	19	1.8
16. Providing places for indoor recreation/fitness activities	17	1.6

22. Do you feel your household would use any of the following recreational programs that are **not** currently being sponsored by the City? (Check all that apply) 1,137 responses

Answer Options	Yes	No (rank)	No Opinion (rank)
Shooting Range	606	423	92
Weight Training	476	529	106
Spin Classes	399	577	127
Indoor Soccer	392	592	113
Youth Competitive Leagues and Tournaments: Soccer	377	620	115
Frisbee Golf	352	622	123
Youth Flag Football	318	669	120
Adult Softball Leagues	296	693	117
Youth Competitive Leagues and Tournaments: Baseball	288	698	118
Racquetball Leagues and Tournaments	265	700	140 (3)
Tennis League and Tournaments	235	731	130
Adult Sand Volleyball Leagues and Tournaments (outdoor)	209	763 (10)	133 (6)
Youth Indoor Volleyball Leagues and Tournaments	203	763 (10)	134 (5)
Adult Indoor Volleyball Leagues and Tournaments	200	777 (9)	126
Youth Competitive Leagues and Tournaments: Softball	195	778 (8)	122
Youth Sand Volleyball Leagues and Tournaments (outdoor)	169	780 (7)	151 (2)
Youth Competitive Leagues and Tournaments: Lacrosse	163	801 (6)	138 (4)
Adult 3-on-3 Basketball League	154	817 (4)	129 (9)
Adult Flag Football	144	822 (3)	133 (6)
Fast Pitch Tournaments	127	837 (2)	131 (8)
Pickleball League and Tournaments	127	812 (5)	156 (1)
Wrestling	123	856 (1)	128 (10)

Other (specify) _____

23. How do you learn about the recreational programs and activities sponsored by the City of Syracuse? (Check all that apply) 1,138 responses

876 City publications or newsletters (77.0%)
612 Word of mouth (53.8%)
447 City Website (39.3%)
233 Schools (20.5%)
208 Social Media (18.3%)
204 Parks and Recreation Center Office (17.9%)
140 Newspaper (12.3%)
121 E-mail (10.6%)
32 Other (specify) (2.8%) _____

24. What other methods of communication would you like to see the City use to advertise their recreation programs and activities? _____

25. What type of trails do you most prefer? (Using numbers 1, 2, and 3, select your top 3 choices in order of preference: 1 = most preferred, 2 = second-most preferred, and 3 = third-most preferred. Use each number only once.) **1,111 responses**

Answer Options	Response Average	Response Total (rank)	Response Count (rank)
1. Walking/Running (paved)	1.69	1,387 (3)	823 (1)
2. Shared use: Walking/Biking (paved)	2.12	1,426 (2)	672 (2)
3. Biking (paved)	2.14	1,348 (4)	630 (4)
4. Hiking (unpaved, varied terrain)	2.34	1,488 (1)	635 (3)
5. Walking/Running (unpaved, relatively flat)	2.37	1,163 (5)	490 (5)
6. Mountain biking (unpaved, varied terrain)	3.03	954 (7)	315(7)
7. Motorized trail: All Terrain Vehicle (ATV), Off Road Vehicle (ORV), Off Highway Motorcycle (OHM) (unpaved)	3.23	1,114 (6)	345 (6)
8. Shared Use: Walking/Equestrian (unpaved)	3.80	821 (9)	216 (8)
9. Equestrian (unpaved)	4.57	846 (8)	185 (9)

26. What trail characteristics do you consider most important? (Choose your top three characteristics by indicating 1 for most important, 2 for second most important, and 3 for third most important) 1,117 responses

Answer Options	Response Average	Response Total (rank)	Response Count (rank)
1. Safety	1.86	1,312 (3)	706 (2)
2. Well-maintained	2.00	1,658 (1)	829 (1)
3. Scenic value	2.03	1,361 (2)	670 (3)
4. Connectivity (leads to parks, other recreational facilities, other trails or destinations)	2.08	1,265 (4)	607 (4)
5. Variety of distances available to complete a loop	2.43	1,144 (5)	471 (5)
6. Pet-Friendly (accommodates walking dogs, other pets)	2.47	934 (6)	378 (6)
7. Variety of terrain types	2.79	833 (7)	299 (7)

27. Do you think parks and open spaces provide benefits to the City? (Check one) 1,131 responses

1,110 Yes .....98.2% **5** No.....0.4% **16** Don't Know 1.4%

28. Would you support the idea of the City in developing a large (50 - 60 acres) park complex? 1,135 responses

850 Yes .....74.9% **157** No..... 13.8% **128** No Opinion/Don't Care..... 11.3%

29. If you support a large park complex, which facilities would you like to see developed? (Check all that apply) 938 responses

613 Swimming Pool Complex (65.4%)
523 Soccer Fields (55.8%)
521 Baseball/Softball Fields (55.5%)
446 Indoor Recreation Center (47.5%))
367 Tennis (39.2%)
283 Football Fields (30.2%)
156 Lacrosse Fields (16.6%)
140 Pickleball (14.9%)
114 Horse Riding Arena (12.2%)
162 Other (specify) _____

30. Of the above listed facilities, which one do you most support? (List) 930 responses

Answer Options	Response Count	Response Percent
1. Swimming Pool Complex	322	34.6
2. Soccer Fields	166	17.8
3. Baseball/Softball Complex	143	15.4
4. Indoor Recreation Center (basketball, volleyball)	107	11.5
5. Tennis	70	7.5
6. Football Fields	47	5.1
7. Lacrosse Fields	31	3.3
8. Pickleball	24	2.6
9. Horse Riding Arena	20	2.2

31. If you would like to see a large (50 – 60 acres) park complex in Syracuse, which funding options would you prefer the City use to pay for the construction of the park? (Using numbers 1 thru 4, rank the following funding options in order of preference: 1 = most preferred, 4 = least preferred. Use each number only once.) 1,024 responses

Answer Options	1	2	3	4	Rating Average	Response Count
1. As funds are available in the City's annual budget	468	358	125	73	1.81	1024
2. By combining any of the above options	334	119	300	271	2.50	1024
3. Selling undeveloped land that the City is currently holding for future use, such as park or cemetery expansion	148	351	270	255	2.62	1024
4. By financing the construction (via bond or other method)	74	196	329	424	3.08	1023

32. If the City were to acquire property and develop a large park complex using a 20 year bond, an estimated cost would be approximately $9 million. This would equate to an average household cost of $6.83 per month (or $82.00 per year for the life of the bond). Would you be willing to pay this amount? (Check one) 1,127 responses

570 Yes ..... 50.6% **557** No 49.4%

33. If you answered "No" to Question 32 above, what is the maximum per household you would be willing to pay? (Choose one) 585 responses

164 $0.00 ..... 28.2% ..... (13.93%)
164 $1.71 per month ($20.50 per year - 25% of price listed above) ..... 28.2% ..... (13.93%)
208 $3.42 per month ($41.00 per year - 50% of price listed above) ..... 35.5% ..... (17.54%)
46 $5.12 per month ($61.50 per year - 75% of price listed above) ..... 8.0% ..... (4.00%)
49.40%

34. Other Comments: _____
_____

The following questions relate directly to demographics and will be used for analysis of this survey only. The information gathered here is strictly confidential and your personal privacy will be maintained. Responses below are not mandatory, but would be very much appreciated. Your answers here will greatly enhance the analytical results.

35. What is your age? (Check one)

0 Under 12 years (0.0%)
8 12 – 19 years (0.7%)
13 20 – 24 years (1.2%)
259 25 – 34 years (23.0%)
438 35 – 44 years (38.9%)
188 45 – 54 years (16.7%)
133 55 – 64 years (11.8%)
87 65+ years (7.7%)

36. Enter the number of persons in your household who are in the age brackets listed below (including yourself): 1,119 responses

Answer Options	Response Average	Response Total
Under 5 years	1.27	552
5 – 9 years	1.35	708
10 – 14 years	1.39	690
15 – 19 years	1.23	442
20 – 24 years	.97	179
25 – 34 years	1.44	534
35 – 44 years	1.53	853
45 – 54 years	1.28	380
55 – 64 years	1.24	266
65+ years	1.01	165

37. What is your ethnicity? (Check one)

4 American Indian/Alaska Native (0.4%)
13 Asian/Pacific Islander (1.2%)
2 Black/African American (0.2%)
18 Hispanic/Latino (1.6%)
1047 White/Caucasian (94.7%)
22 Other (specify) (2.0%) _____

38. What is your total annual household income? (Check one)

30 Less than $25,000..... 2.8%
108 $25,000 – $49,999..... 10.1%
271 $50,000 – $74,999..... 25.4%
299 $75,000 – $99,999..... 28.0%
199 $100,000 – $124,999 .....18.7%
79 $125,000 – $149,999 .....7.4%
81 $150,000 or more 7.6%

Done.

Thank you for completing this survey!

COUNCIL AGENDA

August 25, 2015

Agenda Item **"f"** Discuss comprehensive edits on chapters 18 and minor changes throughout all other chapters of the personnel policies and procedures 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 for all chapters of the personnel policies and procedures manual.

- This is the 3rd comprehensive review of the policy manual by the city council. This review covers a comprehensive review of chapter 18 and minor changes throughout the other chapters of the policy manual. Below is a summary list of changes that staff is recommending to the city council.

    - Comprehensive changes to chapter 18. Changes include defining prohibited personal use of a city vehicle, authorized passengers, take home rules and allowance, documentation, and qualified non-personal use.

    - Chapter 4 – changes to employee definitions.

    - Chapter 5 – Position adjustments & Emergency call back changes.

    - Chapter 6 – Work hours for employees that are 14-15 years old.

    - Chapter 7 - Eligibility for Group Health Coverage under the Affordable Care Act (ACA).

    - Chapter 7 – Retirement programs amendments to include new tier II information.

- Chapter 8 – FMLA changes to consider make up time for employees on FMLA.
- Chapter 8 –Funeral leave clarifications.
- Chapter 10 –Updating definitions in the harassment section.
- Chapter 14 –Updating policy on severity of accidents claims and return to work restrictions.

Recommendation

Discuss the personnel policy and procedures edits and revisions and set September 8th as date to approve the discussed changes.

SYRACUSE CITY CORPORATION

Personnel
Policies and Procedures
Manual

Effective
Updated 2015

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

SYRACUSE CITY
PERSONNEL POLICIES AND PROCEDURES

TABLE OF CONTENTS

POLICIES

CHAPTER 1: INTRODUCTION 10
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.

CHAPTER 2: ADMINISTRATION 12
2.010. Human Resources Specialist.
2.020. Job Descriptions.
2.030. Classification Plan.
2.040. Personnel Records.
2.050. Employee Inquiries and References

CHAPTER 3: EMPLOYEE HIRING 14
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

CHAPTER 4: EMPLOYMENT STATUS 20
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.

SYRACUSE CITY
PERSONNEL POLICIES AND PROCEDURES

CHAPTER 5: COMPENSATION 23
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. On-Call Pay.
5.130. Special Programs.
5.140. Severance Pay.

CHAPTER 6: PAYROLL ADMINISTRATION 28
6.010. Work Hours.
6.020. Work Periods.
6.030. Breaks and Meal Periods.
6.040. Time Keeping.
6.050. Pay Periods.
6.060. Paydays.
6.070. Automatic Payroll Deposits.
6.080. Payroll Deductions and Withholdings.
6.090. Garnishments.
6.100. Reimbursable Expenses.
6.110. Advances.

CHAPTER 7: BENEFITS 31
7.010. Disclaimer.
7.020. Eligibility for Group Health Coverage Under the Affordable Care Act (ACA)
7.030. Eligibility.
7.040.~~7.030.~~ Medical, Dental, and Vision Insurance.
7.050.~~7.040.~~ Life Insurance.
7.060.~~7.050.~~ Long-Term Disability Insurance.
7.070.~~7.060.~~ Accidental Death and Dismemberment Insurance.
7.080.~~7.070.~~ Retirement Program.
7.090.~~7.080.~~ Social Security.
7.100.~~7.090.~~ COBRA Coverage.
7.110.~~7.100.~~ Health Savings Account & Flex Spending Account.
7.120.~~7.110.~~ Employee Assistance Program.
7.130.~~7.120.~~ Community Center Membership.
7.140.~~7.130.~~ Health and Wellness
7.150.~~7.140.~~ Termination.

CHAPTER 8: LEAVE 34
8.010. Paid Leave.
8.020. Leave Without Pay.
8.030. Leave Procedures.

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8.040. Leave Procedures Exceptions.
CHAPTER 8: LEAVE (continued) 34
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

CHAPTER 9: EMPLOYEE CONDUCT 45
9.010. Employee Vision and Mission Statements.
9.020. Public Relations.
9.030. Working Relationships.
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.

CHAPTER 10: HARASSMENT 53
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.

CHAPTER 11: NON-DOT DRUG AND ALCOHOL TESTING POLICY 57
11.010. Purpose.
11.020. General Policy.

11.030. Applicability.
CHAPTER 11: NON-DOT DRUG AND ALCOHOL TESTING POLICY (continued) 57
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).

CHAPTER 12: DOT DRUG AND ALCOHOL TESTING POLICY 70
12.010. Purpose
12.020. General Policy.
12.030. Applicability.
12.040. Definitions.
12.050. Prohibitions.
12.060. Zero Tolerance.
12.070. Voluntary Self-Identification Program.
12.080. Prescription and Over-the-Counter Drugs.
12.090. Testing Required.
12.100. Basis for Testing.
12.110. Pre-Employment Testing.
12.120. Post-Accident Testing.
12.130. Random Testing.
12.140. Reasonable Suspicion Testing.
12.150. Return-to-Duty Testing.
12.160. Follow-Up Testing.
12.170. Testing Procedures.
12.180. Results.
12.190. DOT Required Action.
12.200. Removal from Safety-Sensitive Functions.
12.210. Additional Action.
12.220. Records.
12.230. Confidentiality.
12.240. Notification of Conviction.
12.250. Americans with Disabilities Act (ADA).

CHAPTER 13: EMPLOYEE TESTING AND EVALUATION 90
13.010. Background Investigations.
13.020. Medical Examinations.
13.030. Driving Record Evaluations.

CHAPTER 14: WORKPLACE SAFETY 95
14.010. General Policy.

14.020. Occupational Safety and Health Act.
CHAPTER 14: WORKPLACE SAFETY (continued) 95
14.030. Safe Environment.
14.040. Inspection of Workplace.
14.050. Safety Rules.
14.060. Use of Equipment and Tools.
14.070. Confined Space Entry.
14.080. Accident Reports.
14.090. Work Related Injuries.
14.100. Workers' Compensation.
14.110. Bringing Children to Work.

CHAPTER 15: DISASTER RESPONSE PLANNING 100
15.010. General Policy.
15.020. Employee Disaster Notification.
15.030. Natural Disaster Response Plan.
15.040. Man-Made Disaster Response Plan.
15.050. Suspicious Person or Assailant Threats.
15.060. Telephone Bomb Threats.
15.070. Mail, Letter, and Package Bomb Threats.
15.080. Suspicious Article Threats.

CHAPTER 16: TUITION AID 103
16.010. Purpose.
16.020. Funds.
16.030. Eligibility.
16.040. Standards.
16.050. Procedure.
16.060. Limitations.
16.070. Compliance.
16.080. Records.

CHAPTER 17: TRAVEL AND REIMBURSABLE EXPENSES 106
17.010. Travel Costs.
17.020. General Expenses.

CHAPTER 18: VEHICLE USE 109
18.010. Purpose.
18.020. Official City Business.
18.030. Use Agreement and Driver's License Verification.
18.040. Authorized Passengers Only.
18.050. Parking and Operation.
18.060. Vehicle Backing.
18.070. Secure Loads.
18.080. Vehicle Maintenance.
18.090. Vehicle Abuse.
18.100. Accidents.
18.110. Take-Home Vehicle Use and Rules.
18.120. Documentation of Vehicle Usage. ~~Take-Home Vehicle Rules.~~
18.130. Qualified Non-Personal Use Vehicles.

18.140. Private Vehicle Use.
18.150.~~18.140.~~ Failure to Comply.

CHAPTER 19: COMPUTERS AND EQUIPMENT USE 113
19.010. Equipment and Supplies.
19.020. Removal of Equipment.
19.030. Technology Resources.
19.040. Computers, Email, and Internet.
19.050. Prohibited Computer Use.
19.060. Postage Meters.
19.070. FAX and Copy Machines.
19.080. Land-Line Telephones.
19.090. Cellular Telephones.
19.100. Termination.

CHAPTER 20: PERFORMANCE EVALUATIONS 117
20.010. General Policy.
20.020. Performance Evaluation Periods.
20.030. Performance Evaluations.
20.040. Records.

CHAPTER 21: GRIEVANCES 118
21.010. Grievances.
20.020. Informal Grievance Procedures.
20.030. Formal Grievance Procedures.
21.040. Appeal.
21.050. Retaliations.
21.060. Records.

CHAPTER 22: DISCIPLINARY ACTION 120
22.010. General Conduct.
22.020. Responsibility for Discipline.
22.030. Levels of Discipline.
22.040. Investigation.
22.050. Administrative Leave.
22.060. Verbal Warning.
22.070. Written Reprimand.
22.080. Probation.
22.090. Suspension.
22.100. Demotion.
22.110. Dismissal.
22.120. Pre-Disciplinary Action Hearing.
22.130. Disciplinary Action.
22.140. Appeals.

CHAPTER 23: TERMINATION 124
23.010. Types of Termination.
23.020. Voluntary Termination Procedures.
23.030. Involuntary Termination Procedures.
23.040. Resignation in Lieu of Involuntary Termination Procedures.

23.050. Reduction in Force Procedures.
23.060. Retirement Procedures.
CHAPTER 23: TERMINATION (continued) 124
23.070. Final Paychecks.
23.080. Return of City Property.
23.090. Exit Interview.
23.100. COBRA Coverage.

FORMS

APPENDIX A: POLICY MANUAL ACKNOWLEDGEMENT OF RECIEPT 127

APPENDIX B: POST-EMPLOYMENT REFERRAL RELEASE 128

APPENDIX C: NEW HIRE REQUISITION 129

APPENDIX D: PERSONNEL ACTION FORM 131

APPENDIX E: VOLUNTEER SERVICE AGREEMENT 132

APPENDIX F: COMPENSATION TIME AGREEMENT 135

APPENDIX G: BI-WEEKLY COMPENSATION TIME ELECTION FORM 136

APPENDIX H: LEAVE REQUEST FORM 137

APPENDIX I: EMPLOYEE RIGHTS AND RESPONSIBILITIES 139

APPENDIX J: NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES 140

APPENDIX K: DESIGNATION NOTICE 142

APPENDIX L: CERTIFICATION OF EMPLOYEE'S OWN SERIOUS HEALTH CONDITION 143

APPENDIX M: CERTIFICATION OF FAMILY MEMBER'S SERIOUS HEALTH CONDITION 147

APPENDIX N: CERTIFICATION OF QUALIFYING EXIGENCY FOR MILIATRY FAMILY LEAVE 151

APPENDIX O: CERT. OF SERIOUS INJURY/ILLNESS FOR COVERED SERVICE MEMBER 154

APPENDIX P: NOTICE OF SECONDARY EMPLOYMENT 158

APPENDIX Q: DRUG TESTING RELEASE FORM FOR MINORS 159

APPENDIX R: BACKGROUND INVESTIGATION RELEASE FORM (Form A) 160

APPENDIX S: BACKGROUND INVESTIGATION RELEASE FORM (Form B) 161

APPENDIX T: ACCIDENT REPORT FORM 162

APPENDIX U: TELEPHONE BOMB THREAT CHECKLIST 164

FORMS (continued)

APPENDIX V: TUITION AID REQUEST 165

APPENDIX W: TRAVEL APPLICATION 167

APPENDIX X: VEHICLE USE AGREEMENT 169

APPENDIX Y: FORMAL EMPLOYEE GRIEVANCE FORM 170

APPENDIX Z: DISCIPLINARY ACTION FORM 172

SYRACUSE CITY
PERSONNEL POLICIES AND PROCEDURES

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 approved in writing by resolution of City Council. Any minor amendment, being defined as one that does not significantly alter a policy herein, will be submitted to the City Council for review at the next regularly scheduled work session. If there are no objections from the Mayor of members of the City Council the proposed minor policy amendment shall be deemed approved. At the request of the Mayor or any member of the City Council, any minor proposed amendment shall be scheduled for the next regular City Council meeting for a vote by the 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. 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 shall 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 on 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 Acknowledgement 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 and the Mayor, as applicable stated by city code and state code, 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.

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.

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.

(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 the employee's direct Department Head, or his/her designee, 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. Requests by a Department Head to access and examine personnel records of an employee that he/she does not directly supervise must have approval by the City Manager.

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.

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*. The City restricts the hiring of city employees’ relatives. A relative is defined as the employees’ husband, wife, parent, step-parent, nephew, niece, grandparent, son-in-law, daughter-in-law,

Field Code Changed

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 are 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.

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 his/her 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.

(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 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 (14) 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.

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.

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.

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.

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~~(d)~~(e) Intern. A temporary employee whom is attending courses related to the position and is expected to work for eighteen (18) months or less per year and less than thirty (30) hours per week. Intern employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Intern employees are at-will and may be terminated at any time with or without cause, without appeal.

4.030. FLSA Employment Status.

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 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.

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. On-Call Pay.
5.130. Emergency Call Back.
5.140.~~5.130.~~ Special Programs.
5.150.~~5.140.~~ 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.

(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 any time 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.

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.

(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) Non-Voluntary 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 include movement to a higher position due to improved skill, knowledge, or capability, but will 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.

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 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. 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.

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.

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.

Non-Exempt 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. Emergency Call Back.

(a) Definition. For purposes of this policy, the definition of 'emergency' is an unscheduled event, typically related to an urgent matter of public safety, which causes an employee to be called in for work by his or her supervisor to meet an unplanned staffing need. Examples include a public safety incident such as a house fire, officer- involved shooting or water main break, which tends to require additional staff resources. An emergency is

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not something that is related to a scheduled event, such as asking an employee to come into work to work on something to meet a deadline or to attend training.

(b) Policy. When a non-exempt employee has used vacation leave, holiday leave or compensation time prior to being called back due to an emergency within the same pay period, the employee will have the option of either taking the paid vacation leave, holiday leave or compensation time in addition to the callback hours worked; or the option to credit his or her accrued vacation leave, holiday leave or compensation time equal to the emergency callback hours worked. As previously indicated herein, only hours actually worked will be counted for purposes of calculating overtime.

5.140.~~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 his/her regular rate of pay unless otherwise established by the specific program in which they are participating.

5.150.~~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) month’s salary.

CHAPTER 6
PAYROLL ADMINISTRATION

6.010. Work Hours.
6.020. Work Periods.
6.030. Breaks and Meal 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. Employees that are 14 (fourteen) or 15 (fifteen) years of age may not work more than 3 (three) hours on a school day and may not work later than 7:00PM from September 1st to June 1st each year and may not work later than 9:00PM from June 2nd to August 31st each year. Employees that are 16 (sixteen) years of age or older do not have restricted work hours.

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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~~ 7:00 a.m. on Saturday and ending fourteen (14) days later on Friday at ~~11:59~~ 6:59 a.m.~~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

meal 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 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.

(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 statuses 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.

CHAPTER 7
BENEFITS

7.010 Disclaimer.
7.020. Eligibility for Group Health Coverage Under the Affordable Care Act (ACA)
7.030.~~7.020.~~ Eligibility.
7.040.~~7.030~~ Medical, Dental and Vision Insurance.
7.050.~~7.040.~~ Life Insurance.
7.060.~~7.050.~~ Long-Term Disability Insurance.
7.070.~~7.060.~~ Accidental Death and Dismemberment Insurance.
7.080.~~7.070.~~ Retirement Program.
7.090.~~7.080.~~ Social Security.
7.100.~~7.090.~~ COBRA Coverage.
7.110.~~7.100.~~ Health Savings Account & Flex Spending Account.
7.120.~~7.110.~~ Employee Assistance Program.
7.130.~~7.120.~~ Community Center Membership.
7.140.~~7.130.~~ Health and Wellness.
7.150.~~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 for Group Health Coverage Under the Affordable Care Act (ACA)

When Hired:

(a) Employees reasonably expected at date of hire to work full-time, their dependents under age twenty-six (26), and spouse will be eligible for group health coverage as of the first (1st) day of the next month. If Syracuse City hires an employee whom falls within the definition of a Seasonal employee, the employee, whether expected to work full-time or not, will have his or her hours tracked using the Look Back measurement method, the same as employees not reasonably expected to work full-time (see sub-paragraph b).

(b) For employees not reasonably expected at date of hire to work full-time, eligibility will be determined by tracking hours worked over a period of twelve (12) months, starting the first (1st) of the month after hire date. If at the end of that period the employee has worked on average at least one hundred and thirty (130) hours per month, the employee will be eligible for group health coverage. This means the employee must work at least one thousand five hundred and sixty (1,560) hours in those twelve (12) months.

(c) The Human Resource Specialist will notify employees that are eligible for group health coverage.

(d) If eligible and the employee chooses to enroll in group health coverage, the coverage will

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be effective for twelve (12) months following thirteen (13) and a partial month after hire date.

Ongoing Employee:

(a) Hours worked will be tracked over a twelve (12) month measurement period, starting May 1 each year and ending April 30 the following year. An employee, their dependents under age twenty-six (26), and spouse will be eligible for group health coverage if, at the end of that period, the employee has worked on average at least one hundred and thirty (130) hours per month. This means the employee must work at least one thousand five hundred and sixty (1,560) hours in those twelve (12) months.

(b) The Human Resource Specialist will notify employees that are eligible for group health coverage.

(c) If eligible and an employee chooses to enroll in group health coverage, the coverage will be effective for twelve (12) months starting July 1 of the following year.

(d) This process will repeat each year.

To receive a copy of the full detailed Measurement Method policy, contact the Human Resources Specialist.

7.030~~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.

(c) 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.

(d) 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 Employees. 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.

7.040.~~7.030~~ Medical, Dental and Vision Insurance.

(a) Participation. Full-time employees 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 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.

7.050.~~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.

7.060.~~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.

7.070.~~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.

7.080.~~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.~~

~~(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.~~

(a) Retirement Systems. The City participates in the Utah Retirement Systems (URS). Eligibility is determined by the Utah State Retirement Law (Title 49). Eligible employees will be enrolled in the system for which they are eligible. Participation and administration of the systems shall be conducted in accordance with State statutes and regulations regarding the same. The City has elected to pick up the member contributions for the Tier I Firefighters.

(b) Tier II 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.

(c) Exemption from Retirement Systems. Individuals who are eligible for enrollment in Utah Retirement Systems (URS) in the following positions meet eligibility to exempt with Utah Retirement Systems (URS): elected, appointed, and designated administrative officials. The City has designated the following administrative officials as eligible for exemption out of the Retirement Systems: City Attorney, City Manager, City Recorder, Community and Economic Development Director, Finance Director, Fire Chief, IT Director, Parks and Recreation Director, Police Chief, and Public Works Director. The City will contribute an amount equal to the URS contribution rate into the exempted employee's URS 401(k) plan account. Tier I exemptions are exempting out of the URS Pension Plan. Tier II exemptions are exempting out of the four year vesting period.

(d) 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 URS 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.

7.090~~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.

7.100.~~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").

7.110.~~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.

7.120.~~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.

7.130.~~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.

7.140.~~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.

7.150.~~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.

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.

(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:

(a) Absence due to Illness. In the event an employee is absent due to illness, the request for leave may be handled by 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, temporary and 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.

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

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.

(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 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 than 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 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.

(1) ~~(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.

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(2) Make-up Time. With approval of the Department Head and the City Manager, an employee on intermittent leave may work an alternative work schedule that is outside of his or her regularly scheduled hours to make-up for compensation that is lost while on intermittent FMLA leave as long as operations and productivity can be maintained. Approved make-up hours will not be deducted from the employee's FMLA entitlement bank.

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(3) ~~(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.

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(4) ~~(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.

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(5) ~~(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

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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, and 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.

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, step-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. Employees must follow the procedures outlined in the Vacation Leave policy for funeral of friends or family members not on this list.

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.

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

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

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;

(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, any use of department equipment to access social networking sites, blogs or bulletin boards while on duty is prohibited except under limited circumstances at the discretion of the City Manager. If an employee is authorized to access social networking sites while on duty the employee must refrain from excessive use. 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, as determined by his/her Supervisor, Department Head or the City Manager.

(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 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 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 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; (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.

(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.

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 an adverse or negative action taken against any person complaining of or reporting harassment or any person involved or cooperating in an investigation of harassment or an adverse or negative action taken against any other person or property as a result of a 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, sexual orientation 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.

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 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.

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.

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.

Field Code Changed

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.

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

(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.

(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, or while “on-call.”

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

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

(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.

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.

(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) 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) Facilities Maintenance Technician

~~(V) Recreation Assistant~~

~~(W) Sports Fields Worker~~

(W~~X~~) Streets Maintenance Worker

(X~~Y~~) Water Maintenance Worker

(Y~~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 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 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).

(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.). 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 an 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.

CHAPTER 12
DOT DRUG AND ALCOHOL TESTING POLICY

12.010. Purpose.
12.020. General Policy.
12.030. Applicability.
12.040. Definitions.
12.050. Prohibitions.
12.060. Zero Tolerance.
12.070. Voluntary Self-Identification Program.
12.080. Prescription and Over-the-Counter Drugs.
12.090. Testing Required.
12.100. Basis for Testing.
12.110. Pre-Employment Testing.
12.120. Post-Accident Testing.
12.130. Random Testing.
12.140. Reasonable Suspicion Testing.
12.150. Return-to-Duty Testing.
12.160. Follow-Up Testing.
12.170. Testing Procedures.
12.180. Results.
12.190. DOT Required Action.
12.200. Removal from Safety-Sensitive Functions.
12.210. Additional Action.
12.220. Records.
12.230. Confidentiality.
12.240. Notification of Conviction.
12.250. Americans with Disabilities Act (ADA).
12.260. Amendments.

12.010. Purpose.

The purpose of this policy is to provide guidelines for the implementation and management of a drug and alcohol testing program for City employees and prospective employees who are subject to the Commercial Drivers License (CDL) drug and alcohol testing requirements under the Federal Omnibus Transportation Employee Testing Act of 1991, as amended, and the Department of Transportation (DOT) Regulations promulgated thereunder. The provisions of this policy are intended and shall be interpreted in accordance with the Federal Omnibus Transportation Employee Testing Act of 1991, as amended, and the DOT Regulations as defined herein. This policy is not intended to create or alter any existing employment status or contract, written or verbal, between Syracuse City and its employees or prospective employees.

12.020. 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 ensure the safety, personal health, and productivity of its employees, as well as the health and safety of those with whom Syracuse City employees come in contact. In addition, Syracuse City is committed to reducing highway accidents that result from driver misuse of drugs and alcoholic substances, thereby reducing fatalities, injuries, and property damage. To accomplish this, Syracuse City has developed a "zero-tolerance" substance abuse policy for all current and prospective CDL employees as more particularly set forth in this policy. This policy shall be distributed to all CDL employees and made available for review by prospective CDL employees. Employees may refer any questions regarding this policy or the materials referred to herein to the Human Resources Specialist.

12.030. Applicability.

This policy applies to all employees in the service of Syracuse City for compensation, and prospective employees, who are required to hold and maintain a Commercial Drivers License as a condition of employment and/or who operate a commercial motor vehicle in commerce and who are subject to the Commercial Drivers License requirements of the Department of Transportation, including, but not limited to 49 CFR Part 383, as amended, referred to and defined herein as "CDL employees." All other employees shall comply with the Non-DOT Drug and Alcohol Policy set forth in Chapter 11, rather than the provisions set forth herein. All CDL employees shall be subject to the testing requirements of this policy and the Non-DOT Drug and Alcohol Policy subject to the following limitation. When the provisions of this policy are applicable to a certain situation, this policy shall be complied with and no other testing requirements may be imposed. However, when provisions of this policy do not apply to a situation which is otherwise covered by the Non-DOT Drug and Alcohol Policy, CDL employees shall be subject to testing under the Non-DOT Drug and Alcohol Policy. For instance, if a CDL employee is involved in an accident involving loss of life requiring testing under this policy, the employee would be subject to testing under this policy and not subject to testing under the Non-DOT Drug and Alcohol Testing Policy. However, if the employee is involved in an accident not requiring testing under this policy but requiring testing under the Non-DOT Drug and Alcohol Testing Policy, the CDL employee would be subject to testing under the Non-DOT Drug and Alcohol Testing Policy. In any case, if there is any conflict between this policy and any other policy or regulation of the City, the requirements of this policy shall control and no other testing requirements shall be imposed which would conflict or hinder compliance with this policy. In accordance with DOT Regulations, testing under Chapter 11 cannot be combined with testing required under this Chapter 12.

12.040. Definitions.

Words not otherwise defined but used in this policy or in the materials referenced herein are defined in 49 CFR § 386.2, 49 CFR § 390.5 and 49 CFR § 40.3, as amended. 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 a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in Section 12.070 regarding voluntary admission. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing as used herein.

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

(c) Alcohol Concentration (or Content). "Alcohol Concentration" or "Alcohol Content" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

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

(e) CDL Employee. "CDL Employee" means any employee in the service of Syracuse City for compensation who is required to hold and maintain a Commercial Drivers License as s condition of employment and/or who is required as part of his or her job duties to operate a commercial motor vehicle in commerce and who is subject to the commercial driver's license requirements of 49 CFR Part 383, as amended.

(f) Commerce. "Commerce" means: (1) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and (2) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation as described in Subsection (1).

(g) Commercial Motor Vehicle. "Commercial Motor Vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating more than 10,000 pounds; or

(2) Has a gross vehicle weight rating of 26,001 pounds; or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Is of any size and is used in the transportation of material found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 USC § 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

(h) Controlled Substances or Drugs. "Controlled Substances" or "Drugs" means those substances identified in 49 CFR 40.85, as amended, consisting of the following:

(1) Marijuana metabolites

(2) Cocaine metabolites

(3) Amphetamines

(4) Opiate metabolites

(5) Phencyclidine (PCP)

(i) Designated Employee Representative (DER). "Designated Employee Representative" or "DER" means an individual identified by Syracuse City as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of Syracuse City and cannot be a service agent. The City's DER is the Human Resources Specialist.

(j) DOT Regulations. "DOT Regulations" means the rules and regulations promulgated by the U.S. Department of Transportation for alcohol and controlled substance testing requirements for employees subject to the Commercial Driver's License requirements pursuant to the Omnibus Transportation Act of 1991, including, but not limited to §§ 49 C.F.R. 40 and 49 C.F.R. 382, as amended.

(k) Driver. "Driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors. For the purposes of pre-employment/pre-duty testing only, the term *driver* includes a person applying to the City to drive a commercial motor vehicle.

(l) Medical Review Officer (MRO). "Medical Review Officer" or "MRO" means a licensed physician who is responsible for receiving and reviewing laboratory results generated by the City's drug testing program and evaluating medical explanations for certain drug test results.

(m) Prospective CDL Employee. "Prospective CDL Employee" means any person who has made a written or oral application to become an employee of Syracuse City in a position defined as a CDL employee.

(n) Refuse to Submit. "Refuse to Submit" means that a CDL employee:

(1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, consistent with applicable DOT agency regulations, after being directed to do so by the City. This includes the failure of an employee to appear for a test when called by the TPA (see, 49 CFR 40.61(a));

(2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test as provided in the DOT Regulations(see, 49 CFR 40.63(c));

(3) Fails to provide a urine specimen for any drug test required by this Policy or the DOT Regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test (see, 49 CFR 40.63(c));

(4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see, 49 CFR 40.67(l) and 40.69(g));

(5) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see, 49 CFR 40.193(d)(2));

(6) Fails or declines to take a second test the City, TPA or collector has directed the CDL employee to take;

(7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(9) Is reported by the MRO as having a verified adulterated or substituted test result.

(o) Safety-Sensitive Functions. "Safety-Sensitive Functions" means all time from the time a CDL employee begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions and includes any of those on-duty functions defined in 49 CFR 395.2. Safety-sensitive functions shall include all duties deemed safety-sensitive under the DOT Regulations, including, but not limited to, the following:

(1) All time at City facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;

(2) All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All time spent at the driving controls of a commercial motor vehicle in operation;

(4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

(p) Stand-Down. "Stand-Down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, and adulterated test, or a substituted test, before the MRO has completed the verification of the test results. The City is prohibited from standing down an employee, except consistent with a waiver from the FMCSA.

(q) Third Party Administrator (TPA). "Third Party Administrator" or "TPA" means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. TPA's typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs.

12.050. Prohibitions.

The following conduct is prohibited under this policy in accordance with the prohibitions set forth in 49 CFR 382, Subpart B:

(a) Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

(b) On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

(c) Pre-Duty Use. No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

(d) Use Following an Accident. No driver required to take a post-accident alcohol test under this policy and in accordance with 49 CFR 382.303 shall use alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.

(e) Refusal to Submit to Required Test. No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under this policy and in accordance with 49 CFR 382.303, a random alcohol or controlled substances test required under this policy in accordance with 49 CFR 382.305, a reasonable suspicion alcohol or controlled substances test required under this policy in accordance with 49 CFR 382.307, or a follow-up alcohol or controlled substances test required under this policy or 49 CFR 382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. Refusal to submit to a required test shall be deemed a violation of this policy and shall result in disciplinary action, up to and including termination.

(f) Controlled Substances Use. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function. The City may require a driver to inform the City of any therapeutic drug use as more particularly provided in this policy.

(g) Controlled Substances Testing. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

12.060. Zero-Tolerance.

If it is determined that a CDL employee violates any term, condition or provision 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.

12.070. Voluntary Self-Identification Program.

(a) Self-Identification Program. CDL employees of the City may voluntarily admit to alcohol misuse or controlled substances use ("admission") in accordance with the provisions of this Section setting forth the City's voluntary self-identification program. The provisions of this program are intended to comply with the provisions and requirements of 49 CFR 382.121, as amended. Voluntary admissions should be made to the employee's supervisor or the Human Resources Specialist. Employees having a drug or alcohol problem are strongly encouraged to seek help.

(b) Prior to Selection or Violation. To qualify for the City's voluntary self-identification program, the CDL employee must make the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function (i.e., prior to reporting for duty) and prior to being selected for testing under this policy (i.e., the admission cannot be made in order to avoid testing under the requirements of this policy.

(c) No Adverse Action. The City shall not take any adverse action against a CDL employee making a voluntary admission of alcohol misuse or controlled substances use in accordance with the conditions and provisions of this Section.

(d) Evaluation and Treatment. A CDL employee who has made a voluntary admission of alcohol misuse or controlled substances use in accordance with the terms and conditions of this Section shall be given sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem.

(e) Costs and Leave. The City will pay for the first visit to a drug and alcohol abuse evaluation expert. All other costs of evaluation, treatment and rehabilitation shall be the employee's responsibility. The City will allow employees who seek voluntary assistance for alcohol and drug problems under this program 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.

(f) Successful Completion. The CDL employee shall not perform any safety-sensitive functions until and unless the employee has successfully completed an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor). 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 and has successfully completed the treatment program. A licensed professional medical practitioner that specializes in substance abuse must sign this certification.

(g) Return to Duty Testing. Prior to performing any safety-sensitive functions, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02 and/or a return to duty controlled substances test with a verified negative test result for controlled substances use.

(h) Follow-Up Testing. 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.

(i) Disclaimer. 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.

12.080. 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.

12.090. Testing Required.

In accordance with the provisions of this policy, all prospective and current CDL employees shall be subject to controlled substances and alcohol testing as a condition of hiring and continued employment with the City. Failure to comply with this policy may result in the City refusing to hire a prospective CDL employee or disciplinary action being taken against current CDL employees, up to and including termination. Specimens collected under this policy may only be used to test for controlled substances and their metabolites as defined herein and shall not be used to conduct any other analysis or

test unless otherwise specifically authorized by DOT Regulations. All testing shall be based on and under the circumstances set forth in Section 12.100 regarding basis for testing.

12.100. Basis for Testing.

Prospective and current CDL employees shall be subject to testing for the presence of drugs and alcohol by the City in accordance with the provisions of this policy as a condition of hiring and continued employment with the City for any of the reasons or under the circumstances as more particularly set forth herein: pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty testing, and follow-up testing. CDL employees shall also be subject to controlled substances and alcohol testing when required by Federal law or regulations.

12.110. Pre-Employment Testing.

All prospective CDL employees shall undergo testing for controlled substances as a condition of employment and prior to performing any safety-sensitive duties for the 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 with the City. No prospective CDL employee shall be permitted to perform safety-sensitive functions for the City until and unless the City has received a pre-employment controlled substances test result from the MRO or TPA indicating a verified negative test result for the employee. A controlled substance test may not be required if the employee has participated in a drug testing program that meets the DOT Regulations within the previous thirty (30) days and all other exception requirements as set forth in the DOT Regulations are satisfied.

12.120. Post-Accident Testing.

(a) Alcohol Testing.

(1) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving CDL employee shall be tested for alcohol under the following circumstances:

(A) The CDL employee was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or

(B) The CDL employee received a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) If an alcohol test required by this Section is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test required by this Section is not administered

within eight (8) hours following the accident, the City shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Such records shall be submitted to the FMCSA, upon request.

(b) Controlled Substances Testing.

(1) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving CDL employee shall be tested for controlled substances under the following circumstances:

(A) The CDL employee was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or

(B) The CDL employee received a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) If a controlled substances test required by this Section is not administered within thirty-two (32) hours following the accident, the City shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Such records shall be submitted to the FMCSA, upon request.

(c) Testing. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to the testing. A driver who is seriously injured and cannot be tested at the time of the accident should provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs and/or alcohol in their system. Nothing in this Section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(d) Federal, State or Local Test Results. The results of a breath or blood test for the use of alcohol or the results of a urine test for the use of controlled substances conducted by Federal, State, or local law enforcement officials having independent authority to conduct such test shall be considered to meet the requirements of this Section for post-accident testing, provided such tests conform to the applicable Federal, State, and local alcohol or controlled substances testing requirements, as applicable, and the results of such tests are obtained by the City.

(e) Exceptions. Post-accident testing shall not apply to the following situations:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823.

(f) Summary. The following table notes when a post-accident test is required to be conducted in accordance with this Section:

Type of Accident	Citation Issued to Driver?	Must Test Be Performed?
Human fatality	YES NO	YES YES
Bodily injury with immediate medical treatment away from scene	YES NO	YES NO
Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO

12.130. Random Testing.

(a) CDL Employees. Every CDL employee shall be required to submit to random alcohol and controlled substances testing in accordance with the provisions of this Section. CDL employees include, but are not limited to, the following positions:

(1) Deputy Fire Chief

(2) Fire Captain

(3) Fire Engineer

(4) Fire Fighter

(5) Public Works Director

(6) Streets Superintendent

(7) Water Superintendent

(8) Environmental Superintendent

(9) Streets Maintenance Worker

(10) Water Maintenance Worker

(11) Environmental Maintenance Worker

(b) Testing Percentage Rates. According to current FMCSA standards, random controlled substances testing will be administered at a fifty (50) percent annualized rate and random alcohol testing

will be conducted at a ten (10) percent annualized rate. This means that the total number of controlled substances tests conducted during any twelve (12) month period will be equal to at least fifty (50) percent of the total Syracuse City 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 DOT testing pool. These rates are set by FMCSA Administration and shall be subject to change based on any increase or decrease in the Federally required testing rate.

(c) Random Selection. Selection of CDL employees for random testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number, generator that is matched with employee's social security numbers, or other comparable identifying numbers. Only covered CDL employees shall be included in the random testing pool. City CDL employees may be part of a larger random testing pool of covered employees. Each CDL employee selected for random testing under the selection process used shall have an equal chance of being testing each time selections are made. Each CDL employee selected for random testing shall be tested during the selection period. Selection for random testing will be done by the City's third party administrator in order to ensure that selection is truly random and is uninfluenced by any personal characteristics, behavior, or any other attribute.

(d) Unannounced. Random testing conducted under this Section shall be unannounced. The dates for administering the random tests shall be spread reasonably throughout the calendar year.

(e) Testing. Each CDL employee notified of selection for random testing shall proceed to the test site immediately; provided, if the employee is performing a safety-sensitive function other than driving a motor vehicle, at the time of notification, the employee shall cease to perform safety-sensitive functions and proceed to the testing site as soon as possible.

(f) Performing Functions. A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

12.140. Reasonable Suspicion Testing.

(a) Reasonable Suspicion. CDL employees shall be subject to alcohol and/or controlled substances testing when the City has reasonable suspicion to believe that the employee has violated the prohibitions of this policy. A determination of reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. Observation for reasonable suspicion may also include indications of the chronic and withdrawal effects of controlled substances.

(b) Supervisor Training. The required observations for reasonable suspicion testing shall be made by a supervisor or other City official who is trained in accordance with applicable DOT Regulations regarding such testing. 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 a reasonable suspicion drug and/or alcohol test. Records regarding training attendance will be kept for a minimum of three (3) years after the date of the training.

(c) Documentation. A written record shall be made of the observations leading to an alcohol and/or controlled substances reasonable suspicion test by the employee's supervisor or the person requesting the reasonable suspicion testing using the City's "Observed Behavior-Reasonable Cause

Record". The form shall be signed by the supervisor or City official who made the observations. The form shall be filled out and the record made within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier. The City strongly urges supervisors to complete the form before the employee is required to submit to testing in order to properly document the circumstances leading up to the testing referral.

(d) Timing of Observations. Reasonable suspicion alcohol testing is authorized by this Section only if the observations required in Subsection (a) are made during, just preceding, or just after the period of the work day that the CDL employee is required to be in compliance with this policy. A CDL employee may only be required to undergo reasonable suspicion testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

(e) Timing for Testing. If an alcohol test required by this Section is not administered within two (2) hours following the determination under paragraph (a) of this Section, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight (8) hours following the determination under paragraph (a) of this Section, the supervisor shall cease attempts to administer an alcohol test and shall State in the record the reasons for not promptly administering the test.

(f) Transportation. In the event that reasonable suspicion drug and/or alcohol 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 DER or the employee's supervisor will be responsible for transporting the employee.

(g) Refusal to Submit. If an employee refuses to submit to reasonable suspicion drug and/or alcohol test or attempt 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.

(h) Prohibition. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until:

(1) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(2) Twenty four (24) hours have elapsed following the determination under Subsection (a) of this Section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.

(i) Action. Except as provided in Subsection (h) of this Section, the City shall not take any action under this part against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the City with independent authority of this part from taking any action otherwise consistent with law.

12.150. Return-to-Duty Testing.

Any Syracuse City CDL employee whose initial breath alcohol content is between 0.02 – 0.039 grams per 210 liters of breath will be subject to return-to-duty breath alcohol testing before being permitted to return to work. The return-to-duty test must be completed not less than the equivalent of one full shift and not more than twenty-four (24) hours after the initial breath alcohol test. Return-to-duty breath alcohol testing will be conducted at the facility of the designated third party administrator. Refusal to submit to return-to-duty breath alcohol testing will be considered a positive test result and will subject the employee to disciplinary action as set forth in this policy. The requirements for return-to-duty testing shall comply with and be performed in accordance with 49 CFR 40, Subpart O.

12.160. Follow-Up Testing.

The requirements for follow-up testing shall comply with and be performed in accordance with 49 CFR 40, Subpart O.

12.170. Testing Procedures.

(a) Collection. All sample collection for drugs and alcohol testing under this policy shall comply with the procedures set forth in the DOT Regulations, including, but not limited to, 49 CFR 40, as amended. 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, custody and control forms, and collection kits, including bottles and seals used for sample collection shall be prepared by an independent laboratory trained and qualified to conduct DOT collection procedures. The Federal Drug Testing Custody and Control Form (CCF) shall be used to document every collection required by DOT Regulations. Directly observed collection shall only be conducted in accordance with DOT Regulations, including, but not limited to, 49 CFR 40.67, as amended. All controlled substances urine collection shall be split specimen collection. Collection sites shall meet all applicable DOT Regulations. Sample collection shall be conducted in accordance with the terms and conditions of this policy.

(b) Samples. 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.

(c) 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.

(d) Testing. Sample drug testing shall conform to scientifically accepted analytical methods

and procedures and shall be conducted in accordance with applicable DOT Regulations. All drug tests will use a screening test (typically an immunoassay test) and confirmation test by gas chromatography/mass spectrometry if the screening test is positive. Prospective and current DOT employees have the option of requesting a split-sample test. 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

12.180. Results.

(a) MRO. According to Federal regulations, all drug test results, will be referred to an MRO to verify the test 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 non-negative test to the employer, without interviewing the employee/applicant, if: (1) an individual has expressly declined the opportunity to discuss the test result with the MRO; (2) 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 (3) 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.

(b) DER Contact. If the MRO has been unable to contact an employee who has submitted a specimen under this policy, the DER shall make reasonable efforts to contact and request

such employee, regardless of employment status, to contact and discuss the results of the controlled substances test with the MRO. The DER shall immediately notify the MRO that the employee has been notified to contact the MRO within 72 hours.

(c) Confirmation. Before the results 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 an acceptable and reliable analytical method.

(d) Contesting. All verified non-negative samples will be kept in frozen storage at the laboratory for a minimum of one (1) year. If an employee or applicant believes the laboratory analysis is in error, they will have 72 hours from when first notified of the test result to request the re-analysis of the original specimen that was verified as positive, adulterated, or substituted. The urine sample must be independently re-analyzed by gas chromatography/mass spectrometry at a second SAMHSA-certified laboratory at the expense of the employee/applicant. If the re-analysis is negative, an employee shall be allowed to return to work immediately, shall be compensated for time lost, and shall be reimbursed for the cost of split specimen testing. Retesting will be on the original specimen and must be performed by a SAMHSA-certified laboratory.

(e) Notification. The City shall notify prospective employees of the results of a pre-employment controlled substances test conducted under this policy, if the prospective employee requests such results within 60 calendar days of being notified of the disposition of the employment application. The City shall notify an employee of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The City shall also inform the employee which controlled substance or substances were verified as positive.

12.190. DOT Required Action.

Pursuant to 49 CFR 40.23, the City is required to take the following action under the circumstances described:

(a) As an employer who receives a verified positive drug test result, you must immediately remove the employee involved from performing safety-sensitive functions. You must take this action upon receiving the initial report of the verified positive test result. Do not wait to receive the written report or the result of a split specimen test.

(b) As an employer who receives a verified adulterated or substituted drug test result, you must consider this a refusal to test and immediately remove the employee involved from performing safety-sensitive functions. You must take this action on receiving the initial report of the verified adulterated or substituted test result. Do not wait to receive the written report or the result of a split specimen test.

(c) As an employer who receives an alcohol test result of 0.04 or higher, you must immediately remove the employee involved from performing safety-sensitive functions. If you receive an alcohol test result of 0.02-0.039, you must temporarily remove the employee involved from performing safety-sensitive functions, as provided in applicable DOT agency regulations. Do not wait to receive the written report of the result of the test.

(d) As an employer, when an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation, you must not

return the employee to the performance of safety-sensitive functions until or unless the employee successfully completes the return-to-duty process of Subpart O of this part.

(e) As an employer who receives a drug test result indicating that the employee's specimen was dilute, take action as provided in Sec. 40.197.

(f) As an employer who receives a drug test result indicating that the employee's specimen was invalid and that a second collection must take place under direct observation--

(1) You must immediately direct the employee to provide a new specimen under direct observation.

(2) You must not attach consequences to the finding that the test was invalid other than collecting a new specimen under direct observation.

(3) You must not give any advance notice of this test requirement to the employee.

(4) You must instruct the collector to note on the CCF the same reason (e.g. random test, post-accident test) as for the original collection.

(g) As an employer who receives a cancelled test result when a negative result is required (e.g., pre-employment, return-to-duty, or follow-up test), you must direct the employee to provide another specimen immediately.

(h) As an employer, you may also be required to take additional actions required by DOT agency regulations (e.g., FAA rules require some positive drug tests to be reported to the Federal Air Surgeon).

(i) As an employer, you must not alter a drug or alcohol test result transmitted to you by an MRO, BAT, or C/TPA.

12.200. Removal from Safety-Sensitive Functions.

(a) Removal from Safety-Sensitive Functions. Except as provided in the DOT Regulations, no CDL employee shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the employee has engaged in conduct prohibited by Section 12.050 or an alcohol or controlled substances rule set forth in the DOT Regulations. The City shall not permit any CDL employee to perform safety-sensitive functions, including driving a commercial motor vehicle, if the City has determined that the employee has violated this Section. Employees found to have violated the provisions of Section 12.050 shall be removed immediately from safety-sensitive functions in accordance with this policy and the provisions of 49 CFR 40, Subpart O, as amended. As provided in the DOT Regulations, the City may not remove an employee from the performance of safety-sensitive functions based solely on a report from the laboratory of a confirmed positive test for controlled substances, an adulterated test, or a substituted test, before the MRO has completed verification of the test (also known as “standing down”).

(b) Required Evaluation and Testing. No CDL employee who has engaged in conduct prohibited by Section 12.050 shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the employee has met the requirements of 49 CFR 40, Subpart O, regarding required evaluation and testing. The City shall not permit any CDL employee who has engaged in conduct prohibited by Section 12.050 to perform safety-sensitive functions, including driving a commercial

motor vehicle, unless the employee has met the requirements of 49 CFR 40, Subpart O, regarding required evaluation and testing.

(c) Alcohol-Related Conduct. No CDL employee tested under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Except as provided herein, the City shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the City with authority independent of this Subsection from taking any action otherwise consistent with law.

12.210. Additional Action.

(a) Discipline. In an effort to ensure a drug-free workplace, Syracuse City is committed to a zero-tolerance drug and/or alcohol policy for all DOT employees. This means that refusal to test, an MRO-verified positive, adulterated, or substituted drug test, or a positive alcohol (greater than 0.04 grams per 210 liters of breath) test result, as reported by the third party administrator and/or MRO to the Syracuse City DER, for any of the drug and/or alcohol testing programs listed above will result in the disciplinary action against the employee, up to and including termination. Additional grounds for disciplinary action may include failure to fully comply with collection procedures and reasonable collector requests. All disciplinary action will be handled in accordance with the disciplinary procedures set forth in these Policies and Procedures, as applicable.

(b) Refusal to Hire. A prospective employee/applicant who has a positive or non-negative drug test result or refuses to submit to a drug test will not be further considered for employment.

(c) Alcohol Content. It is against Syracuse City policy for any DOT employee whose breath alcohol content is between 0.02 – 0.039 grams per 210 liters of breath to operate any vehicle. An employee with a breath alcohol content of 0.02 – 0.039 will be removed from duty for one shift or 24 hours, which ever is longer. No adverse employment action will be taken on the basis of initial breath alcohol test results in the range of 0.02 – 0.039. Upon return to work the employee must have a breath alcohol content less than 0.02 grams per 210 liters of breath. Failure to meet these standards on a follow-up breath alcohol screen will result in disciplinary action up to and including termination.

(d) Referral. Any DOT employee who has a positive drug and/or 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 substance abuse professional (SAP). The expenses associated with a initial, evaluative consultation with the LSAC or SAP will be paid for by Syracuse City. Additional services beyond an initial evaluation provided to the employee by the LSAC or SAP will be at the expense of the employee.

12.220. Records.

(a) Maintain. The City shall maintain records regarding alcohol and controlled substances testing in accordance with DOT Regulations, including, but not limited to, 49 CFR 382.401, as amended.

(b) Controlled Access. All alcohol and controlled substances testing records shall be maintained in a secure location with controlled access as more particularly set forth in Section 12.200.

(c) FMCSA Access. All records required by this policy shall be maintained in accordance with 49 CFR 390.31 and must be made available for inspection at the City offices within 2 business days after a request have been made by an authorized representative of the Federal Motor Carrier Safety Administration.

(d) Employee Access. A CDL employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The City shall promptly provide the records requested by the employee. Access to the employee's own records shall not be contingent upon payment for records other than those specifically requested.

(e) Subsequent Employers. Records shall be made available to a subsequent employer upon receipt of a written request from the employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's request.

(f) Identified Persons. The City shall release information regarding an employee's records as directed by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in 49 CFR 40.321(b), as amended.

12.230. Confidentiality.

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 TPA 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.).

12.240. 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.

12.250. 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 an 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.

12.260. 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 with the City. This policy will be amended from time to time to comply with changes in Federal and State laws. This policy is a general summary of Syracuse City's Department of Transportation (DOT) Drug-Free Workplace policy. If there is any question or conflict between what is said in the policy and the language in the DOT regulations as codified in 49 CFR parts 40 and 382, the DOT regulations will prevail.

CHAPTER 13
EMPLOYEE TESTING AND EVALUATION

13.010. Background Investigations.
13.020. Medical Examinations.
13.030. Driving Record Evaluations.

13.010. Background Investigations.

(a) Purpose. Utah law allows for criminal and sex offender history background investigations for employees and volunteers who: (1) provide services to children or vulnerable adults; (2) have fiduciary trust over money; (3) who care for, have custody of, or control of children; or (4) when necessary to safeguard national security. Due to the various types of employment positions within Syracuse City and the numerous contacts employees have with our citizens and customers, which span the entire age spectrum and include various security issues, it is Syracuse City's policy that all new employees will be subject to a background investigation prior to hiring. Volunteers working in public safety and recreation departments will be subject to a background investigation as a condition of and prior to being authorized to perform volunteer services for the City. In addition, employees and volunteers working in the public safety and recreation departments will be subject to annual criminal and sex offender investigations. The purpose of the background investigation is to verify credentials, to ensure that each person hired by Syracuse City is an appropriate fit for both Syracuse City and the position being offered, and to ensure that Syracuse City continues to employ individuals who do not pose a threat to those with whom they work.

(b) Scope. This policy applies to all prospective employees and volunteers of Syracuse City who are over eighteen (18) years of age. Successful completion of the background investigation process is a condition of employment for any position with the City and for volunteer service involving public safety and recreation departments as more particularly provided herein. A prospective employee who fails to meet the standards outlined below will not be considered for employment or volunteer service.

(c) Pre-Employment Checks. Syracuse City will conduct a pre-employment background investigation on all prospective employees and applicable volunteers over the age of eighteen (18). The information verified will depend on the type of position being offered. All pre-employment background investigations may include a social security trace, basic employment and education verification, and a county criminal history search.

(d) DOT Employees. In the case of prospective DOT employees, employment verification will include information regarding DOT drug and/or alcohol tests conducted by previous employers in accordance with applicable DOT regulations. A DOT background investigation will also include verification of the prospective employee's driving record in accordance with applicable policies.

(e) Public Safety Employees. Background investigations conducted on prospective public safety employees, including applicants for both the fire and police departments, will include an extended employment verification including information pertaining to the prospective employee's previous job responsibilities, disciplinary actions, performance, awards and/or certifications.

(f) Promotions. Background investigations will be conducted on employees who are promoted to a position that will require more responsibility in finances and/or safety

sensitive duties.

(g) Annual Background Investigations. Employees and volunteers who are over the age of eighteen (18) and are working in the public safety and parks & recreation departments in positions listed in below shall be subject to an annual background investigation to gather information pertaining to any criminal or sexually based convictions that may have occurred since hire or since the date of the last annual background investigation. Because criminal convictions can relate to the performance of job-related duties, the primary purpose of all annual background investigations conducted for employees and volunteers working in the public safety and recreation departments is to ensure that Syracuse City employees and volunteers who, in the course of their regular duties, may be required to enter citizen's homes or work with minors are held to the highest legal standards. If an annual background investigation conducted on a current Syracuse City employee or volunteer indicates that an employee or volunteer has been convicted of a criminal and/or sexual offense as listed in Subsection (h), that individual shall be subject to disciplinary action up to and including termination or ineligibility for volunteer service.

- Fire Department:
  - Fire Chief
  - Deputy Fire Chief
  - Fire Captain
  - Senior Fire Fighter
  - Fire Engineer
  - Fire Fighter
  - Any Fire Department Volunteers

- Police Department:
  - Police Chief
  - Police Lieutenant
  - Police Sergeant
  - Police Officer
  - Code Enforcement Officer
  - Bailiff
  - Crossing Guard
  - Any Police Department Volunteers

- Parks & Recreation Department
  - Parks & Recreation Director
  - Assistant Parks & Recreation Director
  - Recreation Coordinator
  - Recreation Assistant
  - Parks Maintenance Worker
  - Any Recreation Department Volunteers

(g) Procedures. In all cases, the individual being required to submit to a background investigation will be required to sign a waiver allowing the designated third party to obtain the requested information. This waiver, along with personal information about the prospective applicant or volunteer or the current employee or volunteer and their previous education and employment (if applicable), will be forwarded to the City's designated third party administrator. Background investigations required by Syracuse City will be paid for by Syracuse City and will be conducted in accordance with all Federal and

State regulations relative to background investigations.

(h) Results. The primary purpose of all pre-employment and volunteer service background investigations is to verify the information provided by the applicant or volunteer, to ensure that each person hired by or authorized to provide volunteer services for the City is an appropriate fit for both Syracuse City and the position being offered, and to ensure that the City continues to employ or permit volunteer services by individuals who do not pose a threat to those with whom they work or provide services.

(1) Any discrepancy between information provided by the applicant and information obtained through the pre-employment or volunteer service background investigation process will be considered falsification and may end an applicant's consideration for employment.

(2) If a pre-employment or volunteer service background investigation conducted on a prospective employee or volunteer has any of the following discrepancies or criminal history, that individual will not be considered for employment or volunteer service. This list is meant to illustrate possible reasons for denial of employment or volunteer service related to the results of a pre-employment or volunteer service background investigation and should not be construed as an exhaustive list of possible reasons for denial of employment or volunteer service. Any other information obtained from the background investigation process may result in the denial of employment or volunteer service.

(A) Inability to verify and/or authenticate a provided social security number (if applicable);

(B) Inability to verify that educational levels provided match the educational requirements of the position being offered (if applicable);

(C) Any conviction for any crime against minors, seniors, or persons with a disability;

(D) Any felony conviction involving violence;

(E) Any sexual offense conviction;

(F) A felony conviction for driving under the influence of alcohol/drugs (DUI) or other drug or alcohol related driving offense within the past ten (10) years;

(3) If a pre-employment or volunteer service background investigation conducted on a prospective employee or volunteer has any of the following discrepancies or criminal history, that individual may or may not be considered for employment or volunteer services and will be evaluated on a case by case basis. This list is meant to illustrate possible reasons for denial of employment or volunteer service. Any other information obtained from the background investigation process may result in the denial of employment or volunteer service.

(A) A misdemeanor conviction for driving under the influence of alcohol/drugs (DUI) or other drug or alcohol related driving offense within the past ten (10) years;

(B) Any criminal conviction within the last seven (7) years that is related to

violence, drugs and/or alcohol, or the commission of which, in the City's opinion, is indicative of conduct or character inconsistent with that of those entrusted to perform public service, or until such convictions are eligible for expungement, whichever is longer.

(i) Confidentiality. In an effort to ensure that all background investigation results remain confidential, the third party administrator for the Syracuse City background investigation program is only authorized to release results to the Syracuse City Designated Employee Representative (DER). The City's DER is the Human Resources Specialist. After being received by Syracuse City, all background investigation results will be stored in confidential employee files (established for all Syracuse City employees) or, in the case of applicants for whom employment was denied, with the prospective employee's employment application. All information obtained through the background investigation process 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 the results of the background investigation process.

(j) Maintenance and Release. Background investigation results 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. Background investigation results may be released in legal proceedings (i.e. unemployment hearing, wrongful termination, etc.). 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 background investigation results by making a written request to the Syracuse City DER.

13.020. Medical Examinations.

Applicants who have received a contingent offer of employment and current employees may be required, as legally appropriate and as permitted under the Americans with Disabilities Act, to submit to medical examinations. An applicant who has received a contingent job offer may be required to undergo a medical examination to demonstrate ability to safely perform the essential functions of the position for which the employee is being hired. Employment offers are contingent upon satisfactory completion of such examinations. As a condition of continued employment, employees may be required to undergo periodic job-related medical examinations in accordance with applicable legal restrictions and requirements. All medical examinations required by the City shall be paid for by the City in accordance with *Utah Code Ann*. ' 34-33-1, as amended. All records regarding medical examinations of applicants and employees shall be maintained as classified in accordance with the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann*. ' 63-2-101, *et seq*., as amended.

13.030. Driving Record Evaluations.

Any prospective employee or volunteer who may be required to operate a City-owned vehicle or personal vehicle on City business shall be required to submit to a pre-employment driving record evaluation. Pre-employment driving record evaluations shall be conducted with the written consent of the prospective employee. Failure to consent to a driving record evaluation, when required, will preclude employment with the City. Driving record evaluations will be conducted using the information available through the Utah Driver's License Division. If the applicant does not currently have a Utah driver's license, the driving record evaluation will be conducted using the information available through the City's Background Investigation system.

As part of the driver qualification process all drivers or potential drivers' Motor Vehicle Record (MVR) will be screened and monitored on an ongoing basis to ensure the standard is met and maintained. Drivers

will be qualified as “Acceptable” or “Borderline”. Drivers qualified as “Borderline” may be authorized to drive on a probationary basis as determined by the City Manager. Drivers or potential drivers whose record does not meet the driver qualification standard and is deemed “Unacceptable” will not be allowed to operate any City vehicle or personal vehicle while engaged in City business and may be subject to disciplinary action up to and including termination or may not be considered eligible for employment with the City.

All drivers must possess a valid Driver License. Required endorsements, if applicable, must also be maintained. The driver qualification evaluation will be based on the driver’s MVR and may also take into account work related motor vehicle incidents, whether or not the incident has been recorded on the driver’s MVR. All violations recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.

“Acceptable” or “Borderline” qualification will be determined using the following criteria. Any number of violations or accidents in excess of the “Borderline” criteria constitutes a failure to meet the driver qualification standard.

ACCEPTABLE

- Up to two (2) violations recorded on the MVR, or
- Up to one (1) at fault work related accident in the prior three (3) years, or
- A combination of one (1) violation on the MVR and one (1) at fault work related accident in the last three (3) years

Borderline

- Three (3) to four (4) violations recorded on the MVR, or
- Two (2) at fault work related accidents in the last three (3) years, or
- DUI or DWI within the last two (2) to five (5) years, or
- Any violation for Careless, Reckless or Distracted driving

Moving Violations	At-Fault Accidents			
	0	1	2	3
0	Acceptable	Acceptable	Borderline	Unacceptable
1	Acceptable	Acceptable	Borderline	Unacceptable
2	Acceptable	Borderline	Unacceptable	Unacceptable
3	Borderline	Unacceptable	Unacceptable	Unacceptable
4	Borderline	Unacceptable	Unacceptable	Unacceptable

A single major violation recorded on the MVR, or resulting from a work related incident, may be deemed “Unacceptable” will not be allowed to operate any City vehicle or personal vehicle while engaged in City business and may be subject to disciplinary action up to and including termination or may not be considered eligible for employment with the City. Major violations include, but are not limited to:

- DUI or DWI in the previous twenty-four (24) months, or

- Failure to stop and/or report an accident, or
- Making a false accident report, or
- Attempting to elude a law enforcement officer, or
- Others as determined by the City Manager

It is the duty of the employee to notify his or her supervisor immediately if his or her driver's license has expired, has been suspended or revoked, or if the employee has committed driving under the influence (DUI) or other alcohol or drug related driving offense.

CHAPTER 14
WORKPLACE SAFETY

14.010. General Policy.
14.020. Occupational Safety and Health Act.
14.030. Safe Environment.
14.040. Inspection of Workplace.
14.050. Safety Rules.
14.060. Use of Equipment and Tools.
14.070. Confined Space Entry.
14.080. Hazardous Communication.
14.090. Hazardous Energy Control (Lockout/Tagout).
14.100. Department Specific Safety.
14.110. Accidents/Incidents & Work Related Injuries.
14.120. Worker's Compensation.
14.130. Bringing Children to Work.

14.010. General Policy.

Syracuse City strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure how to perform a task safely, he or she should ask his or her supervisor or department head for the correct method or procedure. Failure to follow City safety rules as set forth in this Chapter or any other unsafe conduct constitutes misconduct and shall be subject to disciplinary action, up to and including termination.

14.020. Occupational Safety and Health Act.

(a) Compliance. It is the intent of the City to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act ("OSHA") as established under Federal Law and Utah State Law. No job is so important and no service so urgent that time cannot be taken to perform work safely. Syracuse City will post all required OSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Additional information relative to OSHA requirements and safety standards can be obtained from the Human Resources Specialist or applicable State or Federal agency.

(b) Inspections. If an OSHA inspector arrives on the job site, an employee should immediately notify the Human Resources Specialist and City Manager and refer the inspector to such personnel for any questions or inspections. If the inspection was due to an employee complaint, the Human Resources Specialist should request a copy of the complaint. This will help Syracuse City correct any safety problems. Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law.

14.030. Safe Environment.

It is the policy of Syracuse City to maintain a work environment which is free from any recognizable hazard that is likely to cause death or serious injury to any employee. It is the City's policy to maintain a safe work environment through planning, training and open communication with all employees regarding safety matters. Each employee is required to comply with OSHA orders, rules, and regulations and all safety provisions of these Policies and Procedures.

It is the employee's responsibility to become familiar with their department specific safety policy and procedures.

14.040. Inspection of Workplace.

In accordance with law, the City Manager and applicable Department Heads should inspect or designate a competent person or persons to inspect the workplace frequently for unsafe conditions and practices or defective equipment and materials. Where such conditions are found, appropriate action should be taken to correct such conditions immediately. The City Manager, or designee, shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and the public.

14.050. Safety Rules.

Each Department may prepare additional safety rules applicable to the specific nature of work in such Department; provided, such rules are not in conflict with the rules listed below. Employees shall comply with all Department rules and regulations and the following general safety rules applicable to all Departments.

(a) Proper licensing, training and extreme caution are required by all employees operating any type of power equipment.

(b) Employees shall use all necessary personal and mechanical safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate for the work performed.

(c) Employees shall avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair shall be properly secured.

(d) All accidents shall be reported immediately to the supervisor or department head in accordance with these Policies and Procedures.

(e) Employee's shall immediately cease using and report any defective equipment to the employee's department head or the Human Resources Specialist.

(f) Employees shall not operate equipment or use tools for which licensing and training has not been received.

(g) In all work situations, safeguards required by State and Federal Safety Orders shall be provided and utilized.

(h) Due to the potential risk of serious injury or death, employees are prohibited from entertaining or caring for guests or family members while on-duty or in or around the workplace. Employees should use extreme caution and care when working in inherently dangerous work areas including, but are not limited to:

(1) Road repair;

(2) Construction areas;

(3) Vehicle maintenance areas;

(4) Swimming pools; and

(5) Animal control.

14.060. Use of Equipment and Tools.

(a) The use of Syracuse City equipment or tools for private purposes is strictly prohibited unless otherwise specifically provided herein.

(b) Employees shall be required to attend training provided by the City, including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job. Employees may attend additional training as approved by the City.

(c) A commercial driver's license (CDL) is required for operators of commercial motor vehicles in accordance with applicable Federal laws and regulations. No individual shall be allowed to operate such vehicles unless a current commercial driver's license is in his or her possession in accordance with applicable Federal laws and regulations. Employees must renew their commercial driver's license as required by applicable Federal laws and regulations. CDL employees shall also be subject to drug and alcohol testing and ongoing driver's license evaluations as more particularly provided in these Policies and Procedures.

14.070. Confined Space Entry.

Syracuse City has a written confined space entry policy for situations and work conditions requiring confined space entry in accordance with applicable Federal laws and regulations. This is part of the Syracuse City Safety Handbook. All employees who work or may potentially work in or near a confined space shall comply with the requirements stated in the Safety Handbook related with confined space.

14.080. Hazardous Communication.

Syracuse City has a written Hazardous Communication policy in compliance with Utah's Right-to-understand law as well as the Globally Harmonized System of classification and labeling of chemicals. All employees shall comply with the requirements stated in the Safety Handbook related with hazardous communication.

14.090. Hazardous Energy Control (Lockout/Tagout).

Syracuse City has a written Hazardous Energy Control policy in compliance with the OSHA-mandated requirements for controlling hazardous energy sources at Syracuse City during the servicing, testing, and/or maintenance of machines and energized equipment. This policy details the locking-out and tagging-out of hazardous energy sources in order to protect the safety and health of maintenance workers and employees. Workers and employees could be injured or killed in the event of the unexpected start-up of machines or equipment or during the release of stored energy. All employees shall comply with the requirements stated in the Safety Handbook related with hazardous energy control.

14.100. Department Specific Safety.

Other safety policies that are specific to duties performed in a department are also included in the Safety Handbook. These may include fall protection, forklift operation, etc. Additional safety measures may be in the form of Standard Operating Procedures (SOP) or Standard Operation Guidelines (SOG) for each department specifically. SOPs/SOGs are not considered a part of the Safety Handbook, but employees in that department are expected to know and understand all safety policies, practices, operations and guidelines for the duties that they are required to perform.

14.110. Accidents/Incidents & Work Related Injuries.

(a) Initial Reporting. To the extent circumstances permit, employees who are injured, no matter how minor ~~or~~, or involved in a post-accident/incident while on-~~duty, in~~duty in connection with employment, or in connection with Syracuse City vehicles must immediately notify their supervisor or department head of the injury/incident. The supervisor or department head should ensure prompt and qualified medical attention is provided for the employee. The supervisor or department head should notify the Human Resources Specialist as soon as possible of the reported injury/incident.

(b) Medical Attention. To the extent circumstances permit, an employee who sustains a work-related injury shall be driven by the supervisor, another employee or emergency personnel to one of the following medical facilities for any necessary medical attention:

(1) Layton WorkMed (during business hours 8AM-5PM) and drug and alcohol screening must be done; or

(2) Syracuse InstaCare (after business hours 5PM-9PM) and supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done; or

(3) McKay Dee Hospital Emergency Room (after hours) and supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done; or

(4) Nearest Emergency Room, if life threatening.

(c) Drug & Alcohol Screening. An employee who is involved in a work-related incident that involves driving of a Syracuse City vehicle (regardless of anticipated costs) or a work-related incident that is anticipated to exceed $1,000 is required to submit to post-accident/incident drug and alcohol testing as follows:

(1) Employee shall be driven by the supervisor or another employee to Layton WorkMed (during business hours 8AM-5PM) and drug and alcohol drug screening must be done; or

(2) if after business hours the supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done

(d) Claims. Claims for work-related injuries, including doctor or hospital bills, should not be submitted to the employee's regular health insurance plan. The Human Resource Specialist will file a claim with Syracuse City's worker's compensation carrier.

(e) Documentation. Documentation of all work related injuries shall be filled out and submitted as soon as reasonably practical following the injury. It is essential that all injuries be reported to the Human Resources Specialist in order to ensure that the proper documentation is filled out in a timely manner. The following forms shall be filled out by the employee, to the extent practicable under the circumstances, or the Human Resources Specialist if the employee is unable to fill out the forms.

(1) Injury/Incident Report form must be filled out. A separate form must be filled out by the employee, any witnesses and the immediate supervisor. See form in Appendix N.

(2) Form 122. Form 122 must be filled out by the HR Specialist and is submitted to the insurance carrier online while submitting the claim within seven (7) days of the date of injury. A copy of this document will be kept in the injury/illness file for each incident.

(3) OSHA First Report of Injury. An OSHA First Report of Injury Form must be filled out by HR Specialist and filed within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job if the illness and/or injury required more than minor first-aid. The original reporting form will be kept in OSHA 300 Log file that will be created for each incident.

(f) The Human Resources Specialist shall investigate reported job related injuries to determine the cause of the injury and any remediation or safety measures that may be taken to avoid similar injuries.

(g) If an employee dies as a result of work related injury, the Human Resource Specialist shall file a report with OSHA within eight (8) hours of first knowledge or notification of the death. The Human Resource Specialist must file a report with OSHA within twenty-four (24) hours of first knowledge of an employee injury resulting in any inpatient hospitalization, any amputation or loss of an eye.

(h) Return to Service. Before returning to work after a job related injury requiring medical care, the employee must submit a statement from the attending physician stating the employee is able to return to work and resume normal duties of the employee's particular job position or that outlines what restrictions the employee has. The City will accommodate restricted duty jobs for workers injured on the job. The Human Resource Specialist will work the Supervisor of the employee to design a work strategy that meets the injured employee's restrictions and accomplishes Syracuse City's goals. Failure to return to work when able to do so may result in disciplinary action, up to and including termination.

(i) Checklist. See Appendix O for a checklist to help employees and supervisors remember steps.

14.120. Workers' Compensation.

Eligible employees may be covered under the Workers' Compensation Act as set forth in *Utah Code Ann.* §§ 34A-2-101, *et seq*., as amended, for any injury sustained during the performance of their job. Compensation may be provided to eligible employees through Workers' Compensation Fund of Utah or third party administrator in accordance with the Workers' Compensation Act.

14.130. Bringing Children to Work.

The City does not have a childcare program at this time. Due to safety and productivity issues, employees are not permitted to bring their children to work with them. This provision does not apply to City-approved organized programs intended to provide children an opportunity to observe the workplace or career opportunities or other educational fieldtrips and tours of the City offices. Limited exception may be made on a case by case basis by the Department Head or City Manager.

CHAPTER 15
DISASTER RESPONSE PLANNING

15.010. General Policy.
15.020. Employee Disaster Notification.
15.030. Natural Disaster/Man-Made Disaster Response Plan.
15.040. Suspicious Person or Assailant Threats.
15.050. Telephone Bomb Threats.
15.060. Mail, Letter, and Package Bomb Threats.
15.070. Suspicious Article Threats.

15.010. General Policy.

Syracuse City has developed the following Disaster Response Plan using, in part, a Disaster Response Planning Guide. All employees will be expected to adhere to this Disaster Response Plan to the maximum extent possible and practicable.

15.020. Employee Disaster Notification.

Supervisors are responsible for notifying all City employees of the disaster response action to be taken in the event of a disaster or pending disaster to the extent possible.

15.030. Natural Disaster/Man-Made Disaster Response Plan.

Following a natural disaster, the following action shall be taken:

(a) Employees already at work will assess the disaster and take whatever evasive action is deemed necessary within the law to protect themselves, their fellow employees, and the public in general. As soon as practical the employee shall notify his/her supervisor of his/her status and whereabouts.

(b) Employees will be allowed to contact and/or secure their families and homes as soon as practical to ensure their family status and security.

(c) Employees will report to their immediate supervisor, or the next level supervisor, as soon as practical and await instructions as indicated in the Emergency Operation Plan..

(d) All Syracuse City vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.

(e) Employees not at work will contact the City Manager as soon as practical for further instructions.

15.040. Suspicious Person or Assailant Threats.

(a) Syracuse City has developed the following procedures to be followed in the event that a suspicious person or assailant is in the area:

(1) Employees will contact a supervisor and other co-workers through any means to alert them of a threatening situation.

(2) In the presence of an active assailant employees will take the following action:

- Get Out!
- Hide!
- Fight!
- Employee's shall assist one another as practical

(b) Employees shall notify law enforcement as soon as possible. Features and physical characteristics that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

15.050. Telephone Bomb Threats.

(a) An employee receiving a telephone bomb threat should be calm and courteous to the caller. The employee should notify his or her supervisor, or any other employee in the area, using a prearranged signal while the caller is on the line. An example following this procedure would be throwing a pencil or other small item near the supervisor, followed by rapidly waving the arm to get their attention. While on the phone the employee will communicate with the supervisor by using or passing notes, email and/or other means of communication.

(b) Employees shall notify law enforcement as soon as possible. Syracuse City has developed a Bomb Threat Checklist for employees to use. Voice characteristics, background noises, and bomb threat details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects. See the checklist in Appendix P.

15.060. Mail, Letter and Package Bomb Threats.

(a) Employees receiving mail at work should visually assess the letter or package and inform his or her supervisor or the City Manager of anything unusual. It is always better to be safe than sorry.

(b) Employees shall notify law enforcement as soon as possible. Features and physical characteristics or other details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

15.070. Suspicious Article Threats.

Employees should report all suspicious articles to his or her supervisor or the City Manager. Do not touch, pick up, shake, or attempt to move, any articles of a suspicious nature. Employees shall notify law enforcement as soon as possible.

CHAPTER 16
TUITION AID

16.010. Purpose.
16.020. Funds.
16.030. Eligibility.
16.040. Standards.
16.050. Procedure.
16.060. Limitations.
16.070. Compliance.
16.080. Records.

16.010. Purpose.

It is the purpose of this Chapter to provide educational assistance in the form of Tuition Aid to eligible employees for course work taken at an accredited or approved institution, when funds are available, in order to enhance the abilities of the City work force. It is the intent of this Chapter to benefit the individual and to benefit the City through the utilization of the employee's newly acquired skills and knowledge. This Chapter and the Tuition Aid provided herein is not intended to train employees for opportunities with other employers or to provide reimbursement for seminars and professional training.

16.020. Funds.

The City shall allocate in its annual budget funds deemed appropriate for Tuition Aid. All Tuition Aid shall be contingent upon sufficient funds allocated by the City.

16.030. Eligibility.

In order to be eligible for Tuition Aid, employees must be full-time employees of the City in good standing and must have completed their probationary period of employment with the City.

16.040. Standards.

(a) Job Related. All classes, courses, or degrees must be pre-approved by the City and must be reasonably related to the employee's present job or determined by the City to be related to the employee's probable future work with the City. In determining whether the course work is "job related," the City shall consider the knowledge, skills, and abilities required by the employee's current job description.

(b) Accredited Institution. Course work must be offered at a college, university, or accredited educational institution or other institution approved by the City Manager.

(c) Credit. Course work must be taken for credit and completed. No reimbursement shall be made for audits, incomplete, or withdrawals.

(d) Time. Course work must be taken on the employee's own unpaid time. Exceptions may be approved by the City Manager based upon a written statement of the department head that unusual circumstances exist.

(e) Job Performance. An employee's outside educational activities should not interfere with the employee's work and the employee's job performance must remain satisfactory. Unsatisfactory job performance during enrollment may result in denial or forfeiture of education assistance in addition to disciplinary action.

(f) Repayment. Eligible employees must sign a Tuition Aid Repayment Agreement agreeing to repay the City in full for any Tuition Aid in the event the employee voluntarily leaves employment with the City or is terminated for reasons other than reduction in force or job elimination in accordance with the limitations set forth in Section 16.060. Eligible employees shall also agree that the total refund required to be made to the City hereunder may be deducted from the employee's final paycheck from the City.

16.050. Procedure.

(a) Application. Any eligible employee desiring to obtain Tuition Aid shall file a Tuition Aid Application with his or her department head. The Tuition Aid Application shall be filed prior to the commencement of the course. See Appendix Q.

(b) Review. The employee's department head shall review the Tuition Aid Application based upon the standards set forth in this Chapter including review of the employee's eligibility for assistance. The department head shall thereafter recommend approval or denial of the Tuition Aid Application to the City Manager. The City Manager shall review the Tuition Aid Application based upon the standards set forth herein, verify available funds for the request and approve or deny the Tuition Aid Application. Tuition Aid requests by the City Manager shall be forwarded to the City Council for review and approval in accordance with the provisions of this Chapter. In such instances of City Council review, any references herein to City Manager shall refer to the City Council.

(c) Reimbursement. Upon satisfactory completion of the approved course work, a portion of the employee's tuition expenses, fees and books may be reimbursed to the employee as follows:

(1) 90% for an "A" grade (or "pass" if course is only offered as Pass/Fail)

(2) 75% for a "B" grade

(3) 60% for a "C" grade

(4) 0% for lower than a "C" grade

(d) Transcript and Receipt. Prior to reimbursement, the employee must submit to the City Manager, a certified transcript of grade or certificate of completion of the course work and receipts for the actual tuition, fees and book expenses incurred.

16.060. Limitations.

(a) Funds. All Tuition Aid is contingent upon sufficient funds available in the City and/or department budget and shall be distributed on a first-come basis as determined by the date of final approval of the Tuition Aid Application by the City Manager.

(b) Annual Maximum. Eligible employees are limited to a maximum reimbursement of $2,000.00 per employee during any fiscal year (July 1st to June 30th) for tuition, fees and books.

(c) Other Sources. Reimbursement is limited by the amount of financial aid the employee receives from other sources such as grants or scholarships; i.e. the employee is only eligible for reimbursement from the City for the appropriate percentage of the employee's total out-of-pocket costs after the grant or scholarship has been deducted.

(d) Repayment. Employees who voluntarily leave employment with the City or are terminated for reasons other than reduction in force or job elimination shall be required to repay the City in full for any Tuition Aid received from the City within one (1) year prior to the date of termination. Employees who are terminated during enrollment because of a reduction in force or job elimination will be reimbursed for the amount of the approved costs incurred up to the effective date of termination.

16.070. Compliance.

Failure to comply with this Chapter will result in disapproval of Tuition Aid Application and/or nonpayment of the reimbursement as determined appropriate in the sole discretion of the City Manager. Failure to comply may also result in disciplinary action, up to and including termination.

16.080. Records.

A copy of Tuition Aid records shall be retained by the City in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended.

CHAPTER 17
TRAVEL, CREDIT CARD, AND REIMBURSABLE EXPENSES

17.010. Travel Costs.
17.020. Credit Card Expenses.
17.030. Vacation/Sick Leave Cash Out for Emergency Preparedness.
17.040. General Expenses.

17.010. Travel Costs.

(a) Purpose. City employees may be permitted or required to attend seminars, meetings, conferences and workshops when it is anticipated that the training and information received by the officer or employee at such events will benefit the City. It is the purpose of this policy to provide reasonable and systematic means by which attendance and travel to such events will be approved and the cost estimated and controlled for economic, budgetary, and auditing purposes. It is the intent of this policy to provide adequate controls over travel expenditures and to maintain accountability for such expenditures while allowing for flexibility.

(b) Budget. The City shall allocate in its annual budget funds deemed appropriate for travel expenditures. Each department head shall be responsible for keeping travel expenditures within his or her respective approved department travel budget.

(c) Eligibility. For purposes of this policy, "travel" shall be considered any in-state or out-of-state trip taken by a City employee in the course of performing his or her duties, including trips to or attendance at seminars, meetings, conferences and workshops. All travel expenditures must be pre-approved by the City as set forth herein. All travel expenditures must be anticipated to serve a bona fide public purpose and confer a benefit upon the City.

(d) Procedures.

(1) Requests for Travel. An employee desiring to obtain travel funds shall request and receive written approval from his or her department head, stating the purpose, details and estimated expenses of the travel at least two (2) weeks prior to the desired date of departure. Requests for travel by department heads shall be submitted to the City Manager and shall note the name of the person to be in charge of the department during the department head's absence.

(2) Review. The employee's department head shall review the travel request based upon the requirements set forth herein, including review of the department's approved travel budget. The department head may approve or deny the travel request. The City Manager may approve or deny the travel request of any department head.

(3) Advancements. Upon the request of the employee and timely submission of the Travel Application, approved travel expenses may be advanced.

(4) Receipts. The traveling employee shall document expenses of the trip and keep all original receipts and credit card receipts, provided that receipts for meals covered by the per diem compensation and fuel purchased with the City fuel card shall not be required.

(5) Documents. An expense report indicating the actual expenses of the trip together with all original required receipts shall be submitted to the City Manager within thirty (30) days after the event in order to receive any payment or refund. Except for per diem advancements, if less money was spent than was advanced, a reimbursement check made payable to the City for the difference shall be attached. Except for per diem advancements, if more money was spent than was advanced, a voucher request for the difference to be paid to the employee shall be attached.

(6) Summary. The City Manager, Mayor or Council may request a written summary or an oral report on all seminars, workshops, conferences or conventions attended by employees.

(e) Mode of Transportation. With the approval of his or her Department Head, employees are responsible for arranging their own transportation. The most economical form of transportation shall be used considering factors such as the cost of the transportation and the amount of time required. If any employee chooses a more costly form of transportation, the City will pay the lesser cost of the two forms, and the per diem rate shall be based upon the amount of time it would have taken under the less costly form of transportation. If extra time is needed for the more costly form of transportation, the employee shall use vacation or compensatory time for the excess time needed to reach the destination.

(f) Costs. Employees are encouraged to utilize the lowest cost travel arrangements possible. Airline reservations should be made, whenever possible, at least thirty (30) days in advance. If a reduced airfare is offered for a stay over a Saturday night, and the reduced rate more than compensates for additional lodging and per diem costs, the employee is encouraged to stay over the additional night. The government or corporate rate should be requested at all hotels.

(g) Permitted Expenses. The following allowances and payments may be made for travel expenses.

(1) Transportation. The City may pay for the cost of the most economical form of transportation. Employees traveling in a private vehicle will be reimbursed per mile and per vehicle at the current reimbursement rate permitted by the Internal Revenue Service. Employees traveling in a City vehicle will be reimbursed for the actual cost of gasoline and any incidental and necessary costs incurred in connection with such vehicle. Gasoline and other incidental and necessary cost receipts must be provided for reimbursement.

(2) Meals. The City may pay employees a per diem amount to cover the cost of meals during travel or training. The maximum daily per diem allowance for Syracuse City employees engaged in travel in-state on the City's behalf is thirty-nine dollars ($39.00). The maximum daily per diem allowance for Syracuse City employees engaged in travel out-of-state on the City's behalf is forty-six dollars ($46.00). Employees shall be provided the following standard per diem rate for meals when in-state travel requires less than a full day: $10.00for breakfast (when departing before 6:00 a.m..); $13.00 for lunch; and $16.00 for dinner (when returning after 7:00 p.m.). Employees shall be provided the following standard per diem rate for meals when out-of-state travel requires less than a full day: $10.00 for breakfast (when departing before 6:00 a.m.); $14.00 for lunch; and $22.00 for dinner (when returning after 7:00 p.m.). It is the policy of the city to comply with the provisions of *Utah Administrative Code R25-7-6,* regarding reimbursement for meals.

(3) Fees. The City may pay the actual and reasonable cost of registration and other fees for seminars, workshops, conferences, and conventions.

(4) Ground Transportation. The City may pay the reasonable and necessary costs for ground transportation, including airport shuttle, taxi cab, rental car, and parking lot fees.

(5) Lodging. If an employee is traveling outside of Weber, Davis and Salt Lake Counties for City business for multiple days, the employee may stay overnight. The City may pay for the reasonable and necessary costs of lodging if an overnight stay is required. Traveling employees shall choose lodging based on pricing, location, and government rates. When possible, employees shall lodge at the conference sponsored hotel that offers a government rate. Traveling employees may elect to stay with friends, relatives, use their personal campers or trailer homes instead of staying in a motel/hotel. The City will compensate the employee fifty percent (50%) of the lowest total cost of the conference sponsored hotel price.

(6) Miscellaneous. The City may pay for other miscellaneous costs as deemed reasonable and necessary by the City Manager.

(7) Personal Expenses. Employees traveling on City business, including employees traveling with a spouse or other companion, shall strictly distinguish expenses incurred as part of City business from personal expenses. The City will provide reimbursement only for those expenses which the employee would normally incur if traveling alone. For example, the City will pay for the employee's lodging at the single room rate and the employee shall be required to pay for any additional double occupancy lodging charge or upgrade. The City shall not pay for personal expenses such as telephone charges, personal transportation charges, room service charges, etc.

17.020. Credit Card Expenses.

(a) Purpose. In order to ensure the proper use and accountability of tax payer dollars, the following credit card policies are to be followed when using Syracuse City Credit Cards to expend City funds. Compliance with the policy is the obligation of each City employee. Failure to follow the policy may result in disciplinary action up to and including termination as described below. Questions regarding the policy are to be directed to the Finance Director.

(b) Tax Exempt. Most City purchases are not subject to sales tax. For vendors requiring documentation of tax exempt status, a TC-721G Exemption Certificate for Governments and Schools may be obtained from the Finance Director. Lodging charges in Utah are subject to sales tax. It is the cardholder's responsibility to ensure sales tax is only paid when required.

(c) Cardholder Responsibilities. It is the responsibility of the cardholder to:

(1) Read and understand the City Credit Card Policies and Procedures.

(2) Sign the Syracuse City Credit Card Acceptance Agreement. (See Appendix R)

(3) Make only authorized purchases as prescribed by the City Purchasing Policy and approved departmental budget.

(4) Retain receipts for all transactions. In the absence of a receipt, a Missing Receipt Form must be completed and signed by the cardholder and their Department Head. (See Appendix S). This form can also be found in the policy manual or on the City Intranet.

(5) Reconcile the credit card statement upon its arrival. All reconciliations, statements, and receipts are due to Accounts Payable by the 10th of the following month.

(6) Keep the credit card and the corresponding account information secure. Immediately report any lost or stolen credit card and/or account information to the Finance Director.

(7) Report fraudulent charges or any discrepancies in the credit card statement in a timely manner to the Finance Director.

(d) Department Head or Supervisor Responsibilities. It is the responsibility of the Department Head or Supervisor to:

(1) Request and oversee the issuance of new cards through the Finance Director. The credit limit will be determined at the discretion of the Finance Director.

(2) Inform the Finance Director when changes and cancellations are needed because of personnel changes.

(3) Make sure credit card reconciliations are completed by the 10th of each month.

(4) Review the cardholder's reconciliation and transactions for completeness, accuracy, and compliance with Syracuse City policies and procedures.

(5) Address the cardholder about questionable transactions and take disciplinary actions when necessary

(6) Report any misuses of credit cards immediately to the Finance Director and/or the City Manager

(7) Sign the reconciliation form for each cardholder after review

(e) Prohibited Credit Card Purchases. The following purchases are strictly prohibited from being purchased by using a City credit card:

(1) Purchase of items for personal use or consumption

(2) Purchasing in violation of the City Purchasing Policy

(3) Alcohol

(4) Utah State Tax, except on lodging charges

(5) Fuel for fleet vehicles unless traveling outside of Utah. The state gas card should be used for fuel purchases.

(6) Splitting a purchase to remain under purchasing policy limits

(f) Disciplinary Action for Improper Use. Any employee found to be in violation of these policies may be subject to disciplinary action including but not limited to suspension of credit card, repayment of unauthorized charges, and/or termination of employment.

17.030. Vacation/Sick Leave Cash Out for Emergency Preparedness.

Once per fiscal year, Full-Time employees may purchase pre-approved emergency preparedness items and be reimbursed up to two hundred and fifty dollars ($250.00) by cashing out Vacation or Sick Leave. The employee must have a remaining balance of one-hundred and sixty (160) hours of accrued sick leave after the cash out is complete. The employee must submit an Emergency Preparedness Cash-Out form along with original receipts to his or her Department Head for approval. (See Appendix T) The Department Head will submit the form to the Finance Director and Human Resources for processing. The determination as to whether or not the Cash Out will be approved will be based on the availability of funds and will be re-evaluated on an “as needed” basis. Pre-approved emergency preparedness items include:

(a) Bottled Water

(b) Non-Perishable Food

(c) Water Storage

(d) 72 Hour Kit

(e) Generator

(f) Portable Fuel & Cooking Equipment (BBQ Grill not included)

(g) Battery-Powered Radio

(h) Batteries

(i) Flashlight

(j) First Aid Kit

(k) Whistle

(l) Duct Tape

(m) Can Opener

(n) Fire Extinguisher

(o) Compass

(p) Matches

(q) Multi-Purpose Tool (e.g. Leatherman or Swiss Army Knife)

(r) Emergency Blanket

(s) Fire Escape Ladder

(t) Two-Way Radios

(u) Rain Gear

(v) Dust Masks

(w) Local Maps

(x) Water Purification Systems/Devices

(y) Disposable Hand/Foot Warmers

(z) GPS Devices

(aa) Sleeping Bags

(bb) Tent

(cc) Backpacks/Duffel Bags

(dd) Toiletry/Personal Sanitation Supplies (e.g. toilet paper, personal wipes, transportable emergency toilet, etc.)

(ee) Emergency Heater/Portable Propane Heater

17.040. General Expenses.

With prior approval for purchase, legitimate expenses will be reimbursed by Syracuse 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. An expense for meals, beverages, snacks, etc. for meetings shall not be paid for with City funds and may not be reimbursed unless pre-approved by the City Manager. Examples of situations that may be approved include but are not limited to, a business lunch with an outside consultant who is providing information, advice or other business matters, a working lunch during an emergency or urgent project that requires staff to continue working, a training seminar.

CHAPTER 18
VEHICLE USE

18.010. Purpose.
18.020. Official City Business.
18.030. Use Agreement and Driver's License Verification.
18.040. Authorized Passengers Only.
18.050. Parking and Operation.
18.060. Vehicle Backing.
18.070. Secure Loads.
18.080. Vehicle Maintenance.
18.090. Vehicle Abuse.
18.100. Accidents.
18.110. Take-Home Vehicle Use and Rules.
18.120. Documentation of Vehicle Usage.~~Take-Home Vehicle Rules.~~
18.130. Qualified Non-Personal Use Vehicles.
18.140. Private Vehicle Use.
18.150.~~18.140.~~ Failure to Comply.

18.010. Purpose.

The purpose of this Chapter is to establish guidelines for the use of City vehicles by employees. Employees using City vehicles shall comply with this Chapter. Employees failing to operate City vehicles in compliance with this Chapter shall be subject to disciplinary action up to and including termination.

18.020. Official City Business.

~~Except as provided in Section 18.110, t~~ The use of City vehicles by employees shall be limited to official City business, provided that reasonable ~~incidental~~ stops may be made while en route of City business or during break or lunch periods. All personal use of city vehicles is prohibited unless specifically approved herein or by the City Manager. Personal use includes:

(a) Commuting between residence and work station;

(b) Vacation or weekend use;

(c) Use by spouse, dependents or other non-employees;

(d) All vehicle use that is not for official City business

18.030. Use Agreement and Driver's License Verification.

Each employee using a City vehicle shall sign a Vehicle Use Agreement and Driver's License Verification Form prior to using a City vehicle, and shall carry a valid Utah driver's license corresponding to the type of vehicle being operated. Employees operating City vehicles shall be at least eighteen (18) years of age. The City shall have the right to review the driving records of all employees in order to identify unsafe or uninsurable drivers in accordance with the City driving record evaluation policy set forth in Chapter 13. City employees with poor driving records may be prohibited from driving City vehicles or

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prohibited from driving personal vehicles on City business or may be required to obtain high risk insurance. Any employee subject to this Chapter for authorized use of a City vehicle whose driver's license expires or is suspended or revoked shall immediately report such expiration, suspension or revocation to the employee's department head. The department head shall immediately notify the Human Resources Specialist of such expiration, suspension or revocation. Any department head subject to this Chapter for authorized use of a City vehicle whose driver's license expires or is suspended or revoked shall immediately report such expiration, suspension or revocation to the Human Resources Specialist.

18.040. Authorized Passengers Only.

Unless otherwise stated, all non-City personnel are prohibited from riding in or operating any City-owned vehicles. This rule also includes any family of City employees unless authorized by the employee's supervisor or department head and only in limited circumstances.

In the event that non-City personnel do ride in a city vehicle, he or she is required to dress and conduct themselves in a safe, proper manner that will promote a positive image of the City and its employees.

In the case of Police Officers, any non-police personnel will be discharged from the vehicle prior to the off duty officer responding to an emergency response situation in which the non-police personnel may be placed in danger. This will be done at a safe and convenient location. The officer may then respond. Non police personnel may ride in police vehicles only when authorized by the Department Head. ~~Non-City persons may only ride in City vehicles in connection with official City business and when accompanied by a City employee. No other persons such as family or friends of employees or strangers are permitted to ride in City vehicles unless otherwise authorized by the employee's supervisor or department head and only in limited circumstances.~~

18.050. Parking and Operation.

All employees using City vehicles shall operate the vehicle in a safe manner and in accordance with all State and local traffic regulations, including but not limited to, all posted and required speed limits. Employees shall exercise defensive driving skills to prevent accidents, and shall wear a seat belt at all times the vehicle is in operation. The employee shall be responsible for any citation or parking ticket received for non-compliance with such regulations. The employee shall also ensure that all passengers in the vehicle wear a seat belt at all times the vehicle is in operation. Smoking is prohibited in all City owned vehicles.

18.060. Vehicle Backing.

When backing any City vehicle, another employee should assist the driver whenever possible. When a spotter is not available, the driver should walk completely around the vehicle before backing and carefully watch the area that he or she is backing into. When possible, employees parking a City vehicle shall pull through a parking stall or back into a stall.

18.070. Secure Loads.

Drivers of City vehicles shall be responsible to secure all loads adequately to ensure that items in their vehicles do not fall off or blow off in transit.

18.080. Vehicle Maintenance.

Employees are responsible for the daily care and general maintenance of City vehicles under their control or assigned to them, provided however, that no repair or other alteration to the vehicle shall be made without authorization from their supervisor. Any suspicions regarding mechanical problems or any equipment breakdown, defect or failure involving a City vehicle shall be reported immediately to the employee's supervisor. No supervisor should knowingly require a subordinate to operate an unsafe vehicle or equipment. The routine maintenance schedule is under the responsibility of each Department Head.

18.090. Vehicle Abuse.

Any employee abusing a City vehicle shall be subject to disciplinary action up to and including termination. Vehicle abuse includes any intentional or unintentional misuse or misapplication of any City vehicle for a purpose other than that for which it was intended. Vehicle abuse shall include, but shall not be limited to, failure to provide proper maintenance of the vehicle such as checking the oil, tires, and windows, and failure to observe normal driver responsibility.

18.100. Accidents.

Employees involved in a vehicular accident while driving a City vehicle or while on City business shall immediately contact the local law enforcement agency with jurisdiction and fill out the appropriate police report for the incident. As soon as reasonably practical, employees shall report any accident or damage involving a City vehicle or work related injuries to their supervisor in accordance with the accident and injury reporting procedures set forth in Chapter 14. Any required post-accident drug and alcohol testing shall be conducted in accordance with applicable provisions of Chapter 11 and Chapter 12 regarding Drug and Alcohol Testing.

18.110. Take-Home Vehicle Use and Rules.

~~Generally,~~ City vehicles in general are not permitted to be taken home or ~~used~~ utilized for personal use by City employees. The following employees may be permitted to use City vehicles for commuting to and from work and for other ~~limited purposes~~work related purposes: ~~as provided herein:~~

(a) Police officers in accordance with the vehicle use policy set forth ~~in~~by the Police Department Policies and Procedures;

(c) ~~(b)~~ City employees who are subject to being called out for emergency response for City services during normal off-duty work hours and whom are authorized by their Department Head and the City Manager. ~~, and the City vehicle is integral to providing such emergency response. .~~ Such employees, as authorized, include: ~~Fire Chief,,~~ Public Works Director, Public Work Superintendents, Facility Maintenance Technician, ~~Building Official, City Administrator,, Community Development Director, Recreation Director,~~ employees assigned to on-call duty for which they are being compensated, and any other employee as deemed appropriate by the City Manager

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In addition to the policies established herein, any employee taking a City vehicle home shall adhere to the following conditions:

(a) All city take home vehicles shall only be used for City business and commuting or de minimis personal use;

(b) The distance to or from City Hall and the employee's home shall not exceed a seventeen (17) mile radius (one-way);

(d)The vehicle shall be parked, secured and locked, and remain at the employee's home when it is not being used for official business;

(e) The vehicle shall be returned to the City when the employee is on leave for more than three (3) days, on administrative leave of any duration, suspended from duty, or upon the request of the supervisor;

(f) The employee shall be responsible for maintaining both the interior and exterior of the vehicle in a clean and safe condition (the City may provide cleaning supplies for employee use in maintaining City vehicles in accordance with this policy); and

(g) The employee shall be responsible for any tax liability incurred by the employee for taking the vehicle to and from work, and shall provide any information required by the City to complete the relevant tax forms regarding such use.

(h) Employees authorized to take home vehicles are required to respond to emergency situations upon request within a half an hour, unless authorized otherwise by his or her Department Head.

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18.120. Documentation of Vehicle Usage.

To comply with IRS guidelines and requirements, the employees who are authorized to use City vehicles to commute to and from work as mentioned in subsection 18.110, with the exception of Police Officers, the Fire Chief and the Deputy Fire Chief, will have three dollars ($3.00) per scheduled work day added to the employee's gross income to have the appropriate federal and state taxes withheld.

(a) Employees who regularly take a City vehicle home will be responsible to let his or her Department Head and the Human Resource Specialist know when he or she does not take a City vehicle home to ensure he or she is not being taxed for personal use of the vehicle.

(b) For employees who are on call on a rotating basis and take a City vehicle home less frequently, the employee and the Department Head will be responsible to let the Human Resource Specialist know when he or she take the vehicle home to ensure compliance with the IRS guidelines and requirements.

Failure to comply with the policy herein will be subject to disciplinary action, up to and including termination.

~~**18.120. Take Home Vehicle Rules.**~~

~~In addition to the policies established herein, any employee taking a City vehicle home shall adhere to the following conditions:~~

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~~(a) The distance to or from City Hall shall not exceed fifteen (15) miles (one-way);~~
~~The vehicle shall be parked, secured and locked, and remain at the employee's home when it is not being used for official business;~~

~~(c) The vehicle shall be returned to the City when the employee is on leave for more than three (3) days, on administrative leave of any duration, suspended from duty, or upon the request of the supervisor;~~

~~(d) The employee shall be responsible for maintaining both the interior and exterior of the vehicle in a clean and safe condition (the City may provide cleaning supplies for employee use in maintaining City vehicles in accordance with this policy); and~~

~~(g) The employee shall be responsible for any tax liability incurred by the employee for taking the vehicle to and from work, and shall provide any information required by the City to complete the relevant tax forms regarding such use.~~

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18.130. Qualified Non-Personal Use Vehicles.

All use of a qualified non-personal use vehicle including commuting is excludable to employees as a working condition fringe benefit. As a result, all employees who drive a qualified non-personal use vehicle as a take home vehicle are not required to record and substantiate usage of such a vehicle for tax purposes. Qualified non-personal use vehicles include any vehicle that the employee is unlikely to use for more than minimal personal use due to the vehicle's design.

Other City vehicles that do not fit within the category of a qualified non-personal use vehicle or are not under the IRS Safe Harbor rule are not automatically excludable under tax law.

~~18.130.~~18.140. Private Vehicle Use.

Employees normally shall use City vehicles for City business. Department heads may approve employee use of private vehicles for City business in limited circumstances. When circumstances require an employee to use his or her private vehicle for City business and such use has been approved by the employee's department head, the employee may be paid mileage reimbursement the amount specified in the Internal Revenue Code. The employee shall submit documentation of approved mileage to his or her department head for review and approval prior to reimbursement. Employees shall be required to maintain appropriate insurance for such vehicles and shall be responsible and liable for any damage to the same.

~~18.140.~~18.150. Failure to Comply.

Any employee who disregards the provisions of this Chapter may be subject to disciplinary action, up to and including termination.

CHAPTER 19
COMPUTERS AND EQUIPMENT USE

19.010. Equipment and Supplies.
19.020. Removal of Equipment.
19.030. Technology Resources.
19.040. Computers, Email and Internet.
19.050. Prohibited Computer Use.
19.060. Postage Meters.
19.070. FAX and Copy Machines.
19.080. Land-Line Telephones.
19.090. Cellular Phones.
19.100. Bring Your Own Phone (BYOP) Policy.
19.110. Termination.

19.010. Equipment and Supplies.

All employees are charged with the responsibility of maintaining the City's property in the best possible condition and making the most economical use of supplies issued to them. All employees are charged with using and operating City equipment and property according to established protocol, including operating equipment in a safe and courteous manner.

19.020. Removal of Equipment.

No City owned, leased, or licensed equipment may be removed from City premises without prior approval from the employee's department head.

19.030. Technology Resources.

To help maximize its employees' efficiency in carrying out their responsibilities, Syracuse City provides various information and technology resources such as e-mail, computers, software/computer applications, networks, the internet, facsimile machines, cell phones, pagers, and other wireless communication devices and voice mail systems. These tools and equipment are City property and must be used in accordance with these Policies and Procedures.

19.040. Computers, Email and Internet.

The City provides computer and internet access to designated employees for their use to transact City business. The following rules and restriction shall govern any and all use of City computers, email and internet.

(a) Personal use of computers, internet and email is only allowed during non-working hours, such as breaks and lunch periods, and is subject to the restrictions and conditions of this Chapter. Employees shall keep personal email and other electronic correspondence to a minimum and in no event shall such personal use of computers, internet and email interfere with the employee's work or productivity or disrupt other employees.

(b) To prevent computer viruses and other network problems, employees are prohibited from any unauthorized downloading of any software. Only software which has been purchased and approved by Syracuse City may be loaded or used on any of the City's computers.

(c) Employees are prohibited from accessing or visiting any websites or receiving or sending any email information which would be considered offensive by community standards; including, but not limited to, pornographic or sexually explicit information.

(d) Employees shall not use City computers or equipment for personal gain, including, but not limited to, personal for-profit and not-for-profit business purposes, political activity, or any other activity that could be considered a violation of these policies and procedures.

(e) City computers are the sole property of the City and may be subject to monitoring at any time without notice. Any information or messages created or retrieved over the internet or through email on City computers, and the contents of all City computers, is considered the property of the City. The City retains the right to observe, record, access and review any transactions made on City computers, including, but not limited to email messages, websites, etc. When using the email or voicemail systems, and other equipment including City computers, the employee knowingly and voluntarily consents to being monitored and acknowledges the City's right to conduct such monitoring. The security of email and voicemail communications is not guaranteed.

(f) Certain electronic data may be considered a "record" subject to access pursuant to the Utah Governmental Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended, or discoverable in litigation under applicable Rules of Civil Procedure.

(g) Abuse of email, voicemail and computer systems shall subject the employee to disciplinary action, up to and including termination.

19.050. Prohibited Computer Use.

The City will not tolerate inappropriate or illegal use of electronic data, equipment or information and reserves the right to take appropriate disciplinary action as needed, up to and including termination of employment for any violations of this Chapter. Such inappropriate or illegal use of these resources includes, but is not limited to, the following:

(a) hacking;

(b) pirating software and/or video files;

(c) soliciting;

(d) distributing literature for outside entities;

(e) sending or forwarding inappropriate emails; including, but not limited to, offensive, harassing, disparaging, vulgar, obscene, slanderous, defaming or threatening communications;

(f) accessing, viewing, or downloading inappropriate web sites, i.e., sites advocating hate or violence, displaying pornographic or sexually explicit material, or promoting illegal activity;

(g) distributing confidential information to persons or entities that are not entitled to such information;

(h) storing or placing unlawful information on City computers or network;

(i) copying system files, programs or data without proper authorization;

(j) disseminating, printing or copying copyrighted materials including articles and software in violation of copyright laws;

(k) using abusive or otherwise objectionable language in either public or private messages;

(l) sending or forwarding messages that are likely to result in the loss of the recipient's work or system use;

(m) sending or forwarding "chain-letters," jokes or lists or any other type of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;

(n) decryption of system or user passwords; or

(o) creating, distributing, viewing or soliciting sexually oriented messages, materials or images.

19.060. Postage Meters.

No employee shall be allowed to use Syracuse City owned postage metering machines at any time for posting and mailing of any material other than those associated with official business of Syracuse City.

19.070. FAX and Copy Machines.

Employees may use City fax and copy machines for limited personal use subject to supervisor approval. Employees shall pay for such use at the employee rate which is in effect at the time of use.

19.080. Land-Line Telephones.

Telephones are to be used to conduct Syracuse City business. Long distance or toll calls using City land lines of a personal nature are prohibited. Although occasional, limited local personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee and his or her co-workers.

19.090. Cellular Telephones.

Only those employees authorized by their department head and/or the City Manager are authorized to have a City-issued cell phone. The level of monthly service for such City-issued cell phone shall be commensurate with the amount of City business conducted and needed by the employee. The primary purpose of all City-issued cell phones shall be to facilitate City business. The City will allow limited personal use of City-issued cell phones, though personal use of City cell phones shall not be excessive and shall not interfere with the performance of job duties. The City reserves the right to monitor the billing and use of all City-issued cell phones. By accepting the use of a City-issued cell phone, the

employee also understands that excessive use of the cell phone that hinders job performance may result in disciplinary action. Cellular transmissions can be overheard by others. Discretion should be used in discussing confidential information on a cell phone. Employees, who are authorized to use a City-issued cell phone shall agree to be readily available to take calls, respond to e-mails and text messages during working hours. Employees, who are authorized to use their personal phone for work purposes shall use best judgment when taking calls, responding to e-mails and text messages outside of his or her working hours to ensure that he or she is not working unreasonable or unapproved overtime. Employees may not use their personal phones for work purposes during periods of unpaid leave without authorization from his or her Department Head. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment. An employee who violates the conditions of these policies relating to cell phones and usage will be subject to having the use of his or her City-issued cell phone terminated. In addition, employees may be subject to disciplinary action, up to and including termination, for any violation of these policies.

19.100. Bring Your Own Phone (BYOP) Policy

Employees that would otherwise be given a City cell phone/smart phone may elect to use a personal cell phone/smart phone for City business if authorized by his or her Department Head and the City Manager. Employees who have not received authorization in writing from his or her Department Head and the City Manager will not be permitted to use personal phones for work purposes. Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

While at work, employees are expected to exercise the same discretion in using their personal phones as is expected for the use of City phones as defined in this chapter.

Employees, who are authorized to use their personal phone for work purposes shall agree to be readily available to take calls, respond to e-mails and text messages during working hours. Employees, who are authorized to use their personal phone for work purposes shall use best judgment when taking calls, responding to e-mails and text messages outside of his or her working hours to ensure that he or she is not working unreasonable or unapproved overtime. Employees may not use their personal phones for work purposes during periods of unpaid leave without authorization from his or her Department Head.

No employee using his or her personal phone should expect any privacy except that which is governed by law. The City has the right, at any time, to monitor and preserve any communications that use the City's networks in any way; including data, voice mail, and email, to determine proper use. Management reserves the right to review or retain personal and company-related data on personal phones or to release the data to government agencies or third parties during an investigation or litigation

(a) BYOP Stipend. Employees authorized to use personal phones under this policy will receive an agreed-on quarterly stipend as approved by the City Manager. If an employee obtains or currently has a plan that exceeds the monthly stipend, the employee shall be responsible for any and all remaining amounts and the City will not be liable for the cost difference. Under no circumstances shall the City be responsible for any late fees or like charges.

(b) Lost, Stolen, Hacked or Damaged Equipment. Employees are expected to protect personal phones used for work-related purposes from loss, damage or theft. Employees must immediately notify management in the event their personal phone is lost, stolen or damaged to ensure any City data is protected. If IT is unable to repair the phone, the employee will be responsible for the cost of replacement.

(c) Termination of Employment. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the personal phone for inspection. All company data on personal phones will be removed by IT upon termination of employment.

19.110. Termination.

Employees will be required to return all City-issued equipment to the Department Head or his or her designee upon termination of their employment. Failure to return City-issued equipment upon termination will be considered theft and may be subject to prosecution.

CHAPTER 20
PERFORMANCE EVALUATIONS

20.010. General Policy.
20.020. Performance Evaluation Periods.
20.030. Performance Evaluations.
20.040. Records.
20.050. Performance Tracking

20.010. General Policy.

It is the policy of Syracuse City to evaluate City employees regarding their work performance in accordance with the City adopted performance evaluation system and the provisions of this Chapter. Performance evaluations are intended to improve the performance of employees by providing meaningful, constructive feedback on the adequacy of performance.

20.020. Performance Evaluation Periods.

(a) Probationary Employees. Probationary employees shall be evaluated at the next scheduled annual evaluation period following their one (1) year anniversary and may also be evaluated at any other time deemed necessary by the Supervisor and/or Department Head. The performance evaluations for probationary employees may be used to provide information to both the employee and the City regarding the employee's performance. Performance evaluations and the results of such evaluations for probationary employees shall not obligate Syracuse City to a particular course of action relative to the probationary employees, nor shall it create any property or due process rights for such employees relative to their employment with the City.

(b) Employees. All employees, other than temporary or seasonal employees, shall receive performance evaluations on an annual basis. The evaluation period for these annual reviews will be the previous calendar year (January 1 to December 31). The annual performance evaluations shall be conducted and completed by the employee's direct supervisor. Annual performance evaluations must be completed and submitted by the supervisors to the Human Resources Specialist on or before March 1 of each year. Additional evaluations may be made at any time at the discretion of the supervisor or department head or when directed by the Human Resources Specialist.

20.030. Performance Evaluations.

Employees shall be evaluated by his or her immediate supervisor in accordance with the City approved performance evaluation system and approved performance criteria. Performance evaluations should consist of a written evaluation form as well as an in-person interview. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and disciplinary actions.

20.040. Records.

Performance evaluation records shall be maintained in the employee's personnel file. Such records shall be maintained and accessed in accordance with the Utah Governmental Records Access and Management Act as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended.

20.050. Performance Tracking.

Department Heads and/or Supervisors shall from time to time enter Significant Incident Reports (SIRs), whether positive and/or negative, into the City's evaluation system in order to track the employee's performance throughout the year.

CHAPTER 21
GRIEVANCES

21.010. Grievances.
21.020. Informal Grievance Procedures.
21.030. Formal Grievance Procedures.
21.040. Appeal.
21.050. Retaliations.
21.060. Records.

21.010. Grievances.

Employees may appeal a decision or disciplinary action by the City which affects his or her employment (other than suspension, demotion or dismissal which are governed by appeal provisions of Chapter 22) pursuant to the provisions set forth herein. These guidelines should not be construed as preventing, limiting or delaying the City from taking disciplinary action, including immediate termination, in circumstances where the City deems such action appropriate. Except as required by State or Federal law, the grievance procedures provided herein shall be exhausted prior to seeking alternative remedies.

21.020. Informal Grievance Procedures.

Employees are encouraged to resolve their grievances at the lowest administrative level possible. An employee with a grievance may first attempt to settle the matter informally through discussion with his or her supervisor. The supervisor should review the matter and conduct an investigation as deemed appropriate under the circumstances. If the employee does not believe the problem has been satisfactorily resolved within ten (10) days after the circumstances are first discussed informally with the supervisor, or any time prior thereto, the employee may pursue formal grievance procedures as provided herein.

21.030. Formal Grievance Procedures.

(a) Complaint. An aggrieved employee may file a formal written grievance with the Human Resources Specialist within ten (10) days from the date of the event giving rise to the grievance or within ten (10) days from the date the employee has knowledge, or should have knowledge, of the event giving rise to the grievance. Grievances shall be filed using an Employee Grievance Form as provided by the City (See Appendix T). The time for filing a formal written grievance shall be extended during the time for which informal grievance procedures are pursued; provided, such time shall not exceed thirty (30) days. If the grievance involves the Human Resources Specialist, the grievance may be filed with the City Manager, in which case all references herein to Human Resources Specialist shall refer to City Manager.

(b) Investigation and Recommendation. Upon receipt of a grievance, the Human Resources Specialist shall review and investigate the matter as deemed appropriate under the circumstances. Upon completion of review and investigation, the Human Resources Specialist shall prepare a written recommendation to the City Manager regarding the matter.

(c) Decision. The City Manager should, within a reasonable time from receipt of the recommendation from the Human Resources Specialist, prepare and provide the employee written notice of his or her final decision in the matter.

21.040. Appeal.

An employee aggrieved by a final decision of the City Manager regarding a formal grievance filed hereunder may appeal such decision to the City Council by filing a written appeal stating the grounds therefore with the City Recorder within ten (10) days from the date of the decision. Only the issues presented in the original grievance may be considered on appeal. The City Council shall conduct a review of the matter reviewing the City Manager's decision for correctness. The City Council shall prepare and provide to the employee written notice of its final decision in the matter within a reasonable time from receipt of the appeal.

21.050. Retaliations.

Employees are entitled to bring good faith grievances hereunder without fear of retaliation. The City shall not discriminate against an employee because that individual made a grievance complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision herein. No person shall coerce, intimidate, threaten, harass or interfere with any individual in the exercise or enjoyment of the exercise of any right granted or protected herein. Employees are further protected under the provisions of the Utah Protection of Public Employees Act, more commonly known as the "Whistle Blower's Act," as set forth at *Utah Code Ann*. ' 67-21-1, *et seq*., as amended.

21.060. Records.

The City shall maintain records pertaining to employee grievances filed hereunder and records pertaining to an appeal of such grievances in accordance with the Utah Government Records Access and Management Act as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended. No document relating to an employee grievance shall be placed in the employee's personnel file.

CHAPTER 22
DISCIPLINARY ACTION

22.010. General Conduct.
22.020 Responsibility for Discipline.
22.030. Levels of Discipline.
22.040. Investigation.
22.050. Administrative Leave.
22.060. Verbal Warning.
22.070. Written Reprimand.
22.080. Probation.
22.090. Suspension.
22.100. Demotion.
22.110. Dismissal.
22.120. Pre-Disciplinary Action Hearing.
22.130. Disciplinary Action.
22.140. Appeals.

22.010. General Conduct.

It is the responsibility of all employees of the City to conduct themselves in accordance with the City's policies, rules and regulations and to perform their work in a satisfactory manner. Employees are expected to conduct themselves in a professional and competent manner and to be courteous and cooperative at all times with fellow employees, supervisors and the public. Any action or conduct not in accordance with City policies or in violation of any City rule or regulation shall be subject to disciplinary action up to and including termination.

22.020. Responsibility for Discipline.

The basic responsibility for discipline lies with the employee's supervisor under the direction of the City Manager, provided that any disciplinary action involving suspension, probation, demotion or dismissal shall require a pre-disciplinary action hearing and prior review and approval of the City Manager in accordance with the procedures set forth herein. In addition, any dismissal of an employee shall comply with City Ordinances regarding Mayor and/or City Council approval, as more particularly set forth in Title 1 of the Syracuse Municipal Code.

22.030. Levels of Discipline.

When there are grounds for discipline, an employee shall be subject to appropriate disciplinary action, based upon the particular facts and circumstances of each case. Disciplinary action may include one or more of the following: verbal warning, written reprimand, suspension with or without pay, probation, demotion and dismissal.

22.040. Investigation.

Prior to any disciplinary action or recommendation of any disciplinary action, the alleged misconduct and related circumstances shall be investigated by the employee's immediate supervisor and/or the Human Resources Specialist. When deemed appropriate, any investigation may also be conducted by an outside investigator hired by the City. The investigation shall be conducted to the extent

deemed necessary and appropriate under the circumstances. Such investigation should provide the employee with an opportunity to respond verbally and/or in writing to the alleged claims.

22.050. Administrative Leave.

In the event of an emergency, or when otherwise deemed appropriate and necessary pending full investigation of alleged violations of an employee, the City Manager, or his or her designee, may temporarily relieve an employee from duty, with pay, or temporarily reassign the employee to another position at the same rate of pay. Such temporary relief from duty with pay shall be considered administrative leave and shall not preclude subsequent disciplinary action against the employee. The Department Head shall fill out the Administrative Leave Form (see Appendix U) and turn into the Human Resource Specialist.

22.060. Verbal Warning.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not required, the supervisor may verbally communicate to the employee the observed deficiency. Written documentation of the warning shall be prepared by the supervisor using the City's Disciplinary Action Form setting forth the date, time, circumstances and grounds for the discipline, and the date, time and circumstances of the verbal notice. The Disciplinary Action Form, along with a Signification Incident Record (SIR) shall be signed by the supervisor, the Human Resources Specialist and the employee. If the employee refuses to sign the form, the supervisor shall note such refusal in writing on the form. All disciplinary action documentation shall be filed and maintained with the employee's personnel records and input into the evaluation system as a SIR.. Failure to remedy the deficiency described in a verbal warning may result in additional disciplinary action being taken.

22.070. Written Reprimand.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not required, the supervisor may reprimand an employee in writing. Written reprimands shall be prepared by the supervisor using the City's Disciplinary Action Form setting forth the date, time, circumstances and grounds for the discipline (See Appendix V). The Disciplinary Action Form, along with a Signification Incident Record (SIR) shall be signed by the supervisor, the Human Resources Specialist and the employee. If the employee refuses to sign the form, the supervisor shall note such refusal in writing on the form. All disciplinary action documentation shall be filed and maintained with the employee's personnel records and input into the evaluation system as a SIR, Failure to remedy the deficiency described in a written reprimand may result in additional disciplinary action being taken.

22.080. Probation.

Whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be placed on disciplinary probation for a period not to exceed six (6) months. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. The purpose of disciplinary probation is to provide a period during which the employee's performance is carefully monitored and evaluated. Upon receipt of a supervisor's recommendation for probation, the City Manager shall determine the

appropriate disciplinary action to be taken, if any. Probationary status shall not preclude any other disciplinary action being taken against the employee as deemed appropriate. Any probationary period may be extended by the City Manager for a period of time not to exceed three (3) months upon written notice to the employee. Any disciplinary action taken against an employee on probation, other than verbal or written reprimand, shall comply with the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and shall be subject to applicable appeal procedures set forth in Section 22.140.

22.090. Suspension.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be suspended, with or without pay, for a period of time not to exceed fifteen (15) calendar days. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for suspension, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section 22.130. Any employee suspended with or without pay shall be responsible for making full employee contributions to his or her employee medical insurance benefits no later than the regularly scheduled pay day and must be available to work during all regular business hours if the suspension is with pay. Any employee who is suspended without pay for more than two (2) days may appeal such suspension to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.100. Demotion.

Whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be demoted. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for demotion, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section 22.130. Any employee who is demoted may appeal such demotion to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.110. Dismissal.

Except as otherwise provided by Ordinance for appointed officers and department heads, whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be dismissed. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for dismissal, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section

22.130. In addition, any dismissal of an employee shall comply with City Ordinances regarding Mayor and/or City Council approval, as more particularly set forth in Title 1 of the Syracuse Municipal Code. Any employee who is dismissed may appeal such dismissal to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.120. Pre-Disciplinary Action Hearing.

Upon receipt of a supervisor=s recommendation of disciplinary action involving suspension, demotion or dismissal, the City Manager shall review and investigate the matter as deemed appropriate and shall hold a pre-disciplinary action hearing. The purpose of the pre-disciplinary action hearing is to provide the employee with notice and an opportunity to respond to the alleged violations and proposed disciplinary action. The City Manager shall provide the employee with written notice of the date and time of the pre-disciplinary action hearing and shall provide the employee with a copy of the supervisor=s letter recommending the proposed disciplinary action and stating the grounds therefore. The employee shall receive timely notice of the pre-disciplinary action hearing, overview of allegations and the proposed disciplinary action.

22.130. Disciplinary Action.

After the pre-disciplinary action hearing, the City Manager shall provide the employee with written notice of his or her final decision stating the disciplinary action to be taken, if any, the effective date of the disciplinary action, the grounds for the action, and the employee=s right to appeal the same. In addition, the City Manager shall document the disciplinary action using the City's Disciplinary Action Form. The Disciplinary Action Form shall be signed by the City Manager, the Human Resources Specialist and the employee. In instances of dismissal, the Disciplinary Action Form shall also be signed by the Mayor. If the employee refuses to sign the Disciplinary Action Form, the City Manager shall note such refusal in writing on the form. In determining the type and severity of the disciplinary action, the City Manager may consider aggravating and mitigating circumstances, which include, but are not limited to: the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect of the misconduct on City operations; and/or the potential of the misconduct to harm persons or property.

22.140. Appeals.

Except as otherwise provided herein, or other applicable law, all appointed officers and employees of the City shall hold their employment without limitation of time, being subject to suspension without pay for more than two (2) days, demotion, or dismissal only as provided in *Utah Code Ann*. ' 10-3-1106, as amended. As provided in Section 2-6-2 of the Syracuse Municipal Code, the following officers and employees are not covered by the provisions of this Section: police chief, deputy police chief, fire chief, deputy or assistant fire chief, department heads, deputy of department head, superintendents, probationary employees, part-time employees, temporary or seasonal employees, or officers appointed by the Mayor or other person or body exercising executive power in the City. All other appointed officers or employees ("covered employees") who are suspended without pay for more than two (2) days, demoted, or dismissed shall have the right to appeal such suspension, demotion or dismissal to the City Appeals Board in accordance with Section 2-6-3 of the Syracuse Municipal Code and the provisions of *Utah Code Ann*. ' 10-3-1106, as amended. All other disciplinary actions may be appealed in accordance with the grievance procedures set forth in Chapter 21.

CHAPTER 23
TERMINATION OF EMPLOYMENT

23.010. Types of Termination.
23.020. Voluntary Termination Procedures.
23.030. Involuntary Termination Procedures.
23.040. Resignation in Lieu of Involuntary Termination Procedures.
23.050. Reduction in Force Procedures.
23.060. Retirement Procedures.
23.070. Final Paychecks.
23.080. Return of City Property.
23.090. Exit Interview.
23.100. COBRA Coverage.

23.010. Types of Termination.

The following generally describes various types of termination of employment with the City. The following is provided for information purposes only and is not intended to be an exhaustive list or description of types of or grounds for termination of employment with the City.

(a) Voluntary Resignation. Voluntary resignation occurs when an employee wishes to leave employment with Syracuse City voluntarily and not due to retirement, involuntary termination, or resignation in lieu of involuntary termination, as more particularly described herein.

(b) Involuntary Termination. Involuntary termination occurs when the employee is terminated for involuntary reasons, such as for cause, or with or without cause in the case of at-will employees. Involuntary termination may include resignation in lieu of disciplinary action as more particularly described in Subsection (c).

(c) Resignation in Lieu of an Involuntary Termination. Any employee who resigns pending involuntary termination for cause proceedings may be deemed to have resigned in lieu of involuntary termination.

(d) Reductions in Force (Layoff). Reduction in force or layoff terminations may occur when it is deemed necessary by the City to reduce the number of employees due to lack of work, lack of funds, or other justified business reasons. The City may attempt to minimize reductions in force by readjustment of personnel through reassignment of duties in other work areas.

(e) Retirement. Retirement is voluntary termination at the end of an employee's career. For purposes of these Policies and Procedures, retirement specifically means an employee who has become eligible, applies for, and is entitled to receive a retirement allowance under applicable provisions of the Utah State Retirement and Insurance Benefits Act, as set forth in Title 49 of the *Utah Code Annotated*, as amended.

(f) Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an "otherwise qualified individual with a disability." An employee should not be terminated for medical reasons without prior consultation with legal counsel and compliance with the City's ADA policies and procedures.

(g) Death. If an employee of Syracuse City dies, his or her estate receives all pay due and any earned and payable benefits (such as payment for compensatory time, annual vacation leave, and sick leave, if applicable) as of the date of death in accordance with City policies and procedures and applicable State and Federal regulations.

23.020. Voluntary Termination Procedures.

Employees who wish to voluntarily terminate their employment with Syracuse City shall notify the City at least two (2) weeks in advance of their voluntary termination. Such notice should be given in writing to the employee's department head or supervisor. Employees must comply with the notice requirements set forth herein to be eligible for rehire. A Notice of Voluntary Resignation Form (see Appendix X) shall be filled out by the employee and signed prior to final voluntary termination.

23.030. Involuntary Termination Procedures.

Any involuntary terminations for cause shall comply with applicable procedures set forth in Chapter 22 regarding Disciplinary Action, including any applicable pre-disciplinary hearing and due process requirements set forth therein. Such procedures shall not be required for involuntary termination of at-will or excluded employees as more particularly set forth in these Policies and Procedures or as provided by law.

23.040. Resignation in Lieu of Involuntary Termination Procedures.

If an employee chooses to resign pending any for cause termination proceedings, the resignation may be considered an involuntary termination pending final resolution of the termination proceedings. Alternatively, the City and the employee may negotiate and enter into a Resignation in Lieu of Involuntary Termination Agreement containing terms acceptable to the City, including, but not limited to hold harmless and indemnification provisions regarding the resignation in lieu of involuntary termination proceedings, and waiver of notice and due process requirements for involuntary termination.

23.050. Reduction in Force Procedures.

(a) If Syracuse City is facing a possible reduction in labor force, the City should explain the situation to its employees, advising them of the possibility that reductions in force or layoffs may become an economic necessity for the City.

(b) In the selection of employees for reduction in force, the following guidelines should be considered:

(1) Temporary, and probationary employees should be laid off first.

(2) Regular employees should be the last to be laid off and based on the following factors: longetivity, previous performance evaluations and disciplinary actions.

(c) Before any reduction in force, Syracuse City should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, *et seq*., as amended, and shall comply with any applicable requirements.

(d) Syracuse City should explain to any employee terminated through reduction in force the employee's options (such as COBRA and Retirement Plan Options).

(e) Written reduction in force notices should be provided to employees terminated through reduction in force procedures. Such notice should contain a statement that separation from employment is based on reduction in force and the effective date of the reduction in force termination.

23.060. Retirement Procedures.

Employees who desire to retire from employment with the City should notify the City as soon as possible but no later than two (2) months in advance of his or her final work day. Such notice should be in writing to the employee's Department Head or Supervisor. Employees must comply with the notice requirements set forth herein to be eligible for rehire. A Notice of Voluntary Resignation Form shall be filled out by the employee and submitted to the Human Resource Specialist prior to final voluntary termination. In addition, employees eligible for retirement benefits through Utah Retirement Systems (URS) shall work directly with URS to work out the details of such retirement and benefits.

23.070. Final Pay.

Upon termination of employment with the City, the City will arrange for distribution of any pay which may be due the employee, including pay for any hours worked but not paid, pay for unused, accrued vacation leave (if applicable), pay for any unused, accrued compensation time off (if applicable), and pay for unused, accrued sick leave (if applicable). Final pay shall be distributed on the regularly scheduled pay day following the termination.

23.080. Return of City Property.

Terminating employees shall return any and all keys, supplies or equipment, which are the property of Syracuse City to the Department Head or his or her designee at termination. Failure to return City-issued keys, supplies and/or equipment upon termination will be considered theft and may be subject to prosecution. Uniforms shall be retired according to the policy established by the department.

23.090. Exit Interview.

In order to provide appropriate feedback to the City and conclusion of employment for the employee, terminating employees should complete an Exit Interview with the Human Resources Specialist. When conducted, an Exit Interview Form should be signed by the employee and the Human Resources Specialist.

23.100 COBRA Coverage.

Any terminated employee shall be notified of his or her rights to continued insurance coverage and other protections and requirements of the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") in accordance with applicable Federal regulations.

APPENDIX A:
Policy Manual Acknowledgement of Receipt

I

Syracuse City Corporation
PERSONNEL POLICY AND PROCEDURES MANUAL
ACKNOWLEDGEMENT OF RECEIPT

I, the undersigned employee of Syracuse City Corporation, hereby acknowledge that Syracuse City has made a copy of the Personnel Policy and Procedures manual electronically available to me and that I have received instructions on how to access it.

I further acknowledge that I may request a paper copy of the manual if I am unable to access the manual electronically.

By signing below, I agree to familiarize myself with and abide by the policies and procedures outlined in the manual. Further, I understand that this agreement does not create an obligation or contract of employment between Syracuse City and myself.

I understand that reading this manual constitutes one of my job duties and that I am required to perform my duties in accordance with the policies contained in this manual and any updates, additional rules, regulations, policies or procedures which may be imposed by the City or the department in which I work, whether or not I read this manual. I understand that my failure to read this manual, as required, does not excuse me from being covered by or complying with its provisions.

I understand that if I have any questions about the provisions contained in this manual, I should direct them to the City Manager.

I understand that this manual serves only as a guide and that Syracuse City reserves the right to change any of its policies and/or procedures at any time for any reason.

Name (printed): _____

Signature: _____ Date: _____

APPENDIX B:
Recruitment and Retention Policy

RECRUITMENT & RETENTION POLICY

PURPOSE

The purpose of this policy is to establish a planned approach to ensure that Syracuse City attracts the best talent possible, and motivates and retains that talent for the overall benefit of the citizens. This policy shall also set forth direction on how the City will best develop the skills and capabilities of its workforce.

It is essential that Syracuse City (City) recruits and retains the best talent possible in order to ensure the most efficient use of City resources. Excessive turnover and any lack of direction provided by City leadership will produce inefficiencies that waste City resources, and will degrade the quality of service provided to the citizenry.

COMPONENTS OF THE POLICY

Leadership & Responsibility

As the Executive/Administrative branch of Syracuse City, the leadership and responsibility for creating an environment that breeds productive, dedicated, and engaged employees lies primarily with the City Manager, and ultimately with the Mayor, with the support of the department heads and the City Council. The City Manager will be tasked to propose programs and policies that align with the purpose of this policy.

Employee Compensation Plan

Benchmarks: The City Manager will propose, and the City Council will have final approval of a list of cities that will constitute the benchmark for comparison of employee compensation. The benchmark cities will include those cities that Syracuse City reasonably competes with for employees. The benchmarks will be adjusted at least every 3 years.

Salary & Wage Scales: The salary & wage scales will be set so that the minimum, mid-range, and maximum for each position will fall within the 60th to 70th percentile of the benchmark cities.

1

APPENDIX B (continued):
Recruitment and Retention Policy

Other Benefits: Other benefits, such as medical/dental/vision, retirement, and paid time off, will be provided at a level that reasonably competes with the benchmark cities. The City Manager will propose, and the City Council will have final approval of the benefit package to be offered.

Career Progression: The programs and policies proposed by the City Manager shall be designed to encourage continuous improvement of employees, for the overall benefit of the City. Commensurate with employee performance and improvement, the City Manager will propose a system that provides a path for employees to progress through the salary and wage scale for each position. Once approved by the City Council, such system will be incorporated into the Personnel Policy and Procedures Manual. In order to support career progression, the City Council will adopt a 3 to 5 year compensation plan that outlines a percentage of funds that will be set aside for the purposes of retention bonuses, merit increases, and/or other benefit provisions. Prior to the last year of that compensation plan timeframe, the City Manager will propose, and the City Council will have final approval on the compensation plan that will cover the next 3 to 5 years.

Performance Standards

Position-Specific Standards: For each position in the City organization, a set of performance standards and eligibility criteria will be outlined. These performance standards and eligibility criteria will be the basis for an employee to qualify for a bonus or merit increase.

Annual Evaluation System: An annual evaluation system that supports the purpose of this policy will be implemented. Such evaluation system will be designed to reward top performers, encourage average performers to improve, and require under-performers to improve.

Service Level Measurement: The City Manager will create a series of service level measures, which will serve as indicators on the performance of the entire organization. The City Manager will periodically report these measures to the Mayor and City Council.

IMPLEMENTATION

It is anticipated that the overall Recruitment & Retention Policy will be formally adopted along with the 2014/2015 Budget. Specific components of the policy will also be in place at that time, with other components to be implemented shortly thereafter, following more discussion with the Mayor and City Council. Full implementation of the policy is expected to be completed before the posting of the 2015/2016 Draft Budget.

APPENDIX C:
Volunteer Service Agreement

Syracuse City Corporation
VOLUNTEER SERVICE AGREEMENT

Volunteer Information

Name: _____

Primary Phone Number: _____

Alternate Phone Number: _____

Address: _____

Social Security Number: _____

Emergency Contact Information:

Name: _____

Relationship: _____

Phone Number(s): _____

Volunteer Assignment Information

Project Type (check one box):

- ☐ Court Ordered Community Service
- ☐ Eagle Scout or Other Boy Scout Community Service
- ☐ Church Group
- ☐ Ongoing Community / Volunteer Service
- ☐ Other Community / Volunteer Service

Department Working In: _____

City Staff Member Overseeing Service: _____

1

APPENDIX C (continued):
Volunteer Service Agreement

Description of Service to be performed: _____

_____

Anticipated Dates of Service:

Start: _____

End: _____

Volunteer Acknowledgement and Agreement

1. I acknowledge that I am volunteering solely for personal purposes or benefit without promise or expectation of compensation, benefits, or future employment from Syracuse City beyond any specified reimbursement agreements.
2. I agree to familiarize myself with, and abide by, Syracuse City's policies and procedures regarding conduct, confidentiality, safety, and related policies and procedures. I understand that I may be subject to the same pre-employment screening and background checks as paid employees performing similar duties.
3. I agree to follow the supervision and direction of any personnel, employee, or other volunteer to whom I have been assigned to perform services. I also agree to participate in any training required by Syracuse City in order to perform volunteer services.
4. I understand and agree to follow the guidelines set forth for volunteers that are under the age of 16 years of age. Volunteers that are 14 or 15 years of age may not volunteer for more than 3 hours on a school day and may not volunteer later than 7:00PM from September 1st to June 1st each year and may not volunteer later than 9:00PM from June 2nd to August 31st each year. Volunteers that are 16 years of age or older do not have any restricted hours.
5. If my duties include driving on City business, I acknowledge that I must possess a valid driver's license and that I may be subject to a Department of Motor Vehicle (DMV) driver's license background investigation.
6. I acknowledge that the City provides limited accidental liability coverage to volunteers, but that no other City-sponsored medical, retirement, or insurance apply to my associate with Syracuse City as a volunteer.
7. I acknowledge that Syracuse City may end my volunteer services with the City at any time and for any reason.

By signing below, I attest that I am freely volunteering my time and services to Syracuse City. I also attest that I have read and agree to abide by the acknowledgements and agreements listed above.

Volunteer: _____ Date: _____

If you are under 18, a parent or guardian must also sign this form

Parent/Guardian: _____ Date: _____

2

APPENDIX C (continued):
Volunteer Service Agreement

Approval Signatures:

Supervisor: _____ Date: _____

City Manager: _____ Date: _____

To Be Completed By Volunteer Supervisor Upon Completion of Volunteer Service

Actual Dates of Services:

Start Date: _____

End Date: _____

Total Time Donated: _____

Eligible for Future Volunteer Services? ☐ Yes ☐ No

If "NO", please specify why: _____

_____

3

APPENDIX D:
Compensation Plan

SYRACUSE CITY

FY 2015 – FY 2019 CITY COMPENSATION PLAN

PURPOSE

The purpose of this plan is to set forth the City's plan for employee compensation in order to accomplish the objectives of the City's Recruitment and Retention Policy.

AUTHORITY

Section 5.020 of the City Personnel Policies & Procedures Manual states that the City Council will adopt and maintain a compensation plan, which outlines standards and guidelines for salary & wage administration, pay grade schedules, and comparison/benchmarking strategies.

TERM

The term of this plan includes fiscal years 2015 through 2019. The compensation rates and future funding amounts set forth from this plan are set forth by the City Council. It is the intent of the City Council to provide the funding necessary to carry out the compensation plan. The City Council retains the ability to unilaterally adjust compensation rates and funding amounts from year to year, based on economic conditions and budget availability.

SALARY AND WAGE SCALES

As indicated in the Recruitment and Retention Policy, the City desires to recruit and retain the best employees possible. The City has benchmarked comparable salary and wages within the labor market and has set the scales for the minimum, mid-point, and maximum to be within the 60th to 70th percentile of the benchmark cities. Wage scales will be compared with the benchmark cities at least every 3 years.

BENEFITS

As indicated in the Recruitment and Retention Policy, the City desires to offer employee benefits that are competitive with the benchmark cities, as a means to recruit and retain the

APPENDIX D (continued): Compensation Plan

best employees possible. The benefits offered are governed by Chapter 7 of the Personnel Polices & Procedures Manual. The City's benefit package will be reviewed annually and approved by the City Council through the annual budget process.

EMPLOYEE EVALUATION SYSTEM

As indicated in the Recruitment and Retention Policy, each employee will be evaluated on their performance, based on their job duties. The evaluation system will categorize employees' performance in five different levels:

	Score
Consistently Exceeds Expectations	4.5 -5
Exceeds Expectations	4 - 4.5
Meets Expectations	3-4
Needs Improvement	2-3
Seriously Deficient (risk of termination)	0-2

The eligibility of any bonus or raise is contingent upon a "Meets Expectation" or better, with those scoring in the "Exceeds Expectations" and "Consistently Exceeds Expectations" categories receiving greater amounts, respectively.

RETENTION BONUS & MERIT INCREASE

Syracuse City has adopted a "pay for performance" ethic, and therefore does not use programmed step increases or cost of living increases based on time of service alone. The City will provide retention bonuses and merit increases based on employee performance, for the purpose of retaining excellent employees and incentivizing average employees to become better.

Retention Bonus

In order for an employee to receive a retention bonus, they must receive a "Meets Expectation" or better on their annual evaluation. The actual amount of the retention bonus will be determined by the limits outlined in the Personnel Policies and Procedures Manual and the budgeted amount for each year. Those scoring in the "Exceeds Expectations" and "Consistently Exceeds Expectations" categories will receive greater amounts, respectively. Employees with less than one year, but at least 6 months of service with the city are eligible for a prorated retention bonus.

Merit Increase

An employee is eligible for a merit increase after receiving two (2) annual evaluations in a row of "Meets Expectations" or better. The merit increase will be effective on July 1st following the second annual evaluation. For the years that an employee receives a merit increase, he/she will not be eligible for a retention bonus. Employees who are at or exceed the maximum rate of their pay scale are only eligible for merit increase according to Section 5.06 of the Personnel Policies & Procedures manual.

APPENDIX D (continued): Compensation Plan

Planned Budget for Retention Bonus & Meritorious Increases

Year	Amount of Payroll	Purpose
FY 2015	2%	Merits
FY 2016	2.75%	Ret Bonus
FY 2017	2.75%	Ret Bonus/Merits
FY 2018	2.75%	Ret Bonus/Merits
FY 2019	2.75%	Ret Bonus/Merits

PROMOTIONS AND ADVANCEMENTS

Promotions:

Promotions include an upward movement in 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 7.5% increase, whichever is greater.

Advancements:

Advancement 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 3.5%, whichever is greater. The wage increase becomes effective immediately, pending budget constraints, or at a minimum on July 1st following the advancement. The employee is still eligible for a retention bonus or merit increase.

OTHER COMPENSATION ITEMS

All other items related to compensation are governed by the Personnel Policies & Procedures Manual.

3

APPENDIX E:
Employee Rights & Responsibilities

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

U.S. Wage and Hour Division

WHD Publication 1420 Revised January 2009

APPENDIX F:
FMLA Notice of Eligibility and Rights & Responsibilities

Notice of Eligibility and Rights & Responsibilities
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

WHD
U.S. Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

In general, to be eligible an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

[Part A – NOTICE OF ELIGIBILITY]

TO: _____
Employee

FROM: _____
Employer Representative

DATE: _____ _____

On _____, you informed us that you needed leave beginning on _____ for:

____ The birth of a child, or placement of a child with you for adoption or foster care;

____ Your own serious health condition;

____ Because you are needed to care for your ____ spouse; ____child; _____ parent due to his/her serious health condition.

____ Because of a qualifying exigency arising out of the fact that your ____ spouse; ____son or daughter; _____ parent is on covered active duty or call to covered active duty status with the Armed Forces.

____ Because you are the ____ spouse; ____son or daughter; _____ parent; _____ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

____ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)

____ Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):

- ____ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ___ months towards this requirement.
- ____ You have not met the FMLA's hours of service requirement.
- ____ You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact _____ or view the FMLA poster located in _____.

[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by _____.** (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

____ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request ___is/___ **is not** enclosed.

____ Sufficient documentation to establish the required relationship between you and your family member.

____ Other information needed (such as documentation for military family leave): _____

_____

_____

____ No additional information requested

Page 1 CONTINUED ON NEXT PAGE Form WH-381 Revised February 2013

APPENDIX F (continued):
FMLA Notice of Eligibility and Rights & Responsibilities

If your leave does qualify as FMLA leave you will have the following **responsibilities** while on FMLA leave (only checked blanks apply):

____ Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

____ You will be required to use your available paid _____ **sick**, _____ **vacation**, and/or _____ **other leave** during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

____ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We ___**have**/___ **have not** determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

____ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following **rights** while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:
  - ____ the calendar year (January – December).
  - ____ a fixed leave year based on _____.
  - ____ the 12-month period measured forward from the date of your first FMLA leave usage.
  - ____ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have ____ **sick**, ____**vacation**, and/or ____ **other leave** run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

  ____For a copy of conditions applicable to sick/vacation/other leave usage please refer to _____ available at: _____.

  ____Applicable conditions for use of paid leave:_____

Once we obtain the information from you as specified above, we will infor[illegible]rs, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you ha[illegible]t hesitate to contact:

applicable conditions

_____at _____.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Page 2 Form WH-381 Revised February 2013

Appendix G:
Designation Notice

Designation Notice
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

WHD
U.S. Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 825.305(c).

To: _____

Date: _____

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided.
We received your most recent information on _____ and decided:

____ **Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.**

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

____ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____

____ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

____ You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

____ We are requiring you to substitute or use paid leave during your FMLA leave.

____ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position ___ is ___ is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

____ **Additional information is needed to determine if your FMLA leave request can be approved:**

____ The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than _____, unless it is not
(Provide at least seven calendar days)
practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

_____
(Specify information needed to make the certification complete and sufficient)

_____

____ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

____ Your FMLA Leave request is Not Approved.
____ The FMLA does not apply to your leave request.
____ You have exhausted your FMLA leave entitlement in the applicable 12-month period.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. §§ 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 – 30 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Form WH-382 January 2009

APPENDIX H:
FMLA Certification Form – Employees Own Serious Health Condition

Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

_____

Check if job description is attached: ____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax:(_____) _____

Page 1 CONTINUED ON NEXT PAGE Form WH-380-E Revised January 2009

APPENDIX H (continued):
FMLA Certification Form – Employees Own Serious Health Condition

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

   Probable duration of condition: _____

   Mark below as applicable:
   Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
   ___No ___Yes. If so, dates of admission:

   _____

   Date(s) you treated the patient for condition:

   _____

   Will the patient need to have treatment visits at least twice per year due to the condition? ___No ___ Yes.

   Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

   Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
   ___No ___Yes. If so, state the nature of such treatments and expected duration of treatment:

   _____

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

   Is the employee unable to perform any of his/her job functions due to the condition: ___ No ___ Yes.

   If so, identify the job functions the employee is unable to perform:

   _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

   _____
   _____
   _____
   _____
   _____
   _____
   _____

Page 2 CONTINUED ON NEXT PAGE Form WH-380-E Revised January 2009

APPENDIX H (continued):
FMLA Certification Form – Employees Own Serious Health Condition

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___No ___Yes.

   If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___No ___Yes.

   If so, are the treatments or the reduced number of hours of work medically necessary?
   ___No ___Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____

   Estimate the part-time or reduced work schedule the employee needs, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ____No ____Yes.

   Is it medically necessary for the employee to be absent from work during the flare-ups?
   ____ No ____Yes. If so, explain:

   _____

   _____

   Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

_____

_____

_____

_____

_____

_____

Page 3 CONTINUED ON NEXT PAGE Form WH-380-E Revised January 2009

APPENDIX H (continued):
FMLA Certification Form – Employees Own Serious Health Condition

Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

Page 4 Form WH-380-E Revised January 2009

APPENDIX I:
FMLA Certification Form – Family Member's Serious Health Condition

Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____
First Middle Last

Name of family member for whom you will provide care: _____
First Middle Last

Relationship of family member to you: _____

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

_____

_____

_____

_____ _____
Employee Signature Date

Page 1 CONTINUED ON NEXT PAGE Form WH-380-F Revised January 2009

APPENDIX I (continued):
FMLA Certification Form – Family Member's Serious Health Condition

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax:(_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

   Probable duration of condition: _____

   Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
   ___No ___Yes. If so, dates of admission: _____

   Date(s) you treated the patient for condition: _____

   Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

   Will the patient need to have treatment visits at least twice per year due to the condition? ___No ___Yes

   Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
   ___No ___Yes. If so, state the nature of such treatments and expected duration of treatment:

   _____

   _____

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

   _____

   _____

   _____

   _____

Page 2 CONTINUED ON NEXT PAGE Form WH-380-F Revised January 2009

APPENDIX I (continued):
FMLA Certification Form – Family Member's Serious Health Condition

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ___No ___Yes.

   Estimate the beginning and ending dates for the period of incapacity: _____

   During this time, will the patient need care? __ No __ Yes.

   Explain the care needed by the patient and why such care is medically necessary: _____

5. Will the patient require follow-up treatments, including any time for recovery? ___No ___Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____

   Explain the care needed by the patient, and why such care is medically necessary: _____

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? __ No __ Yes.

   Estimate the hours the patient needs care on an intermittent basis, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

   Explain the care needed by the patient, and why such care is medically necessary: _____

Page 3 CONTINUED ON NEXT PAGE Form WH-380-F Revised January 2009

APPENDIX I (continued):
FMLA Certification Form – Family Member's Serious Health Condition

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ____No ____Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

Does the patient need care during these flare-ups? ____ No ____ Yes.

Explain the care needed by the patient, and why such care is medically necessary: _____

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

_____ _____

Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.
DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

Page 4 Form WH-380-F Revised January 2009

APPENDIX J:
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

Certification of Qualifying Exigency
For Military Family Leave
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. Please complete Section I before giving this form to your employee. Your response is voluntary, and while you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.309.

Employer name: _____

Contact Information: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II fully and completely. The FMLA permits an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Your response is required to obtain a benefit. 29 CFR 825.310. While you are not required to provide this information, failure to do so may result in a denial of your request for FMLA leave. Your employer must give you at least 15 calendar days to return this form to your employer.

Your Name: _____
First Middle Last

Name of military member on covered active duty or call to covered active duty status:

_____
First Middle Last

Relationship of military member to you: _____

Period of military member's covered active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a military member's covered active duty or call to covered active duty status. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or call to covered active duty status.

- ☐ A copy of the military member's covered active duty orders is attached.
- ☐ Other documentation from the military certifying that the military member is on covered active duty (or has been notified of an impending call to covered active duty) is attached.
- ☐ I have previously provided my employer with sufficient written documentation confirming the military member's covered active duty or call to covered active duty status.

Page 1 CONTINUED ON NEXT PAGE WH-384 Revised February 2013

APPENDIX J (continued):
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

PART A: QUALIFYING REASON FOR LEAVE

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

_____
_____
_____
_____

2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military; a document confirming the military member's Rest and Recuperation leave; a document confirming an appointment with a third party, such as a counselor or school official, or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.

Yes ☐ No ☐ None Available ☐

PART B: AMOUNT OF LEAVE NEEDED

1. Approximate date exigency commenced: _____

Probable duration of exigency: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency?

Yes☐ No☐

If so, estimate the beginning and ending dates for the period of absence:

_____

3. Will you need to be absent from work periodically to address this qualifying exigency? Yes☐ No☐

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

_____
_____
_____

Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours ___ day(s) per event.

Page 2 CONTINUED ON NEXT PAGE WH-384 Revised February 2013

APPENDIX J (continued):
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

PART C:

If leave is requested to meet with a third party (such as to arrange for childcare or parental care, to attend counseling, to attend meetings with school, childcare or parental care providers, to make financial or legal arrangements, to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (_____) _____ Fax: (_____) _____

Email: _____

Describe nature of meeting: _____

_____

_____

_____

_____

_____

_____

_____

PART D:

I certify that the information I provided above is true and correct.

Signature of Employee _____ Date _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. T he Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYER.**

Page 3 WH-384 Revised February 2013

APPENDIX K:
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

Certification for Serious Injury or Illness of a Current Servicemember - -for Military Family Leave (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Notice to the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a current servicemember to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave

INSTRUCTIONS to the EMPLOYEE or CURRENT SERVICEMEMBER: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE ("DOD") HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed on Page 2 has requested leave under the FMLA to care for a family member who is a current member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a current servicemember's serious injury or illness includes written documentation confirming that the servicemember's injury or illness was incurred in the line of duty on active duty or if not, that the current servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that the current servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the servicemember's condition for which the employee is seeking leave.

Page 1 CONTINUED ON NEXT PAGE Form WH-385 Revised February 2013

APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave:

(This section must be completed first before any of the below sections can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and Address of Employer (this is the employer of the employee requesting leave to care for the current servicemember):

_____

Name of Employee Requesting Leave to Care for the Current Servicemember:

_____
First Middle Last

Name of the Current Servicemember (for whom employee is requesting leave to care):

_____
First Middle Last

Relationship of Employee to the Current Servicemember:

Spouse ☐ Parent ☐ Son ☐ Daughter ☐ Next of Kin ☐

Part B: SERVICEMEMBER INFORMATION

(1) Is the Servicemember a Current Member of the Regular Armed Forces, the National Guard or Reserves?
Yes ☐ No ☐

If yes, please provide the servicemember's military branch, rank and unit currently assigned to:

_____

Is the servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)?
Yes ☐ No ☐

If yes, please provide the name of the medical treatment facility or unit:

_____

(2) Is the Servicemember on the Temporary Disability Retired List (TDRL)?
Yes ☐ No ☐

Part C: CARE TO BE PROVIDED TO THE SERVICEMEMBER

Describe the Care to Be Provided to the Current Servicemember and an Estimate of the Leave Needed to Provide the Care:

_____

_____

Page 2 CONTINUED ON NEXT PAGE Form WH-385 Revised February 2013

APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

SECTION II: For Completion by a United States Department of Defense ("DOD") Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125. If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator).

(Please ensure that Section I above has been completed before completing this section. Please be sure to sign the form on the last page.)

Part A: HEALTH CARE PROVIDER INFORMATION

Health Care Provider's Name and Business Address: _____

Type of Practice/Medical Specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider, or (5) a health care provider as defined in 29 CFR 825.125:

_____

Telephone: ( ) _____ Fax: ( ) _____ Email: _____

PART B: MEDICAL STATUS

(1) The current Servicemember's medical condition is classified as (Check One of the Appropriate Boxes):

☐ **(VSI) Very Seriously Ill/Injured –** Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

☐ **(SI) Seriously Ill/Injured –** Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

☐ **OTHER Ill/Injured –** a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

☐ **NONE OF THE ABOVE** (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition" under § 825.113 of the FMLA. If such leave is requested, you may be required to complete DOL FORM WH-380-F or an employer-provided form seeking the same information.)

(2) Is the current Servicemember being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes☐ No☐

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

Page 3 CONTINUED ON NEXT PAGE Form WH-385 Revised February 2013

APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

(5) Is the servicemember undergoing medical treatment, recuperation, or therapy for this condition? Yes☐ No☐

If yes, please describe medical treatment, recuperation or therapy:

_____

PART C: SERVICEMEMBER'S NEED FOR CARE BY FAMILY MEMBER

(1) Will the servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes☐ No☐

If yes, estimate the beginning and ending dates for this period of time: _____

(2) Will the servicemember require periodic follow-up treatment appointments? Yes☐ No☐

If yes, estimate the treatment schedule: _____

(3) Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointments? Yes☐ No☐

(4) Is there a medical necessity for the servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)?
Yes☐ No☐

If yes, please estimate the frequency and duration of the periodic care:

_____

_____

Signature of Health Care Provider: _____ **Date:** _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE PATIENT.**

Page 4 Form WH-385 Revised February 2013

APPENDIX L:
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Notice to the EMPLOYER

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For completion by the EMPLOYEE and/or the VETERAN for whom the employee is requesting leave

INSTRUCTIONS to the EMPLOYEE and/or VETERAN: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

(This section must be completed before Section II can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and address of employer (this is the employer of the employee requesting leave to care for a veteran):

Name of employee requesting leave to care for a veteran:

First Middle Last

Name of veteran (for whom employee is requesting leave):

First Middle Last

Relationship of employee to veteran:

Spouse☐ Parent☐ Son☐ Daughter☐ Next of Kin ☐ (please specify relationship):

Page 1 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX L (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

Part B: VETERAN INFORMATION

(1) Date of the veteran's discharge:

(2) Was the veteran **dishonorably** discharged or released from the Armed Forces (including the National Guard or Reserves)? Yes ☐ No ☐

(3) Please provide the veteran's military branch, rank and unit at the time of discharge:

(4) Is the veteran receiving medical treatment, recuperation, or therapy for an injury or illness?
Yes ☐ No ☐

Part C: CARE TO BE PROVIDED TO THE VETERAN

Describe the care to be provided to the veteran and an estimate of the leave needed to provide the care:

Page 2 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX L (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

SECTION II: For completion by: (1) a United States Department of Defense ("DOD") health care provider; (2) a United States Department of Veterans Affairs ("VA") health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider; or (5) a health care provider as defined in 29 CFR 825.125.

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee named in Section I has requested leave under the military caregiver leave provision of the FMLA to care for a family member who is a veteran. For purposes of FMLA military caregiver leave, a serious injury or illness means an injury or illness incurred by the servicemember in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the servicemember became a veteran, and is:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
(iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
(iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.

A complete and sufficient certification to support a request for FMLA military caregiver leave due to a covered veteran's serious injury or illness includes written documentation confirming that the veteran's injury or illness was incurred in the line of duty on active duty or existed before the beginning of the veteran's active duty and was aggravated by service in the line of duty on active duty, and that the veteran is undergoing treatment, recuperation, or therapy for such injury or illness by a health care provider listed above. Answer fully and completely all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA military caregiver leave coverage. Limit your responses to the veteran's condition for which the employee is seeking leave.

(Please ensure that Section I has been completed before completing this section. Please be sure to sign the form on the last page and return this form to the employee requesting leave (See Section I, Part A above). **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**)

Part A: HEALTH CARE PROVIDER INFORMATION

Health care provider's name and business address:

_____

Telephone: ( ) _____ Fax: ( ) _____ Email: _____

Type of Practice/Medical Specialty: _____

Please indicate if you are:

☐ a DOD health care provider

☐ a VA health care provider

☐ a DOD TRICARE network authorized private health care provider

☐ a DOD non-network TRICARE authorized private health care provider

☐ other health care provider

Page 3 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX L (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

PART B: MEDICAL STATUS

Note: If you are unable to make certain of the military-related determinations contained in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as, DOD Recovery Care Coordinator) or an authorized VA representative.

(1) The Veteran's medical condition is:

☐ A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating.

☐ A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or higher, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave.

☐ A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment.

☐ An injury, including a psychological injury, on the basis of which the covered veteran is enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.

☐ None of the above.

(2) Is the veteran being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes☐ No☐

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

(5) Is the veteran undergoing medical treatment, recuperation, or therapy for this condition? Yes☐ No☐

If yes, please describe medical treatment, recuperation or therapy:

_____

PART C: VETERAN'S NEED FOR CARE BY FAMILY MEMBER

"Need for care" encompasses both physical and psychological care. It includes situations where, for example, due to his or her serious injury or illness, the veteran is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport him or herself to the doctor. It also includes providing psychological comfort and reassurance which would be beneficial to the veteran who is receiving inpatient or home care.

(1) Will the veteran need care for a single continuous period of time, including any time for treatment and recovery? Yes☐ No☐

If yes, estimate the beginning and ending dates for this period of time: _____

(2) Will the veteran require periodic follow-up treatment appointments? Yes☐ No☐

If yes, estimate the treatment schedule: _____

Page 4 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX L (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

(3) Is there a medical necessity for the veteran to have periodic care for these follow-up treatment appointments?
Yes☐ No☐

(4) Is there a medical necessity for the veteran to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)? Yes☐ No☐

If yes, please estimate the frequency and duration of the periodic care:

_____

_____

Signature of Health Care Provider: _____ **Date:** _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYEE REQUESTING LEAVE (As shown in Section I, Part "A" above).**

Page 5 Form WH-385-V Revised February 2013

APPENDIX M:
Notice of Secondary Employment

Syracuse City Corporation
Human Resources Department
Form HR-109
Updated January 1, 2013

SYRACUSE EST. CITY 1935

Syracuse City Corporation
NOTICE OF SECONDARY EMPLOYMENT

Date Request Submitted: _____

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Secondary Employment Information

Employers Name: _____

Employers Address: _____

Employers Type of Business: _____

General Description of Job Duties: _____

_____

_____

In general, what hours would you be working (i.e., 8 am to 5 pm)? _____

On average, how many hours per week will you work for the secondary employer? _____

I hereby request approval to engage in secondary (outside) employment as described above.

Employee Signature: _____ Date: _____

Approval Details

☐ Approved

☐ Unapproved (please explain): _____

Supervisor Signature: _____ Date: _____

Department Head Signature: _____ Date: _____

HR Director Signature: _____ Date: _____

City Administrator Signature: _____ Date: _____

APPENDIX N:
Injury/Incident Report Form

Syracuse City Accident / Injury / Incident Report Form

Please print clearly & check the correct box (witness/supervisor fill in all information you have knowledge of)

Status:	☐ Person Involved	☐ Witness	☐ Supervisor	☐ Other _____
Outcome:	☐ Vehicle Accident	☐ Injury/Illness	☐ Near Miss	☐ Other Incident

1. DETAILS OF PERSON INVOLVED

Name: _____ Phone: _____

Address: _____ Date of birth: _____

_____

Department: _____ Position: _____

Supervisor: _____ Work start time on day of incident: _____am/pm

2. DETAILS OF VEHICLE / PROPERTY (if applicable)

Year/Make/Model/Color or Description of Property: _____

VIN/Serial Number: _____

Other Information: _____

_____

3. DETAILS OF INCIDENT

Date of Incident: _____ Time of Incident: _____am/pm

Date Reported: _____ Reported to: _____

Exact Location: _____

Describe how the incident occurred and what you were doing at the time: _____

_____

_____

_____

_____

How could the incident have been prevented?: _____

_____

_____

_____

Were any safeguards or PPE being used? Which ones?: _____

4. DETAILS OF INJURY (if applicable)

Nature of injury (eg. burn, cut, sprain): _____

Cause of injury (eg. fall, hit with falling hammer): _____

Location of body (eg. lower back, left forearm): _____

APPENDIX N (continued):
Injury/Incident Report Form

Syracuse City Accident / Injury / Incident Report Form

5. DETAILS OF WITNESSES

Name: _____ Phone: _____

Name: _____ Phone: _____

6. TREATMENT ADMINISTERED (if applicable)

Doctor's name: _____

Treatment: _____

6. SIGNATURE

Employee's Signature: _____ Date: _____

APPENDIX O:
Injury/Incident Checklist

Post-Accident/Incident Checklist

1. ☐ Notify Supervisor/Dept. Head
2. ☐ Notify HR Specialist
3. ☐ Take employee to get medical care as instructed above
4. ☐ Have WorkMed do drug and alcohol screening (call after-hours phone 801-387-8378, if needed)
5. ☐ Employee, Witnesses & Supervisor fills out Injury/Incident Report form and gives to HR Specialist ASAP
6. ☐ Gives pictures or any other information pertinent to injury/incident to HR Specialist ASAP.
7. ☐ Gives a copy of the Return to Work or Restricted Duty instructions from the doctor to the HR Specialist ASAP.

APPENDIX P:
Bomb Threat Checklist

Syracuse City Corporation
Human Resources Department
Form HR-113
Updated March 18, 2015

Syracuse City Corporation
BOMB THREAT CHECKLIST

If you receive a bomb threat, please record as much information about the threat, call, and caller as possible, including the following:

1. Was the threat received through the news media, a law enforcement agency, through a telephone call, or via some other method of communication?
   - ☐ News Media
   - ☐ Law Enforcement Agency
   - ☐ Telephone Calls
   - ☐ Other Method of Communication: _____
2. What time was the threat received? _____
3. Was the person making the threat an adult?
   - ☐ Yes
   - ☐ No
   - ☐ Unable to Determine
4. Was the person making the threat male or female?
   - ☐ Male
   - ☐ Female
   - ☐ Unable to Determine
5. Was a specific time given for the explosion?
   - ☐ Yes: _____
   - ☐ No
6. Was a specific location given for the bomb?
   - ☐ Yes: _____
   - ☐ No
7. Was a warning given to evacuate?
   - ☐ Yes
   - ☐ No
8. Did the caller provide a cause or justification for the bombing?
   - ☐ Yes: _____
   - ☐ No
9. Do you remember any other details about the threat, the call, or the caller? _____

   _____

   _____

APPENDIX Q:
Tuition Aid Application

Syracuse City Corporation
Human Resources Department
Form HR-114
Updated March 18, 2015

Syracuse City Corporation
TUITION AID REQUEST

Date Request Submitted: _____

Tuition Aid Policy Information

Syracuse City offers tuition aid to full-time, non-probationary employees who wish to continue their education. Tuition aid requests must be for courses of study that are related to the employee's position with the City and approval of tuition aid requests is subject to the availability of funds. Tuition aid request must be submitted for approval prior to the start date of the course(s) for which the employee is requesting tuition aid. Approved tuition aid requests will be paid to the requesting employee as provided in section 16.060 (c) of the Syracuse City Personnel Policies and Procedures Manual. Employees who receive tuition aid will be required to return any aid received if they terminate their employment with Syracuse City within one year after receipt of said tuition aid.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Date of Hire: _____ Supervisor: _____

Course Information

Educational Institution: _____

Course Number(s): _____

Course Description(s): _____

_____

_____

Estimated Tuition Expense*: _____

* Please attach a copy of any related receipts.

I hereby request approval for tuition aid as described above.

Employee Signature: _____ Date: _____

Approval Details

☐ Approved (please give the amount of aid approved): _____

☐ Unapproved (please explain): _____

_____

1

APPENDIX Q (continued):
Tuition Aid Application

Syracuse City Corporation
Human Resources Department
Form HR-114
Updated March 18, 2015

Approval Signatures

Supervisor: _____ Date: _____

Department Head: _____ Date: _____

City Administrator: _____ Date: _____

Tuition Aid Payment Information (to be completed upon employee's completion of course(s))

1. Were the courses for which tuition aid was requested completed with a "C" grade or better? (a copy of the employee's transcript much be attached)

   ☐ Yes (eligible for tuition aid payment)

   ☐ Some (if more than one course taken; please specify which were completed): _____

   _____

   ☐ No (not eligible for tuition aid payment)

2. If "Yes" above, please indicate which course(s) were completed with a "C" grade or better, the grade received in each course, and the related percentage of aid that the employee is eligible for for each course (refer to section 16.060 (c) for reimbursement percentage):

   _____

   _____

   _____

3. Please forward this completed form to the HR department for reimbursement.

FOR HR USE ONLY

1. Has the employee received any other tuition aid during the current fiscal year?

   ☐ Yes – How much? $ _____

   ☐ No

2. Total amount of reimbursement for which the employee is eligible in the current fiscal year: $ _____
3. Total amount of reimbursement for which the employee is eligible on this request: $ _____
4. Total amount of reimbursement to be provided to the employee: $ _____
5. Date the reimbursement was paid out to the employee: _____
6. Reimbursement processed by: _____

2

APPENDIX R:
Credit Card Agreement

Credit Card Acceptance Agreement

SYRACUSE CITY CREDIT CARD USER AGREEMENT

I, the undersigned, agree to accept responsibility for the Zion's Bank credit card issued to me by Syracuse City. I agree to use it in conformance with the terms and conditions set forth herein and applicable City Personnel Policies and Procedures. I understand and agree to use this card only for approved City business.

I understand and agree that I am responsible for any credit card charges made by me against the City account and I am also responsible to report these charges fully on an approved expense reconciliation form. In the event that I should fail to make a proper and timely accounting for such charges, I agree that the City may, at its sole discretion, withhold from all or any part of my salary an amount equal to the total amount of the card charges not accounted for and approved. Any use in violation of City policy is grounds for disciplinary action, which may include termination.

I also understand that the following purchases are prohibited and that I will be held personally liable for any of the following charges:

(1) Purchase of items for personal use or consumption.
(2) Purchases in violation of the City Purchasing Policy.
(3) Alcohol
(4) Utah State Tax, except on lodging charges
(5) Fuel for fleet vehicles unless traveling outside of Utah. The state gas card should be used for fuel purchases.
(6) Splitting a purchase to remain under purchasing policy limits.

I also agree that I shall relinquish my card back to the County upon request and/or termination of my employment for any reason.

Dept: Card #: Name:

Sign: _____Date:_____

Page 1 of 2

Section 1000 – Credit Card
Version: March 20, 2012

APPENDIX S:
Missing Receipt Form

Missing Receipt Form

Department	
Cardholder/Employee Name	
Expense Acct #	
Travel # (When Applicable)	

Merchant Name	
Date	
Why Receipt is Missing	

Item Description	Quantity	$/Unit	Total
Total			$

Employee Signature | Supervisor Signature

APPENDIX T:
Emergency Preparedness Cash Out Form

Syracuse City Corporation
Human Resources Department
Form HR-106
Updated March 18, 2015

SYRACUSE
EST. CITY 1935

Syracuse City Corporation
EMERGENCY PREPAREDNESS CASH OUT FORM

Date Submitted: _____

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Request Details

☐ Cash Out Sick Leave
Dollar Amount Requesting: _____

☐ Cash Out Vacation Leave
Dollar Amount Requesting: _____

Items Purchased: _____

_____

_____

Employee Signature: _____

Approval Signatures:

City Manager: _____

Department Head: _____

Finance Director: _____

Human Resources: _____

For HR Purposes Only:

Hourly Rate of Pay: _____

Number of Sick Leave Hours being Cashed Out: _____

Number of Vacation Leave Hours being Cashed Out: _____

1

APPENDIX U:
Employee Grievance Form

Syracuse City Corporation
Human Resources Department
Form HR-117
Updated March 18, 2015

SYRACUSE
EST. CITY 1935

Syracuse City Corporation
FORMAL EMPLOYEE GRIEVANCE FORM

Date Completed: _____

Grievance Policy Information

It is the purpose of the Syracuse City grievance procedure (established in Chapter 21 of the City's Personnel Policy and Procedures Manual) to establish a method whereby employee grievances can be fairly and effectively resolved. The filing of a good-faith grievance will in no way prejudice the status of the employee. It is the goal of the City's grievance policy to address employee grievances at the lowest administrative level possible.

Grievance Form Instructions

Please complete all sections of this form completely and with as much detail as possible. The form should be completed and submitted to your supervisor (or other party in accordance with the City's grievance policy) within 10 days of the event giving rise to the grievance or within 10 days of acquiring knowledge of the event giving rise to the grievance.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Grievance Details

Statement of Grievance (please attach additional sheets if necessary): _____

_____

_____

_____

_____

Background Information (please attach additional sheets if necessary): _____

_____

_____

_____

_____

_____

APPENDIX U (continued):
Employee Grievance Form

Syracuse City Corporation
Human Resources Department
Form HR-117
Updated March 18, 2015

Grievance Details (continued)

Requested Resolution: _____

_____

_____

_____

_____

I hereby request attest that the information contained in this grievance is true and accurate to the best of my knowledge.

Employee Signature: _____ Date: _____

Grievance Acknowledgement(s)

First Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

Second Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

Third Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

APPENDIX V:
Administrative Leave Form

Syracuse City Corporation
Human Resources Department
Form HR-106
Updated March 18, 2015

I

Syracuse City Corporation
ADMINISTRATIVE LEAVE FORM

_____

Date Submitted: _____

Employee Information

Name: _____

Department: _____ Job Title: _____

Request Details

☐ Paid
Dates anticipated: _____

☐ Unpaid
Dates anticipate: _____

Approval Signatures:

City Manager: _____

Department Head: _____

Human Resources: _____

1

APPENDIX W:
Disciplinary Action Form

Syracuse City Corporation
Human Resources Department
Form HR-118
Updated January 1, 2008

SYRACUSE CITY EST. 1935

Syracuse City Corporation
DISCIPLINARY ACTION FORM

Date Completed: _____

Disciplinary Action Form Instructions

This form is used as a guide for the supervisor when documenting issues that need attention under the provisions of the Syracuse City Disciplinary Action policy. When completed, it serves as a written record of disciplinary action conducted with an employee pertaining to violation of City rules and/or failure to meet necessary performance standards.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Type of Disciplinary Action Being Issued (check the appropriate box):

☐ Verbal Warning

☐ Written Reprimand

☐ Suspension
Effective Date:
☐ With Pay
☐ Without Pay

☐ Probation
Effective Date:
Length of Probation:

☐ Demotion
Effective Date:

☐ Termination
Effective Date:

Violation/Incident Details

Date and Time of Violation/Incident:

Violation/Incident Details:

Have There Been Similar Violations/Incidents? ☐ Yes ☐ No

*If yes, list dates and details of previous violations/incidents and action taken:

Action to be Taken for Current Violation/Incident:

Consequences of Failure to Improve:

APPENDIX W (continued):
Disciplinary Action Form

Syracuse City Corporation
Human Resources Department
Form HR-118
Updated January 1, 2008

Signatures:

To the employee:
This written record of disciplinary action is being issued based on your violation of one or more City rules and/or your failure to meet the performance standards necessary for your current position. This report will remain in your personnel file. You are being provided a copy of this Disciplinary Action Form.

Your signature below indicates that you have seen the completed Disciplinary Action Form and that the contents have been reviewed with you. Your signature does not necessary indicate that you agree with the information contained above.

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Human Resources Specialist: _____ Date: _____

APPENDIX X:
Voluntary Resignation Form

SYRACUSE CITY EST 1935

NOTICE OF VOLUNTARY RESIGNATION

Employee Name: _____

Date of Notice Given: _____

Last Day of Work: _____

Position Title: _____

Department: _____

Reason for Leaving: _____

_____

_____

_____

_____

Present Address: _____

_____ Phone #_____

*Should your address change, be sure to update your address with us to ensure timely receipt of your W-2 Statement and any other correspondence that may be mailed to you.

_____ _____
Employee Signature Date

SYRACUSE CITY CORPORATION

Personnel
Policies and Procedures
Manual

Effective
Updated 2015

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

SYRACUSE CITY
PERSONNEL POLICIES AND PROCEDURES

TABLE OF CONTENTS

POLICIES

CHAPTER 1: INTRODUCTION 10
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.

CHAPTER 2: ADMINISTRATION 12
2.010. Human Resources Specialist.
2.020. Job Descriptions.
2.030. Classification Plan.
2.040. Personnel Records.
2.050. Employee Inquiries and References

CHAPTER 3: EMPLOYEE HIRING 14
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

CHAPTER 4: EMPLOYMENT STATUS 20
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.

SYRACUSE CITY
PERSONNEL POLICIES AND PROCEDURES

CHAPTER 5: COMPENSATION 23
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. On-Call Pay.
5.130. Special Programs.
5.140. Severance Pay.

CHAPTER 6: PAYROLL ADMINISTRATION 28
6.010. Work Hours.
6.020. Work Periods.
6.030. Breaks and Meal Periods.
6.040. Time Keeping.
6.050. Pay Periods.
6.060. Paydays.
6.070. Automatic Payroll Deposits.
6.080. Payroll Deductions and Withholdings.
6.090. Garnishments.
6.100. Reimbursable Expenses.
6.110. Advances.

CHAPTER 7: BENEFITS 31
7.010. Disclaimer.
7.020. Eligibility for Group Health Coverage Under the Affordable Care Act (ACA)
7.030. Eligibility.
7.040. Medical, Dental, and Vision Insurance.
7.050. Life Insurance.
7.060. Long-Term Disability Insurance.
7.070. Accidental Death and Dismemberment Insurance.
7.080. Retirement Program.
7.090. Social Security.
7.100. COBRA Coverage.
7.110. Health Savings Account & Flex Spending Account.
7.120. Employee Assistance Program.
7.130. Community Center Membership.
7.140. Health and Wellness
7.150. Termination.

CHAPTER 8: LEAVE 34
8.010. Paid Leave.
8.020. Leave Without Pay.
8.030. Leave Procedures.

8.040. Leave Procedures Exceptions.
CHAPTER 8: LEAVE (continued) 34
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

CHAPTER 9: EMPLOYEE CONDUCT 45
9.010. Employee Vision and Mission Statements.
9.020. Public Relations.
9.030. Working Relationships.
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.

CHAPTER 10: HARASSMENT 53
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.

CHAPTER 11: NON-DOT DRUG AND ALCOHOL TESTING POLICY 57
11.010. Purpose.
11.020. General Policy.

11.030. Applicability.
CHAPTER 11: NON-DOT DRUG AND ALCOHOL TESTING POLICY (continued) 57
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).

CHAPTER 12: DOT DRUG AND ALCOHOL TESTING POLICY 70
12.010. Purpose
12.020. General Policy.
12.030. Applicability.
12.040. Definitions.
12.050. Prohibitions.
12.060. Zero Tolerance.
12.070. Voluntary Self-Identification Program.
12.080. Prescription and Over-the-Counter Drugs.
12.090. Testing Required.
12.100. Basis for Testing.
12.110. Pre-Employment Testing.
12.120. Post-Accident Testing.
12.130. Random Testing.
12.140. Reasonable Suspicion Testing.
12.150. Return-to-Duty Testing.
12.160. Follow-Up Testing.
12.170. Testing Procedures.
12.180. Results.
12.190. DOT Required Action.
12.200. Removal from Safety-Sensitive Functions.
12.210. Additional Action.
12.220. Records.
12.230. Confidentiality.
12.240. Notification of Conviction.
12.250. Americans with Disabilities Act (ADA).

CHAPTER 13: EMPLOYEE TESTING AND EVALUATION 90
13.010. Background Investigations.
13.020. Medical Examinations.
13.030. Driving Record Evaluations.

CHAPTER 14: WORKPLACE SAFETY 95
14.010. General Policy.

14.020. Occupational Safety and Health Act.
CHAPTER 14: WORKPLACE SAFETY (continued) 95
14.030. Safe Environment.
14.040. Inspection of Workplace.
14.050. Safety Rules.
14.060. Use of Equipment and Tools.
14.070. Confined Space Entry.
14.080. Accident Reports.
14.090. Work Related Injuries.
14.100. Workers' Compensation.
14.110. Bringing Children to Work.

CHAPTER 15: DISASTER RESPONSE PLANNING 100
15.010. General Policy.
15.020. Employee Disaster Notification.
15.030. Natural Disaster Response Plan.
15.040. Man-Made Disaster Response Plan.
15.050. Suspicious Person or Assailant Threats.
15.060. Telephone Bomb Threats.
15.070. Mail, Letter, and Package Bomb Threats.
15.080. Suspicious Article Threats.

CHAPTER 16: TUITION AID 103
16.010. Purpose.
16.020. Funds.
16.030. Eligibility.
16.040. Standards.
16.050. Procedure.
16.060. Limitations.
16.070. Compliance.
16.080. Records.

CHAPTER 17: TRAVEL AND REIMBURSABLE EXPENSES 106
17.010. Travel Costs.
17.020. General Expenses.

CHAPTER 18: VEHICLE USE 109
18.010. Purpose.
18.020. Official City Business.
18.030. Use Agreement and Driver's License Verification.
18.040. Authorized Passengers Only.
18.050. Parking and Operation.
18.060. Vehicle Backing.
18.070. Secure Loads.
18.080. Vehicle Maintenance.
18.090. Vehicle Abuse.
18.100. Accidents.
18.110. Take-Home Vehicle Use and Rules.
18.120. Documentation of Vehicle Usage.
18.130. Qualified Non-Personal Use Vehicles.

18.140. Private Vehicle Use.
18.150. Failure to Comply.

CHAPTER 19: COMPUTERS AND EQUIPMENT USE 113
19.010. Equipment and Supplies.
19.020. Removal of Equipment.
19.030. Technology Resources.
19.040. Computers, Email, and Internet.
19.050. Prohibited Computer Use.
19.060. Postage Meters.
19.070. FAX and Copy Machines.
19.080. Land-Line Telephones.
19.090. Cellular Telephones.
19.100. Termination.

CHAPTER 20: PERFORMANCE EVALUATIONS 117
20.010. General Policy.
20.020. Performance Evaluation Periods.
20.030. Performance Evaluations.
20.040. Records.

CHAPTER 21: GRIEVANCES 118
21.010. Grievances.
20.020. Informal Grievance Procedures.
20.030. Formal Grievance Procedures.
21.040. Appeal.
21.050. Retaliations.
21.060. Records.

CHAPTER 22: DISCIPLINARY ACTION 120
22.010. General Conduct.
22.020. Responsibility for Discipline.
22.030. Levels of Discipline.
22.040. Investigation.
22.050. Administrative Leave.
22.060. Verbal Warning.
22.070. Written Reprimand.
22.080. Probation.
22.090. Suspension.
22.100. Demotion.
22.110. Dismissal.
22.120. Pre-Disciplinary Action Hearing.
22.130. Disciplinary Action.
22.140. Appeals.

CHAPTER 23: TERMINATION 124
23.010. Types of Termination.
23.020. Voluntary Termination Procedures.
23.030. Involuntary Termination Procedures.
23.040. Resignation in Lieu of Involuntary Termination Procedures.

23.050. Reduction in Force Procedures.
23.060. Retirement Procedures.
CHAPTER 23: TERMINATION (continued) 124
23.070. Final Paychecks.
23.080. Return of City Property.
23.090. Exit Interview.
23.100. COBRA Coverage.

FORMS

APPENDIX A: POLICY MANUAL ACKNOWLEDGEMENT OF RECIEPT 127

APPENDIX B: POST-EMPLOYMENT REFERRAL RELEASE 128

APPENDIX C: NEW HIRE REQUISITION 129

APPENDIX D: PERSONNEL ACTION FORM 131

APPENDIX E: VOLUNTEER SERVICE AGREEMENT 132

APPENDIX F: COMPENSATION TIME AGREEMENT 135

APPENDIX G: BI-WEEKLY COMPENSATION TIME ELECTION FORM 136

APPENDIX H: LEAVE REQUEST FORM 137

APPENDIX I: EMPLOYEE RIGHTS AND RESPONSIBILITIES 139

APPENDIX J: NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES 140

APPENDIX K: DESIGNATION NOTICE 142

APPENDIX L: CERTIFICATION OF EMPLOYEE'S OWN SERIOUS HEALTH CONDITION 143

APPENDIX M: CERTIFICATION OF FAMILY MEMBER'S SERIOUS HEALTH CONDITION 147

APPENDIX N: CERTIFICATION OF QUALIFYING EXIGENCY FOR MILIATRY FAMILY LEAVE 151

APPENDIX O: CERT. OF SERIOUS INJURY/ILLNESS FOR COVERED SERVICE MEMBER 154

APPENDIX P: NOTICE OF SECONDARY EMPLOYMENT 158

APPENDIX Q: DRUG TESTING RELEASE FORM FOR MINORS 159

APPENDIX R: BACKGROUND INVESTIGATION RELEASE FORM (Form A) 160

APPENDIX S: BACKGROUND INVESTIGATION RELEASE FORM (Form B) 161

APPENDIX T: ACCIDENT REPORT FORM 162

APPENDIX U: TELEPHONE BOMB THREAT CHECKLIST 164

FORMS (continued)

APPENDIX V: TUITION AID REQUEST 165

APPENDIX W: TRAVEL APPLICATION 167

APPENDIX X: VEHICLE USE AGREEMENT 169

APPENDIX Y: FORMAL EMPLOYEE GRIEVANCE FORM 170

APPENDIX Z: DISCIPLINARY ACTION FORM 172

SYRACUSE CITY
PERSONNEL POLICIES AND PROCEDURES

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 approved in writing by resolution of City Council. Any minor amendment, being defined as one that does not significantly alter a policy herein, will be submitted to the City Council for review at the next regularly scheduled work session. If there are no objections from the Mayor of members of the City Council the proposed minor policy amendment shall be deemed approved. At the request of the Mayor or any member of the City Council, any minor proposed amendment shall be scheduled for the next regular City Council meeting for a vote by the 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. 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 shall 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 on 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 Acknowledgement 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 and the Mayor, as applicable stated by city code and state code, 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.

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.

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.

(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 the employee's direct Department Head, or his/her designee, 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. Requests by a Department Head to access and examine personnel records of an employee that he/she does not directly supervise must have approval by the City Manager.

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.

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*. The City restricts the hiring of city employees’ relatives. A relative is defined as the employees’ husband, wife, parent, step-parent, 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 are 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.

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 his/her 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.

(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 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 (14) 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.

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.

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.

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.

(e) Intern. A temporary employee whom is attending courses related to the position and is expected to work for eighteen (18) months or less per year and less than thirty (30) hours per week. Intern employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Intern employees are at-will and may be terminated at any time with or without cause, without appeal.

4.030. FLSA Employment Status.

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 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.

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. On-Call Pay.
5.130. Emergency Call Back.
5.140. Special Programs.
5.150. 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.

(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 any time 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.

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.

(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) Non-Voluntary 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 include movement to a higher position due to improved skill, knowledge, or capability, but will 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.

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 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. 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.

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.

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.

Non-Exempt 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. Emergency Call Back.

(a) Definition. For purposes of this policy, the definition of 'emergency' is an unscheduled event, typically related to an urgent matter of public safety, which causes an employee to be called in for work by his or her supervisor to meet an unplanned staffing need. Examples include a public safety incident such as a house fire, officer- involved shooting or water main break, which tends to require additional staff resources. An emergency is

not something that is related to a scheduled event, such as asking an employee to come into work to work on something to meet a deadline or to attend training.

(b) Policy. When a non-exempt employee has used vacation leave, holiday leave or compensation time prior to being called back due to an emergency within the same pay period, the employee will have the option of either taking the paid vacation leave, holiday leave or compensation time in addition to the callback hours worked; or the option to credit his or her accrued vacation leave, holiday leave or compensation time equal to the emergency callback hours worked. As previously indicated herein, only hours actually worked will be counted for purposes of calculating overtime.

5.140. 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 his/her regular rate of pay unless otherwise established by the specific program in which they are participating.

5.150. 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) month’s salary.

CHAPTER 6
PAYROLL ADMINISTRATION

6.010. Work Hours.
6.020. Work Periods.
6.030. Breaks and Meal 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. Employees that are 14 (fourteen) or 15 (fifteen) years of age may not work more than 3 (three) hours on a school day and may not work later than 7:00PM from September 1st to June 1st each year and may not work later than 9:00PM from June 2nd to August 31st each year. Employees that are 16 (sixteen) years of age or older do not have restricted work hours.

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 7:00 a.m. on Saturday and ending fourteen (14) days later on Friday at 6:59 a.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

meal 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 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.

(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 statuses 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.

CHAPTER 7
BENEFITS

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

When Hired:

(a) Employees reasonably expected at date of hire to work full-time, their dependents under age twenty-six (26), and spouse will be eligible for group health coverage as of the first (1st) day of the next month. If Syracuse City hires an employee whom falls within the definition of a Seasonal employee, the employee, whether expected to work full-time or not, will have his or her hours tracked using the Look Back measurement method, the same as employees not reasonably expected to work full-time (see sub-paragraph b).

(b) For employees not reasonably expected at date of hire to work full-time, eligibility will be determined by tracking hours worked over a period of twelve (12) months, starting the first (1st) of the month after hire date. If at the end of that period the employee has worked on average at least one hundred and thirty (130) hours per month, the employee will be eligible for group health coverage. This means the employee must work at least one thousand five hundred and sixty (1,560) hours in those twelve (12) months.

(c) The Human Resource Specialist will notify employees that are eligible for group health coverage.

(d) If eligible and the employee chooses to enroll in group health coverage, the coverage will

be effective for twelve (12) months following thirteen (13) and a partial month after hire date.

Ongoing Employee:

(a) Hours worked will be tracked over a twelve (12) month measurement period, starting May 1 each year and ending April 30 the following year. An employee, their dependents under age twenty-six (26), and spouse will be eligible for group health coverage if, at the end of that period, the employee has worked on average at least one hundred and thirty (130) hours per month. This means the employee must work at least one thousand five hundred and sixty (1,560) hours in those twelve (12) months.

(b) The Human Resource Specialist will notify employees that are eligible for group health coverage.

(c) If eligible and an employee chooses to enroll in group health coverage, the coverage will be effective for twelve (12) months starting July 1 of the following year.

(d) This process will repeat each year.

To receive a copy of the full detailed Measurement Method policy, contact the Human Resources Specialist.

7.030 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.

(c) 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.

(d) 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 Employees. 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.

7.040. Medical, Dental and Vision Insurance.

(a) Participation. Full-time employees 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 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.

7.050. 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.

7.060. 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.

7.070. 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.

7.080. Retirement Program.

(a) Retirement Systems. The City participates in the Utah Retirement Systems (URS). Eligibility is determined by the Utah State Retirement Law (Title 49). Eligible employees will be enrolled in the system for which they are eligible. Participation and administration of the systems shall be conducted in accordance with State statutes and regulations regarding the same. The City has elected to pick up the member contributions for the Tier I Firefighters.

(b) Tier II 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.

(c) Exemption from Retirement Systems. Individuals who are eligible for enrollment in Utah Retirement Systems (URS) in the following positions meet eligibility to exempt with Utah Retirement Systems (URS): elected, appointed, and designated administrative officials. The City has designated the following administrative officials as eligible for exemption out of the Retirement Systems: City Attorney, City Manager, City Recorder, Community and Economic Development Director, Finance Director, Fire Chief, IT Director, Parks and Recreation Director, Police Chief, and Public Works Director. The City will contribute an amount equal to the URS contribution rate into the exempted employee's URS 401(k) plan account. Tier I exemptions are exempting out of the URS Pension Plan. Tier II exemptions are exempting out of the four year vesting period.

(d) 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 URS 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.

7.090 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.

7.100. 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").

7.110. 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.

7.120. 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.

7.130. 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.

7.140. 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.

7.150. 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.

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.

(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:

(a) Absence due to Illness. In the event an employee is absent due to illness, the request for leave may be handled by 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, temporary and 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.

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

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.

(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 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 than 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 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.

(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) Make-up Time. With approval of the Department Head and the City Manager, an employee on intermittent leave may work an alternative work schedule that is outside of his or her regularly scheduled hours to make-up for compensation that is lost while on intermittent FMLA leave as long as operations and productivity can be maintained. Approved make-up hours will not be deducted from the employee's FMLA entitlement bank.

(3) 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.

(4) 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.

(5) 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, and 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.

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, step-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. Employees must follow the procedures outlined in the Vacation Leave policy for funeral of friends or family members not on this list.

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.

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

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

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;

(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, any use of department equipment to access social networking sites, blogs or bulletin boards while on duty is prohibited except under limited circumstances at the discretion of the City Manager. If an employee is authorized to access social networking sites while on duty the employee must refrain from excessive use. 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, as determined by his/her Supervisor, Department Head or the City Manager.

(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 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 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 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; (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.

(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.

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 an adverse or negative action taken against any person complaining of or reporting harassment or any person involved or cooperating in an investigation of harassment or an adverse or negative action taken against any other person or property as a result of a 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, sexual orientation 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.

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 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.

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.

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.

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

(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.

(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, or while “on-call.”

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

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

(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.

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.

(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.

(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) 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) Facilities Maintenance Technician

(W) Streets Maintenance Worker

(X) Water Maintenance Worker

(Y) 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 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 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).

(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.). 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 an 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.

CHAPTER 12
DOT DRUG AND ALCOHOL TESTING POLICY

12.010. Purpose.
12.020. General Policy.
12.030. Applicability.
12.040. Definitions.
12.050. Prohibitions.
12.060. Zero Tolerance.
12.070. Voluntary Self-Identification Program.
12.080. Prescription and Over-the-Counter Drugs.
12.090. Testing Required.
12.100. Basis for Testing.
12.110. Pre-Employment Testing.
12.120. Post-Accident Testing.
12.130. Random Testing.
12.140. Reasonable Suspicion Testing.
12.150. Return-to-Duty Testing.
12.160. Follow-Up Testing.
12.170. Testing Procedures.
12.180. Results.
12.190. DOT Required Action.
12.200. Removal from Safety-Sensitive Functions.
12.210. Additional Action.
12.220. Records.
12.230. Confidentiality.
12.240. Notification of Conviction.
12.250. Americans with Disabilities Act (ADA).
12.260. Amendments.

12.010. Purpose.

The purpose of this policy is to provide guidelines for the implementation and management of a drug and alcohol testing program for City employees and prospective employees who are subject to the Commercial Drivers License (CDL) drug and alcohol testing requirements under the Federal Omnibus Transportation Employee Testing Act of 1991, as amended, and the Department of Transportation (DOT) Regulations promulgated thereunder. The provisions of this policy are intended and shall be interpreted in accordance with the Federal Omnibus Transportation Employee Testing Act of 1991, as amended, and the DOT Regulations as defined herein. This policy is not intended to create or alter any existing employment status or contract, written or verbal, between Syracuse City and its employees or prospective employees.

12.020. 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 ensure the safety, personal health, and productivity of its employees, as well as the health and safety of those with whom Syracuse City employees come in contact. In addition, Syracuse City is committed to reducing highway accidents that result from driver misuse of drugs and alcoholic substances, thereby reducing fatalities, injuries, and property damage. To accomplish this, Syracuse City has developed a "zero-tolerance" substance abuse policy for all current and prospective CDL employees as more particularly set forth in this policy. This policy shall be distributed to all CDL employees and made available for review by prospective CDL employees. Employees may refer any questions regarding this policy or the materials referred to herein to the Human Resources Specialist.

12.030. Applicability.

This policy applies to all employees in the service of Syracuse City for compensation, and prospective employees, who are required to hold and maintain a Commercial Drivers License as a condition of employment and/or who operate a commercial motor vehicle in commerce and who are subject to the Commercial Drivers License requirements of the Department of Transportation, including, but not limited to 49 CFR Part 383, as amended, referred to and defined herein as "CDL employees." All other employees shall comply with the Non-DOT Drug and Alcohol Policy set forth in Chapter 11, rather than the provisions set forth herein. All CDL employees shall be subject to the testing requirements of this policy and the Non-DOT Drug and Alcohol Policy subject to the following limitation. When the provisions of this policy are applicable to a certain situation, this policy shall be complied with and no other testing requirements may be imposed. However, when provisions of this policy do not apply to a situation which is otherwise covered by the Non-DOT Drug and Alcohol Policy, CDL employees shall be subject to testing under the Non-DOT Drug and Alcohol Policy. For instance, if a CDL employee is involved in an accident involving loss of life requiring testing under this policy, the employee would be subject to testing under this policy and not subject to testing under the Non-DOT Drug and Alcohol Testing Policy. However, if the employee is involved in an accident not requiring testing under this policy but requiring testing under the Non-DOT Drug and Alcohol Testing Policy, the CDL employee would be subject to testing under the Non-DOT Drug and Alcohol Testing Policy. In any case, if there is any conflict between this policy and any other policy or regulation of the City, the requirements of this policy shall control and no other testing requirements shall be imposed which would conflict or hinder compliance with this policy. In accordance with DOT Regulations, testing under Chapter 11 cannot be combined with testing required under this Chapter 12.

12.040. Definitions.

Words not otherwise defined but used in this policy or in the materials referenced herein are defined in 49 CFR § 386.2, 49 CFR § 390.5 and 49 CFR § 40.3, as amended. 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 a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in Section 12.070 regarding voluntary admission. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing as used herein.

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

(c) Alcohol Concentration (or Content). "Alcohol Concentration" or "Alcohol Content" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

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

(e) CDL Employee. "CDL Employee" means any employee in the service of Syracuse City for compensation who is required to hold and maintain a Commercial Drivers License as s condition of employment and/or who is required as part of his or her job duties to operate a commercial motor vehicle in commerce and who is subject to the commercial driver's license requirements of 49 CFR Part 383, as amended.

(f) Commerce. "Commerce" means: (1) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and (2) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation as described in Subsection (1).

(g) Commercial Motor Vehicle. "Commercial Motor Vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating more than 10,000 pounds; or

(2) Has a gross vehicle weight rating of 26,001 pounds; or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Is of any size and is used in the transportation of material found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 USC § 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

(h) Controlled Substances or Drugs. "Controlled Substances" or "Drugs" means those substances identified in 49 CFR 40.85, as amended, consisting of the following:

(1) Marijuana metabolites

(2) Cocaine metabolites

(3) Amphetamines

(4) Opiate metabolites

(5) Phencyclidine (PCP)

(i) Designated Employee Representative (DER). "Designated Employee Representative" or "DER" means an individual identified by Syracuse City as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of Syracuse City and cannot be a service agent. The City's DER is the Human Resources Specialist.

(j) DOT Regulations. "DOT Regulations" means the rules and regulations promulgated by the U.S. Department of Transportation for alcohol and controlled substance testing requirements for employees subject to the Commercial Driver's License requirements pursuant to the Omnibus Transportation Act of 1991, including, but not limited to §§ 49 C.F.R. 40 and 49 C.F.R. 382, as amended.

(k) Driver. "Driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors. For the purposes of pre-employment/pre-duty testing only, the term *driver* includes a person applying to the City to drive a commercial motor vehicle.

(l) Medical Review Officer (MRO). "Medical Review Officer" or "MRO" means a licensed physician who is responsible for receiving and reviewing laboratory results generated by the City's drug testing program and evaluating medical explanations for certain drug test results.

(m) Prospective CDL Employee. "Prospective CDL Employee" means any person who has made a written or oral application to become an employee of Syracuse City in a position defined as a CDL employee.

(n) Refuse to Submit. "Refuse to Submit" means that a CDL employee:

(1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, consistent with applicable DOT agency regulations, after being directed to do so by the City. This includes the failure of an employee to appear for a test when called by the TPA (see, 49 CFR 40.61(a));

(2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test as provided in the DOT Regulations(see, 49 CFR 40.63(c));

(3) Fails to provide a urine specimen for any drug test required by this Policy or the DOT Regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test (see, 49 CFR 40.63(c));

(4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see, 49 CFR 40.67(l) and 40.69(g));

(5) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see, 49 CFR 40.193(d)(2));

(6) Fails or declines to take a second test the City, TPA or collector has directed the CDL employee to take;

(7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(9) Is reported by the MRO as having a verified adulterated or substituted test result.

(o) Safety-Sensitive Functions. "Safety-Sensitive Functions" means all time from the time a CDL employee begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions and includes any of those on-duty functions defined in 49 CFR 395.2. Safety-sensitive functions shall include all duties deemed safety-sensitive under the DOT Regulations, including, but not limited to, the following:

(1) All time at City facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;

(2) All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All time spent at the driving controls of a commercial motor vehicle in operation;

(4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

(p) Stand-Down. "Stand-Down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, and adulterated test, or a substituted test, before the MRO has completed the verification of the test results. The City is prohibited from standing down an employee, except consistent with a waiver from the FMCSA.

(q) Third Party Administrator (TPA). "Third Party Administrator" or "TPA" means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. TPA's typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs.

12.050. Prohibitions.

The following conduct is prohibited under this policy in accordance with the prohibitions set forth in 49 CFR 382, Subpart B:

(a) Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

(b) On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

(c) Pre-Duty Use. No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

(d) Use Following an Accident. No driver required to take a post-accident alcohol test under this policy and in accordance with 49 CFR 382.303 shall use alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.

(e) Refusal to Submit to Required Test. No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under this policy and in accordance with 49 CFR 382.303, a random alcohol or controlled substances test required under this policy in accordance with 49 CFR 382.305, a reasonable suspicion alcohol or controlled substances test required under this policy in accordance with 49 CFR 382.307, or a follow-up alcohol or controlled substances test required under this policy or 49 CFR 382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. Refusal to submit to a required test shall be deemed a violation of this policy and shall result in disciplinary action, up to and including termination.

(f) Controlled Substances Use. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function. The City may require a driver to inform the City of any therapeutic drug use as more particularly provided in this policy.

(g) Controlled Substances Testing. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

12.060. Zero-Tolerance.

If it is determined that a CDL employee violates any term, condition or provision 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.

12.070. Voluntary Self-Identification Program.

(a) Self-Identification Program. CDL employees of the City may voluntarily admit to alcohol misuse or controlled substances use ("admission") in accordance with the provisions of this Section setting forth the City's voluntary self-identification program. The provisions of this program are intended to comply with the provisions and requirements of 49 CFR 382.121, as amended. Voluntary admissions should be made to the employee's supervisor or the Human Resources Specialist. Employees having a drug or alcohol problem are strongly encouraged to seek help.

(b) Prior to Selection or Violation. To qualify for the City's voluntary self-identification program, the CDL employee must make the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function (i.e., prior to reporting for duty) and prior to being selected for testing under this policy (i.e., the admission cannot be made in order to avoid testing under the requirements of this policy.

(c) No Adverse Action. The City shall not take any adverse action against a CDL employee making a voluntary admission of alcohol misuse or controlled substances use in accordance with the conditions and provisions of this Section.

(d) Evaluation and Treatment. A CDL employee who has made a voluntary admission of alcohol misuse or controlled substances use in accordance with the terms and conditions of this Section shall be given sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem.

(e) Costs and Leave. The City will pay for the first visit to a drug and alcohol abuse evaluation expert. All other costs of evaluation, treatment and rehabilitation shall be the employee's responsibility. The City will allow employees who seek voluntary assistance for alcohol and drug problems under this program 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.

(f) Successful Completion. The CDL employee shall not perform any safety-sensitive functions until and unless the employee has successfully completed an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor). 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 and has successfully completed the treatment program. A licensed professional medical practitioner that specializes in substance abuse must sign this certification.

(g) Return to Duty Testing. Prior to performing any safety-sensitive functions, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02 and/or a return to duty controlled substances test with a verified negative test result for controlled substances use.

(h) Follow-Up Testing. 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.

(i) Disclaimer. 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.

12.080. 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.

12.090. Testing Required.

In accordance with the provisions of this policy, all prospective and current CDL employees shall be subject to controlled substances and alcohol testing as a condition of hiring and continued employment with the City. Failure to comply with this policy may result in the City refusing to hire a prospective CDL employee or disciplinary action being taken against current CDL employees, up to and including termination. Specimens collected under this policy may only be used to test for controlled substances and their metabolites as defined herein and shall not be used to conduct any other analysis or

test unless otherwise specifically authorized by DOT Regulations. All testing shall be based on and under the circumstances set forth in Section 12.100 regarding basis for testing.

12.100. Basis for Testing.

Prospective and current CDL employees shall be subject to testing for the presence of drugs and alcohol by the City in accordance with the provisions of this policy as a condition of hiring and continued employment with the City for any of the reasons or under the circumstances as more particularly set forth herein: pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty testing, and follow-up testing. CDL employees shall also be subject to controlled substances and alcohol testing when required by Federal law or regulations.

12.110. Pre-Employment Testing.

All prospective CDL employees shall undergo testing for controlled substances as a condition of employment and prior to performing any safety-sensitive duties for the 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 with the City. No prospective CDL employee shall be permitted to perform safety-sensitive functions for the City until and unless the City has received a pre-employment controlled substances test result from the MRO or TPA indicating a verified negative test result for the employee. A controlled substance test may not be required if the employee has participated in a drug testing program that meets the DOT Regulations within the previous thirty (30) days and all other exception requirements as set forth in the DOT Regulations are satisfied.

12.120. Post-Accident Testing.

(a) Alcohol Testing.

(1) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving CDL employee shall be tested for alcohol under the following circumstances:

(A) The CDL employee was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or

(B) The CDL employee received a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) If an alcohol test required by this Section is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test required by this Section is not administered

within eight (8) hours following the accident, the City shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Such records shall be submitted to the FMCSA, upon request.

(b) Controlled Substances Testing.

(1) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving CDL employee shall be tested for controlled substances under the following circumstances:

(A) The CDL employee was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or

(B) The CDL employee received a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) If a controlled substances test required by this Section is not administered within thirty-two (32) hours following the accident, the City shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Such records shall be submitted to the FMCSA, upon request.

(c) Testing. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to the testing. A driver who is seriously injured and cannot be tested at the time of the accident should provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs and/or alcohol in their system. Nothing in this Section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(d) Federal, State or Local Test Results. The results of a breath or blood test for the use of alcohol or the results of a urine test for the use of controlled substances conducted by Federal, State, or local law enforcement officials having independent authority to conduct such test shall be considered to meet the requirements of this Section for post-accident testing, provided such tests conform to the applicable Federal, State, and local alcohol or controlled substances testing requirements, as applicable, and the results of such tests are obtained by the City.

(e) Exceptions. Post-accident testing shall not apply to the following situations:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823.

(f) Summary. The following table notes when a post-accident test is required to be conducted in accordance with this Section:

Type of Accident	Citation Issued to Driver?	Must Test Be Performed?
Human fatality	YES NO	YES YES
Bodily injury with immediate medical treatment away from scene	YES NO	YES NO
Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO

12.130. Random Testing.

(a) CDL Employees. Every CDL employee shall be required to submit to random alcohol and controlled substances testing in accordance with the provisions of this Section. CDL employees include, but are not limited to, the following positions:

(1) Deputy Fire Chief

(2) Fire Captain

(3) Fire Engineer

(4) Fire Fighter

(5) Public Works Director

(6) Streets Superintendent

(7) Water Superintendent

(8) Environmental Superintendent

(9) Streets Maintenance Worker

(10) Water Maintenance Worker

(11) Environmental Maintenance Worker

(b) Testing Percentage Rates. According to current FMCSA standards, random controlled substances testing will be administered at a fifty (50) percent annualized rate and random alcohol testing

will be conducted at a ten (10) percent annualized rate. This means that the total number of controlled substances tests conducted during any twelve (12) month period will be equal to at least fifty (50) percent of the total Syracuse City 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 DOT testing pool. These rates are set by FMCSA Administration and shall be subject to change based on any increase or decrease in the Federally required testing rate.

(c) Random Selection. Selection of CDL employees for random testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number, generator that is matched with employee's social security numbers, or other comparable identifying numbers. Only covered CDL employees shall be included in the random testing pool. City CDL employees may be part of a larger random testing pool of covered employees. Each CDL employee selected for random testing under the selection process used shall have an equal chance of being testing each time selections are made. Each CDL employee selected for random testing shall be tested during the selection period. Selection for random testing will be done by the City's third party administrator in order to ensure that selection is truly random and is uninfluenced by any personal characteristics, behavior, or any other attribute.

(d) Unannounced. Random testing conducted under this Section shall be unannounced. The dates for administering the random tests shall be spread reasonably throughout the calendar year.

(e) Testing. Each CDL employee notified of selection for random testing shall proceed to the test site immediately; provided, if the employee is performing a safety-sensitive function other than driving a motor vehicle, at the time of notification, the employee shall cease to perform safety-sensitive functions and proceed to the testing site as soon as possible.

(f) Performing Functions. A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

12.140. Reasonable Suspicion Testing.

(a) Reasonable Suspicion. CDL employees shall be subject to alcohol and/or controlled substances testing when the City has reasonable suspicion to believe that the employee has violated the prohibitions of this policy. A determination of reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. Observation for reasonable suspicion may also include indications of the chronic and withdrawal effects of controlled substances.

(b) Supervisor Training. The required observations for reasonable suspicion testing shall be made by a supervisor or other City official who is trained in accordance with applicable DOT Regulations regarding such testing. 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 a reasonable suspicion drug and/or alcohol test. Records regarding training attendance will be kept for a minimum of three (3) years after the date of the training.

(c) Documentation. A written record shall be made of the observations leading to an alcohol and/or controlled substances reasonable suspicion test by the employee's supervisor or the person requesting the reasonable suspicion testing using the City's "Observed Behavior-Reasonable Cause

Record". The form shall be signed by the supervisor or City official who made the observations. The form shall be filled out and the record made within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier. The City strongly urges supervisors to complete the form before the employee is required to submit to testing in order to properly document the circumstances leading up to the testing referral.

(d) Timing of Observations. Reasonable suspicion alcohol testing is authorized by this Section only if the observations required in Subsection (a) are made during, just preceding, or just after the period of the work day that the CDL employee is required to be in compliance with this policy. A CDL employee may only be required to undergo reasonable suspicion testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

(e) Timing for Testing. If an alcohol test required by this Section is not administered within two (2) hours following the determination under paragraph (a) of this Section, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight (8) hours following the determination under paragraph (a) of this Section, the supervisor shall cease attempts to administer an alcohol test and shall State in the record the reasons for not promptly administering the test.

(f) Transportation. In the event that reasonable suspicion drug and/or alcohol 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 DER or the employee's supervisor will be responsible for transporting the employee.

(g) Refusal to Submit. If an employee refuses to submit to reasonable suspicion drug and/or alcohol test or attempt 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.

(h) Prohibition. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until:

(1) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(2) Twenty four (24) hours have elapsed following the determination under Subsection (a) of this Section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.

(i) Action. Except as provided in Subsection (h) of this Section, the City shall not take any action under this part against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the City with independent authority of this part from taking any action otherwise consistent with law.

12.150. Return-to-Duty Testing.

Any Syracuse City CDL employee whose initial breath alcohol content is between 0.02 – 0.039 grams per 210 liters of breath will be subject to return-to-duty breath alcohol testing before being permitted to return to work. The return-to-duty test must be completed not less than the equivalent of one full shift and not more than twenty-four (24) hours after the initial breath alcohol test. Return-to-duty breath alcohol testing will be conducted at the facility of the designated third party administrator. Refusal to submit to return-to-duty breath alcohol testing will be considered a positive test result and will subject the employee to disciplinary action as set forth in this policy. The requirements for return-to-duty testing shall comply with and be performed in accordance with 49 CFR 40, Subpart O.

12.160. Follow-Up Testing.

The requirements for follow-up testing shall comply with and be performed in accordance with 49 CFR 40, Subpart O.

12.170. Testing Procedures.

(a) Collection. All sample collection for drugs and alcohol testing under this policy shall comply with the procedures set forth in the DOT Regulations, including, but not limited to, 49 CFR 40, as amended. 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, custody and control forms, and collection kits, including bottles and seals used for sample collection shall be prepared by an independent laboratory trained and qualified to conduct DOT collection procedures. The Federal Drug Testing Custody and Control Form (CCF) shall be used to document every collection required by DOT Regulations. Directly observed collection shall only be conducted in accordance with DOT Regulations, including, but not limited to, 49 CFR 40.67, as amended. All controlled substances urine collection shall be split specimen collection. Collection sites shall meet all applicable DOT Regulations. Sample collection shall be conducted in accordance with the terms and conditions of this policy.

(b) Samples. 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.

(c) 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.

(d) Testing. Sample drug testing shall conform to scientifically accepted analytical methods

and procedures and shall be conducted in accordance with applicable DOT Regulations. All drug tests will use a screening test (typically an immunoassay test) and confirmation test by gas chromatography/mass spectrometry if the screening test is positive. Prospective and current DOT employees have the option of requesting a split-sample test. 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

12.180. Results.

(a) MRO. According to Federal regulations, all drug test results, will be referred to an MRO to verify the test 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 non-negative test to the employer, without interviewing the employee/applicant, if: (1) an individual has expressly declined the opportunity to discuss the test result with the MRO; (2) 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 (3) 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.

(b) DER Contact. If the MRO has been unable to contact an employee who has submitted a specimen under this policy, the DER shall make reasonable efforts to contact and request

such employee, regardless of employment status, to contact and discuss the results of the controlled substances test with the MRO. The DER shall immediately notify the MRO that the employee has been notified to contact the MRO within 72 hours.

(c) Confirmation. Before the results 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 an acceptable and reliable analytical method.

(d) Contesting. All verified non-negative samples will be kept in frozen storage at the laboratory for a minimum of one (1) year. If an employee or applicant believes the laboratory analysis is in error, they will have 72 hours from when first notified of the test result to request the re-analysis of the original specimen that was verified as positive, adulterated, or substituted. The urine sample must be independently re-analyzed by gas chromatography/mass spectrometry at a second SAMHSA-certified laboratory at the expense of the employee/applicant. If the re-analysis is negative, an employee shall be allowed to return to work immediately, shall be compensated for time lost, and shall be reimbursed for the cost of split specimen testing. Retesting will be on the original specimen and must be performed by a SAMHSA-certified laboratory.

(e) Notification. The City shall notify prospective employees of the results of a pre-employment controlled substances test conducted under this policy, if the prospective employee requests such results within 60 calendar days of being notified of the disposition of the employment application. The City shall notify an employee of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The City shall also inform the employee which controlled substance or substances were verified as positive.

12.190. DOT Required Action.

Pursuant to 49 CFR 40.23, the City is required to take the following action under the circumstances described:

(a) As an employer who receives a verified positive drug test result, you must immediately remove the employee involved from performing safety-sensitive functions. You must take this action upon receiving the initial report of the verified positive test result. Do not wait to receive the written report or the result of a split specimen test.

(b) As an employer who receives a verified adulterated or substituted drug test result, you must consider this a refusal to test and immediately remove the employee involved from performing safety-sensitive functions. You must take this action on receiving the initial report of the verified adulterated or substituted test result. Do not wait to receive the written report or the result of a split specimen test.

(c) As an employer who receives an alcohol test result of 0.04 or higher, you must immediately remove the employee involved from performing safety-sensitive functions. If you receive an alcohol test result of 0.02-0.039, you must temporarily remove the employee involved from performing safety-sensitive functions, as provided in applicable DOT agency regulations. Do not wait to receive the written report of the result of the test.

(d) As an employer, when an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation, you must not

return the employee to the performance of safety-sensitive functions until or unless the employee successfully completes the return-to-duty process of Subpart O of this part.

(e) As an employer who receives a drug test result indicating that the employee's specimen was dilute, take action as provided in Sec. 40.197.

(f) As an employer who receives a drug test result indicating that the employee's specimen was invalid and that a second collection must take place under direct observation--

(1) You must immediately direct the employee to provide a new specimen under direct observation.

(2) You must not attach consequences to the finding that the test was invalid other than collecting a new specimen under direct observation.

(3) You must not give any advance notice of this test requirement to the employee.

(4) You must instruct the collector to note on the CCF the same reason (e.g. random test, post-accident test) as for the original collection.

(g) As an employer who receives a cancelled test result when a negative result is required (e.g., pre-employment, return-to-duty, or follow-up test), you must direct the employee to provide another specimen immediately.

(h) As an employer, you may also be required to take additional actions required by DOT agency regulations (e.g., FAA rules require some positive drug tests to be reported to the Federal Air Surgeon).

(i) As an employer, you must not alter a drug or alcohol test result transmitted to you by an MRO, BAT, or C/TPA.

12.200. Removal from Safety-Sensitive Functions.

(a) Removal from Safety-Sensitive Functions. Except as provided in the DOT Regulations, no CDL employee shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the employee has engaged in conduct prohibited by Section 12.050 or an alcohol or controlled substances rule set forth in the DOT Regulations. The City shall not permit any CDL employee to perform safety-sensitive functions, including driving a commercial motor vehicle, if the City has determined that the employee has violated this Section. Employees found to have violated the provisions of Section 12.050 shall be removed immediately from safety-sensitive functions in accordance with this policy and the provisions of 49 CFR 40, Subpart O, as amended. As provided in the DOT Regulations, the City may not remove an employee from the performance of safety-sensitive functions based solely on a report from the laboratory of a confirmed positive test for controlled substances, an adulterated test, or a substituted test, before the MRO has completed verification of the test (also known as “standing down”).

(b) Required Evaluation and Testing. No CDL employee who has engaged in conduct prohibited by Section 12.050 shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the employee has met the requirements of 49 CFR 40, Subpart O, regarding required evaluation and testing. The City shall not permit any CDL employee who has engaged in conduct prohibited by Section 12.050 to perform safety-sensitive functions, including driving a commercial

motor vehicle, unless the employee has met the requirements of 49 CFR 40, Subpart O, regarding required evaluation and testing.

(c) Alcohol-Related Conduct. No CDL employee tested under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Except as provided herein, the City shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the City with authority independent of this Subsection from taking any action otherwise consistent with law.

12.210. Additional Action.

(a) Discipline. In an effort to ensure a drug-free workplace, Syracuse City is committed to a zero-tolerance drug and/or alcohol policy for all DOT employees. This means that refusal to test, an MRO-verified positive, adulterated, or substituted drug test, or a positive alcohol (greater than 0.04 grams per 210 liters of breath) test result, as reported by the third party administrator and/or MRO to the Syracuse City DER, for any of the drug and/or alcohol testing programs listed above will result in the disciplinary action against the employee, up to and including termination. Additional grounds for disciplinary action may include failure to fully comply with collection procedures and reasonable collector requests. All disciplinary action will be handled in accordance with the disciplinary procedures set forth in these Policies and Procedures, as applicable.

(b) Refusal to Hire. A prospective employee/applicant who has a positive or non-negative drug test result or refuses to submit to a drug test will not be further considered for employment.

(c) Alcohol Content. It is against Syracuse City policy for any DOT employee whose breath alcohol content is between 0.02 – 0.039 grams per 210 liters of breath to operate any vehicle. An employee with a breath alcohol content of 0.02 – 0.039 will be removed from duty for one shift or 24 hours, which ever is longer. No adverse employment action will be taken on the basis of initial breath alcohol test results in the range of 0.02 – 0.039. Upon return to work the employee must have a breath alcohol content less than 0.02 grams per 210 liters of breath. Failure to meet these standards on a follow-up breath alcohol screen will result in disciplinary action up to and including termination.

(d) Referral. Any DOT employee who has a positive drug and/or 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 substance abuse professional (SAP). The expenses associated with a initial, evaluative consultation with the LSAC or SAP will be paid for by Syracuse City. Additional services beyond an initial evaluation provided to the employee by the LSAC or SAP will be at the expense of the employee.

12.220. Records.

(a) Maintain. The City shall maintain records regarding alcohol and controlled substances testing in accordance with DOT Regulations, including, but not limited to, 49 CFR 382.401, as amended.

(b) Controlled Access. All alcohol and controlled substances testing records shall be maintained in a secure location with controlled access as more particularly set forth in Section 12.200.

(c) FMCSA Access. All records required by this policy shall be maintained in accordance with 49 CFR 390.31 and must be made available for inspection at the City offices within 2 business days after a request have been made by an authorized representative of the Federal Motor Carrier Safety Administration.

(d) Employee Access. A CDL employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The City shall promptly provide the records requested by the employee. Access to the employee's own records shall not be contingent upon payment for records other than those specifically requested.

(e) Subsequent Employers. Records shall be made available to a subsequent employer upon receipt of a written request from the employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's request.

(f) Identified Persons. The City shall release information regarding an employee's records as directed by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in 49 CFR 40.321(b), as amended.

12.230. Confidentiality.

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 TPA 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.).

12.240. 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.

12.250. 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 an 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.

12.260. 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 with the City. This policy will be amended from time to time to comply with changes in Federal and State laws. This policy is a general summary of Syracuse City's Department of Transportation (DOT) Drug-Free Workplace policy. If there is any question or conflict between what is said in the policy and the language in the DOT regulations as codified in 49 CFR parts 40 and 382, the DOT regulations will prevail.

CHAPTER 13
EMPLOYEE TESTING AND EVALUATION

13.010. Background Investigations.
13.020. Medical Examinations.
13.030. Driving Record Evaluations.

13.010. Background Investigations.

(a) Purpose. Utah law allows for criminal and sex offender history background investigations for employees and volunteers who: (1) provide services to children or vulnerable adults; (2) have fiduciary trust over money; (3) who care for, have custody of, or control of children; or (4) when necessary to safeguard national security. Due to the various types of employment positions within Syracuse City and the numerous contacts employees have with our citizens and customers, which span the entire age spectrum and include various security issues, it is Syracuse City's policy that all new employees will be subject to a background investigation prior to hiring. Volunteers working in public safety and recreation departments will be subject to a background investigation as a condition of and prior to being authorized to perform volunteer services for the City. In addition, employees and volunteers working in the public safety and recreation departments will be subject to annual criminal and sex offender investigations. The purpose of the background investigation is to verify credentials, to ensure that each person hired by Syracuse City is an appropriate fit for both Syracuse City and the position being offered, and to ensure that Syracuse City continues to employ individuals who do not pose a threat to those with whom they work.

(b) Scope. This policy applies to all prospective employees and volunteers of Syracuse City who are over eighteen (18) years of age. Successful completion of the background investigation process is a condition of employment for any position with the City and for volunteer service involving public safety and recreation departments as more particularly provided herein. A prospective employee who fails to meet the standards outlined below will not be considered for employment or volunteer service.

(c) Pre-Employment Checks. Syracuse City will conduct a pre-employment background investigation on all prospective employees and applicable volunteers over the age of eighteen (18). The information verified will depend on the type of position being offered. All pre-employment background investigations may include a social security trace, basic employment and education verification, and a county criminal history search.

(d) DOT Employees. In the case of prospective DOT employees, employment verification will include information regarding DOT drug and/or alcohol tests conducted by previous employers in accordance with applicable DOT regulations. A DOT background investigation will also include verification of the prospective employee's driving record in accordance with applicable policies.

(e) Public Safety Employees. Background investigations conducted on prospective public safety employees, including applicants for both the fire and police departments, will include an extended employment verification including information pertaining to the prospective employee's previous job responsibilities, disciplinary actions, performance, awards and/or certifications.

(f) Promotions. Background investigations will be conducted on employees who are promoted to a position that will require more responsibility in finances and/or safety

sensitive duties.

(g) Annual Background Investigations. Employees and volunteers who are over the age of eighteen (18) and are working in the public safety and parks & recreation departments in positions listed in below shall be subject to an annual background investigation to gather information pertaining to any criminal or sexually based convictions that may have occurred since hire or since the date of the last annual background investigation. Because criminal convictions can relate to the performance of job-related duties, the primary purpose of all annual background investigations conducted for employees and volunteers working in the public safety and recreation departments is to ensure that Syracuse City employees and volunteers who, in the course of their regular duties, may be required to enter citizen's homes or work with minors are held to the highest legal standards. If an annual background investigation conducted on a current Syracuse City employee or volunteer indicates that an employee or volunteer has been convicted of a criminal and/or sexual offense as listed in Subsection (h), that individual shall be subject to disciplinary action up to and including termination or ineligibility for volunteer service.

- Fire Department:
  - Fire Chief
  - Deputy Fire Chief
  - Fire Captain
  - Senior Fire Fighter
  - Fire Engineer
  - Fire Fighter
  - Any Fire Department Volunteers

- Police Department:
  - Police Chief
  - Police Lieutenant
  - Police Sergeant
  - Police Officer
  - Code Enforcement Officer
  - Bailiff
  - Crossing Guard
  - Any Police Department Volunteers

- Parks & Recreation Department
  - Parks & Recreation Director
  - Assistant Parks & Recreation Director
  - Recreation Coordinator
  - Recreation Assistant
  - Parks Maintenance Worker
  - Any Recreation Department Volunteers

(g) Procedures. In all cases, the individual being required to submit to a background investigation will be required to sign a waiver allowing the designated third party to obtain the requested information. This waiver, along with personal information about the prospective applicant or volunteer or the current employee or volunteer and their previous education and employment (if applicable), will be forwarded to the City's designated third party administrator. Background investigations required by Syracuse City will be paid for by Syracuse City and will be conducted in accordance with all Federal and

State regulations relative to background investigations.

(h) Results. The primary purpose of all pre-employment and volunteer service background investigations is to verify the information provided by the applicant or volunteer, to ensure that each person hired by or authorized to provide volunteer services for the City is an appropriate fit for both Syracuse City and the position being offered, and to ensure that the City continues to employ or permit volunteer services by individuals who do not pose a threat to those with whom they work or provide services.

(1) Any discrepancy between information provided by the applicant and information obtained through the pre-employment or volunteer service background investigation process will be considered falsification and may end an applicant's consideration for employment.

(2) If a pre-employment or volunteer service background investigation conducted on a prospective employee or volunteer has any of the following discrepancies or criminal history, that individual will not be considered for employment or volunteer service. This list is meant to illustrate possible reasons for denial of employment or volunteer service related to the results of a pre-employment or volunteer service background investigation and should not be construed as an exhaustive list of possible reasons for denial of employment or volunteer service. Any other information obtained from the background investigation process may result in the denial of employment or volunteer service.

(A) Inability to verify and/or authenticate a provided social security number (if applicable);

(B) Inability to verify that educational levels provided match the educational requirements of the position being offered (if applicable);

(C) Any conviction for any crime against minors, seniors, or persons with a disability;

(D) Any felony conviction involving violence;

(E) Any sexual offense conviction;

(F) A felony conviction for driving under the influence of alcohol/drugs (DUI) or other drug or alcohol related driving offense within the past ten (10) years;

(3) If a pre-employment or volunteer service background investigation conducted on a prospective employee or volunteer has any of the following discrepancies or criminal history, that individual may or may not be considered for employment or volunteer services and will be evaluated on a case by case basis. This list is meant to illustrate possible reasons for denial of employment or volunteer service. Any other information obtained from the background investigation process may result in the denial of employment or volunteer service.

(A) A misdemeanor conviction for driving under the influence of alcohol/drugs (DUI) or other drug or alcohol related driving offense within the past ten (10) years;

(B) Any criminal conviction within the last seven (7) years that is related to

violence, drugs and/or alcohol, or the commission of which, in the City's opinion, is indicative of conduct or character inconsistent with that of those entrusted to perform public service, or until such convictions are eligible for expungement, whichever is longer.

(i) Confidentiality. In an effort to ensure that all background investigation results remain confidential, the third party administrator for the Syracuse City background investigation program is only authorized to release results to the Syracuse City Designated Employee Representative (DER). The City's DER is the Human Resources Specialist. After being received by Syracuse City, all background investigation results will be stored in confidential employee files (established for all Syracuse City employees) or, in the case of applicants for whom employment was denied, with the prospective employee's employment application. All information obtained through the background investigation process 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 the results of the background investigation process.

(j) Maintenance and Release. Background investigation results 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. Background investigation results may be released in legal proceedings (i.e. unemployment hearing, wrongful termination, etc.). 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 background investigation results by making a written request to the Syracuse City DER.

13.020. Medical Examinations.

Applicants who have received a contingent offer of employment and current employees may be required, as legally appropriate and as permitted under the Americans with Disabilities Act, to submit to medical examinations. An applicant who has received a contingent job offer may be required to undergo a medical examination to demonstrate ability to safely perform the essential functions of the position for which the employee is being hired. Employment offers are contingent upon satisfactory completion of such examinations. As a condition of continued employment, employees may be required to undergo periodic job-related medical examinations in accordance with applicable legal restrictions and requirements. All medical examinations required by the City shall be paid for by the City in accordance with *Utah Code Ann*. ' 34-33-1, as amended. All records regarding medical examinations of applicants and employees shall be maintained as classified in accordance with the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann*. ' 63-2-101, *et seq*., as amended.

13.030. Driving Record Evaluations.

Any prospective employee or volunteer who may be required to operate a City-owned vehicle or personal vehicle on City business shall be required to submit to a pre-employment driving record evaluation. Pre-employment driving record evaluations shall be conducted with the written consent of the prospective employee. Failure to consent to a driving record evaluation, when required, will preclude employment with the City. Driving record evaluations will be conducted using the information available through the Utah Driver's License Division. If the applicant does not currently have a Utah driver's license, the driving record evaluation will be conducted using the information available through the City's Background Investigation system.

As part of the driver qualification process all drivers or potential drivers' Motor Vehicle Record (MVR) will be screened and monitored on an ongoing basis to ensure the standard is met and maintained. Drivers

will be qualified as “Acceptable” or “Borderline”. Drivers qualified as “Borderline” may be authorized to drive on a probationary basis as determined by the City Manager. Drivers or potential drivers whose record does not meet the driver qualification standard and is deemed “Unacceptable” will not be allowed to operate any City vehicle or personal vehicle while engaged in City business and may be subject to disciplinary action up to and including termination or may not be considered eligible for employment with the City.

All drivers must possess a valid Driver License. Required endorsements, if applicable, must also be maintained. The driver qualification evaluation will be based on the driver’s MVR and may also take into account work related motor vehicle incidents, whether or not the incident has been recorded on the driver’s MVR. All violations recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.

“Acceptable” or “Borderline” qualification will be determined using the following criteria. Any number of violations or accidents in excess of the “Borderline” criteria constitutes a failure to meet the driver qualification standard.

ACCEPTABLE

- Up to two (2) violations recorded on the MVR, or
- Up to one (1) at fault work related accident in the prior three (3) years, or
- A combination of one (1) violation on the MVR and one (1) at fault work related accident in the last three (3) years

Borderline

- Three (3) to four (4) violations recorded on the MVR, or
- Two (2) at fault work related accidents in the last three (3) years, or
- DUI or DWI within the last two (2) to five (5) years, or
- Any violation for Careless, Reckless or Distracted driving

Moving Violations	At-Fault Accidents			
	0	1	2	3
0	Acceptable	Acceptable	Borderline	Unacceptable
1	Acceptable	Acceptable	Borderline	Unacceptable
2	Acceptable	Borderline	Unacceptable	Unacceptable
3	Borderline	Unacceptable	Unacceptable	Unacceptable
4	Borderline	Unacceptable	Unacceptable	Unacceptable

A single major violation recorded on the MVR, or resulting from a work related incident, may be deemed “Unacceptable” will not be allowed to operate any City vehicle or personal vehicle while engaged in City business and may be subject to disciplinary action up to and including termination or may not be considered eligible for employment with the City. Major violations include, but are not limited to:

- DUI or DWI in the previous twenty-four (24) months, or

- Failure to stop and/or report an accident, or
- Making a false accident report, or
- Attempting to elude a law enforcement officer, or
- Others as determined by the City Manager

It is the duty of the employee to notify his or her supervisor immediately if his or her driver's license has expired, has been suspended or revoked, or if the employee has committed driving under the influence (DUI) or other alcohol or drug related driving offense.

CHAPTER 14
WORKPLACE SAFETY

14.010. General Policy.
14.020. Occupational Safety and Health Act.
14.030. Safe Environment.
14.040. Inspection of Workplace.
14.050. Safety Rules.
14.060. Use of Equipment and Tools.
14.070. Confined Space Entry.
14.080. Hazardous Communication.
14.090. Hazardous Energy Control (Lockout/Tagout).
14.100. Department Specific Safety.
14.110. Accidents/Incidents & Work Related Injuries.
14.120. Worker's Compensation.
14.130. Bringing Children to Work.

14.010. General Policy.

Syracuse City strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure how to perform a task safely, he or she should ask his or her supervisor or department head for the correct method or procedure. Failure to follow City safety rules as set forth in this Chapter or any other unsafe conduct constitutes misconduct and shall be subject to disciplinary action, up to and including termination.

14.020. Occupational Safety and Health Act.

(a) Compliance. It is the intent of the City to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act ("OSHA") as established under Federal Law and Utah State Law. No job is so important and no service so urgent that time cannot be taken to perform work safely. Syracuse City will post all required OSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Additional information relative to OSHA requirements and safety standards can be obtained from the Human Resources Specialist or applicable State or Federal agency.

(b) Inspections. If an OSHA inspector arrives on the job site, an employee should immediately notify the Human Resources Specialist and City Manager and refer the inspector to such personnel for any questions or inspections. If the inspection was due to an employee complaint, the Human Resources Specialist should request a copy of the complaint. This will help Syracuse City correct any safety problems. Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law.

14.030. Safe Environment.

It is the policy of Syracuse City to maintain a work environment which is free from any recognizable hazard that is likely to cause death or serious injury to any employee. It is the City's policy to maintain a safe work environment through planning, training and open communication with all employees regarding safety matters. Each employee is required to comply with OSHA orders, rules, and regulations and all safety provisions of these Policies and Procedures.

It is the employee's responsibility to become familiar with their department specific safety policy and procedures.

14.040. Inspection of Workplace.

In accordance with law, the City Manager and applicable Department Heads should inspect or designate a competent person or persons to inspect the workplace frequently for unsafe conditions and practices or defective equipment and materials. Where such conditions are found, appropriate action should be taken to correct such conditions immediately. The City Manager, or designee, shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and the public.

14.050. Safety Rules.

Each Department may prepare additional safety rules applicable to the specific nature of work in such Department; provided, such rules are not in conflict with the rules listed below. Employees shall comply with all Department rules and regulations and the following general safety rules applicable to all Departments.

(a) Proper licensing, training and extreme caution are required by all employees operating any type of power equipment.

(b) Employees shall use all necessary personal and mechanical safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate for the work performed.

(c) Employees shall avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair shall be properly secured.

(d) All accidents shall be reported immediately to the supervisor or department head in accordance with these Policies and Procedures.

(e) Employee's shall immediately cease using and report any defective equipment to the employee's department head or the Human Resources Specialist.

(f) Employees shall not operate equipment or use tools for which licensing and training has not been received.

(g) In all work situations, safeguards required by State and Federal Safety Orders shall be provided and utilized.

(h) Due to the potential risk of serious injury or death, employees are prohibited from entertaining or caring for guests or family members while on-duty or in or around the workplace. Employees should use extreme caution and care when working in inherently dangerous work areas including, but are not limited to:

(1) Road repair;

(2) Construction areas;

(3) Vehicle maintenance areas;

(4) Swimming pools; and

(5) Animal control.

14.060. Use of Equipment and Tools.

(a) The use of Syracuse City equipment or tools for private purposes is strictly prohibited unless otherwise specifically provided herein.

(b) Employees shall be required to attend training provided by the City, including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job. Employees may attend additional training as approved by the City.

(c) A commercial driver's license (CDL) is required for operators of commercial motor vehicles in accordance with applicable Federal laws and regulations. No individual shall be allowed to operate such vehicles unless a current commercial driver's license is in his or her possession in accordance with applicable Federal laws and regulations. Employees must renew their commercial driver's license as required by applicable Federal laws and regulations. CDL employees shall also be subject to drug and alcohol testing and ongoing driver's license evaluations as more particularly provided in these Policies and Procedures.

14.070. Confined Space Entry.

Syracuse City has a written confined space entry policy for situations and work conditions requiring confined space entry in accordance with applicable Federal laws and regulations. This is part of the Syracuse City Safety Handbook. All employees who work or may potentially work in or near a confined space shall comply with the requirements stated in the Safety Handbook related with confined space.

14.080. Hazardous Communication.

Syracuse City has a written Hazardous Communication policy in compliance with Utah's Right-to-understand law as well as the Globally Harmonized System of classification and labeling of chemicals. All employees shall comply with the requirements stated in the Safety Handbook related with hazardous communication.

14.090. Hazardous Energy Control (Lockout/Tagout).

Syracuse City has a written Hazardous Energy Control policy in compliance with the OSHA-mandated requirements for controlling hazardous energy sources at Syracuse City during the servicing, testing, and/or maintenance of machines and energized equipment. This policy details the locking-out and tagging-out of hazardous energy sources in order to protect the safety and health of maintenance workers and employees. Workers and employees could be injured or killed in the event of the unexpected start-up of machines or equipment or during the release of stored energy. All employees shall comply with the requirements stated in the Safety Handbook related with hazardous energy control.

14.100. Department Specific Safety.

Other safety policies that are specific to duties performed in a department are also included in the Safety Handbook. These may include fall protection, forklift operation, etc. Additional safety measures may be in the form of Standard Operating Procedures (SOP) or Standard Operation Guidelines (SOG) for each department specifically. SOPs/SOGs are not considered a part of the Safety Handbook, but employees in that department are expected to know and understand all safety policies, practices, operations and guidelines for the duties that they are required to perform.

14.110. Accidents/Incidents & Work Related Injuries.

(a) Initial Reporting. To the extent circumstances permit, employees who are injured, no matter how minor, or involved in a post-accident/incident while on-duty in connection with employment, or in connection with Syracuse City vehicles must immediately notify their supervisor or department head of the injury/incident. The supervisor or department head should ensure prompt and qualified medical attention is provided for the employee. The supervisor or department head should notify the Human Resources Specialist as soon as possible of the reported injury/incident.

(b) Medical Attention. To the extent circumstances permit, an employee who sustains a work-related injury shall be driven by the supervisor, another employee or emergency personnel to one of the following medical facilities for any necessary medical attention:

(1) Layton WorkMed (during business hours 8AM-5PM) and drug and alcohol screening must be done; or

(2) Syracuse InstaCare (after business hours 5PM-9PM) and supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done; or

(3) McKay Dee Hospital Emergency Room (after hours) and supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done; or

(4) Nearest Emergency Room, if life threatening.

(c) Drug & Alcohol Screening. An employee who is involved in a work-related incident that involves driving of a Syracuse City vehicle (regardless of anticipated costs) or a work-related incident that is anticipated to exceed $1,000 is required to submit to post-accident/incident drug and alcohol testing as follows:

(1) Employee shall be driven by the supervisor or another employee to Layton WorkMed (during business hours 8AM-5PM) and drug and alcohol drug screening must be done; or

(2) if after business hours the supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done

(d) Claims. Claims for work-related injuries, including doctor or hospital bills, should <u>not</u> be submitted to the employee's regular health insurance plan. The Human Resource Specialist will file a claim with Syracuse City's worker's compensation carrier.

(e) Documentation. Documentation of all work related injuries shall be filled out and submitted as soon as reasonably practical following the injury. It is essential that all injuries be reported to the Human Resources Specialist in order to ensure that the proper documentation is filled out in a timely manner. The following forms shall be filled out by the employee, to the extent practicable under the circumstances, or the Human Resources Specialist if the employee is unable to fill out the forms.

(1) Injury/Incident Report form must be filled out. A separate form must be filled out by the employee, any witnesses and the immediate supervisor. See form in Appendix N.

(2) Form 122. Form 122 must be filled out by the HR Specialist and is submitted to the insurance carrier online while submitting the claim within seven (7) days of the date of injury. A copy of this document will be kept in the injury/illness file for each incident.

(3) OSHA First Report of Injury. An OSHA First Report of Injury Form must be filled out by HR Specialist and filed within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job if the illness and/or injury required more than minor first-aid. The original reporting form will be kept in OSHA 300 Log file that will be created for each incident.

(f) The Human Resources Specialist shall investigate reported job related injuries to determine the cause of the injury and any remediation or safety measures that may be taken to avoid similar injuries.

(g) If an employee dies as a result of work related injury, the Human Resource Specialist shall file a report with OSHA within eight (8) hours of first knowledge or notification of the death. The Human Resource Specialist must file a report with OSHA within twenty-four (24) hours of first knowledge of an employee injury resulting in any inpatient hospitalization, any amputation or loss of an eye.

(h) Return to Service. Before returning to work after a job related injury requiring medical care, the employee must submit a statement from the attending physician stating the employee is able to return to work and resume normal duties of the employee's particular job position or that outlines what restrictions the employee has. The City will accommodate restricted duty jobs for workers injured on the job. The Human Resource Specialist will work the Supervisor of the employee to design a work strategy that meets the injured employee's restrictions and accomplishes Syracuse City's goals. Failure to return to work when able to do so may result in disciplinary action, up to and including termination.

(i) Checklist. See Appendix O for a checklist to help employees and supervisors remember steps.

14.120. Workers' Compensation.

Eligible employees may be covered under the Workers' Compensation Act as set forth in *Utah Code Ann.* §§ 34A-2-101, *et seq*., as amended, for any injury sustained during the performance of their job. Compensation may be provided to eligible employees through Workers' Compensation Fund of Utah or third party administrator in accordance with the Workers' Compensation Act.

14.130. Bringing Children to Work.

The City does not have a childcare program at this time. Due to safety and productivity issues, employees are not permitted to bring their children to work with them. This provision does not apply to City-approved organized programs intended to provide children an opportunity to observe the workplace or career opportunities or other educational fieldtrips and tours of the City offices. Limited exception may be made on a case by case basis by the Department Head or City Manager.

CHAPTER 15
DISASTER RESPONSE PLANNING

15.010. General Policy.
15.020. Employee Disaster Notification.
15.030. Natural Disaster/Man-Made Disaster Response Plan.
15.040. Suspicious Person or Assailant Threats.
15.050. Telephone Bomb Threats.
15.060. Mail, Letter, and Package Bomb Threats.
15.070. Suspicious Article Threats.

15.010. General Policy.

Syracuse City has developed the following Disaster Response Plan using, in part, a Disaster Response Planning Guide. All employees will be expected to adhere to this Disaster Response Plan to the maximum extent possible and practicable.

15.020. Employee Disaster Notification.

Supervisors are responsible for notifying all City employees of the disaster response action to be taken in the event of a disaster or pending disaster to the extent possible.

15.030. Natural Disaster/Man-Made Disaster Response Plan.

Following a natural disaster, the following action shall be taken:

(a) Employees already at work will assess the disaster and take whatever evasive action is deemed necessary within the law to protect themselves, their fellow employees, and the public in general. As soon as practical the employee shall notify his/her supervisor of his/her status and whereabouts.

(b) Employees will be allowed to contact and/or secure their families and homes as soon as practical to ensure their family status and security.

(c) Employees will report to their immediate supervisor, or the next level supervisor, as soon as practical and await instructions as indicated in the Emergency Operation Plan..

(d) All Syracuse City vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.

(e) Employees not at work will contact the City Manager as soon as practical for further instructions.

15.040. Suspicious Person or Assailant Threats.

(a) Syracuse City has developed the following procedures to be followed in the event that a suspicious person or assailant is in the area:

(1) Employees will contact a supervisor and other co-workers through any means to alert them of a threatening situation.

(2) In the presence of an active assailant employees will take the following action:

- Get Out!
- Hide!
- Fight!
- Employee's shall assist one another as practical

(b) Employees shall notify law enforcement as soon as possible. Features and physical characteristics that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

15.050. Telephone Bomb Threats.

(a) An employee receiving a telephone bomb threat should be calm and courteous to the caller. The employee should notify his or her supervisor, or any other employee in the area, using a prearranged signal while the caller is on the line. An example following this procedure would be throwing a pencil or other small item near the supervisor, followed by rapidly waving the arm to get their attention. While on the phone the employee will communicate with the supervisor by using or passing notes, email and/or other means of communication.

(b) Employees shall notify law enforcement as soon as possible. Syracuse City has developed a Bomb Threat Checklist for employees to use. Voice characteristics, background noises, and bomb threat details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects. See the checklist in Appendix P.

15.060. Mail, Letter and Package Bomb Threats.

(a) Employees receiving mail at work should visually assess the letter or package and inform his or her supervisor or the City Manager of anything unusual. It is always better to be safe than sorry.

(b) Employees shall notify law enforcement as soon as possible. Features and physical characteristics or other details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

15.070. Suspicious Article Threats.

Employees should report all suspicious articles to his or her supervisor or the City Manager. Do not touch, pick up, shake, or attempt to move, any articles of a suspicious nature. Employees shall notify law enforcement as soon as possible.

CHAPTER 16
TUITION AID

16.010. Purpose.
16.020. Funds.
16.030. Eligibility.
16.040. Standards.
16.050. Procedure.
16.060. Limitations.
16.070. Compliance.
16.080. Records.

16.010. Purpose.

It is the purpose of this Chapter to provide educational assistance in the form of Tuition Aid to eligible employees for course work taken at an accredited or approved institution, when funds are available, in order to enhance the abilities of the City work force. It is the intent of this Chapter to benefit the individual and to benefit the City through the utilization of the employee's newly acquired skills and knowledge. This Chapter and the Tuition Aid provided herein is not intended to train employees for opportunities with other employers or to provide reimbursement for seminars and professional training.

16.020. Funds.

The City shall allocate in its annual budget funds deemed appropriate for Tuition Aid. All Tuition Aid shall be contingent upon sufficient funds allocated by the City.

16.030. Eligibility.

In order to be eligible for Tuition Aid, employees must be full-time employees of the City in good standing and must have completed their probationary period of employment with the City.

16.040. Standards.

(a) Job Related. All classes, courses, or degrees must be pre-approved by the City and must be reasonably related to the employee's present job or determined by the City to be related to the employee's probable future work with the City. In determining whether the course work is "job related," the City shall consider the knowledge, skills, and abilities required by the employee's current job description.

(b) Accredited Institution. Course work must be offered at a college, university, or accredited educational institution or other institution approved by the City Manager.

(c) Credit. Course work must be taken for credit and completed. No reimbursement shall be made for audits, incomplete, or withdrawals.

(d) Time. Course work must be taken on the employee's own unpaid time. Exceptions may be approved by the City Manager based upon a written statement of the department head that unusual circumstances exist.

(e) Job Performance. An employee's outside educational activities should not interfere with the employee's work and the employee's job performance must remain satisfactory. Unsatisfactory job performance during enrollment may result in denial or forfeiture of education assistance in addition to disciplinary action.

(f) Repayment. Eligible employees must sign a Tuition Aid Repayment Agreement agreeing to repay the City in full for any Tuition Aid in the event the employee voluntarily leaves employment with the City or is terminated for reasons other than reduction in force or job elimination in accordance with the limitations set forth in Section 16.060. Eligible employees shall also agree that the total refund required to be made to the City hereunder may be deducted from the employee's final paycheck from the City.

16.050. Procedure.

(a) Application. Any eligible employee desiring to obtain Tuition Aid shall file a Tuition Aid Application with his or her department head. The Tuition Aid Application shall be filed prior to the commencement of the course. See Appendix Q.

(b) Review. The employee's department head shall review the Tuition Aid Application based upon the standards set forth in this Chapter including review of the employee's eligibility for assistance. The department head shall thereafter recommend approval or denial of the Tuition Aid Application to the City Manager. The City Manager shall review the Tuition Aid Application based upon the standards set forth herein, verify available funds for the request and approve or deny the Tuition Aid Application. Tuition Aid requests by the City Manager shall be forwarded to the City Council for review and approval in accordance with the provisions of this Chapter. In such instances of City Council review, any references herein to City Manager shall refer to the City Council.

(c) Reimbursement. Upon satisfactory completion of the approved course work, a portion of the employee's tuition expenses, fees and books may be reimbursed to the employee as follows:

(1) 90% for an "A" grade (or "pass" if course is only offered as Pass/Fail)

(2) 75% for a "B" grade

(3) 60% for a "C" grade

(4) 0% for lower than a "C" grade

(d) Transcript and Receipt. Prior to reimbursement, the employee must submit to the City Manager, a certified transcript of grade or certificate of completion of the course work and receipts for the actual tuition, fees and book expenses incurred.

16.060. Limitations.

(a) Funds. All Tuition Aid is contingent upon sufficient funds available in the City and/or department budget and shall be distributed on a first-come basis as determined by the date of final approval of the Tuition Aid Application by the City Manager.

(b) Annual Maximum. Eligible employees are limited to a maximum reimbursement of $2,000.00 per employee during any fiscal year (July 1st to June 30th) for tuition, fees and books.

(c) Other Sources. Reimbursement is limited by the amount of financial aid the employee receives from other sources such as grants or scholarships; i.e. the employee is only eligible for reimbursement from the City for the appropriate percentage of the employee's total out-of-pocket costs after the grant or scholarship has been deducted.

(d) Repayment. Employees who voluntarily leave employment with the City or are terminated for reasons other than reduction in force or job elimination shall be required to repay the City in full for any Tuition Aid received from the City within one (1) year prior to the date of termination. Employees who are terminated during enrollment because of a reduction in force or job elimination will be reimbursed for the amount of the approved costs incurred up to the effective date of termination.

16.070. Compliance.

Failure to comply with this Chapter will result in disapproval of Tuition Aid Application and/or nonpayment of the reimbursement as determined appropriate in the sole discretion of the City Manager. Failure to comply may also result in disciplinary action, up to and including termination.

16.080. Records.

A copy of Tuition Aid records shall be retained by the City in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended.

CHAPTER 17
TRAVEL, CREDIT CARD, AND REIMBURSABLE EXPENSES

17.010. Travel Costs.
17.020. Credit Card Expenses.
17.030. Vacation/Sick Leave Cash Out for Emergency Preparedness.
17.040. General Expenses.

17.010. Travel Costs.

(a) Purpose. City employees may be permitted or required to attend seminars, meetings, conferences and workshops when it is anticipated that the training and information received by the officer or employee at such events will benefit the City. It is the purpose of this policy to provide reasonable and systematic means by which attendance and travel to such events will be approved and the cost estimated and controlled for economic, budgetary, and auditing purposes. It is the intent of this policy to provide adequate controls over travel expenditures and to maintain accountability for such expenditures while allowing for flexibility.

(b) Budget. The City shall allocate in its annual budget funds deemed appropriate for travel expenditures. Each department head shall be responsible for keeping travel expenditures within his or her respective approved department travel budget.

(c) Eligibility. For purposes of this policy, "travel" shall be considered any in-state or out-of-state trip taken by a City employee in the course of performing his or her duties, including trips to or attendance at seminars, meetings, conferences and workshops. All travel expenditures must be pre-approved by the City as set forth herein. All travel expenditures must be anticipated to serve a bona fide public purpose and confer a benefit upon the City.

(d) Procedures.

(1) Requests for Travel. An employee desiring to obtain travel funds shall request and receive written approval from his or her department head, stating the purpose, details and estimated expenses of the travel at least two (2) weeks prior to the desired date of departure. Requests for travel by department heads shall be submitted to the City Manager and shall note the name of the person to be in charge of the department during the department head's absence.

(2) Review. The employee's department head shall review the travel request based upon the requirements set forth herein, including review of the department's approved travel budget. The department head may approve or deny the travel request. The City Manager may approve or deny the travel request of any department head.

(3) Advancements. Upon the request of the employee and timely submission of the Travel Application, approved travel expenses may be advanced.

(4) Receipts. The traveling employee shall document expenses of the trip and keep all original receipts and credit card receipts, provided that receipts for meals covered by the per diem compensation and fuel purchased with the City fuel card shall not be required.

(5) Documents. An expense report indicating the actual expenses of the trip together with all original required receipts shall be submitted to the City Manager within thirty (30) days after the event in order to receive any payment or refund. Except for per diem advancements, if less money was spent than was advanced, a reimbursement check made payable to the City for the difference shall be attached. Except for per diem advancements, if more money was spent than was advanced, a voucher request for the difference to be paid to the employee shall be attached.

(6) Summary. The City Manager, Mayor or Council may request a written summary or an oral report on all seminars, workshops, conferences or conventions attended by employees.

(e) Mode of Transportation. With the approval of his or her Department Head, employees are responsible for arranging their own transportation. The most economical form of transportation shall be used considering factors such as the cost of the transportation and the amount of time required. If any employee chooses a more costly form of transportation, the City will pay the lesser cost of the two forms, and the per diem rate shall be based upon the amount of time it would have taken under the less costly form of transportation. If extra time is needed for the more costly form of transportation, the employee shall use vacation or compensatory time for the excess time needed to reach the destination.

(f) Costs. Employees are encouraged to utilize the lowest cost travel arrangements possible. Airline reservations should be made, whenever possible, at least thirty (30) days in advance. If a reduced airfare is offered for a stay over a Saturday night, and the reduced rate more than compensates for additional lodging and per diem costs, the employee is encouraged to stay over the additional night. The government or corporate rate should be requested at all hotels.

(g) Permitted Expenses. The following allowances and payments may be made for travel expenses.

(1) Transportation. The City may pay for the cost of the most economical form of transportation. Employees traveling in a private vehicle will be reimbursed per mile and per vehicle at the current reimbursement rate permitted by the Internal Revenue Service. Employees traveling in a City vehicle will be reimbursed for the actual cost of gasoline and any incidental and necessary costs incurred in connection with such vehicle. Gasoline and other incidental and necessary cost receipts must be provided for reimbursement.

(2) Meals. The City may pay employees a per diem amount to cover the cost of meals during travel or training. The maximum daily per diem allowance for Syracuse City employees engaged in travel in-state on the City's behalf is thirty-nine dollars ($39.00). The maximum daily per diem allowance for Syracuse City employees engaged in travel out-of-state on the City's behalf is forty-six dollars ($46.00). Employees shall be provided the following standard per diem rate for meals when in-state travel requires less than a full day: $10.00for breakfast (when departing before 6:00 a.m..); $13.00 for lunch; and $16.00 for dinner (when returning after 7:00 p.m.). Employees shall be provided the following standard per diem rate for meals when out-of-state travel requires less than a full day: $10.00 for breakfast (when departing before 6:00 a.m.); $14.00 for lunch; and $22.00 for dinner (when returning after 7:00 p.m.). It is the policy of the city to comply with the provisions of *Utah Administrative Code R25-7-6,* regarding reimbursement for meals.

(3) Fees. The City may pay the actual and reasonable cost of registration and other fees for seminars, workshops, conferences, and conventions.

(4) Ground Transportation. The City may pay the reasonable and necessary costs for ground transportation, including airport shuttle, taxi cab, rental car, and parking lot fees.

(5) Lodging. If an employee is traveling outside of Weber, Davis and Salt Lake Counties for City business for multiple days, the employee may stay overnight. The City may pay for the reasonable and necessary costs of lodging if an overnight stay is required. Traveling employees shall choose lodging based on pricing, location, and government rates. When possible, employees shall lodge at the conference sponsored hotel that offers a government rate. Traveling employees may elect to stay with friends, relatives, use their personal campers or trailer homes instead of staying in a motel/hotel. The City will compensate the employee fifty percent (50%) of the lowest total cost of the conference sponsored hotel price.

(6) Miscellaneous. The City may pay for other miscellaneous costs as deemed reasonable and necessary by the City Manager.

(7) Personal Expenses. Employees traveling on City business, including employees traveling with a spouse or other companion, shall strictly distinguish expenses incurred as part of City business from personal expenses. The City will provide reimbursement only for those expenses which the employee would normally incur if traveling alone. For example, the City will pay for the employee's lodging at the single room rate and the employee shall be required to pay for any additional double occupancy lodging charge or upgrade. The City shall not pay for personal expenses such as telephone charges, personal transportation charges, room service charges, etc.

17.020. Credit Card Expenses.

(a) Purpose. In order to ensure the proper use and accountability of tax payer dollars, the following credit card policies are to be followed when using Syracuse City Credit Cards to expend City funds. Compliance with the policy is the obligation of each City employee. Failure to follow the policy may result in disciplinary action up to and including termination as described below. Questions regarding the policy are to be directed to the Finance Director.

(b) Tax Exempt. Most City purchases are not subject to sales tax. For vendors requiring documentation of tax exempt status, a TC-721G Exemption Certificate for Governments and Schools may be obtained from the Finance Director. Lodging charges in Utah are subject to sales tax. It is the cardholder's responsibility to ensure sales tax is only paid when required.

(c) Cardholder Responsibilities. It is the responsibility of the cardholder to:

(1) Read and understand the City Credit Card Policies and Procedures.

(2) Sign the Syracuse City Credit Card Acceptance Agreement. (See Appendix R)

(3) Make only authorized purchases as prescribed by the City Purchasing Policy and approved departmental budget.

(4) Retain receipts for all transactions. In the absence of a receipt, a Missing Receipt Form must be completed and signed by the cardholder and their Department Head. (See Appendix S). This form can also be found in the policy manual or on the City Intranet.

(5) Reconcile the credit card statement upon its arrival. All reconciliations, statements, and receipts are due to Accounts Payable by the 10th of the following month.

(6) Keep the credit card and the corresponding account information secure. Immediately report any lost or stolen credit card and/or account information to the Finance Director.

(7) Report fraudulent charges or any discrepancies in the credit card statement in a timely manner to the Finance Director.

(d) Department Head or Supervisor Responsibilities. It is the responsibility of the Department Head or Supervisor to:

(1) Request and oversee the issuance of new cards through the Finance Director. The credit limit will be determined at the discretion of the Finance Director.

(2) Inform the Finance Director when changes and cancellations are needed because of personnel changes.

(3) Make sure credit card reconciliations are completed by the 10th of each month.

(4) Review the cardholder's reconciliation and transactions for completeness, accuracy, and compliance with Syracuse City policies and procedures.

(5) Address the cardholder about questionable transactions and take disciplinary actions when necessary

(6) Report any misuses of credit cards immediately to the Finance Director and/or the City Manager

(7) Sign the reconciliation form for each cardholder after review

(e) Prohibited Credit Card Purchases. The following purchases are strictly prohibited from being purchased by using a City credit card:

(1) Purchase of items for personal use or consumption

(2) Purchasing in violation of the City Purchasing Policy

(3) Alcohol

(4) Utah State Tax, except on lodging charges

(5) Fuel for fleet vehicles unless traveling outside of Utah. The state gas card should be used for fuel purchases.

(6) Splitting a purchase to remain under purchasing policy limits

(f) Disciplinary Action for Improper Use. Any employee found to be in violation of these policies may be subject to disciplinary action including but not limited to suspension of credit card, repayment of unauthorized charges, and/or termination of employment.

17.030. Vacation/Sick Leave Cash Out for Emergency Preparedness.

Once per fiscal year, Full-Time employees may purchase pre-approved emergency preparedness items and be reimbursed up to two hundred and fifty dollars ($250.00) by cashing out Vacation or Sick Leave. The employee must have a remaining balance of one-hundred and sixty (160) hours of accrued sick leave after the cash out is complete. The employee must submit an Emergency Preparedness Cash-Out form along with original receipts to his or her Department Head for approval. (See Appendix T) The Department Head will submit the form to the Finance Director and Human Resources for processing. The determination as to whether or not the Cash Out will be approved will be based on the availability of funds and will be re-evaluated on an “as needed” basis. Pre-approved emergency preparedness items include:

(a) Bottled Water

(b) Non-Perishable Food

(c) Water Storage

(d) 72 Hour Kit

(e) Generator

(f) Portable Fuel & Cooking Equipment (BBQ Grill not included)

(g) Battery-Powered Radio

(h) Batteries

(i) Flashlight

(j) First Aid Kit

(k) Whistle

(l) Duct Tape

(m) Can Opener

(n) Fire Extinguisher

(o) Compass

(p) Matches

(q) Multi-Purpose Tool (e.g. Leatherman or Swiss Army Knife)

(r) Emergency Blanket

(s) Fire Escape Ladder

(t) Two-Way Radios

(u) Rain Gear

(v) Dust Masks

(w) Local Maps

(x) Water Purification Systems/Devices

(y) Disposable Hand/Foot Warmers

(z) GPS Devices

(aa) Sleeping Bags

(bb) Tent

(cc) Backpacks/Duffel Bags

(dd) Toiletry/Personal Sanitation Supplies (e.g. toilet paper, personal wipes, transportable emergency toilet, etc.)

(ee) Emergency Heater/Portable Propane Heater

17.040. General Expenses.

With prior approval for purchase, legitimate expenses will be reimbursed by Syracuse 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. An expense for meals, beverages, snacks, etc. for meetings shall not be paid for with City funds and may not be reimbursed unless pre-approved by the City Manager. Examples of situations that may be approved include but are not limited to, a business lunch with an outside consultant who is providing information, advice or other business matters, a working lunch during an emergency or urgent project that requires staff to continue working, a training seminar.

CHAPTER 18
VEHICLE USE

18.010. Purpose.
18.020. Official City Business.
18.030. Use Agreement and Driver's License Verification.
18.040. Authorized Passengers Only.
18.050. Parking and Operation.
18.060. Vehicle Backing.
18.070. Secure Loads.
18.080. Vehicle Maintenance.
18.090. Vehicle Abuse.
18.100. Accidents.
18.110. Take-Home Vehicle Use and Rules.
18.120. Documentation of Vehicle Usage.
18.130. Qualified Non-Personal Use Vehicles.
18.140. Private Vehicle Use.
18.150. Failure to Comply.

18.010. Purpose.

The purpose of this Chapter is to establish guidelines for the use of City vehicles by employees. Employees using City vehicles shall comply with this Chapter. Employees failing to operate City vehicles in compliance with this Chapter shall be subject to disciplinary action up to and including termination.

18.020. Official City Business.

The use of City vehicles by employees shall be limited to official City business, provided that reasonable stops may be made while en route of City business or during break or lunch periods. All personal use of city vehicles is prohibited unless specifically approved herein or by the City Manager. Personal use includes:

(a) Commuting between residence and work station;

(b) Vacation or weekend use;

(c) Use by spouse, dependents or other non-employees;

(d) All vehicle use that is not for official City business

18.030. Use Agreement and Driver's License Verification.

Each employee using a City vehicle shall sign a Vehicle Use Agreement and Driver's License Verification Form prior to using a City vehicle, and shall carry a valid Utah driver's license corresponding to the type of vehicle being operated. Employees operating City vehicles shall be at least eighteen (18) years of age. The City shall have the right to review the driving records of all employees in order to identify unsafe or uninsurable drivers in accordance with the City driving record evaluation policy set forth in Chapter 13. City employees with poor driving records may be prohibited from driving City vehicles or

prohibited from driving personal vehicles on City business or may be required to obtain high risk insurance. Any employee subject to this Chapter for authorized use of a City vehicle whose driver's license expires or is suspended or revoked shall immediately report such expiration, suspension or revocation to the employee's department head. The department head shall immediately notify the Human Resources Specialist of such expiration, suspension or revocation. Any department head subject to this Chapter for authorized use of a City vehicle whose driver's license expires or is suspended or revoked shall immediately report such expiration, suspension or revocation to the Human Resources Specialist.

18.040. Authorized Passengers Only.

Unless otherwise stated, all non-City personnel are prohibited from riding in or operating any City-owned vehicles. This rule also includes any family of City employees unless authorized by the employee's supervisor or department head and only in limited circumstances.

In the event that non-City personnel do ride in a city vehicle, he or she is required to dress and conduct themselves in a safe, proper manner that will promote a positive image of the City and its employees.

In the case of Police Officers, any non-police personnel will be discharged from the vehicle prior to the off duty officer responding to an emergency response situation in which the non-police personnel may be placed in danger. This will be done at a safe and convenient location. The officer may then respond. Non police personnel may ride in police vehicles only when authorized by the Department Head.

18.050. Parking and Operation.

All employees using City vehicles shall operate the vehicle in a safe manner and in accordance with all State and local traffic regulations, including but not limited to, all posted and required speed limits. Employees shall exercise defensive driving skills to prevent accidents, and shall wear a seat belt at all times the vehicle is in operation. The employee shall be responsible for any citation or parking ticket received for non-compliance with such regulations. The employee shall also ensure that all passengers in the vehicle wear a seat belt at all times the vehicle is in operation. Smoking is prohibited in all City owned vehicles.

18.060. Vehicle Backing.

When backing any City vehicle, another employee should assist the driver whenever possible. When a spotter is not available, the driver should walk completely around the vehicle before backing and carefully watch the area that he or she is backing into. When possible, employees parking a City vehicle shall pull through a parking stall or back into a stall.

18.070. Secure Loads.

Drivers of City vehicles shall be responsible to secure all loads adequately to ensure that items in their vehicles do not fall off or blow off in transit.

18.080. Vehicle Maintenance.

Employees are responsible for the daily care and general maintenance of City vehicles under their control or assigned to them, provided however, that no repair or other alteration to the vehicle shall

be made without authorization from their supervisor. Any suspicions regarding mechanical problems or any equipment breakdown, defect or failure involving a City vehicle shall be reported immediately to the employee's supervisor. No supervisor should knowingly require a subordinate to operate an unsafe vehicle or equipment. The routine maintenance schedule is under the responsibility of each Department Head.

18.090. Vehicle Abuse.

Any employee abusing a City vehicle shall be subject to disciplinary action up to and including termination. Vehicle abuse includes any intentional or unintentional misuse or misapplication of any City vehicle for a purpose other than that for which it was intended. Vehicle abuse shall include, but shall not be limited to, failure to provide proper maintenance of the vehicle such as checking the oil, tires, and windows, and failure to observe normal driver responsibility.

18.100. Accidents.

Employees involved in a vehicular accident while driving a City vehicle or while on City business shall immediately contact the local law enforcement agency with jurisdiction and fill out the appropriate police report for the incident. As soon as reasonably practical, employees shall report any accident or damage involving a City vehicle or work related injuries to their supervisor in accordance with the accident and injury reporting procedures set forth in Chapter 14. Any required post-accident drug and alcohol testing shall be conducted in accordance with applicable provisions of Chapter 11 and Chapter 12 regarding Drug and Alcohol Testing.

18.110. Take-Home Vehicle Use and Rules.

City vehicles in general are not permitted to be taken home or utilized for personal use by City employees. The following employees may be permitted to use City vehicles for commuting to and from work and for other work related purposes:

(a) Police officers in accordance with the vehicle use policy set forth by the Police Department Policies and Procedures;

(c) City employees who are subject to being called out for emergency response for City services during normal off-duty work hours and whom are authorized by their Department Head and the City Manager. Such employees, as authorized, include: Public Works Director, Public Work Superintendents, Facility Maintenance Technician, employees assigned to on-call duty for which they are being compensated, and any other employee as deemed appropriate by the City Manager

In addition to the policies established herein, any employee taking a City vehicle home shall adhere to the following conditions:

(a) All city take home vehicles shall only be used for City business and commuting or de minimis personal use;
(b) The distance to or from City Hall and the employee's home shall not exceed a seventeen (17) mile radius (one-way);

(d)The vehicle shall be parked, secured and locked, and remain at the employee's home when it is not being used for official business;

(e) The vehicle shall be returned to the City when the employee is on leave for more than three (3) days, on administrative leave of any duration, suspended from duty, or upon the request of the supervisor;

(f) The employee shall be responsible for maintaining both the interior and exterior of the vehicle in a clean and safe condition (the City may provide cleaning supplies for employee use in maintaining City vehicles in accordance with this policy); and

(g) The employee shall be responsible for any tax liability incurred by the employee for taking the vehicle to and from work, and shall provide any information required by the City to complete the relevant tax forms regarding such use.

(h) Employees authorized to take home vehicles are required to respond to emergency situations upon request within a half an hour, unless authorized otherwise by his or her Department Head.

18.120. Documentation of Vehicle Usage.

To comply with IRS guidelines and requirements, the employees who are authorized to use City vehicles to commute to and from work as mentioned in subsection 18.110, with the exception of Police Officers, the Fire Chief and the Deputy Fire Chief, will have three dollars ($3.00) per scheduled work day added to the employee's gross income to have the appropriate federal and state taxes withheld.

(a) Employees who regularly take a City vehicle home will be responsible to let his or her Department Head and the Human Resource Specialist know when he or she does not take a City vehicle home to ensure he or she is not being taxed for personal use of the vehicle.

(b) For employees who are on call on a rotating basis and take a City vehicle home less frequently, the employee and the Department Head will be responsible to let the Human Resource Specialist know when he or she take the vehicle home to ensure compliance with the IRS guidelines and requirements.

Failure to comply with the policy herein will be subject to disciplinary action, up to and including termination.

18.130. Qualified Non-Personal Use Vehicles.

All use of a qualified non-personal use vehicle including commuting is excludable to employees as a working condition fringe benefit. As a result, all employees who drive a qualified non-personal use vehicle as a take home vehicle are not required to record and substantiate usage of such a vehicle for tax purposes. Qualified non-personal use vehicles include any vehicle that the employee is unlikely to use for more than minimal personal use due to the vehicle's design.

Other City vehicles that do not fit within the category of a qualified non-personal use vehicle or are not under the IRS Safe Harbor rule are not automatically excludable under tax law.

18.140. Private Vehicle Use.

Employees normally shall use City vehicles for City business. Department heads may approve employee use of private vehicles for City business in limited circumstances. When circumstances require an employee to use his or her private vehicle for City business and such use has been approved by the employee's department head, the employee may be paid mileage reimbursement the amount specified in the Internal Revenue Code. The employee shall submit documentation of approved mileage to his or her department head for review and approval prior to reimbursement. Employees shall be required to maintain appropriate insurance for such vehicles and shall be responsible and liable for any damage to the same.

18.150. Failure to Comply.

Any employee who disregards the provisions of this Chapter may be subject to disciplinary action, up to and including termination.

CHAPTER 19
COMPUTERS AND EQUIPMENT USE

19.010. Equipment and Supplies.
19.020. Removal of Equipment.
19.030. Technology Resources.
19.040. Computers, Email and Internet.
19.050. Prohibited Computer Use.
19.060. Postage Meters.
19.070. FAX and Copy Machines.
19.080. Land-Line Telephones.
19.090. Cellular Phones.
19.100. Bring Your Own Phone (BYOP) Policy.
19.110. Termination.

19.010. Equipment and Supplies.

All employees are charged with the responsibility of maintaining the City's property in the best possible condition and making the most economical use of supplies issued to them. All employees are charged with using and operating City equipment and property according to established protocol, including operating equipment in a safe and courteous manner.

19.020. Removal of Equipment.

No City owned, leased, or licensed equipment may be removed from City premises without prior approval from the employee's department head.

19.030. Technology Resources.

To help maximize its employees' efficiency in carrying out their responsibilities, Syracuse City provides various information and technology resources such as e-mail, computers, software/computer applications, networks, the internet, facsimile machines, cell phones, pagers, and other wireless communication devices and voice mail systems. These tools and equipment are City property and must be used in accordance with these Policies and Procedures.

19.040. Computers, Email and Internet.

The City provides computer and internet access to designated employees for their use to transact City business. The following rules and restriction shall govern any and all use of City computers, email and internet.

(a) Personal use of computers, internet and email is only allowed during non-working hours, such as breaks and lunch periods, and is subject to the restrictions and conditions of this Chapter. Employees shall keep personal email and other electronic correspondence to a minimum and in no event shall such personal use of computers, internet and email interfere with the employee's work or productivity or disrupt other employees.

(b) To prevent computer viruses and other network problems, employees are prohibited from any unauthorized downloading of any software. Only software which has been purchased and approved by Syracuse City may be loaded or used on any of the City's computers.

(c) Employees are prohibited from accessing or visiting any websites or receiving or sending any email information which would be considered offensive by community standards; including, but not limited to, pornographic or sexually explicit information.

(d) Employees shall not use City computers or equipment for personal gain, including, but not limited to, personal for-profit and not-for-profit business purposes, political activity, or any other activity that could be considered a violation of these policies and procedures.

(e) City computers are the sole property of the City and may be subject to monitoring at any time without notice. Any information or messages created or retrieved over the internet or through email on City computers, and the contents of all City computers, is considered the property of the City. The City retains the right to observe, record, access and review any transactions made on City computers, including, but not limited to email messages, websites, etc. When using the email or voicemail systems, and other equipment including City computers, the employee knowingly and voluntarily consents to being monitored and acknowledges the City's right to conduct such monitoring. The security of email and voicemail communications is not guaranteed.

(f) Certain electronic data may be considered a "record" subject to access pursuant to the Utah Governmental Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended, or discoverable in litigation under applicable Rules of Civil Procedure.

(g) Abuse of email, voicemail and computer systems shall subject the employee to disciplinary action, up to and including termination.

19.050. Prohibited Computer Use.

The City will not tolerate inappropriate or illegal use of electronic data, equipment or information and reserves the right to take appropriate disciplinary action as needed, up to and including termination of employment for any violations of this Chapter. Such inappropriate or illegal use of these resources includes, but is not limited to, the following:

(a) hacking;

(b) pirating software and/or video files;

(c) soliciting;

(d) distributing literature for outside entities;

(e) sending or forwarding inappropriate emails; including, but not limited to, offensive, harassing, disparaging, vulgar, obscene, slanderous, defaming or threatening communications;

(f) accessing, viewing, or downloading inappropriate web sites, i.e., sites advocating hate or violence, displaying pornographic or sexually explicit material, or promoting illegal activity;

(g) distributing confidential information to persons or entities that are not entitled to such information;

(h) storing or placing unlawful information on City computers or network;

(i) copying system files, programs or data without proper authorization;

(j) disseminating, printing or copying copyrighted materials including articles and software in violation of copyright laws;

(k) using abusive or otherwise objectionable language in either public or private messages;

(l) sending or forwarding messages that are likely to result in the loss of the recipient's work or system use;

(m) sending or forwarding "chain-letters," jokes or lists or any other type of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;

(n) decryption of system or user passwords; or

(o) creating, distributing, viewing or soliciting sexually oriented messages, materials or images.

19.060. Postage Meters.

No employee shall be allowed to use Syracuse City owned postage metering machines at any time for posting and mailing of any material other than those associated with official business of Syracuse City.

19.070. FAX and Copy Machines.

Employees may use City fax and copy machines for limited personal use subject to supervisor approval. Employees shall pay for such use at the employee rate which is in effect at the time of use.

19.080. Land-Line Telephones.

Telephones are to be used to conduct Syracuse City business. Long distance or toll calls using City land lines of a personal nature are prohibited. Although occasional, limited local personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee and his or her co-workers.

19.090. Cellular Telephones.

Only those employees authorized by their department head and/or the City Manager are authorized to have a City-issued cell phone. The level of monthly service for such City-issued cell phone shall be commensurate with the amount of City business conducted and needed by the employee. The primary purpose of all City-issued cell phones shall be to facilitate City business. The City will allow limited personal use of City-issued cell phones, though personal use of City cell phones shall not be excessive and shall not interfere with the performance of job duties. The City reserves the right to monitor the billing and use of all City-issued cell phones. By accepting the use of a City-issued cell phone, the

employee also understands that excessive use of the cell phone that hinders job performance may result in disciplinary action. Cellular transmissions can be overheard by others. Discretion should be used in discussing confidential information on a cell phone. Employees, who are authorized to use a City-issued cell phone shall agree to be readily available to take calls, respond to e-mails and text messages during working hours. Employees, who are authorized to use their personal phone for work purposes shall use best judgment when taking calls, responding to e-mails and text messages outside of his or her working hours to ensure that he or she is not working unreasonable or unapproved overtime. Employees may not use their personal phones for work purposes during periods of unpaid leave without authorization from his or her Department Head. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment. An employee who violates the conditions of these policies relating to cell phones and usage will be subject to having the use of his or her City-issued cell phone terminated. In addition, employees may be subject to disciplinary action, up to and including termination, for any violation of these policies.

19.100. Bring Your Own Phone (BYOP) Policy

Employees that would otherwise be given a City cell phone/smart phone may elect to use a personal cell phone/smart phone for City business if authorized by his or her Department Head and the City Manager. Employees who have not received authorization in writing from his or her Department Head and the City Manager will not be permitted to use personal phones for work purposes. Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

While at work, employees are expected to exercise the same discretion in using their personal phones as is expected for the use of City phones as defined in this chapter.

Employees, who are authorized to use their personal phone for work purposes shall agree to be readily available to take calls, respond to e-mails and text messages during working hours. Employees, who are authorized to use their personal phone for work purposes shall use best judgment when taking calls, responding to e-mails and text messages outside of his or her working hours to ensure that he or she is not working unreasonable or unapproved overtime. Employees may not use their personal phones for work purposes during periods of unpaid leave without authorization from his or her Department Head.

No employee using his or her personal phone should expect any privacy except that which is governed by law. The City has the right, at any time, to monitor and preserve any communications that use the City's networks in any way; including data, voice mail, and email, to determine proper use. Management reserves the right to review or retain personal and company-related data on personal phones or to release the data to government agencies or third parties during an investigation or litigation

(a) BYOP Stipend. Employees authorized to use personal phones under this policy will receive an agreed-on quarterly stipend as approved by the City Manager. If an employee obtains or currently has a plan that exceeds the monthly stipend, the employee shall be responsible for any and all remaining amounts and the City will not be liable for the cost difference. Under no circumstances shall the City be responsible for any late fees or like charges.

(b) Lost, Stolen, Hacked or Damaged Equipment. Employees are expected to protect personal phones used for work-related purposes from loss, damage or theft. Employees must immediately notify management in the event their personal phone is lost, stolen or damaged to ensure any City data is protected. If IT is unable to repair the phone, the employee will be responsible for the cost of replacement.

(c) Termination of Employment. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the personal phone for inspection. All company data on personal phones will be removed by IT upon termination of employment.

19.110. Termination.

Employees will be required to return all City-issued equipment to the Department Head or his or her designee upon termination of their employment. Failure to return City-issued equipment upon termination will be considered theft and may be subject to prosecution.

CHAPTER 20
PERFORMANCE EVALUATIONS

20.010. General Policy.
20.020. Performance Evaluation Periods.
20.030. Performance Evaluations.
20.040. Records.
20.050. Performance Tracking

20.010. General Policy.

It is the policy of Syracuse City to evaluate City employees regarding their work performance in accordance with the City adopted performance evaluation system and the provisions of this Chapter. Performance evaluations are intended to improve the performance of employees by providing meaningful, constructive feedback on the adequacy of performance.

20.020. Performance Evaluation Periods.

(a) Probationary Employees. Probationary employees shall be evaluated at the next scheduled annual evaluation period following their one (1) year anniversary and may also be evaluated at any other time deemed necessary by the Supervisor and/or Department Head. The performance evaluations for probationary employees may be used to provide information to both the employee and the City regarding the employee's performance. Performance evaluations and the results of such evaluations for probationary employees shall not obligate Syracuse City to a particular course of action relative to the probationary employees, nor shall it create any property or due process rights for such employees relative to their employment with the City.

(b) Employees. All employees, other than temporary or seasonal employees, shall receive performance evaluations on an annual basis. The evaluation period for these annual reviews will be the previous calendar year (January 1 to December 31). The annual performance evaluations shall be conducted and completed by the employee's direct supervisor. Annual performance evaluations must be completed and submitted by the supervisors to the Human Resources Specialist on or before March 1 of each year. Additional evaluations may be made at any time at the discretion of the supervisor or department head or when directed by the Human Resources Specialist.

20.030. Performance Evaluations.

Employees shall be evaluated by his or her immediate supervisor in accordance with the City approved performance evaluation system and approved performance criteria. Performance evaluations should consist of a written evaluation form as well as an in-person interview. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and disciplinary actions.

20.040. Records.

Performance evaluation records shall be maintained in the employee's personnel file. Such records shall be maintained and accessed in accordance with the Utah Governmental Records Access and Management Act as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended.

20.050. Performance Tracking.

Department Heads and/or Supervisors shall from time to time enter Significant Incident Reports (SIRs), whether positive and/or negative, into the City's evaluation system in order to track the employee's performance throughout the year.

CHAPTER 21
GRIEVANCES

21.010. Grievances.
21.020. Informal Grievance Procedures.
21.030. Formal Grievance Procedures.
21.040. Appeal.
21.050. Retaliations.
21.060. Records.

21.010. Grievances.

Employees may appeal a decision or disciplinary action by the City which affects his or her employment (other than suspension, demotion or dismissal which are governed by appeal provisions of Chapter 22) pursuant to the provisions set forth herein. These guidelines should not be construed as preventing, limiting or delaying the City from taking disciplinary action, including immediate termination, in circumstances where the City deems such action appropriate. Except as required by State or Federal law, the grievance procedures provided herein shall be exhausted prior to seeking alternative remedies.

21.020. Informal Grievance Procedures.

Employees are encouraged to resolve their grievances at the lowest administrative level possible. An employee with a grievance may first attempt to settle the matter informally through discussion with his or her supervisor. The supervisor should review the matter and conduct an investigation as deemed appropriate under the circumstances. If the employee does not believe the problem has been satisfactorily resolved within ten (10) days after the circumstances are first discussed informally with the supervisor, or any time prior thereto, the employee may pursue formal grievance procedures as provided herein.

21.030. Formal Grievance Procedures.

(a) Complaint. An aggrieved employee may file a formal written grievance with the Human Resources Specialist within ten (10) days from the date of the event giving rise to the grievance or within ten (10) days from the date the employee has knowledge, or should have knowledge, of the event giving rise to the grievance. Grievances shall be filed using an Employee Grievance Form as provided by the City (See Appendix T). The time for filing a formal written grievance shall be extended during the time for which informal grievance procedures are pursued; provided, such time shall not exceed thirty (30) days. If the grievance involves the Human Resources Specialist, the grievance may be filed with the City Manager, in which case all references herein to Human Resources Specialist shall refer to City Manager.

(b) Investigation and Recommendation. Upon receipt of a grievance, the Human Resources Specialist shall review and investigate the matter as deemed appropriate under the circumstances. Upon completion of review and investigation, the Human Resources Specialist shall prepare a written recommendation to the City Manager regarding the matter.

(c) Decision. The City Manager should, within a reasonable time from receipt of the recommendation from the Human Resources Specialist, prepare and provide the employee written notice of his or her final decision in the matter.

21.040. Appeal.

An employee aggrieved by a final decision of the City Manager regarding a formal grievance filed hereunder may appeal such decision to the City Council by filing a written appeal stating the grounds therefore with the City Recorder within ten (10) days from the date of the decision. Only the issues presented in the original grievance may be considered on appeal. The City Council shall conduct a review of the matter reviewing the City Manager's decision for correctness. The City Council shall prepare and provide to the employee written notice of its final decision in the matter within a reasonable time from receipt of the appeal.

21.050. Retaliations.

Employees are entitled to bring good faith grievances hereunder without fear of retaliation. The City shall not discriminate against an employee because that individual made a grievance complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision herein. No person shall coerce, intimidate, threaten, harass or interfere with any individual in the exercise or enjoyment of the exercise of any right granted or protected herein. Employees are further protected under the provisions of the Utah Protection of Public Employees Act, more commonly known as the "Whistle Blower's Act," as set forth at *Utah Code Ann*. ' 67-21-1, *et seq*., as amended.

21.060. Records.

The City shall maintain records pertaining to employee grievances filed hereunder and records pertaining to an appeal of such grievances in accordance with the Utah Government Records Access and Management Act as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended. No document relating to an employee grievance shall be placed in the employee's personnel file.

CHAPTER 22
DISCIPLINARY ACTION

22.010. General Conduct.
22.020 Responsibility for Discipline.
22.030. Levels of Discipline.
22.040. Investigation.
22.050. Administrative Leave.
22.060. Verbal Warning.
22.070. Written Reprimand.
22.080. Probation.
22.090. Suspension.
22.100. Demotion.
22.110. Dismissal.
22.120. Pre-Disciplinary Action Hearing.
22.130. Disciplinary Action.
22.140. Appeals.

22.010. General Conduct.

It is the responsibility of all employees of the City to conduct themselves in accordance with the City's policies, rules and regulations and to perform their work in a satisfactory manner. Employees are expected to conduct themselves in a professional and competent manner and to be courteous and cooperative at all times with fellow employees, supervisors and the public. Any action or conduct not in accordance with City policies or in violation of any City rule or regulation shall be subject to disciplinary action up to and including termination.

22.020. Responsibility for Discipline.

The basic responsibility for discipline lies with the employee's supervisor under the direction of the City Manager, provided that any disciplinary action involving suspension, probation, demotion or dismissal shall require a pre-disciplinary action hearing and prior review and approval of the City Manager in accordance with the procedures set forth herein. In addition, any dismissal of an employee shall comply with City Ordinances regarding Mayor and/or City Council approval, as more particularly set forth in Title 1 of the Syracuse Municipal Code.

22.030. Levels of Discipline.

When there are grounds for discipline, an employee shall be subject to appropriate disciplinary action, based upon the particular facts and circumstances of each case. Disciplinary action may include one or more of the following: verbal warning, written reprimand, suspension with or without pay, probation, demotion and dismissal.

22.040. Investigation.

Prior to any disciplinary action or recommendation of any disciplinary action, the alleged misconduct and related circumstances shall be investigated by the employee's immediate supervisor and/or the Human Resources Specialist. When deemed appropriate, any investigation may also be conducted by an outside investigator hired by the City. The investigation shall be conducted to the extent

deemed necessary and appropriate under the circumstances. Such investigation should provide the employee with an opportunity to respond verbally and/or in writing to the alleged claims.

22.050. Administrative Leave.

In the event of an emergency, or when otherwise deemed appropriate and necessary pending full investigation of alleged violations of an employee, the City Manager, or his or her designee, may temporarily relieve an employee from duty, with pay, or temporarily reassign the employee to another position at the same rate of pay. Such temporary relief from duty with pay shall be considered administrative leave and shall not preclude subsequent disciplinary action against the employee. The Department Head shall fill out the Administrative Leave Form (see Appendix U) and turn into the Human Resource Specialist.

22.060. Verbal Warning.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not required, the supervisor may verbally communicate to the employee the observed deficiency. Written documentation of the warning shall be prepared by the supervisor using the City's Disciplinary Action Form setting forth the date, time, circumstances and grounds for the discipline, and the date, time and circumstances of the verbal notice. The Disciplinary Action Form, along with a Signification Incident Record (SIR) shall be signed by the supervisor, the Human Resources Specialist and the employee. If the employee refuses to sign the form, the supervisor shall note such refusal in writing on the form. All disciplinary action documentation shall be filed and maintained with the employee's personnel records and input into the evaluation system as a SIR.. Failure to remedy the deficiency described in a verbal warning may result in additional disciplinary action being taken.

22.070. Written Reprimand.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not required, the supervisor may reprimand an employee in writing. Written reprimands shall be prepared by the supervisor using the City's Disciplinary Action Form setting forth the date, time, circumstances and grounds for the discipline (See Appendix V). The Disciplinary Action Form, along with a Signification Incident Record (SIR) shall be signed by the supervisor, the Human Resources Specialist and the employee. If the employee refuses to sign the form, the supervisor shall note such refusal in writing on the form. All disciplinary action documentation shall be filed and maintained with the employee's personnel records and input into the evaluation system as a SIR, Failure to remedy the deficiency described in a written reprimand may result in additional disciplinary action being taken.

22.080. Probation.

Whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be placed on disciplinary probation for a period not to exceed six (6) months. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. The purpose of disciplinary probation is to provide a period during which the employee's performance is carefully monitored and evaluated. Upon receipt of a supervisor's recommendation for probation, the City Manager shall determine the

appropriate disciplinary action to be taken, if any. Probationary status shall not preclude any other disciplinary action being taken against the employee as deemed appropriate. Any probationary period may be extended by the City Manager for a period of time not to exceed three (3) months upon written notice to the employee. Any disciplinary action taken against an employee on probation, other than verbal or written reprimand, shall comply with the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and shall be subject to applicable appeal procedures set forth in Section 22.140.

22.090. Suspension.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be suspended, with or without pay, for a period of time not to exceed fifteen (15) calendar days. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for suspension, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section 22.130. Any employee suspended with or without pay shall be responsible for making full employee contributions to his or her employee medical insurance benefits no later than the regularly scheduled pay day and must be available to work during all regular business hours if the suspension is with pay. Any employee who is suspended without pay for more than two (2) days may appeal such suspension to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.100. Demotion.

Whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be demoted. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for demotion, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section 22.130. Any employee who is demoted may appeal such demotion to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.110. Dismissal.

Except as otherwise provided by Ordinance for appointed officers and department heads, whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be dismissed. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for dismissal, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section

22.130. In addition, any dismissal of an employee shall comply with City Ordinances regarding Mayor and/or City Council approval, as more particularly set forth in Title 1 of the Syracuse Municipal Code. Any employee who is dismissed may appeal such dismissal to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.120. Pre-Disciplinary Action Hearing.

Upon receipt of a supervisor=s recommendation of disciplinary action involving suspension, demotion or dismissal, the City Manager shall review and investigate the matter as deemed appropriate and shall hold a pre-disciplinary action hearing. The purpose of the pre-disciplinary action hearing is to provide the employee with notice and an opportunity to respond to the alleged violations and proposed disciplinary action. The City Manager shall provide the employee with written notice of the date and time of the pre-disciplinary action hearing and shall provide the employee with a copy of the supervisor=s letter recommending the proposed disciplinary action and stating the grounds therefore. The employee shall receive timely notice of the pre-disciplinary action hearing, overview of allegations and the proposed disciplinary action.

22.130. Disciplinary Action.

After the pre-disciplinary action hearing, the City Manager shall provide the employee with written notice of his or her final decision stating the disciplinary action to be taken, if any, the effective date of the disciplinary action, the grounds for the action, and the employee=s right to appeal the same. In addition, the City Manager shall document the disciplinary action using the City's Disciplinary Action Form. The Disciplinary Action Form shall be signed by the City Manager, the Human Resources Specialist and the employee. In instances of dismissal, the Disciplinary Action Form shall also be signed by the Mayor. If the employee refuses to sign the Disciplinary Action Form, the City Manager shall note such refusal in writing on the form. In determining the type and severity of the disciplinary action, the City Manager may consider aggravating and mitigating circumstances, which include, but are not limited to: the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect of the misconduct on City operations; and/or the potential of the misconduct to harm persons or property.

22.140. Appeals.

Except as otherwise provided herein, or other applicable law, all appointed officers and employees of the City shall hold their employment without limitation of time, being subject to suspension without pay for more than two (2) days, demotion, or dismissal only as provided in *Utah Code Ann*. ' 10-3-1106, as amended. As provided in Section 2-6-2 of the Syracuse Municipal Code, the following officers and employees are not covered by the provisions of this Section: police chief, deputy police chief, fire chief, deputy or assistant fire chief, department heads, deputy of department head, superintendents, probationary employees, part-time employees, temporary or seasonal employees, or officers appointed by the Mayor or other person or body exercising executive power in the City. All other appointed officers or employees ("covered employees") who are suspended without pay for more than two (2) days, demoted, or dismissed shall have the right to appeal such suspension, demotion or dismissal to the City Appeals Board in accordance with Section 2-6-3 of the Syracuse Municipal Code and the provisions of *Utah Code Ann*. ' 10-3-1106, as amended. All other disciplinary actions may be appealed in accordance with the grievance procedures set forth in Chapter 21.

CHAPTER 23
TERMINATION OF EMPLOYMENT

23.010. Types of Termination.
23.020. Voluntary Termination Procedures.
23.030. Involuntary Termination Procedures.
23.040. Resignation in Lieu of Involuntary Termination Procedures.
23.050. Reduction in Force Procedures.
23.060. Retirement Procedures.
23.070. Final Paychecks.
23.080. Return of City Property.
23.090. Exit Interview.
23.100. COBRA Coverage.

23.010. Types of Termination.

The following generally describes various types of termination of employment with the City. The following is provided for information purposes only and is not intended to be an exhaustive list or description of types of or grounds for termination of employment with the City.

(a) Voluntary Resignation. Voluntary resignation occurs when an employee wishes to leave employment with Syracuse City voluntarily and not due to retirement, involuntary termination, or resignation in lieu of involuntary termination, as more particularly described herein.

(b) Involuntary Termination. Involuntary termination occurs when the employee is terminated for involuntary reasons, such as for cause, or with or without cause in the case of at-will employees. Involuntary termination may include resignation in lieu of disciplinary action as more particularly described in Subsection (c).

(c) Resignation in Lieu of an Involuntary Termination. Any employee who resigns pending involuntary termination for cause proceedings may be deemed to have resigned in lieu of involuntary termination.

(d) Reductions in Force (Layoff). Reduction in force or layoff terminations may occur when it is deemed necessary by the City to reduce the number of employees due to lack of work, lack of funds, or other justified business reasons. The City may attempt to minimize reductions in force by readjustment of personnel through reassignment of duties in other work areas.

(e) Retirement. Retirement is voluntary termination at the end of an employee's career. For purposes of these Policies and Procedures, retirement specifically means an employee who has become eligible, applies for, and is entitled to receive a retirement allowance under applicable provisions of the Utah State Retirement and Insurance Benefits Act, as set forth in Title 49 of the *Utah Code Annotated*, as amended.

(f) Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an "otherwise qualified individual with a disability." An employee should not be terminated for medical reasons without prior consultation with legal counsel and compliance with the City's ADA policies and procedures.

(g) Death. If an employee of Syracuse City dies, his or her estate receives all pay due and any earned and payable benefits (such as payment for compensatory time, annual vacation leave, and sick leave, if applicable) as of the date of death in accordance with City policies and procedures and applicable State and Federal regulations.

23.020. Voluntary Termination Procedures.

Employees who wish to voluntarily terminate their employment with Syracuse City shall notify the City at least two (2) weeks in advance of their voluntary termination. Such notice should be given in writing to the employee's department head or supervisor. Employees must comply with the notice requirements set forth herein to be eligible for rehire. A Notice of Voluntary Resignation Form (see Appendix X) shall be filled out by the employee and signed prior to final voluntary termination.

23.030. Involuntary Termination Procedures.

Any involuntary terminations for cause shall comply with applicable procedures set forth in Chapter 22 regarding Disciplinary Action, including any applicable pre-disciplinary hearing and due process requirements set forth therein. Such procedures shall not be required for involuntary termination of at-will or excluded employees as more particularly set forth in these Policies and Procedures or as provided by law.

23.040. Resignation in Lieu of Involuntary Termination Procedures.

If an employee chooses to resign pending any for cause termination proceedings, the resignation may be considered an involuntary termination pending final resolution of the termination proceedings. Alternatively, the City and the employee may negotiate and enter into a Resignation in Lieu of Involuntary Termination Agreement containing terms acceptable to the City, including, but not limited to hold harmless and indemnification provisions regarding the resignation in lieu of involuntary termination proceedings, and waiver of notice and due process requirements for involuntary termination.

23.050. Reduction in Force Procedures.

(a) If Syracuse City is facing a possible reduction in labor force, the City should explain the situation to its employees, advising them of the possibility that reductions in force or layoffs may become an economic necessity for the City.

(b) In the selection of employees for reduction in force, the following guidelines should be considered:

(1) Temporary, and probationary employees should be laid off first.

(2) Regular employees should be the last to be laid off and based on the following factors: longetivity, previous performance evaluations and disciplinary actions.

(c) Before any reduction in force, Syracuse City should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, *et seq*., as amended, and shall comply with any applicable requirements.

(d) Syracuse City should explain to any employee terminated through reduction in force the employee's options (such as COBRA and Retirement Plan Options).

(e) Written reduction in force notices should be provided to employees terminated through reduction in force procedures. Such notice should contain a statement that separation from employment is based on reduction in force and the effective date of the reduction in force termination.

23.060. Retirement Procedures.

Employees who desire to retire from employment with the City should notify the City as soon as possible but no later than two (2) months in advance of his or her final work day. Such notice should be in writing to the employee's Department Head or Supervisor. Employees must comply with the notice requirements set forth herein to be eligible for rehire. A Notice of Voluntary Resignation Form shall be filled out by the employee and submitted to the Human Resource Specialist prior to final voluntary termination. In addition, employees eligible for retirement benefits through Utah Retirement Systems (URS) shall work directly with URS to work out the details of such retirement and benefits.

23.070. Final Pay.

Upon termination of employment with the City, the City will arrange for distribution of any pay which may be due the employee, including pay for any hours worked but not paid, pay for unused, accrued vacation leave (if applicable), pay for any unused, accrued compensation time off (if applicable), and pay for unused, accrued sick leave (if applicable). Final pay shall be distributed on the regularly scheduled pay day following the termination.

23.080. Return of City Property.

Terminating employees shall return any and all keys, supplies or equipment, which are the property of Syracuse City to the Department Head or his or her designee at termination. Failure to return City-issued keys, supplies and/or equipment upon termination will be considered theft and may be subject to prosecution. Uniforms shall be retired according to the policy established by the department.

23.090. Exit Interview.

In order to provide appropriate feedback to the City and conclusion of employment for the employee, terminating employees should complete an Exit Interview with the Human Resources Specialist. When conducted, an Exit Interview Form should be signed by the employee and the Human Resources Specialist.

23.100 COBRA Coverage.

Any terminated employee shall be notified of his or her rights to continued insurance coverage and other protections and requirements of the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") in accordance with applicable Federal regulations.

APPENDIX A:
Policy Manual Acknowledgement of Receipt

I

Syracuse City Corporation

PERSONNEL POLICY AND PROCEDURES MANUAL
ACKNOWLEDGEMENT OF RECEIPT

I, the undersigned employee of Syracuse City Corporation, hereby acknowledge that Syracuse City has made a copy of the Personnel Policy and Procedures manual electronically available to me and that I have received instructions on how to access it.

I further acknowledge that I may request a paper copy of the manual if I am unable to access the manual electronically.

By signing below, I agree to familiarize myself with and abide by the policies and procedures outlined in the manual. Further, I understand that this agreement does not create an obligation or contract of employment between Syracuse City and myself.

I understand that reading this manual constitutes one of my job duties and that I am required to perform my duties in accordance with the policies contained in this manual and any updates, additional rules, regulations, policies or procedures which may be imposed by the City or the department in which I work, whether or not I read this manual. I understand that my failure to read this manual, as required, does not excuse me from being covered by or complying with its provisions.

I understand that if I have any questions about the provisions contained in this manual, I should direct them to the City Manager.

I understand that this manual serves only as a guide and that Syracuse City reserves the right to change any of its policies and/or procedures at any time for any reason.

Name (printed): _____

Signature: _____ Date: _____

APPENDIX B:
Recruitment and Retention Policy

RECRUITMENT & RETENTION POLICY

PURPOSE

The purpose of this policy is to establish a planned approach to ensure that Syracuse City attracts the best talent possible, and motivates and retains that talent for the overall benefit of the citizens. This policy shall also set forth direction on how the City will best develop the skills and capabilities of its workforce.

It is essential that Syracuse City (City) recruits and retains the best talent possible in order to ensure the most efficient use of City resources. Excessive turnover and any lack of direction provided by City leadership will produce inefficiencies that waste City resources, and will degrade the quality of service provided to the citizenry.

COMPONENTS OF THE POLICY

Leadership & Responsibility

As the Executive/Administrative branch of Syracuse City, the leadership and responsibility for creating an environment that breeds productive, dedicated, and engaged employees lies primarily with the City Manager, and ultimately with the Mayor, with the support of the department heads and the City Council. The City Manager will be tasked to propose programs and policies that align with the purpose of this policy.

Employee Compensation Plan

Benchmarks: The City Manager will propose, and the City Council will have final approval of a list of cities that will constitute the benchmark for comparison of employee compensation. The benchmark cities will include those cities that Syracuse City reasonably competes with for employees. The benchmarks will be adjusted at least every 3 years.

Salary & Wage Scales: The salary & wage scales will be set so that the minimum, mid-range, and maximum for each position will fall within the 60th to 70th percentile of the benchmark cities.

1

APPENDIX B (continued):
Recruitment and Retention Policy

Other Benefits: Other benefits, such as medical/dental/vision, retirement, and paid time off, will be provided at a level that reasonably competes with the benchmark cities. The City Manager will propose, and the City Council will have final approval of the benefit package to be offered.

Career Progression: The programs and policies proposed by the City Manager shall be designed to encourage continuous improvement of employees, for the overall benefit of the City. Commensurate with employee performance and improvement, the City Manager will propose a system that provides a path for employees to progress through the salary and wage scale for each position. Once approved by the City Council, such system will be incorporated into the Personnel Policy and Procedures Manual. In order to support career progression, the City Council will adopt a 3 to 5 year compensation plan that outlines a percentage of funds that will be set aside for the purposes of retention bonuses, merit increases, and/or other benefit provisions. Prior to the last year of that compensation plan timeframe, the City Manager will propose, and the City Council will have final approval on the compensation plan that will cover the next 3 to 5 years.

Performance Standards

Position-Specific Standards: For each position in the City organization, a set of performance standards and eligibility criteria will be outlined. These performance standards and eligibility criteria will be the basis for an employee to qualify for a bonus or merit increase.

Annual Evaluation System: An annual evaluation system that supports the purpose of this policy will be implemented. Such evaluation system will be designed to reward top performers, encourage average performers to improve, and require under-performers to improve.

Service Level Measurement: The City Manager will create a series of service level measures, which will serve as indicators on the performance of the entire organization. The City Manager will periodically report these measures to the Mayor and City Council.

IMPLEMENTATION

It is anticipated that the overall Recruitment & Retention Policy will be formally adopted along with the 2014/2015 Budget. Specific components of the policy will also be in place at that time, with other components to be implemented shortly thereafter, following more discussion with the Mayor and City Council. Full implementation of the policy is expected to be completed before the posting of the 2015/2016 Draft Budget.

APPENDIX C:
Volunteer Service Agreement

Syracuse City Corporation

VOLUNTEER SERVICE AGREEMENT

Volunteer Information

Name: _____

Primary Phone Number: _____

Alternate Phone Number: _____

Address: _____

Social Security Number: _____

Emergency Contact Information:

Name: _____

Relationship: _____

Phone Number(s): _____

Volunteer Assignment Information

Project Type (check one box):

- ☐ Court Ordered Community Service
- ☐ Eagle Scout or Other Boy Scout Community Service
- ☐ Church Group
- ☐ Ongoing Community / Volunteer Service
- ☐ Other Community / Volunteer Service

Department Working In: _____

City Staff Member Overseeing Service: _____

1

APPENDIX C (continued):
Volunteer Service Agreement

Description of Service to be performed: _____

_____

Anticipated Dates of Service:

Start: _____

End: _____

Volunteer Acknowledgement and Agreement

1. I acknowledge that I am volunteering solely for personal purposes or benefit without promise or expectation of compensation, benefits, or future employment from Syracuse City beyond any specified reimbursement agreements.
2. I agree to familiarize myself with, and abide by, Syracuse City's policies and procedures regarding conduct, confidentiality, safety, and related policies and procedures. I understand that I may be subject to the same pre-employment screening and background checks as paid employees performing similar duties.
3. I agree to follow the supervision and direction of any personnel, employee, or other volunteer to whom I have been assigned to perform services. I also agree to participate in any training required by Syracuse City in order to perform volunteer services.
4. I understand and agree to follow the guidelines set forth for volunteers that are under the age of 16 years of age. Volunteers that are 14 or 15 years of age may not volunteer for more than 3 hours on a school day and may not volunteer later than 7:00PM from September 1st to June 1st each year and may not volunteer later than 9:00PM from June 2nd to August 31st each year. Volunteers that are 16 years of age or older do not have any restricted hours.
5. If my duties include driving on City business, I acknowledge that I must possess a valid driver's license and that I may be subject to a Department of Motor Vehicle (DMV) driver's license background investigation.
6. I acknowledge that the City provides limited accidental liability coverage to volunteers, but that no other City-sponsored medical, retirement, or insurance apply to my associate with Syracuse City as a volunteer.
7. I acknowledge that Syracuse City may end my volunteer services with the City at any time and for any reason.

By signing below, I attest that I am freely volunteering my time and services to Syracuse City. I also attest that I have read and agree to abide by the acknowledgements and agreements listed above.

Volunteer: _____ Date: _____

If you are under 18, a parent or guardian must also sign this form

Parent/Guardian: _____ Date: _____

2

APPENDIX C (continued):
Volunteer Service Agreement

Approval Signatures:

Supervisor: _____ Date: _____

City Manager: _____ Date: _____

To Be Completed By Volunteer Supervisor Upon Completion of Volunteer Service

Actual Dates of Services:

Start Date: _____

End Date: _____

Total Time Donated: _____

Eligible for Future Volunteer Services? ☐ Yes ☐ No

If "NO", please specify why: _____

_____

3

APPENDIX D:
Compensation Plan

SYRACUSE CITY

FY 2015 – FY 2019 CITY COMPENSATION PLAN

PURPOSE

The purpose of this plan is to set forth the City's plan for employee compensation in order to accomplish the objectives of the City's Recruitment and Retention Policy.

AUTHORITY

Section 5.020 of the City Personnel Policies & Procedures Manual states that the City Council will adopt and maintain a compensation plan, which outlines standards and guidelines for salary & wage administration, pay grade schedules, and comparison/benchmarking strategies.

TERM

The term of this plan includes fiscal years 2015 through 2019. The compensation rates and future funding amounts set forth from this plan are set forth by the City Council. It is the intent of the City Council to provide the funding necessary to carry out the compensation plan. The City Council retains the ability to unilaterally adjust compensation rates and funding amounts from year to year, based on economic conditions and budget availability.

SALARY AND WAGE SCALES

As indicated in the Recruitment and Retention Policy, the City desires to recruit and retain the best employees possible. The City has benchmarked comparable salary and wages within the labor market and has set the scales for the minimum, mid-point, and maximum to be within the 60th to 70th percentile of the benchmark cities. Wage scales will be compared with the benchmark cities at least every 3 years.

BENEFITS

As indicated in the Recruitment and Retention Policy, the City desires to offer employee benefits that are competitive with the benchmark cities, as a means to recruit and retain the

APPENDIX D (continued): Compensation Plan

best employees possible. The benefits offered are governed by Chapter 7 of the Personnel Polices & Procedures Manual. The City's benefit package will be reviewed annually and approved by the City Council through the annual budget process.

EMPLOYEE EVALUATION SYSTEM

As indicated in the Recruitment and Retention Policy, each employee will be evaluated on their performance, based on their job duties. The evaluation system will categorize employees' performance in five different levels:

	Score
Consistently Exceeds Expectations	4.5 -5
Exceeds Expectations	4 - 4.5
Meets Expectations	3-4
Needs Improvement	2-3
Seriously Deficient (risk of termination)	0-2

The eligibility of any bonus or raise is contingent upon a "Meets Expectation" or better, with those scoring in the "Exceeds Expectations" and "Consistently Exceeds Expectations" categories receiving greater amounts, respectively.

RETENTION BONUS & MERIT INCREASE

Syracuse City has adopted a "pay for performance" ethic, and therefore does not use programmed step increases or cost of living increases based on time of service alone. The City will provide retention bonuses and merit increases based on employee performance, for the purpose of retaining excellent employees and incentivizing average employees to become better.

Retention Bonus

In order for an employee to receive a retention bonus, they must receive a "Meets Expectation" or better on their annual evaluation. The actual amount of the retention bonus will be determined by the limits outlined in the Personnel Policies and Procedures Manual and the budgeted amount for each year. Those scoring in the "Exceeds Expectations" and "Consistently Exceeds Expectations" categories will receive greater amounts, respectively. Employees with less than one year, but at least 6 months of service with the city are eligible for a prorated retention bonus.

Merit Increase

An employee is eligible for a merit increase after receiving two (2) annual evaluations in a row of "Meets Expectations" or better. The merit increase will be effective on July 1st following the second annual evaluation. For the years that an employee receives a merit increase, he/she will not be eligible for a retention bonus. Employees who are at or exceed the maximum rate of their pay scale are only eligible for merit increase according to Section 5.06 of the Personnel Policies & Procedures manual.

APPENDIX D (continued):
Compensation Plan

Planned Budget for Retention Bonus & Meritorious Increases

Year	Amount of Payroll	Purpose
FY 2015	2%	Merits
FY 2016	2.75%	Ret Bonus
FY 2017	2.75%	Ret Bonus/Merits
FY 2018	2.75%	Ret Bonus/Merits
FY 2019	2.75%	Ret Bonus/Merits

PROMOTIONS AND ADVANCEMENTS

Promotions:

Promotions include an upward movement in 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 7.5% increase, whichever is greater.

Advancements:

Advancement 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 3.5%, whichever is greater. The wage increase becomes effective immediately, pending budget constraints, or at a minimum on July 1st following the advancement. The employee is still eligible for a retention bonus or merit increase.

OTHER COMPENSATION ITEMS

All other items related to compensation are governed by the Personnel Policies & Procedures Manual.

APPENDIX E:
Employee Rights & Responsibilities

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

U.S. Wage and Hour Division

WHD Publication 1420 Revised January 2009

APPENDIX F:
FMLA Notice of Eligibility and Rights & Responsibilities

Notice of Eligibility and Rights & Responsibilities
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

WHD
U.S. Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

In general, to be eligible an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

[Part A – NOTICE OF ELIGIBILITY]

TO: _____
Employee

FROM: _____
Employer Representative

DATE: _____

On _____, you informed us that you needed leave beginning on _____ for:

____ The birth of a child, or placement of a child with you for adoption or foster care;

____ Your own serious health condition;

____ Because you are needed to care for your ____ spouse; ____ child; ____ parent due to his/her serious health condition.

____ Because of a qualifying exigency arising out of the fact that your ____ spouse; ____ son or daughter; ____ parent is on covered active duty or call to covered active duty status with the Armed Forces.

____ Because you are the ____ spouse; ____ son or daughter; ____ parent; ____ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

____ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)

____ Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):

- ____ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ___ months towards this requirement.
- ____ You have not met the FMLA's hours of service requirement.
- ____ You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact _____ or view the FMLA poster located in _____.

[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by _____.** (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

____ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request ____ is/____ is **not** enclosed.

____ Sufficient documentation to establish the required relationship between you and your family member.

____ Other information needed (such as documentation for military family leave): _____

_____

_____

____ No additional information requested

Page 1 CONTINUED ON NEXT PAGE Form WH-381 Revised February 2013

APPENDIX F (continued):
FMLA Notice of Eligibility and Rights & Responsibilities

If your leave does qualify as FMLA leave you will have the following **responsibilities** while on FMLA leave (only checked blanks apply):

____ Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

____ You will be required to use your available paid _____ **sick**, _____ **vacation**, and/or _____**other leave** during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

____ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We ___**have**/____ **have not** determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

____ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following **rights** while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:
  - ____ the calendar year (January – December).
  - ____ a fixed leave year based on _____.
  - ____ the 12-month period measured forward from the date of your first FMLA leave usage.
  - ____ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have ____ **sick**, ____**vacation**, and/or ___ **other leave** run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

  ____For a copy of conditions applicable to sick/vacation/other leave usage please refer to _____ available at: _____.

  ____Applicable conditions for use of paid leave:_____

Once we obtain the information from you as specified above, we will infor[illegible]rs, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you ha[illegible]t hesitate to contact:

applicable conditions

_____ at _____.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Page 2 Form WH-381 Revised February 2013

Appendix G:
Designation Notice

Designation Notice
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 825.305(c).

To: _____

Date: _____

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided.
We received your most recent information on _____ and decided:

____ **Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.**

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

____ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____

____ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

____ You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

____ We are requiring you to substitute or use paid leave during your FMLA leave.

____ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position ___ is ___ is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

____ **Additional information is needed to determine if your FMLA leave request can be approved:**

____ The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than _____, unless it is not
(Provide at least seven calendar days)
practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

_____
(Specify information needed to make the certification complete and sufficient)
_____

____ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

____ Your FMLA Leave request is Not Approved.
____ The FMLA does not apply to your leave request.
____ You have exhausted your FMLA leave entitlement in the applicable 12-month period.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. §§ 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 – 30 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Form WH-382 January 2009

APPENDIX H:
FMLA Certification Form – Employees Own Serious Health Condition

Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

_____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax:(_____) _____

Page 1 CONTINUED ON NEXT PAGE Form WH-380-E Revised January 2009

APPENDIX H (continued):
FMLA Certification Form – Employees Own Serious Health Condition

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

   Probable duration of condition: _____

   Mark below as applicable:
   Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
   ___No ___Yes. If so, dates of admission:

   _____

   Date(s) you treated the patient for condition:

   _____

   Will the patient need to have treatment visits at least twice per year due to the condition? ___No ___ Yes.

   Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

   Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
   ___No ___Yes. If so, state the nature of such treatments and expected duration of treatment:

   _____

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

   Is the employee unable to perform any of his/her job functions due to the condition: ___No ___Yes.

   If so, identify the job functions the employee is unable to perform:

   _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

   _____
   _____
   _____
   _____
   _____
   _____
   _____

Page 2 CONTINUED ON NEXT PAGE Form WH-380-E Revised January 2009

APPENDIX H (continued):
FMLA Certification Form – Employees Own Serious Health Condition

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___No ___Yes.

   If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___No ___Yes.

   If so, are the treatments or the reduced number of hours of work medically necessary?
   ___No ___Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____

   Estimate the part-time or reduced work schedule the employee needs, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ____No ____Yes.

   Is it medically necessary for the employee to be absent from work during the flare-ups?
   ____ No ____Yes. If so, explain:

   _____

   _____

   Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

_____

_____

_____

_____

_____

_____

Page 3 CONTINUED ON NEXT PAGE Form WH-380-E Revised January 2009

APPENDIX H (continued):
FMLA Certification Form – Employees Own Serious Health Condition

Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

Page 4 Form WH-380-E Revised January 2009

APPENDIX I:
FMLA Certification Form – Family Member's Serious Health Condition

Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____
First Middle Last

Name of family member for whom you will provide care: _____
First Middle Last

Relationship of family member to you: _____

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

_____

_____

_____

_____ _____
Employee Signature Date

Page 1 CONTINUED ON NEXT PAGE Form WH-380-F Revised January 2009

APPENDIX I (continued):
FMLA Certification Form – Family Member's Serious Health Condition

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax:(_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

   Probable duration of condition: _____

   Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
   ___No ___Yes. If so, dates of admission: _____

   Date(s) you treated the patient for condition: _____

   Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

   Will the patient need to have treatment visits at least twice per year due to the condition? ___No ____ Yes

   Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
   ____ No ____Yes. If so, state the nature of such treatments and expected duration of treatment:

   _____

   _____

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

_____

_____

_____

_____

Page 2 CONTINUED ON NEXT PAGE Form WH-380-F Revised January 2009

APPENDIX I (continued):
FMLA Certification Form – Family Member's Serious Health Condition

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ___No ___Yes.

   Estimate the beginning and ending dates for the period of incapacity: _____

   During this time, will the patient need care? __ No __ Yes.

   Explain the care needed by the patient and why such care is medically necessary: _____

5. Will the patient require follow-up treatments, including any time for recovery? ___No ___Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   Explain the care needed by the patient, and why such care is medically necessary: _____

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? __ No __ Yes.

   Estimate the hours the patient needs care on an intermittent basis, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

   Explain the care needed by the patient, and why such care is medically necessary: _____

Page 3 CONTINUED ON NEXT PAGE Form WH-380-F Revised January 2009

APPENDIX I (continued):
FMLA Certification Form – Family Member's Serious Health Condition

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ____No ____Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

Does the patient need care during these flare-ups? ____ No ____ Yes.

Explain the care needed by the patient, and why such care is medically necessary: _____

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

_____ _____
Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.
DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

Page 4 Form WH-380-F Revised January 2009

APPENDIX J:
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

Certification of Qualifying Exigency
For Military Family Leave
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. Please complete Section I before giving this form to your employee. Your response is voluntary, and while you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.309.

Employer name: _____

Contact Information: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II fully and completely. The FMLA permits an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Your response is required to obtain a benefit. 29 CFR 825.310. While you are not required to provide this information, failure to do so may result in a denial of your request for FMLA leave. Your employer must give you at least 15 calendar days to return this form to your employer.

Your Name: _____
First Middle Last

Name of military member on covered active duty or call to covered active duty status:

_____
First Middle Last

Relationship of military member to you: _____

Period of military member's covered active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a military member's covered active duty or call to covered active duty status. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or call to covered active duty status.

- ☐ A copy of the military member's covered active duty orders is attached.
- ☐ Other documentation from the military certifying that the military member is on covered active duty (or has been notified of an impending call to covered active duty) is attached.
- ☐ I have previously provided my employer with sufficient written documentation confirming the military member's covered active duty or call to covered active duty status.

Page 1 CONTINUED ON NEXT PAGE WH-384 Revised February 2013

APPENDIX J (continued):
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

PART A: QUALIFYING REASON FOR LEAVE

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

_____
_____
_____
_____

2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military; a document confirming the military member's Rest and Recuperation leave; a document confirming an appointment with a third party, such as a counselor or school official, or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.

Yes ☐ No ☐ None Available ☐

PART B: AMOUNT OF LEAVE NEEDED

1. Approximate date exigency commenced: _____

Probable duration of exigency: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency?

Yes☐ No☐

If so, estimate the beginning and ending dates for the period of absence:

_____

3. Will you need to be absent from work periodically to address this qualifying exigency? Yes☐ No☐

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

_____
_____
_____

Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours ___ day(s) per event.

Page 2 CONTINUED ON NEXT PAGE WH-384 Revised February 2013

APPENDIX J (continued):
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

PART C:

If leave is requested to meet with a third party (such as to arrange for childcare or parental care, to attend counseling, to attend meetings with school, childcare or parental care providers, to make financial or legal arrangements, to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (_____) _____ Fax: (_____) _____

Email: _____

Describe nature of meeting: _____

_____

_____

_____

_____

_____

_____

_____

PART D:

I certify that the information I provided above is true and correct.

Signature of Employee _____ Date _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

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Page 3 WH-384 Revised February 2013

APPENDIX K:
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

Certification for Serious Injury or Illness of a Current Servicemember - -for Military Family Leave (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Notice to the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a current servicemember to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave

INSTRUCTIONS to the EMPLOYEE or CURRENT SERVICEMEMBER: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE ("DOD") HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed on Page 2 has requested leave under the FMLA to care for a family member who is a current member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a current servicemember's serious injury or illness includes written documentation confirming that the servicemember's injury or illness was incurred in the line of duty on active duty or if not, that the current servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that the current servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the servicemember's condition for which the employee is seeking leave.

Page 1 CONTINUED ON NEXT PAGE Form WH-385 Revised February 2013

APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave:

(This section must be completed first before any of the below sections can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and Address of Employer (this is the employer of the employee requesting leave to care for the current servicemember):

_____

Name of Employee Requesting Leave to Care for the Current Servicemember:

_____
First Middle Last

Name of the Current Servicemember (for whom employee is requesting leave to care):

_____
First Middle Last

Relationship of Employee to the Current Servicemember:

Spouse ☐ Parent ☐ Son ☐ Daughter ☐ Next of Kin ☐

Part B: SERVICEMEMBER INFORMATION

(1) Is the Servicemember a Current Member of the Regular Armed Forces, the National Guard or Reserves?
Yes ☐ No ☐

If yes, please provide the servicemember's military branch, rank and unit currently assigned to:

_____

Is the servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)?
Yes ☐ No ☐

If yes, please provide the name of the medical treatment facility or unit:

_____

(2) Is the Servicemember on the Temporary Disability Retired List (TDRL)?
Yes ☐ No ☐

Part C: CARE TO BE PROVIDED TO THE SERVICEMEMBER

Describe the Care to Be Provided to the Current Servicemember and an Estimate of the Leave Needed to Provide the Care:

_____

_____

Page 2 CONTINUED ON NEXT PAGE Form WH-385 Revised February 2013

APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

SECTION II: For Completion by a United States Department of Defense ("DOD") Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125. If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator).

(Please ensure that Section I above has been completed before completing this section. Please be sure to sign the form on the last page.)

Part A: HEALTH CARE PROVIDER INFORMATION

Health Care Provider's Name and Business Address: _____

Type of Practice/Medical Specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider, or (5) a health care provider as defined in 29 CFR 825.125:

_____

Telephone: ( ) _____ Fax: ( ) _____ Email: _____

PART B: MEDICAL STATUS

(1) The current Servicemember's medical condition is classified as (Check One of the Appropriate Boxes):

☐ **(VSI) Very Seriously Ill/Injured** – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

☐ **(SI) Seriously Ill/Injured** – Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

☐ **OTHER Ill/Injured** – a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

☐ **NONE OF THE ABOVE** (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition" under § 825.113 of the FMLA. If such leave is requested, you may be required to complete DOL FORM WH-380-F or an employer-provided form seeking the same information.)

(2) Is the current Servicemember being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes☐ No☐

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

Page 3 CONTINUED ON NEXT PAGE Form WH-385 Revised February 2013

APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

(5) Is the servicemember undergoing medical treatment, recuperation, or therapy for this condition? Yes☐ No☐

If yes, please describe medical treatment, recuperation or therapy:

_____

PART C: SERVICEMEMBER'S NEED FOR CARE BY FAMILY MEMBER

(1) Will the servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes☐ No☐

If yes, estimate the beginning and ending dates for this period of time: _____

(2) Will the servicemember require periodic follow-up treatment appointments? Yes☐ No☐

If yes, estimate the treatment schedule: _____

(3) Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointments? Yes☐ No☐

(4) Is there a medical necessity for the servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)?
Yes☐ No☐

If yes, please estimate the frequency and duration of the periodic care:

_____

_____

Signature of Health Care Provider: _____ **Date:** _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

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Page 4 Form WH-385 Revised February 2013

APPENDIX L:
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Notice to the EMPLOYER

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For completion by the EMPLOYEE and/or the VETERAN for whom the employee is requesting leave

INSTRUCTIONS to the EMPLOYEE and/or VETERAN: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

(This section must be completed before Section II can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and address of employer (this is the employer of the employee requesting leave to care for a veteran):

Name of employee requesting leave to care for a veteran:

First Middle Last

Name of veteran (for whom employee is requesting leave):

First Middle Last

Relationship of employee to veteran:

Spouse ☐ Parent ☐ Son ☐ Daughter ☐ Next of Kin ☐ (please specify relationship):

Page 1 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX L (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

Part B: VETERAN INFORMATION

(1) Date of the veteran's discharge:

(2) Was the veteran **dishonorably** discharged or released from the Armed Forces (including the National Guard or Reserves)? Yes ☐ No ☐

(3) Please provide the veteran's military branch, rank and unit at the time of discharge:

(4) Is the veteran receiving medical treatment, recuperation, or therapy for an injury or illness?
Yes ☐ No ☐

Part C: CARE TO BE PROVIDED TO THE VETERAN

Describe the care to be provided to the veteran and an estimate of the leave needed to provide the care:

Page 2 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX L (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

SECTION II: For completion by: (1) a United States Department of Defense ("DOD") health care provider; (2) a United States Department of Veterans Affairs ("VA") health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider; or (5) a health care provider as defined in 29 CFR 825.125.

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee named in Section I has requested leave under the military caregiver leave provision of the FMLA to care for a family member who is a veteran. For purposes of FMLA military caregiver leave, a serious injury or illness means an injury or illness incurred by the servicemember in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the servicemember became a veteran, and is:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
(iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
(iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.

A complete and sufficient certification to support a request for FMLA military caregiver leave due to a covered veteran's serious injury or illness includes written documentation confirming that the veteran's injury or illness was incurred in the line of duty on active duty or existed before the beginning of the veteran's active duty and was aggravated by service in the line of duty on active duty, and that the veteran is undergoing treatment, recuperation, or therapy for such injury or illness by a health care provider listed above. Answer fully and completely all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA military caregiver leave coverage. Limit your responses to the veteran's condition for which the employee is seeking leave.

(Please ensure that Section I has been completed before completing this section. Please be sure to sign the form on the last page and return this form to the employee requesting leave (See Section I, Part A above). **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**)

Part A: HEALTH CARE PROVIDER INFORMATION

Health care provider's name and business address:

_____

Telephone: ( ) _____ Fax: ( ) _____ Email: _____

Type of Practice/Medical Specialty: _____

Please indicate if you are:

☐ a DOD health care provider

☐ a VA health care provider

☐ a DOD TRICARE network authorized private health care provider

☐ a DOD non-network TRICARE authorized private health care provider

☐ other health care provider

Page 3 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX L (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

PART B: MEDICAL STATUS

Note: If you are unable to make certain of the military-related determinations contained in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as, DOD Recovery Care Coordinator) or an authorized VA representative.

(1) The Veteran's medical condition is:

☐ A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating.

☐ A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or higher, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave.

☐ A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment.

☐ An injury, including a psychological injury, on the basis of which the covered veteran is enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.

☐ None of the above.

(2) Is the veteran being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes☐ No☐

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

(5) Is the veteran undergoing medical treatment, recuperation, or therapy for this condition? Yes☐ No☐

If yes, please describe medical treatment, recuperation or therapy:

_____

PART C: VETERAN'S NEED FOR CARE BY FAMILY MEMBER

"Need for care" encompasses both physical and psychological care. It includes situations where, for example, due to his or her serious injury or illness, the veteran is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport him or herself to the doctor. It also includes providing psychological comfort and reassurance which would be beneficial to the veteran who is receiving inpatient or home care.

(1) Will the veteran need care for a single continuous period of time, including any time for treatment and recovery? Yes☐ No☐

If yes, estimate the beginning and ending dates for this period of time: _____

(2) Will the veteran require periodic follow-up treatment appointments? Yes☐ No☐

If yes, estimate the treatment schedule: _____

Page 4 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX L (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

(3) Is there a medical necessity for the veteran to have periodic care for these follow-up treatment appointments?
Yes☐ No☐

(4) Is there a medical necessity for the veteran to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)? Yes☐ No☐

If yes, please estimate the frequency and duration of the periodic care:

_____

_____

Signature of Health Care Provider: _____ **Date:** _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYEE REQUESTING LEAVE (As shown in Section I, Part "A" above).**

Page 5 Form WH-385-V Revised February 2013

APPENDIX M:
Notice of Secondary Employment

Syracuse City Corporation
Human Resources Department
Form HR-109
Updated January 1, 2013

SYRACUSE EST. CITY 1935

Syracuse City Corporation
NOTICE OF SECONDARY EMPLOYMENT

Date Request Submitted: _____

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Secondary Employment Information

Employers Name: _____

Employers Address: _____

Employers Type of Business: _____

General Description of Job Duties: _____

_____

_____

In general, what hours would you be working (i.e., 8 am to 5 pm)? _____

On average, how many hours per week will you work for the secondary employer? _____

I hereby request approval to engage in secondary (outside) employment as described above.

Employee Signature: _____ Date: _____

Approval Details

☐ Approved

☐ Unapproved (please explain): _____

Supervisor Signature: _____ Date: _____

Department Head Signature: _____ Date: _____

HR Director Signature: _____ Date: _____

City Administrator Signature: _____ Date: _____

APPENDIX N:
Injury/Incident Report Form

Syracuse City Accident / Injury / Incident Report Form

Please print clearly & check the correct box (witness/supervisor fill in all information you have knowledge of)

Status:	☐ Person Involved	☐ Witness	☐ Supervisor	☐ Other _____
Outcome:	☐ Vehicle Accident	☐ Injury/Illness	☐ Near Miss	☐ Other Incident

1. DETAILS OF PERSON INVOLVED

Name: _____ Phone: _____

Address: _____ Date of birth: _____

_____

Department: _____ Position: _____

Supervisor: _____ Work start time on day of incident: _____am/pm

2. DETAILS OF VEHICLE / PROPERTY (if applicable)

Year/Make/Model/Color or Description of Property: _____

VIN/Serial Number: _____

Other Information: _____

_____

3. DETAILS OF INCIDENT

Date of Incident: _____ Time of Incident: _____am/pm

Date Reported: _____ Reported to: _____

Exact Location: _____

Describe how the incident occurred and what you were doing at the time: _____

_____

_____

_____

_____

How could the incident have been prevented?: _____

_____

_____

_____

Were any safeguards or PPE being used? Which ones?: _____

4. DETAILS OF INJURY (if applicable)

Nature of injury (eg. burn, cut, sprain): _____

Cause of injury (eg. fall, hit with falling hammer): _____

Location of body (eg. lower back, left forearm): _____

APPENDIX N (continued):
Injury/Incident Report Form

Syracuse City Accident / Injury / Incident Report Form

5. DETAILS OF WITNESSES

Name:_____ Phone: _____

Name:_____ Phone: _____

6. TREATMENT ADMINISTERED (if applicable)

Doctor's name: _____

Treatment: _____

6. SIGNATURE

Employee's Signature: _____ Date: _____

APPENDIX O:
Injury/Incident Checklist

Post-Accident/Incident Checklist

1. ☐ Notify Supervisor/Dept. Head
2. ☐ Notify HR Specialist
3. ☐ Take employee to get medical care as instructed above
4. ☐ Have WorkMed do drug and alcohol screening (call after-hours phone 801-387-8378, if needed)
5. ☐ Employee, Witnesses & Supervisor fills out Injury/Incident Report form and gives to HR Specialist ASAP
6. ☐ Gives pictures or any other information pertinent to injury/incident to HR Specialist ASAP.
7. ☐ Gives a copy of the Return to Work or Restricted Duty instructions from the doctor to the HR Specialist ASAP.

APPENDIX P:
Bomb Threat Checklist

Syracuse City Corporation
Human Resources Department
Form HR-113
Updated March 18, 2015

Syracuse City Corporation
BOMB THREAT CHECKLIST

If you receive a bomb threat, please record as much information about the threat, call, and caller as possible, including the following:

1. Was the threat received through the news media, a law enforcement agency, through a telephone call, or via some other method of communication?
   - ☐ News Media
   - ☐ Law Enforcement Agency
   - ☐ Telephone Calls
   - ☐ Other Method of Communication: _____
2. What time was the threat received? _____
3. Was the person making the threat an adult?
   - ☐ Yes
   - ☐ No
   - ☐ Unable to Determine
4. Was the person making the threat male or female?
   - ☐ Male
   - ☐ Female
   - ☐ Unable to Determine
5. Was a specific time given for the explosion?
   - ☐ Yes: _____
   - ☐ No
6. Was a specific location given for the bomb?
   - ☐ Yes: _____
   - ☐ No
7. Was a warning given to evacuate?
   - ☐ Yes
   - ☐ No
8. Did the caller provide a cause or justification for the bombing?
   - ☐ Yes: _____
   - ☐ No
9. Do you remember any other details about the threat, the call, or the caller? _____

   _____

   _____

APPENDIX Q:
Tuition Aid Application

Syracuse City Corporation
Human Resources Department
Form HR-114
Updated March 18, 2015

Syracuse City Corporation
TUITION AID REQUEST

Date Request Submitted: _____

Tuition Aid Policy Information

Syracuse City offers tuition aid to full-time, non-probationary employees who wish to continue their education. Tuition aid requests must be for courses of study that are related to the employee's position with the City and approval of tuition aid requests is subject to the availability of funds. Tuition aid request must be submitted for approval prior to the start date of the course(s) for which the employee is requesting tuition aid. Approved tuition aid requests will be paid to the requesting employee as provided in section 16.060 (c) of the Syracuse City Personnel Policies and Procedures Manual. Employees who receive tuition aid will be required to return any aid received if they terminate their employment with Syracuse City within one year after receipt of said tuition aid.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Date of Hire: _____ Supervisor: _____

Course Information

Educational Institution: _____

Course Number(s): _____

Course Description(s): _____

_____

_____

Estimated Tuition Expense*: _____

* Please attach a copy of any related receipts.

I hereby request approval for tuition aid as described above.

Employee Signature: _____ Date: _____

Approval Details

☐ Approved (please give the amount of aid approved): _____

☐ Unapproved (please explain): _____

_____

1

APPENDIX Q (continued):
Tuition Aid Application

Syracuse City Corporation
Human Resources Department
Form HR-114
Updated March 18, 2015

Approval Signatures

Supervisor: _____ Date: _____

Department Head: _____ Date: _____

City Administrator: _____ Date: _____

Tuition Aid Payment Information (to be completed upon employee's completion of course(s))

1. Were the courses for which tuition aid was requested completed with a "C" grade or better? (a copy of the employee's transcript much be attached)

   ☐ Yes (eligible for tuition aid payment)

   ☐ Some (if more than one course taken; please specify which were completed): _____

   _____

   ☐ No (not eligible for tuition aid payment)

2. If "Yes" above, please indicate which course(s) were completed with a "C" grade or better, the grade received in each course, and the related percentage of aid that the employee is eligible for for each course (refer to section 16.060 (c) for reimbursement percentage):

   _____

   _____

   _____

3. Please forward this completed form to the HR department for reimbursement.

FOR HR USE ONLY

1. Has the employee received any other tuition aid during the current fiscal year?

   ☐ Yes – How much? $ _____

   ☐ No

2. Total amount of reimbursement for which the employee is eligible in the current fiscal year: $ _____

3. Total amount of reimbursement for which the employee is eligible on this request: $ _____

4. Total amount of reimbursement to be provided to the employee: $ _____

5. Date the reimbursement was paid out to the employee: _____

6. Reimbursement processed by: _____

2

APPENDIX R:
Credit Card Agreement

Credit Card Acceptance Agreement

SYRACUSE CITY CREDIT CARD USER AGREEMENT

I, the undersigned, agree to accept responsibility for the Zion's Bank credit card issued to me by Syracuse City. I agree to use it in conformance with the terms and conditions set forth herein and applicable City Personnel Policies and Procedures. I understand and agree to use this card only for approved City business.

I understand and agree that I am responsible for any credit card charges made by me against the City account and I am also responsible to report these charges fully on an approved expense reconciliation form. In the event that I should fail to make a proper and timely accounting for such charges, I agree that the City may, at its sole discretion, withhold from all or any part of my salary an amount equal to the total amount of the card charges not accounted for and approved. Any use in violation of City policy is grounds for disciplinary action, which may include termination.

I also understand that the following purchases are prohibited and that I will be held personally liable for any of the following charges:

(1) Purchase of items for personal use or consumption.
(2) Purchases in violation of the City Purchasing Policy.
(3) Alcohol
(4) Utah State Tax, except on lodging charges
(5) Fuel for fleet vehicles unless traveling outside of Utah. The state gas card should be used for fuel purchases.
(6) Splitting a purchase to remain under purchasing policy limits.

I also agree that I shall relinquish my card back to the County upon request and/or termination of my employment for any reason.

Dept: Card #: Name:

Sign: _____ Date: _____

Page 1 of 2

Section 1000 – Credit Card
Version: March 20, 2012

APPENDIX S:
Missing Receipt Form

Missing Receipt Form

Department	
Cardholder/Employee Name	
Expense Acct #	
Travel # (When Applicable)	

Merchant Name	
Date	
Why Receipt is Missing	

Item Description	Quantity	$/Unit	Total
Total			$

Employee Signature		Supervisor Signature

APPENDIX T:
Emergency Preparedness Cash Out Form

Syracuse City Corporation
Human Resources Department
Form HR-106
Updated March 18, 2015

SYRACUSE CITY EST. 1935

Syracuse City Corporation
EMERGENCY PREPAREDNESS CASH OUT FORM

Date Submitted: _____

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Request Details

☐ Cash Out Sick Leave
Dollar Amount Requesting: _____

☐ Cash Out Vacation Leave
Dollar Amount Requesting: _____

Items Purchased: _____

_____

_____

Employee Signature: _____

Approval Signatures:

City Manager: _____

Department Head: _____

Finance Director: _____

Human Resources: _____

For HR Purposes Only:

Hourly Rate of Pay: _____

Number of Sick Leave Hours being Cashed Out: _____

Number of Vacation Leave Hours being Cashed Out: _____

1

APPENDIX U:
Employee Grievance Form

Syracuse City Corporation
Human Resources Department
Form HR-117
Updated March 18, 2015

SYRACUSE EST. CITY 1935

Syracuse City Corporation
FORMAL EMPLOYEE GRIEVANCE FORM

Date Completed: _____

Grievance Policy Information

It is the purpose of the Syracuse City grievance procedure (established in Chapter 21 of the City's Personnel Policy and Procedures Manual) to establish a method whereby employee grievances can be fairly and effectively resolved. The filing of a good-faith grievance will in no way prejudice the status of the employee. It is the goal of the City's grievance policy to address employee grievances at the lowest administrative level possible.

Grievance Form Instructions

Please complete all sections of this form completely and with as much detail as possible. The form should be completed and submitted to your supervisor (or other party in accordance with the City's grievance policy) within 10 days of the event giving rise to the grievance or within 10 days of acquiring knowledge of the event giving rise to the grievance.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Grievance Details

Statement of Grievance (please attach additional sheets if necessary): _____

_____

_____

_____

_____

Background Information (please attach additional sheets if necessary): _____

_____

_____

_____

_____

_____

APPENDIX U (continued):
Employee Grievance Form

Syracuse City Corporation
Human Resources Department
Form HR-117
Updated March 18, 2015

Grievance Details (continued)

Requested Resolution: _____

_____

_____

_____

_____

I hereby request attest that the information contained in this grievance is true and accurate to the best of my knowledge.

Employee Signature: _____ Date: _____

Grievance Acknowledgement(s)

First Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

Second Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

Third Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

APPENDIX V:
Administrative Leave Form

Syracuse City Corporation
Human Resources Department
Form HR-106
Updated March 18, 2015

SYRACUSE CITY EST. 1935

Syracuse City Corporation
ADMINISTRATIVE LEAVE FORM

Date Submitted: _____

Employee Information

Name: _____

Department: _____ Job Title: _____

Request Details

☐ Paid
Dates anticipated: _____

☐ Unpaid
Dates anticipate: _____

Approval Signatures:

City Manager: _____

Department Head: _____

Human Resources: _____

1

APPENDIX W:
Disciplinary Action Form

Syracuse City Corporation
Human Resources Department
Form HR-118
Updated January 1, 2008

SYRACUSE CITY EST. 1935

Syracuse City Corporation
DISCIPLINARY ACTION FORM

Date Completed: _____

Disciplinary Action Form Instructions

This form is used as a guide for the supervisor when documenting issues that need attention under the provisions of the Syracuse City Disciplinary Action policy. When completed, it serves as a written record of disciplinary action conducted with an employee pertaining to violation of City rules and/or failure to meet necessary performance standards.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Type of Disciplinary Action Being Issued (check the appropriate box):

☐ Verbal Warning

☐ Written Reprimand

☐ Suspension
Effective Date:
☐ With Pay
☐ Without Pay

☐ Probation
Effective Date:
Length of Probation:

☐ Demotion
Effective Date:

☐ Termination
Effective Date:

Violation/Incident Details

Date and Time of Violation/Incident:

Violation/Incident Details:

Have There Been Similar Violations/Incidents? ☐ Yes ☐ No

*If yes, list dates and details of previous violations/incidents and action taken:

Action to be Taken for Current Violation/Incident:

Consequences of Failure to Improve:

APPENDIX W (continued):
Disciplinary Action Form

Syracuse City Corporation
Human Resources Department
Form HR-118
Updated January 1, 2008

Signatures:

To the employee:
This written record of disciplinary action is being issued based on your violation of one or more City rules and/or your failure to meet the performance standards necessary for your current position. This report will remain in your personnel file. You are being provided a copy of this Disciplinary Action Form.

Your signature below indicates that you have seen the completed Disciplinary Action Form and that the contents have been reviewed with you. Your signature does not necessary indicate that you agree with the information contained above.

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Human Resources Specialist: _____ Date: _____

APPENDIX X:
Voluntary Resignation Form

SYRACUSE CITY EST 1935

NOTICE OF VOLUNTARY RESIGNATION

Employee Name: _____

Date of Notice Given: _____

Last Day of Work: _____

Position Title: _____

Department: _____

Reason for Leaving: _____

_____

_____

_____

_____

Present Address: _____

_____ Phone #_____

*Should your address change, be sure to update your address with us to ensure timely receipt of your W-2 Statement and any other correspondence that may be mailed to you.

_____ _____
Employee Signature Date

COUNCIL AGENDA

August 24th, 2015

Agenda Item **"g"** Discuss RDA tax rebate payment to Syracuse Family Fun Center aka The Rush Funplex.

Factual Summation

- Any questions about this agenda item may be directed at Finance Director Stephen Marshall or CED Director Brigham Mellor. See the attached Second Amendment to the Syracuse Family Fun Center contract.

- The Rush would like to accelerate the payout schedule for the tax increment they are allotted to receive. An accelerated payment schedule doled out through RDA's as part of an agreement is a common practice. Often time's reimbursement is tied to interest rates for late or delayed payments to a developer providing a mechanism to encourage faster payout from the agency.

- The Rush Funplex is a new retail product in this part of Davis County; it should be expected that the first years are the thinnest as the brand develops and people learn that it is here.

- The Rush has provided financial info to the city and has shown that sales are improving – and the expectation that the coming fall months will be the biggest struggle for the facility regarding operating cash is a realistic concern – as expressed by the funplex ownership.

- The new agreement will end in 2024.

- The Rush has not pledged tax increment to a bank as collateral.

- If the company goes out of business the deal ends and no more tax increment is paid out.

- The formula for the payout is as follows:

Year	Calculation for amount
2016	*pre agreed to $ amount + NPV (of incentive 2024)*
2017	*pre agreed to $ amount + NPV (of incentive 2025)*
2018	*pre agreed to $ amount + NPV (of incentive 2026)*
2019	*pre agreed to $ amount + NPV (of incentive 2027)*
2020	*pre agreed to $ amount + NPV (of incentive 2028)*
2021	*pre agreed to $ amount + NPV (of incentive 2029)*
2022	*pre agreed to $ amount + NPV (of incentive 2030)*
2023	*pre agreed to $ amount + NPV (of incentive 2031)*
2024	*NPV (of incentive 2032)*

NPV + agree to amount for given year starting with year 2024 / (1+R)^T
Where:

R=.03 (for inflation)

T=8 (for the # of years we are bumping payment)

Year	New Amount	Old amount
2016	*$134,026*	$96,096
2017	*$128,607*	$96,096
2018	*$128,607*	$96,096
2019	*$123,189*	$96,096
2020	*$82,005*	$54,912
2021	*$78,573*	$51,480
2022	*$73,154*	$51,480
2023	*$69,722*	$48,048
2024	*$13,546*	$48,048
2025	$0	$41,184
2026	$0	$41,184
2027	$0	$34,320
2028	$0	$34,320
2029	$0	$34,320
2030	$0	$27,456
2031	$0	$27,456
2032	$0	$17,160
Total Payout Overall	***$1,327,627***	**$1,391,952**

<u>Recommendation</u>

Administration recommends that the RDA board consider increasing the rate payment.

COUNCIL AGENDA
August 25, 2015

Agenda Item **"h"** Discuss process for filling City Council vacancy

Factual Summation

- Any question regarding this agenda item may be directed at City Recorder Cassie Brown.
- Councilmember Brian Duncan resigned his position on the City Council effective Friday, August 14, 2015. The City Council has 30 days to fill the vacancy and staff is recommending that the process to select a new Councilmember be carried out during the regularly scheduled business meeting of September 8, 2015. A notice has been published in the Standard-Examiner as well as on the City's website, Facebook, and Twitter feeds. The deadline for applicants to submit their materials is Monday, August 31, 2015.
- Mayor Palmer has indicated he would like to provide applicants with a list of questions to be answered prior to the interview process on September 8. A draft list of questions has been included in the packet for review and discussion.

NOTICE OF VACANCY
SYRACUSE CITY COUNCIL

Notice is hereby given that a vacant Syracuse City Council position exists and the City Council must appoint someone to fill the vacant position within 30 days. The process for appointing a replacement is defined within Utah State Law. Applications are now being accepted to fill that vacant position.

To qualify for the vacant Council position, applicants must be registered voters; have resided within Syracuse City limits for a period of twelve (12) consecutive months immediately preceding the vacancy; and remain a resident of Syracuse City throughout the term of office. The person appointed to the vacant Council seat will serve until January 2018.

Qualified applicants should submit a letter of interest and resume to the Syracuse City Recorder by 5:00 p.m., Monday, August 31, 2015 (1979 W. 1900 S., Syracuse, Utah, 84075; cassieb@syracuseut.com). Applicants are encouraged to utilize the letter of interest and resume to highlight their qualifications for the position. Applicants are reminded that all information provided will become a part of the public record.

The Council will review the letters and resumes and select a replacement based on the following schedule:

Monday, August 31, 2015, 5:00 PM	**-Deadline for letters of interest and resumes**
Tuesday, September 8, 2015, 7:00 PM	**-Council Meeting to conduct informal discussions with applicants.** **-Council appointment of new Councilmember by majority vote.** **-City Recorder swears in new Council Member.**

DATED this 20th day of August, 2015.

CASSIE BROWN, CMC
SYRACUSE CITY RECORDER

Publish Once: Sunday, August 23, 2015

Vacant Council Seat Applicant Questions

Please incorporate your answers to the following four questions into your four minute presentation to the Council. This will help to ensure all applicants are answering the same questions and provide some structure to the presentation portion of the meeting.

1. Why are you interested in serving as a City Council Member and what do you feel you would bring to the position?

2. Can you meet all the requirements of the position, i.e., schedule, time commitments (Yes or No).

3. What do you see as the primary responsibility of a Councilmember.

4. What do you see are the biggest issues facing Syracuse City.

August 12, 2015

Mayor Terry Palmer
Brody Brovero

Gentleman,

This is my letter of resignation from the council. My resignation will be effective as of Friday August 14, 2015 at noon.

I have been honored to serve this city and its great citizens. I am grateful to have had a chance to work with you, the council, the staff, and the citizens. I have learned a lot and made mistakes along the way. I appreciate your patience, your opinions, and your friendship.

It is sad to leave a great community that is worthy to be called home, but life brings to me to Box Elder County, where I am sure I will find a great community there as well. My prayer is that those who lead the city will always remember the values that make it great and the vision that will keep great. I know I leave the city in capable hands.

Sincerely,

Brian P. Duncan
Syracuse City Councilman

COUNCIL AGENDA

August 25, 2015

Agenda Item **i.i** **General Plan and Rezone Request Professional Office to Business Park Zone**
3600 W 1700 S

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed at Noah Steele, Planner.

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

Attachments:

- Aerial
- General Plan Map
- Applicant Letter
- Conceptual Site Plan
- Public Notice Letter
-

Summary:

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property.

Planning Commission Recommendation:

The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

RESOLUTION R15-24

A RESOLUTION OF THE SYRACUSE CITY COUNCIL AMENDING THE SYRACUSE CITY GENERAL PLAN LAND USE MAP ADOPTED IN 1976, AS AMENDED.

WHEREAS, in 1967 a Syracuse Preliminary Master Plan was prepared for the Syracuse Planning Commission as a part of the Davis County Master Plan Program, said preliminary plan being prepared by R. Clay Allred and Associates, Planning Consultants; and

WHEREAS, in 1976 a Comprehensive Plan for Syracuse was prepared by the Davis County Planning Commission with assistance of Architects/Planners Alliance Planning Consultants and Wayne T. Van Wagoner and Associates, Traffic and Transportation Consultants which plan was financially aided by a grant from the Department of Housing and Urban Development through the Utah State Department of Community Affairs; and

WHEREAS, the 1976 Comprehensive Plan was amended in 1988 and the title changed to the Syracuse City Master Plan; and

WHEREAS, The Syracuse City General Plan was again amended in 1996, 1999, 2003, 2006, 2009, 2011, 2012, 2013, and 2014 to incorporate appropriate and necessary changes to the General Plan as approved at that time; and

WHEREAS, the Syracuse City Planning Commission adopted a process in 2012, where an applicant may apply for a Syracuse City General Plan update outside of the traditional district review; and

WHEREAS, public hearings have been held by the Planning Commission to receive public input regarding proposed changes; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendments to the General Plan concluding that the proposed amendments provide development objectives with respect to the most desirable use of land within the City for subject property which benefit the physical, social, economic, and governmental development of the City and to promote the general welfare and prosperity of its residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Adoption. That the proposed amendments to the Syracuse City General Plan Land Use Map, attached hereto as Exhibit A, are hereby adopted and any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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. <u>No Repeal</u>. This Resolution is not intended and shall not be construed as a repealer of any previously adopted ordinance or resolution and is specifically intended to clarify and supplement existing City ordinances, rules and regulations.

Section 4. <u>Effective Date</u>. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 28th DAY OF JULY, 2015.

SYRACUSE CITY

ATTEST:

_____ By:_____

Cassie Z. Brown, CMC
City Recorder

Terry Palmer
Mayor

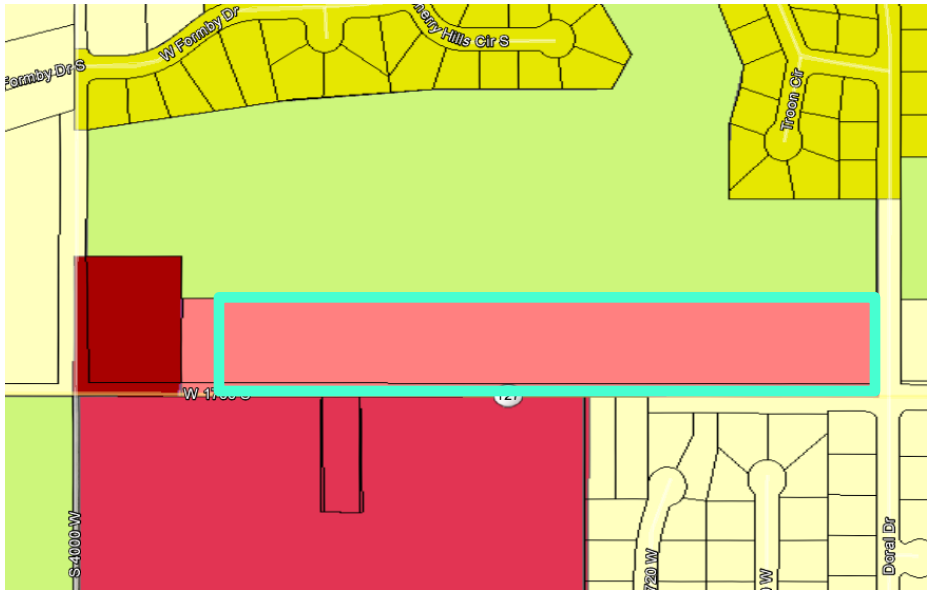
EXHIBIT “A”

General Plan Amendment
3600 W 1700 S

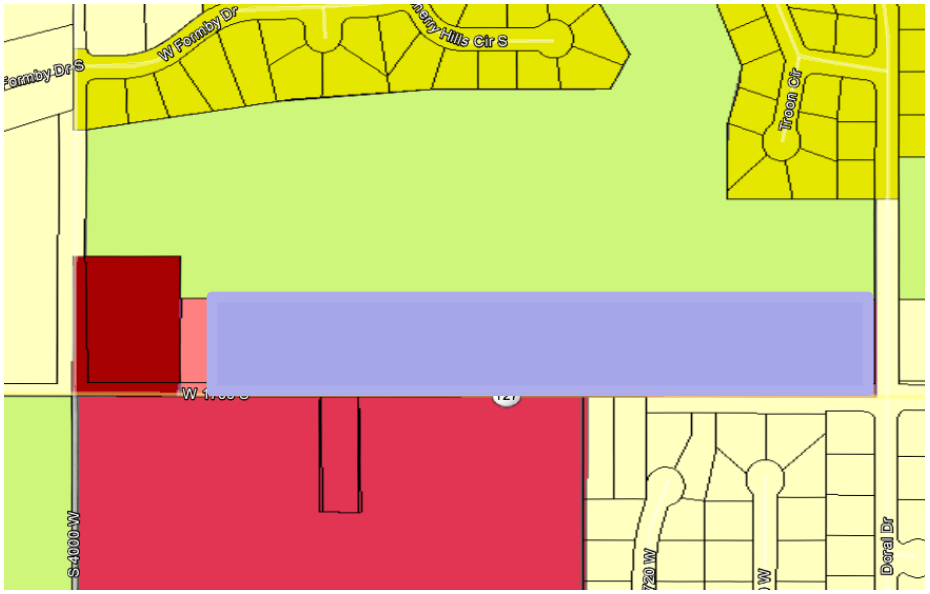
General Plan and Rezone Amendment
Professional Office to Business Park Zone
3600 W 1700 S

N

Current General Plan



Proposed General Plan



- Agriculture A-1
- R-1 (2.90 dwellings per net acre)
- R-2 (3.79 dwellings per net acre)
- R-3 (5.44 dwellings per net acre)
- PRD (8.0 dwellings per net acre)
- R-4 (14.52 dwellings per net acre)
- Professional Office
- Commercial II
- General Commercial Zone
- Industrial Zone
- Town Center Overlay Zone
- Sensitive Overlay Zone
- RDA & EDA Boundary
- Business Park Zone

Mayor
Terry Palmer

City Council
Brian Duncan
Mike Gailey
Craig Johnson
Karianne Lisonbee
Douglas Peterson

City Manager
Brody Bovero

July 10, 2015

The City has received a General Plan and Rezone request for the Business Park Zone, requested by Sunquest Development, property located approximately 3600 W 1700 S. The Planning Commission will consider this request in their regular meeting, beginning at 6 p.m., in the City Hall Council Chambers on **July 21 2015.**

In accordance with Syracuse City Land Use Ordinance 10-4-050(C), we are providing you notice of this request as a land owner within a 300-foot radius of the subject property. This is a Public Hearing, and you are welcome to attend and provide comments regarding this request, if you so desire, or submit them in writing to the email or mailing address below.

If you are uncertain as to the impact or ramifications of this proposal and would like more information; please feel free to call or stop in during regular business hours, between 8 a.m. and 5 p.m., Monday through Friday.

Respectfully,

Syracuse City

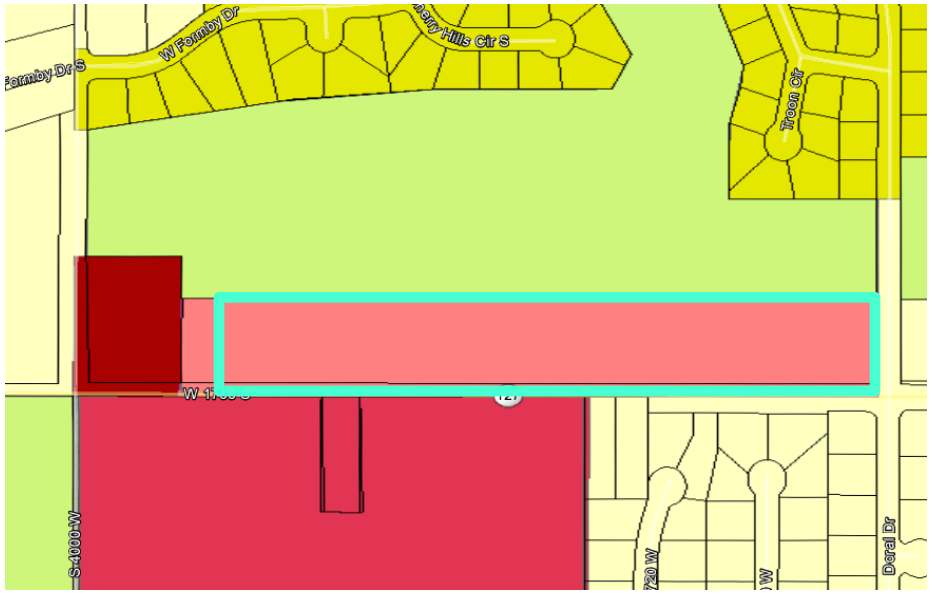
Community Development Department
Phone and/or Fax: 801-614-9632
Email: jschow@syracuseut.com

js

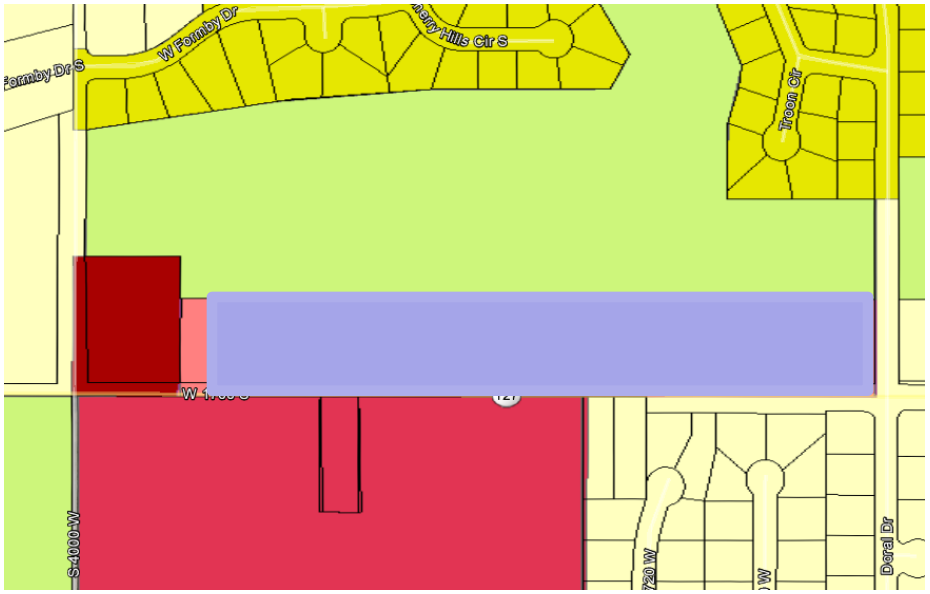
General Plan and Rezone Amendment
Professional Office to Business Park Zone
3600 W 1700 S

N

Current General Plan



Proposed General Plan



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- Commercial II
- General Commercial Zone
- Industrial Zone
- Town Center Overlay Zone
- Sensitive Overlay Zone
- RDA & EDA Boundary
- Business Park Zone

General Plan Amendment

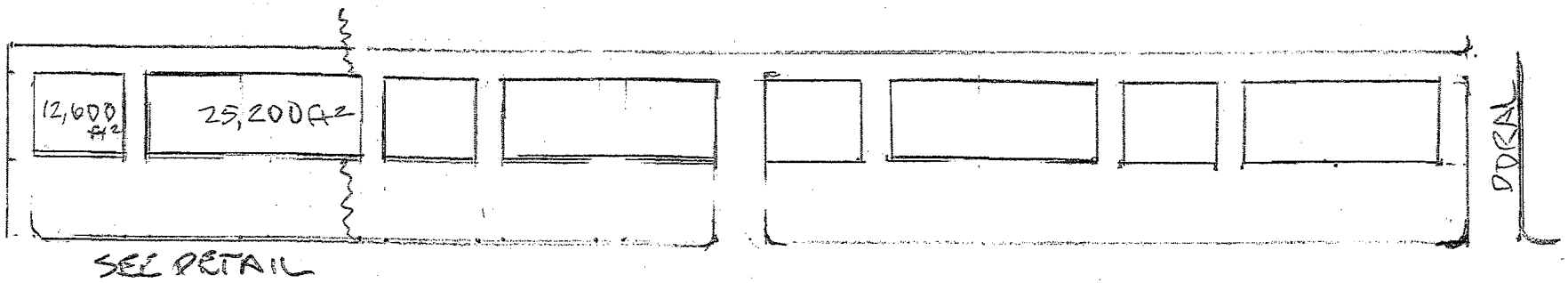
Parcel 12-047-0247

SunQuest Development LC

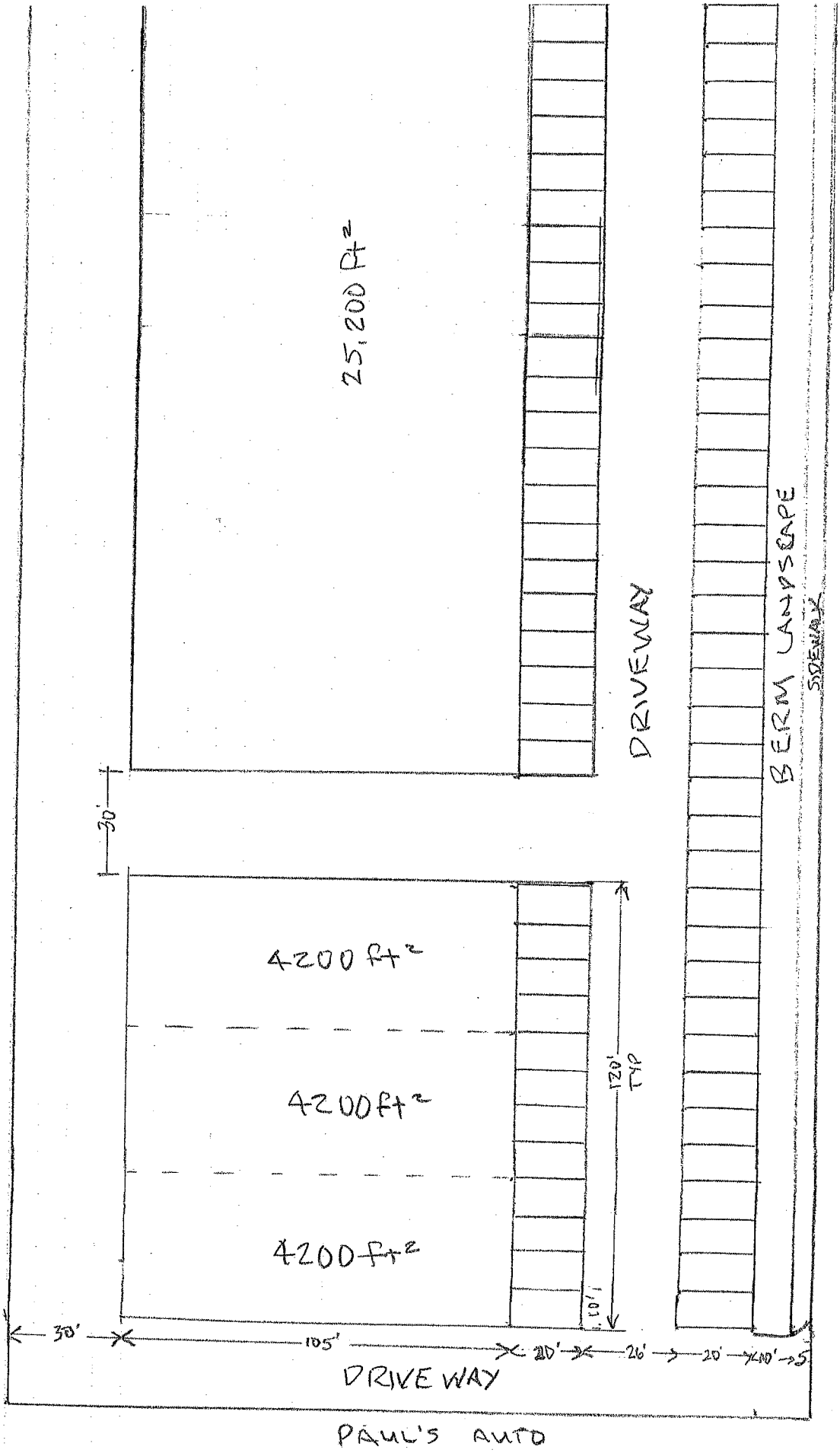
The current plan and zone for this parcel is Professional Office. This parcel is situated along 1700 South between Doral Dr (3600 West) and Paul's Automotive just east of 4000 West. Requests for buildings to store vehicles used in small businesses such as airduct cleaning, HVAC, carpentry and other similar businesses have come to the property owner's attention. Such buildings are in short supply in Syracuse and only located in the industrial zone on the east side of the City. In meeting with the Community Development Director, Noah Steele, it became apparent that a better zone and use of this property could be accomplished with a change to a Business Park Zone. That would facilitate building several buildings which would be similar in design and architecture as well as be consistent in landscaping, parking and other amenities. The ability to control the streetscape would be enhanced due to the entire parcel being in the ownership of SunQuest Development LC with an owner's association which would require the common areas be maintained and developed in a consistent pattern. Access to this property is available on the west end next to Paul's Automotive, from Doral Dr, and an additional entrance will be requested from UDOT in the center of the parcel. A full size street will be built at that location to allow future development of the property north of this parcel currently utilized as the golf course in the event the golf course is unable to reach a sustainable level of revenue and another use is required. This street would also allow access to this parcel to the west as well as to the east side. Development of the buildings would be in phases beginning at the west end and proceeding east as the market demands. The Business Park zone allows a variety of uses within the area, which will bring much higher potential of utilizing the property in a profitable manner and in a way which will provide an attractive area for the neighbors near the property.

Michael E. McBride,

Manager, SunQuest Development LC.



151,200 ft² TOTAL



75 PARKING STALLS

SCALE 1" = 40'

04/15/2010 12:08 PM

04/15/2010 12:07 PM

COUNCIL AGENDA

August 25, 2015

Agenda Item **i.ii** **General Plan and Rezone Request Professional Office to Business Park Zone**
3600 W 1700 S

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed at Noah Steele, Planner.

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

Attachments:

- Aerial
- General Plan Map
- Applicant Letter
- Conceptual Site Plan
- Public Notice Letter
-

Summary:

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property.

Planning Commission Recommendation:

The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

ORDINANCE NO. 15-16

AN ORDINANCE AMENDING THE EXISTING ZONING MAP OF TITLE X, "SYRACUSE CITY ZONING ORDINANCE", REVISED ORDINANCES OF SYRACUSE, 1971, BY CHANGING FROM (PO) PROFESSIONAL OFFICE ZONE TO (BP) BUSINESS PARK ZONE ON THE PARCEL(S) OF REAL PROPERTY HEREIN DESCRIBED.

WHEREAS, the City has adopted a Zoning Ordinance to regulate land use and development within the corporate boundaries of the City; and

WHEREAS, Chapter Four of the Ordinance authorizes the City Council to amend the number, shape, boundaries, or any area of any zone; and

WHEREAS, a request for rezone has been made; the same has been recommended for approval by the Planning Commission; and a public hearing has been held with the proper notice having been given 10-days prior to the hearing date;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF SYRACUSE DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:

SECTION 1: That the following described real parcels of property in (PO) Professional Office Zone as shown on a zoning map are hereby amended and changed to To (BP) Business Park Zone on the parcel shown accordingly:

A PARCEL OF LAND WH LIES WITHIN THE SW 1/4 OF SEC 8-T4N-R2W, SLM, SD PARCEL BEING MORE PART'LY DESC AS FOLLOWS: BEG AT A PT WH LIES S 89^53'34" E ALG THE S LINE OF SD SEC 8, 383.05 FT & N 0^06'26" E, 33.00 FT FR THE SW COR OF SD SEC 8 & RUN TH N 00^08'48" E, 219.99 FT; TH S 89^53'34" E, 1706.28 FT; TH S 0^06'11" W, 219.99 FT TO A PT ON THE N R/W LINE OF 1700 SOUTH STR; N 89^53'34" W ALG SD R/W LINE, 1706.45 FT TO THE POB. CONT 8.57 ACRES

SECTION 2: Effective Date. This Ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 28th DAY OF JULY, 2015.

SYRACUSE CITY

ATTEST:

_____ _____

Cassie Z. Brown, City Recorder Mayor Terry Palmer

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Peterson	____	_____
Councilmember Lisonbee	____	_____
Councilmember Duncan	____	_____
Councilmember Johnson	____	_____
Councilmember Gailey	____	_____

General Plan Amendment
3600 W 1700 S

Mayor
Terry Palmer

City Council
Brian Duncan
Mike Gailey
Craig Johnson
Karianne Lisonbee
Douglas Peterson

City Manager
Brody Bovero

July 10, 2015

The City has received a General Plan and Rezone request for the Business Park Zone, requested by Sunquest Development, property located approximately 3600 W 1700 S. The Planning Commission will consider this request in their regular meeting, beginning at 6 p.m., in the City Hall Council Chambers on **July 21 2015.**

In accordance with Syracuse City Land Use Ordinance 10-4-050(C), we are providing you notice of this request as a land owner within a 300-foot radius of the subject property. This is a Public Hearing, and you are welcome to attend and provide comments regarding this request, if you so desire, or submit them in writing to the email or mailing address below.

If you are uncertain as to the impact or ramifications of this proposal and would like more information; please feel free to call or stop in during regular business hours, between 8 a.m. and 5 p.m., Monday through Friday.

Respectfully,

Syracuse City

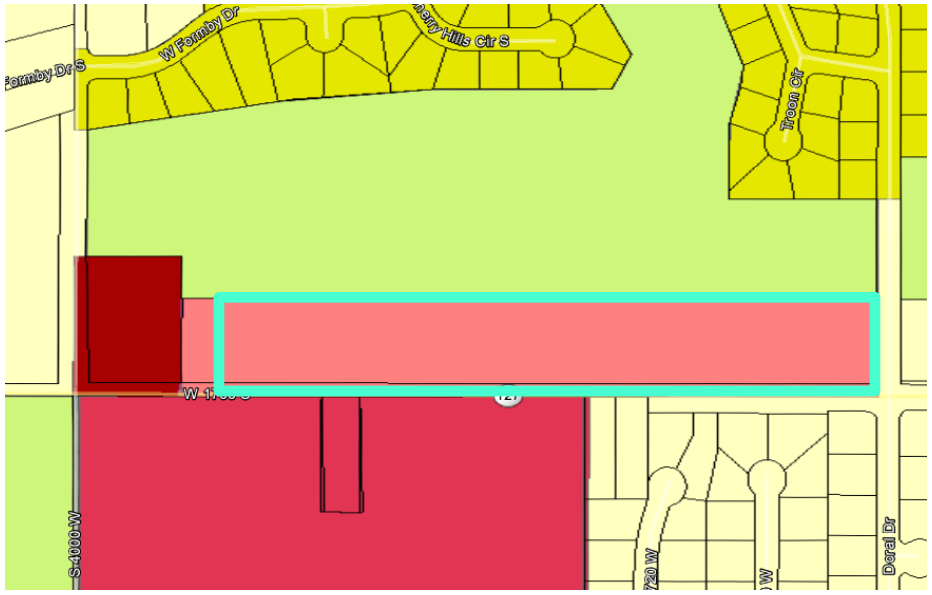
Community Development Department
Phone and/or Fax: 801-614-9632
Email: jschow@syracuseut.com

js

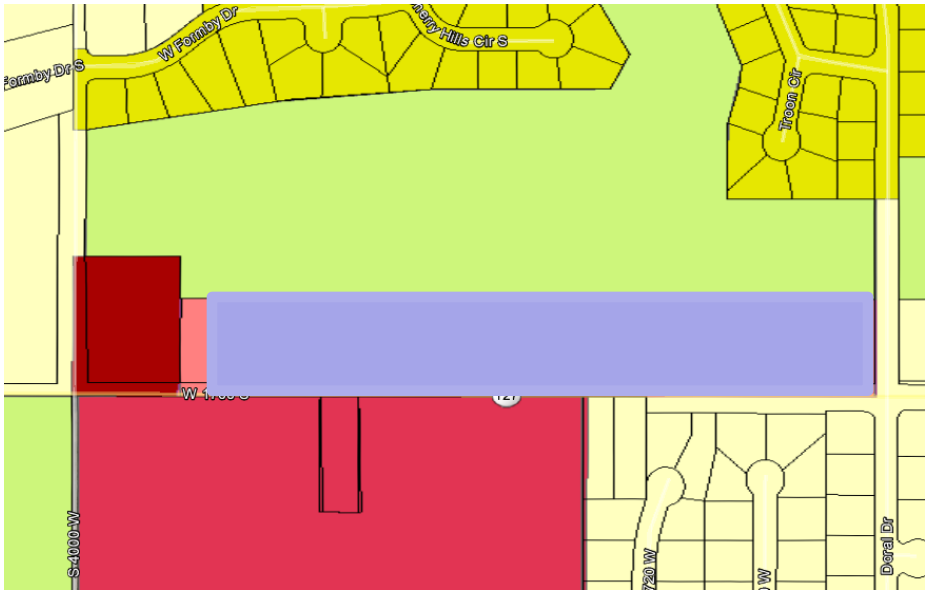
General Plan and Rezone Amendment
Professional Office to Business Park Zone
3600 W 1700 S

N

Current General Plan



Proposed General Plan



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General Plan Amendment

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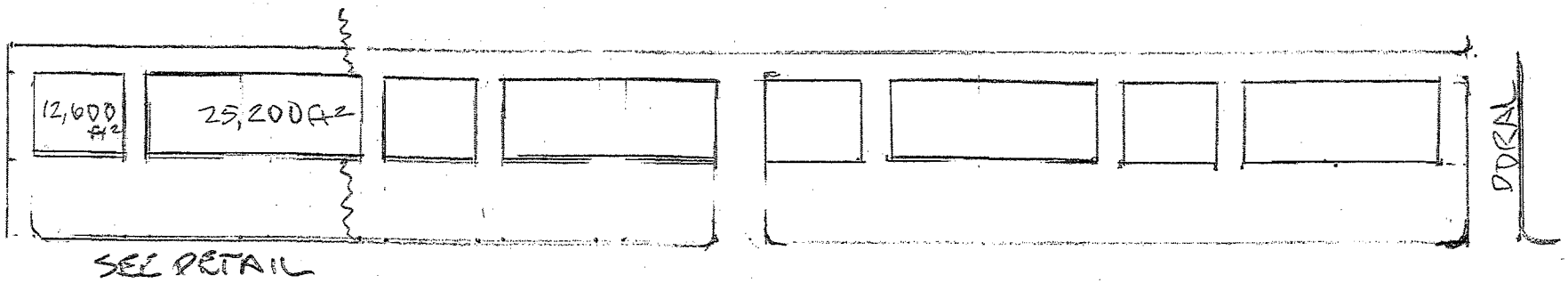
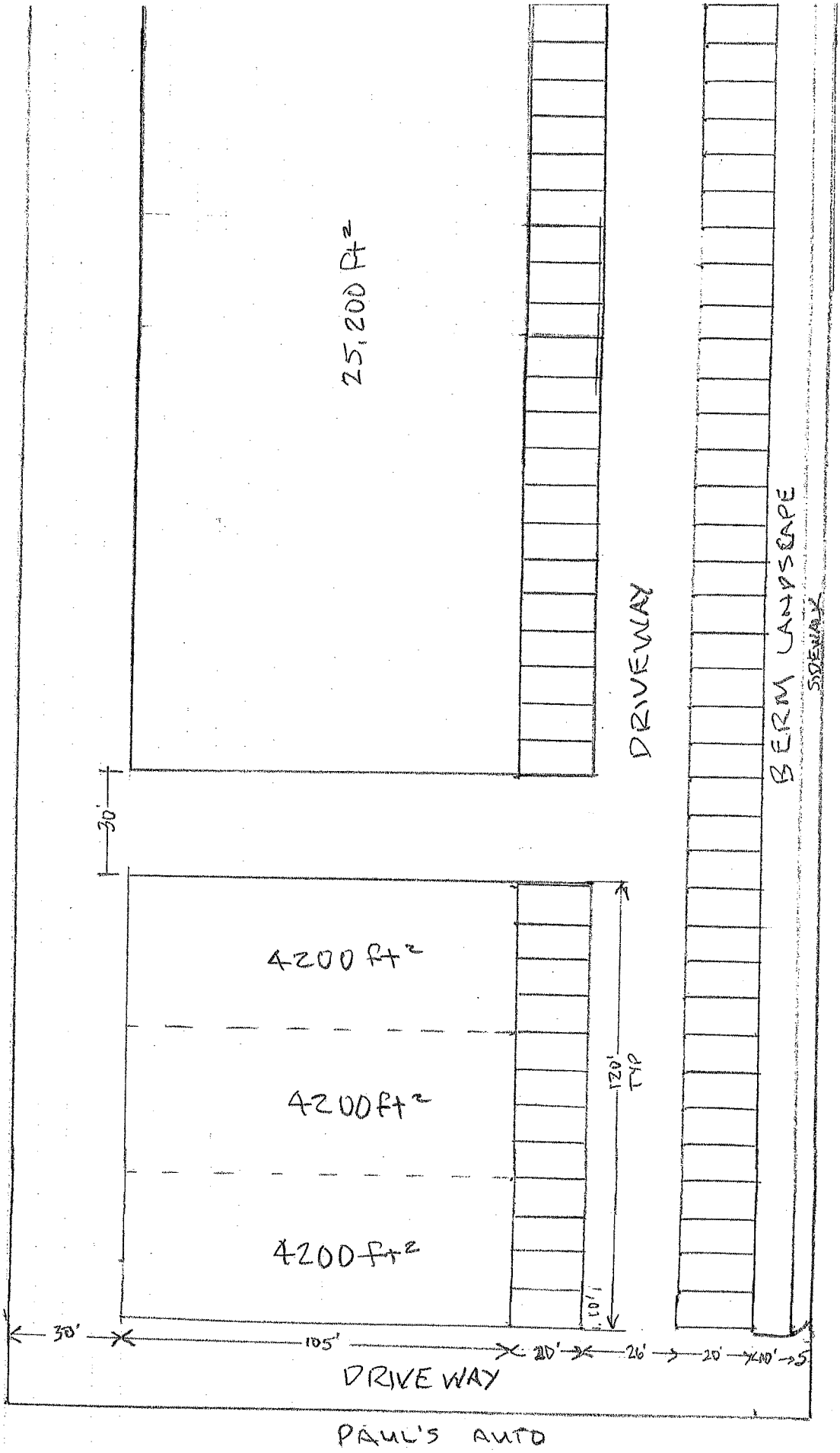
Michael E. McBride,

Manager, SunQuest Development LC.



151,200 ft² TOTAL



75 PARKING STALLS

SCALE 1" = 40'

04/15/2010 12:08 PM

04/15/2010 12:07 PM

SYRACUSE CITY

Syracuse City Council Special Meeting Agenda **AMENDED**
August 25, 2015 – immediately following the City Council work session, which begins at 6:00 p.m.
City Council Conference Room
Municipal Building, 1979 W. 1900 S.

1. Meeting called to order

2. Approval of minutes:
   a. Work Session of July 28, 2015
   b. Special Meeting of July 28, 2015

3. Proposed Resolution R15-27 appointing Susan Pehrson to Syracuse City Disaster Preparedness Committee with her term expiring June 30, 2018.

4. Canvass and consideration of certification of the results of Syracuse City Primary Election held August 11, 2015. *(roll call vote)*

5. Proposed Resolution R15-24 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 3600 W. 1700 S. from Professional Office to Business Park.

6. Proposed Ordinance 2015-16 amending the existing zoning map of Title Ten by changing from Professional Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S.

7. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property (roll call vote).

8. Adjourn.

~~~~~

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 24th day of August, 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 August 24, 2015.

CASSIE Z. BROWN, CMC
SYRACUSE CITY RECORDER
~~~~~

COUNCIL AGENDA

August 25, 2015

Agenda Item **#2** Approval of Minutes.

Factual Summation

- Please see the draft minutes of the following meeting(s):
    a. Work Session Meeting of July 28, 2015.
    b. Special Meeting of July 28, 2015.

- Any question regarding this agenda item may be directed at Cassie Brown, City Recorder.

DRAFT

Minutes of the Syracuse City Council Work Session Meeting, July 28, 2015

Minutes of the Work Session meeting of the Syracuse City Council held on July 28, 2015, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson

Mayor Terry Palmer
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
City Attorney Clint Drake
Finance Director Steve Marshall
Public Works Director Robert Whiteley
Community and Economic Development Director Brigham Mellor
Fire Chief Eric Froerer
Parks and Recreation Director Kresta Robinson

The purpose of the Work Session was to receive public comments; review items forwarded by the Planning Commission:

- Proposed Resolution R15-24 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 3600 W. 1700 S. from Professional Office to Business Park.
- Proposed Ordinance 2015-16 amending the existing zoning map of Title Ten by changing from Professional Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S.
- Proposed Resolution R15-25 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 1373 S. 2000 W. from R-1 Residential to Professional Office.
- Proposed Ordinance 2015-17 amending the existing zoning map of Title Ten by changing from R-1 Residential to Professional Office Zone (PO) the parcel of property located at approximately 1373 S. 2000 W.

- Final Subdivision Approval, Spring Haven Estates located at 1840 S. 3475 W., R-1 Zone, applicant Josh Hughes.
- Final Subdivision Approval, Trails Edge Phase 3-5 located at 3500 W. 700 S., R-3 Zone, applicant Mark Sandberg.
- Final Subdivision Approval, Tivoli Gardens Phase 2 located at 1875 S. 1000 W., R-3 Zone, applicant Wright Development Group.

Discuss RDA tax rebate payment to Syracuse Family Fun Center aka The Rush Funplex; review special meeting agenda item 10 and discuss a potential waiver of overage charges for culinary water utility bill; and discuss Council business.

Councilmember Lisonbee offered an invocation; Councilmember Peterson led the audience in the pledge of allegiance.

6:04:55 PM

Public comments

6:05:26 PM

TJ Jensen asked that the City Council provide residents with the option to make public comments at the beginning of the City Council special meeting. He then stated that he noticed the City is drafting a letter to the Utah Department of Transportation (UDOT) in regards to the West Davis Corridor. He noted he reviewed the version included in the Council packet and his impression is that the language in the letter is rather weak; it indicates that the City is not happy with the project, but will not stand in the way of it. He stated there are many citizens along Bluff Road that will be majorly impacted and at the very least the footprint of the road needs to be reduced significantly. He stated the road will divide the City unnecessarily and, though it will reduce commute time for Syracuse residents travelling to Salt Lake City for work, it would be more appropriate to consider creating more jobs in Davis County so that people are not required to commute. He stated there is an entire corridor along State Road 193 that could accommodate new job centers. He stated he feels UDOT needs to consider other options.

6:07:34 PM

Review items forwarded by the Planning Commission: Proposed Resolution R15-24 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 3600 W. 1700 S. from Professional Office to Business Park.

A staff memo from the Community and Economic Development (CED) Department provided the following information regarding the application:

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property. The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

6:07:58 PM

CED Director Mellor reviewed the staff memo.

6:09:45 PM

Councilmember Lisonbee inquired as to the use the property owner wishes to locate on the property that cannot be accommodated by the current professional office zoning. Mr. Mellor stated the applicant has indicated he has plans for inside material storage; there would be smaller storage spaces located on the property. Councilmember Lisonbee stated she has spoken with many residents living in the vicinity of the property and none of them received notification that the City would be considering

this application; she stated that the Glenn Eagle Golf Course may create a large enough barrier that nearby homeowners are not located within 300 feet of the subject property and that is why they did not receive notifications. She stated many residents were also very upset when Paul's Auto was located in the area because they have built upscale homes in a residential neighborhood. She reviewed uses allowed in the business park zone and if she lived near the subject property she would be opposed to many of those uses near her home. She stated she would recommend tabling this item until the next meeting when the applicant is in attendance to provide more information about his development plant. Councilmember Johnson agreed and stated that the proposed use does not seem to fit the flavor of the area. The Mayor, Council and staff had a brief general discussion about optional actions this evening, ultimately concluding to table consideration of the application, as well as the following item on the agenda as the two applications go hand-in-hand, until it is possible to gather additional information.

6:16:18 PM

Review items forwarded by the Planning Commission: Proposed Ordinance 2015-16 amending the existing zoning map of Title Ten by changing from Professional Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property. The Planning Commission moved to recommend unanimous approval to the City Council of the

General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

This item was tabled to allow staff to gather more information from the applicant.

6:16:25 PM

Review items forwarded by the Planning Commission: Proposed Resolution R15-25 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 1373 S. 2000 W. from R-1 Residential to Professional Office.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	To be determined
Location:	1373 S 2000 W
General Plan:	Neighborhood Services
Requested General Plan:	Professional Office
Current Zone:	R-1 Residential
Requested Zone:	Professional Office
Total Area:	0.33 acres

The applicant has been fortunate to acquire additional land adjacent to his and has applied to amend the general plan and zoning to match his existing property. The applicant would like to build an assisted living center and has included a concept site plan. The Planning Commission moved to recommend approval to the City Council of the General Plan change from Neighborhood Service to Professional Office and Rezone from R-1 Residential to Professional Office , Erik Craythorne, property located at approximately 1373 S 2000 W, subject to all applicable requirements of the City's municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

6:16:44 PM

CED Director Mellor reviewed the staff memo, after which the Council briefly discussed the zoning of properties adjacent to the subject property.

6:17:50 PM

Review items forwarded by the Planning Commission: Proposed Ordinance 2015-17 amending the existing zoning map of Title Ten by changing from R-1 Residential to Professional Office Zone (PO) the parcel of property located at approximately 1373 S. 2000 W.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	To be determined
Location:	1373 S 2000 W
General Plan:	Neighborhood Services
Requested General Plan:	Professional Office
Current Zone:	R-1 Residential
Requested Zone:	Professional Office
Total Area:	0.33 acres

The applicant has been fortunate to acquire additional land adjacent to his and has applied to amend the general plan and zoning to match his existing property. The applicant would like to build an assisted living center and has included a concept site plan. The Planning Commission moved to recommend approval to the City Council of the General Plan change from Neighborhood Service to Professional Office and Rezone from R-1 Residential to Professional Office, Erik Craythorne, property located at approximately 1373 S 2000 W, subject to all applicable requirements of the City's municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

6:18:01 PM

CED Director Mellor reviewed the staff memo.

6:18:56 PM

Review items forwarded by the Planning Commission: Final Subdivision Approval, Spring Haven Estates located at 1840 S. 3475 W., R-1 Zone, applicant Josh Hughes.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	Spring Haven
Location:	1840 S 3475 W
Current Zoning:	R-1 Residential
Total Area:	3.1 Acres
Net Developable Acres:	2.48 acres
Density Allowed:	7 lots
Density Requested:	7 lots

Public Meeting Outline

Concept Plan Review	May 6, 2014
Concept Plan Report PC	May 19, 2015
Concept Plan Report CC	May 26, 2015
Preliminary Plan PC	June 2, 2015
Preliminary Plan CC	June 9, 2015
Final Plan PC	July 21, 2015

The Planning Commission moved to recommend approval of the final subdivision plan for Spring Haven Estates located at approximately 1840 S 3475 W, R-1 Zone, subject to all applicable requirements of the City's municipal codes and city staff reviews with a unanimous vote on July 21, 2015.

6:19:10 PM

CED Director Mellor reviewed the staff memo.

6:19:10 PM

Review items forwarded by the Planning Commission: Final Subdivision Approval, Trails Edge Phase 3-5 located at 3500 W. 700 S., R-3 Zone, applicant Mark Sandberg.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Zone:	R-3 Residential
Applicant:	Mark Sandberg
Phase 3	
Acreage	4.466
Net Developable Acreage	3.573
Allowed lots	19
Proposed lots	15
Phase 4	
Acreage	3.555
Net Developable Acreage	2.844
Allowed lots	15
Proposed lots	14
Phase 5	

Acreage	5.961
Net Developable Acres:	4.769
Allowed Lots (5.44 units/acre)	25
Proposed Lots	19

Public Meeting Outline

General Plan Amendment Approval	
Planning Commission	April 15, 2014
City Council	May 13, 2014
Rezone R-3 Approval	
Planning Commission	June 3, 2014
City Council	June 10, 2014
Rezone R-1 Approval	
Planning Commission	July 1, 2013
City Council	July 8, 2014
Sketch Plan Approval	June 17, 2014
Preliminary Plan Approval	August 19, 2014
Final Plan Approval	July 21, 2015

The Planning Commission moved to recommend approval to the City Council of the Trails Edge Phase 3-5 Final Plan, Mark Sandberg, property located at approximately 3250 W 700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

6:19:16 PM

CED Director Mellor reviewed the staff memo.

6:19:23 PM

Review items forwarded by the Planning Commission: Final Subdivision Approval, Tivoli Gardens Phase 2 located at 1875 S. 1000 W., R-3 Zone, applicant Wright Development Group.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Development:	Tivoli Gardens Phase 2
Location:	1000 W 1900 S
Zone:	R-3 Residential
Applicant:	Wright Development Group
Acreage	9.53
Net Developable Acreage	7.624
Allowed lots	41
Proposed lots	34

Public Meeting Outline

General Plan Approval	
Planning Commission	March 4, 2014
City Council	May 10, 2014
Rezone Approval	
Planning Commission	April 1, 2014
City Council	April 8, 2014
Sketch Plan Approval	April 1, 2014
Preliminary Plan Approval	May 6, 2014
Final Plan Approval PC	July 21, 2015

The Planning Commission moved to recommend approval of the Tivoli Gardens Phase 2 Final Plan request from Wright Development Group and Associates, located at approximately 1000 W 1900 S, R-3 Residential Zone, subject to all applicable requirements of the City's municipal codes with a unanimous vote on July 21, 2017.

6:19:38 PM

CED Director Mellor reviewed the staff memo.

6:20:22 PM

Discussion RDA tax rebate payment to Syracuse Family Fun Center aka The Rush Funplex.

A memo from the Finance Director explained the RDA board entered into a contract with the Syracuse Family Fun Center a.k.a. The Rush Funplex on April 11, 2013. As part of this agreement, the Rush agreed to expand its facilities by adding a pool, go-carts, and extra amenities. This expansion was estimated to bring an increase in taxable value of $6,000,000. In return, the RDA board agreed to rebate a portion of the property taxes paid by the Rush over a period of 20 years. The contract stipulates that if the value added to the RDA is less than $6,000,000, then a proportionate share of the tax rebate would be paid. The Rush Funplex parcel ID was 12-726-0001 in CY2013 and had a total assessed value of $2,900,000. The Rush amended its parcel ID and combined 2 separate parcels and created a new parcel ID 12-780-0001 for the CY2014 tax year. The total current value assessed on this parcel ID is $6,330,000. The net increase in value added is $3,430,000. This means that the proportionate share of the rebate payment that will be owed to Syracuse Family Fun Center in the future is 57.2% of the amounts stipulated in the contract. For example, for the CY2015 tax year that will be paid in April of 2016, the amount in the contract stipulates $168,000. If you take 57.2% X 168,000 = $96,096.00. I have also calculated the estimated benefit that the Rush FunPlex and other Gertge owned properties generate in the RDA as follows:

Parcel ID	**Assessed Value**
127800001	$6,330,000
127260002	$1,880,000
127260003	$203,856
127260005	$560,000
Total Gertge Properties	**$8,973,856**
Total of All RDA Prop.	**$27,404,231**
% of Total RDA Value	**32.75%**

The total estimated value added increment over the remaining years of the RDA is = $1,406,674.64. The total estimated rebate to the Rush Funplex over the remaining years of the RDA = $1,391,952. This is taking into account the adjustment to the 57.2% for actual value added. Ed Gertge, owner of the Rush FunPlex, is requesting a possible discussion about amendments to the contract in order to front load the rebate payments over the next few years. The memo concluded staff recommends the Council discuss potential amendments to the contract and/or the possibility of front loading future rebate payments.

6:20:36 PM

Finance Director Marshall reviewed the staff memo, after which Mr. Gertge approached and summarized the reason for his request to be on the agenda; he indicated he is seeking an amendment to his contract to front load funding that would otherwise be spread over a longer term. He noted the revenues of the FunPlex are not tracking with what was projected in the feasibility study and proforma for the project; he has looked at options for increasing business, but he still needs additional help. He provided an overview of the efforts he has made to attract interest and new events to the facility, but noted that he believes he will still lose money over August, September, and October this year.

6:28:42 PM

Mayor Palmer inquired as to the amount of funding Mr. Gertge would like to have front loaded. Mr. Gertge stated he and Mr. Marshall have not discussed actual numbers, but he is seeking something that will help cover his losses for the next three months. Mr. Marshall stated it his understanding that those losses could be approximately $55,000 to $60,000 over the remainder of the calendar year. Mayor Palmer asked how that would impact the agreement. Mr. Marshall indicated the City Council would need to amend the contract to amend the payment schedule to allow for front loading. Discussion then centered on Mr. Gertge's assets and what assets have already been disposed of to cover costs associated with the FunPlex.

6:31:42 PM

The Council then engaged in discussion and debate regarding Mr. Gertge's request, with a focus on whether the addition of the pool has provided a benefit to the remainder of the businesses located in the Redevelopment Agency (RDA) area. Mr. Gertge noted many businesses in the town center have seen an increase in business. Mr. Marshall noted point of sale tax revenue has increased City-wide over the prior year, but he is not sure of the increased business that stores in the town center have experienced.

6:36:06 PM

Councilmember Lisonbee asked if the RDA fund balance after making the proposed payment to Mr. Gertge would be $323,594, to which Mr. Marshall answered yes. Councilmember Lisonbee asked if any other businesses in the RDA have asked for access to that funding. City Manager Bovero noted that one other business has discussed potentially seeking RDA assistance, but they have made no formal proposal; the level of participation they were discussion would not jeopardize the RDA fund balance.

6:37:00 PM

Councilmember Duncan expressed his concerns regarding the request and about the RDA participating in the pool project to begin with. He stated that he reluctantly voted in favor of the initial agreement and he is now disappointed that the business is experiencing a loss and Mr. Gertge is asking that the City 'bail him out'. Mr. Gertge stated that pools are a very difficult venture and he feels his business is much better off after one year of operation than many other similar businesses. He stated he and his family are committed to do what it takes to make the business a success and he is hopeful the pool will get to the point of breaking even while the remainder of the FunPlex generates a profit.

6:42:06 PM

Mayor Palmer refocused the discussion on Mr. Gertge's request and noted that staff will do additional work on the request and follow up with the Council for a final decision.

6:42:53 PM

Review agenda item 10: Consideration of letter to the Utah Department of Transportation re: the West Davis Corridor Project.

A memo from the City Manager explained at the July 14th City Council meeting, the Council expressed a desire to discuss the West Davis Corridor in preparation of the expected Record of Decision by UDOT, and possibly review, reaffirm, or edit the previous letter issued by the City regarding the Shared Solutions alternative. In a meeting with Councilmember Lisonbee and Mayor Palmer, it was decided that the best course of action would be to discuss the West Davis Corridor and

address the upcoming issues related to the expected Record of Decision. Councilmember Lisonbee asked the other Councilmembers to send their comments to the City Manager in order to provide direction in the drafting of a letter to UDOT. Based on the input received from Councilmembers Lisonbee and Gailey as of Wednesday, July 22nd, City Manager Brody Bovero has drafted the attached letter for the Council's consideration. Also included for reference are the minutes of the March 10 City Council meeting during which a similar item was discussed. The initial letter read as follows:

Carlos M. Braceras, Director
Utah Department of Transportation
4501 South 2700 West
Salt Lake City, Utah 84114

Randy Jefferies, Project Manager
UDOT West Davis Corridor EIS
466 North 900 West
Kaysville, Utah 84037

Re: West Davis Corridor

Dear Mr. Braceras and Mr. Jefferies,

In light of the expected Record of Decision for the West Davis Corridor, the Syracuse City Council would like to present its strongly held concerns regarding the impact of the highway through our City.

The impacts of a limited access highway through the middle of our City will no doubt create a physical division in our community, making it more difficult for our residents, both young and old, to traverse across neighborhoods as they have been able to for decades. If an alternative exists that would provide the regional transportation need without a limited access highway, the City would be interested in this. While the City did not agree with all of the Shared Solutions alternative, and in particular the assumed requirement that the City would effectively forfeit its

future land use decision-making powers to make it happen, the idea of an alternative to the highway is of interest to this City Council.

The City respects UDOT and the NEPA process, and recognizes that the decision of the WDC rests with the State. Should the highway alternative be chosen, the City will be supportive; but with grave concerns regarding the impacts to our neighborhoods as it relates to noise, unsightly road design and landscaping, exhaust, and accessibility across the highway.

In addition, Syracuse City has made a substantial investment it its trail systems and bike route program to make it one of the most bike and pedestrian friendly cities in Davis County. Included in these trail systems are the associated natural landscapes and views of west Davis County and Antelope Island, which has become an iconic hallmark of our City and a draw to our City that provides economic benefits. Through careful design, it is our expectation that UDOT will incorporate and protect these resources along with the implementation of a highway.

While Syracuse City will accept the highway if such decision is made, this City Council has an expectation that UDOT will not only construct the highway with great sensitivity to Syracuse City, but to all the communities that will be bisected by its structure.

Syracuse City will continue to encourage UDOT, the State Legislature, and the other affected cities, to work together in ensuring that the roadway design mitigates the potential negative impacts typically brought by a limited-access highway.

The City Council desires to continue working with the surrounding municipalities in a cooperative manner to solve land use and transportation issues. A large transportation investment such as the proposed West Davis Highway would become a lasting landmark on this region. We owe it to ourselves and future generations to ensure that such a structure is built with the appropriate sensitivities in mind.

Respectfully submitted,

Terry Palmer

Mayor, Syracuse City

Cc: State Senator Jerry Stevenson

State Representative Curtis Oda

State Representative Brad R. Wilson

Davis County Commission

Weber County Commission

Mayor and Council of Centerville City

Mayor and Council of Farmington City

Mayor and Council of Layton City

Mayor and Council of Kaysville City

Mayor and Council of West Point City

Mayor and Council of Clinton City

Mayor and Council of Roy City

Mayor and Council of Hooper City

6:43:14 PM

The Council engaged in a discussion regarding the letter included in the packet and offered recommendations for amending the letter to strengthen the message and the City's position. They concluded to continue discussion of the item during the special business meeting prior to taking action on the item.

Council business

There was no Council business.

The meeting adjourned at 7:04 p.m.

_____	_____
Terry Palmer	Cassie Z. Brown, CMC
Mayor	City Recorder

Date approved: _____

DRAFT

Minutes of the Syracuse City Council Special Meeting, July 28, 2015

Minutes of the Special meeting of the Syracuse City Council held on July 28, 2015, at 7:10 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Doug Peterson

Mayor Terry Palmer
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
Finance Director Steve Marshall
City Attorney Clint Drake
Public Works Director Robert Whiteley
Acting Community and Economic Development Director Noah Steele

7:10:46 PM

1. Meeting Called to Order

Mayor Palmer called the meeting to order at p.m.

7:11:08 PM

COUNCILMEMBER LISONBEE MADE A MOTION TO AMEND THE AGENDA BY ADDING PUBILC COMMENTS, REMOVING ITEMS THREE AND FOUR, AND TO ADOPT THE AGENDA WITH THOSE CHANGES. COUNCILMEMBER PETERSON SECONDED THE MOTION.

7:11:50 PM

Public comments

7:12:07 PM

TJ Jensen referenced the discussion that took place during the works session regarding the West Davis Corridor and indicated he understands the preference for a north/south corridor. He stated one item discussed during the Shared Solution meetings was a smaller corridor that would connect to 950 North in Farmington where Shepherd Lane is; Farmington has preserved a 150 foot corridor in that area specifically for the purpose of another road. He stated that a road similar to the road that leads from Stansbury Park in Tooele, which is a five lane road that is 150 feet or less wide, would easily fit in that corridor and he suggested Syracuse consider something similar. He then stated that during the preparation of the

transportation master plan the consultant was asked to prepare data with and without consideration of the West Davis Corridor project and without the road the traffic on Bluff Road would only increase from 4,000 to 6,000 vehicles, which is not that big of an increase. He stated that it may be an option to widen Bluff Road and then provide a separate access road for residents living on Bluff Road so that they can back out of their property safely before heading either direction on the road. He stated he feels there are many great solutions available and noted that he feels it is wise to widen east/west corridors because he does not think it is good to split the business centers in the City more than they already are.

7:14:20 PM

Ray Zaugg stated that it is his belief that the extension of Layton Parkway to the west, which will ultimately connect to Bluff Road, there will be much more than 6,000 vehicles as was shown in the transportation study. He stated he agrees with Councilmember Gailey's comments during the work session that lifelong residents of the City have always known there would be a north/south road in the vicinity of Bluff Road and they have planned accordingly. He stated he disagrees that the West Davis Corridor would not promote new business and business traffic because cars will avoid Interstate 15 and will patronize businesses along the West Davis Corridor. He stated he has noticed that many people exit Interstate 15, travel down Antelope Drive, and head north on 2000 West because they want to avoid the congestion on the freeway. He then stated there are also many safety concerns associated with Freeport Center and if there were an environmental contamination in that area Syracuse Residents would only be able to travel north or south to get around it and he feels a scaled down freeway with reduced speeds is appropriate for Syracuse. He stated that it will ultimately be necessary to widen the east/west corridors in the City eventually, but while the opportunity is present the City should support the West Davis Corridor project and participate in the design of the project to ensure that it is something suitable for Syracuse.

7:17:11 PM

2. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session of May 26, 2015, the Work Session, Regular Meeting of June 9, 2015, the Work Session and Special Meeting of June 23, 2015, the Special Meeting of June 25, 2015, and the Work Session and Regular Meeting of July 14, 2015.

7:17:44 PM

COUNCILMEMBER GAILEY MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Proposed Resolution R15-24 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 3600 W. 1700 S. from Professional Office to Business Park.

This item was removed from the agenda.

4. Proposed Ordinance 2015-16 amending the existing zoning map of Title Ten by changing from Professional Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S..

This item was removed from the agenda.

7:18:13 PM

5. Proposed Resolution R15-25 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 1373 S. 2000 W. from R-1 Residential to Professional Office.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	To be determined
Location:	1373 S 2000 W
General Plan:	Neighborhood Services
Requested General Plan:	Professional Office
Current Zone:	R-1 Residential

Requested Zone: Professional Office

Total Area: 0.33 acres

The applicant has been fortunate to acquire additional land adjacent to his and has applied to amend the general plan and zoning to match his existing property. The applicant would like to build an assisted living center and has included a concept site plan. The Planning Commission moved to recommend approval to the City Council of the General Plan change from Neighborhood Service to Professional Office and Rezone from R-1 Residential to Professional Office, Erik Craythorne, property located at approximately 1373 S. 2000 W., subject to all applicable requirements of the City's municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

7:18:48 PM

COUNCILMEMBER DUNCAN MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-25 AMENDING THE SYRACUSE CITY GENERAL PLAN LAND USE MAP ADOPTED IN 1976, AS AMENDED, BY CHANGING THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 1373 S. 2000 W. FROM R-1 RESIDENTIAL TO PROFESSIONAL OFFICE. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

7:19:31 PM

6. Proposed Ordinance 2015-17 amending the existing zoning map of Title Ten by changing from R-1 Residential to Professional Office Zone (PO) the parcel of property located at approximately 1373 S. 2000 W..

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name: To be determined

Location: 1373 S 2000 W

General Plan: Neighborhood Services

Requested General Plan: Professional Office

Current Zone: R-1 Residential

Requested Zone: Professional Office

Total Area: 0.33 acres

The applicant has been fortunate to acquire additional land adjacent to his and has applied to amend the general plan and zoning to match his existing property. The applicant would like to build an assisted living center and has included a concept site plan. The Planning Commission moved to recommend approval to the City Council of the General Plan change from Neighborhood Service to Professional Office and Rezone from R-1 Residential to Professional Office, Erik Craythorne, property located at approximately 1373 S. 2000 W., subject to all applicable requirements of the City's municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

7:19:48 PM

COUNCILMEMBER DUNCAN MADE A MOTION TO ADOPT PROPOSED ORDINANCE 2015-17 AMENDING THE EXISTING ZONING MAP OF TITLE TEN BY CHANGING FROM R-1 RESIDENTIAL TO PROFESSIONAL OFFICE ZONE (PO) THE PARCEL OF PROPERTY LOCATED AT APPROXIMATLEY 1373 S. 2000 W. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED AYE.

7:20:09 PM

7. Final Subdivision Approval, Spring Haven Estates located at 1840 S. 3475 W., R-1 Zone, applicant Josh Hughes.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	Spring Haven
Location:	1840 S 3475 W
Current Zoning:	R-1 Residential
Total Area:	3.1 Acres
Net Developable Acres:	2.48 acres
Density Allowed:	7 lots
Density Requested:	7 lots

Public Meeting Outline

Concept Plan Review	May 6, 2014
Concept Plan Report PC	May 19, 2015
Concept Plan Report CC	May 26, 2015
Preliminary Plan PC	June 2, 2015
Preliminary Plan CC	June 9, 2015
Final Plan PC	July 21, 2015

The Planning Commission moved to recommend approval of the final subdivision plan for Spring Haven Estates located at approximately 1840 S. 3475 W., R-1 Zone, subject to all applicable requirements of the City's municipal codes and city staff reviews with a unanimous vote on July 21, 2015.

7:20:19 PM

COUNCILMEMBER DUNCAN MADE A MOTION TO GRANT FINAL SUBDIVISION APPROVAL FOR SPRING HAVEN ESTATES LOCATED AT APPROXIMATELY 1840 S. 3475 W., R-1 ZONE, APPLICANT JOSH HUGHES. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

7:20:40 PM

8. Final Subdivision Approval, Trails Edge Phase 3-5 located at 3500 W. 700 S., R-3 Zone, applicant Mark Sandberg.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Zone:	R-3 Residential
Applicant:	Mark Sandberg
Phase 3	
Acreage	4.466
Net Developable Acreage	3.573
Allowed lots	19
Proposed lots	15
Phase 4	

Acreage	3.555
Net Developable Acreage	2.844
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Phase 5	
Acreage	5.961
Net Developable Acres:	4.769
Allowed Lots (5.44 units/acre)	25
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General Plan Amendment Approval	
Planning Commission	April 15, 2014
City Council	May 13, 2014
Rezone R-3 Approval	
Planning Commission	June 3, 2014
City Council	June 10, 2014
Rezone R-1 Approval	
Planning Commission	July 1, 2013
City Council	July 8, 2014
Sketch Plan Approval	June 17, 2014
Preliminary Plan Approval	August 19, 2014
Final Plan Approval	July 21, 2015

The Planning Commission moved to recommend approval to the City Council of the Trails Edge Phase 3-5 Final Plan, Mark Sandberg, property located at approximately 3250 W. 700 S., subject to all applicable requirements of the City's municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

7:21:05 PM

COUNCILMEMBER DUNCAN MADE A MOTION TO GRANT FINAL SUBDIVISION APPROVAL FOR TRAILS EDGE PHASES 3-5 LOCATED AT 3500 W. 700 S., R-3 ZONE, APPLICANT MARK SANDBERG. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

7:21:26 PM

9. Final Subdivision Approval, Tivoli Gardens Phase 2 located at 1875 S. 1000 W., R-3 Zone, applicant Wright Development Group.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Development:	Tivoli Gardens Phase 2
Location:	1000 W 1900 S
Zone:	R-3 Residential
Applicant:	Wright Development Group
Acreage	9.53
Net Developable Acreage	7.624
Allowed lots	41
Proposed lots	34

Public Meeting Outline

General Plan Approval	
Planning Commission	March 4, 2014
City Council	May 10, 2014
Rezone Approval	
Planning Commission	April 1, 2014
City Council	April 8, 2014
Sketch Plan Approval	April 1, 2014
Preliminary Plan Approval	May 6, 2014

Final Plan Approval PC July 21, 2015

The Planning Commission moved to recommend approval of the Tivoli Gardens Phase 2 Final Plan request from Wright Development Group and Associates, located at approximately 1000 W. 1900 S., R-3 Residential Zone, subject to all applicable requirements of the City's municipal codes with a unanimous vote on July 21, 2017.

7:21:39 PM

COUNCILMEMBER DUNCAN MADE A MOTION TO GRANT FINAL SUBDIVISION APPROVAL FOR TIVOLI GARDENS PHASE 2, LOCATED AT APPROXIMATELY 1875 S. 1000 W., R-3 ZONE, APPLICANT WRIGHT GROUP. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

7:22:01 PM

10. Consideration of letter to the Utah Department of Transportation re: the West Davis Corridor Project.

A memo from the City Manager explained at the July 14th City Council meeting, the Council expressed a desire to discuss the West Davis Corridor in preparation of the expected Record of Decision by UDOT, and possibly review, reaffirm, or edit the previous letter issued by the City regarding the Shared Solutions alternative. In a meeting with Councilmember Lisonbee and Mayor Palmer, it was decided that the best course of action would be to discuss the West Davis Corridor and address the upcoming issues related to the expected Record of Decision. Councilmember Lisonbee asked the other Councilmembers to send their comments to the City Manager in order to provide direction in the drafting of a letter to UDOT. Based on the input received from Councilmembers Lisonbee and Gailey as of Wednesday, July 22nd, City Manager Brody Bovero has drafted the attached letter for the Council's consideration. Also included for reference are the minutes of the March 10 City Council meeting during which a similar item was discussed. The initial draft of the letter read as follows:

Carlos M. Braceras, Director
Utah Department of Transportation
4501 South 2700 West
Salt Lake City, Utah 84114

Randy Jefferies, Project Manager

UDOT West Davis Corridor EIS

466 North 900 West

Kaysville, Utah 84037

Re: West Davis Corridor

Dear Mr. Braceras and Mr. Jefferies,

In light of the expected Record of Decision for the West Davis Corridor, the Syracuse City Council would like to present its strongly held concerns regarding the impact of the highway through our City.

The impacts of a limited access highway through the middle of our City will no doubt create a physical division in our community, making it more difficult for our residents, both young and old, to traverse across neighborhoods as they have been able to for decades. If an alternative exists that would provide the regional transportation need without a limited access highway, the City would be interested in this. While the City did not agree with all of the Shared Solutions alternative, and in particular the assumed requirement that the City would effectively forfeit its future land use decision-making powers to make it happen, the idea of an alternative to the highway is of interest to this City Council.

The City respects UDOT and the NEPA process, and recognizes that the decision of the WDC rests with the State. Should the highway alternative be chosen, the City will be supportive; but with grave concerns regarding the impacts to our neighborhoods as it relates to noise, unsightly road design and landscaping, exhaust, and accessibility across the highway.

In addition, Syracuse City has made a substantial investment it its trail systems and bike route program to make it one of the most bike and pedestrian friendly cities in Davis County. Included in these trail systems are the

associated natural landscapes and views of west Davis County and Antelope Island, which has become an iconic hallmark of our City and a draw to our City that provides economic benefits. Through careful design, it is our expectation that UDOT will incorporate and protect these resources along with the implementation of a highway.

While Syracuse City will accept the highway if such decision is made, this City Council has an expectation that UDOT will not only construct the highway with great sensitivity to Syracuse City, but to all the communities that will be bisected by its structure.

Syracuse City will continue to encourage UDOT, the State Legislature, and the other affected cities, to work together in ensuring that the roadway design mitigates the potential negative impacts typically brought by a limited-access highway.

The City Council desires to continue working with the surrounding municipalities in a cooperative manner to solve land use and transportation issues. A large transportation investment such as the proposed West Davis Highway would become a lasting landmark on this region. We owe it to ourselves and future generations to ensure that such a structure is built with the appropriate sensitivities in mind.

Respectfully submitted,

Terry Palmer
Mayor, Syracuse City

Cc: State Senator Jerry Stevenson
State Representative Curtis Oda
State Representative Brad R. Wilson
Davis County Commission
Weber County Commission

Mayor and Council of Centerville City

Mayor and Council of Farmington City

Mayor and Council of Layton City

Mayor and Council of Kaysville City

Mayor and Council of West Point City

Mayor and Council of Clinton City

Mayor and Council of Roy City

Mayor and Council of Hooper City

7:22:20 PM

City Manager Bovero noted that if the Council is interested in voting to authorize the Mayor to execute the letter to UDOT regarding the West Davis Corridor Project, he suggested that they consider the amendments that were discussed during the work session and, if necessary, provide additional suggested amendments following tonight's meeting. He read the changes that were made during the work session meeting. Council discussion and debate regarding the proposed letter ensued, with the Council ultimately directing Mr. Bovero to edit the letter in a manner that contemplates the comments made during the work session and current discussion.

7:30:32 PM

COUNCILMEMBER DUNCAN MADE A MOTION TO DIRECT MAYOR PALMER AND CITY MANAGER BOVERO TO SEND A LETTER TO THE UTAH DEPARTMENT OF TRANSPORTATION RE: THE WEST DAVIS CORRIDOR PROJECT THAT CONTEMPLATES THE COMMENTS MADE DURING THE DISCUSSION. COUNCILMEMBER GAILEY SECONDED THE MOTION.

7:30:56 PM

Council and staff discussion of the motion ensued, with Mr. Bovero indicating that he will send the updated letter to the Council for review and input prior to executing and sending the letter to UDOT. Councilmember Lisonbee added that she would like for the initial and final version of the letter to be included in the minutes for the public record.

7:32:32 PM

Mayor Palmer stated there has been a motion and second regarding the proposed letter and he called for a vote; ALL VOTED IN FAVOR.

7:33:20 PM

Council discussion of the letter continued with a debate regarding whether the Mayor should solely sign the letter or if it should include the signatures of all Councilmembers as well. The Council concluded to close the letter with a statement indicating that the Mayor is signing the letter on behalf of the Council.

**The final letter submitted to UDOT read as follows:

Carlos M. Braceras, Director
Utah Department of Transportation
4501 South 2700 West
Salt Lake City, Utah 84114

Randy Jefferies, Project Manager
UDOT West Davis Corridor EIS
466 North 900 West
Kaysville, Utah 84037

Re: West Davis Corridor

Dear Mr. Braceras and Mr. Jefferies,

In light of the expected Record of Decision for the West Davis Corridor, the Syracuse City Council would like to present its opinions regarding the impact of the highway through our City.

It is well understood that the proposed West Davis Highway will provide both positive and negative impacts to the adjacent communities within the corridor. Our City Council agrees that the City will benefit economically

as businesses will benefit from increased traffic and accessibility. The City is grateful for the hard work and thoughtfulness that UDOT has provided in connection with the corridor selection process.

The City also realizes that, unfortunately, negative impacts come from a highway, especially if there is not sensitive design in its creation. The impacts of a limited access highway through the middle of our City will no doubt create a physical division in our community, making it more difficult for our residents, both young and old, to traverse across neighborhoods as they have been able to for decades.

The City respects UDOT and the NEPA process, and recognizes that the decision of the WDC rests with the State. Should the highway alternative be chosen, the City will be cooperative; but requests that UDOT cooperate with us and the other affected communities in mitigating negative impacts by incorporating measures such as low-noise pavement, limited truck traffic, enhanced landscaping, and other similar features that protect quality of life. Although we have these concerns, we are confident that we can sit down together to create design alternatives that are less intrusive and will work for UDOT and the residents of the affected communities.

A large transportation investment such as the proposed West Davis Highway would become a lasting landmark on this region. We owe it to ourselves and future generations to ensure that such a structure is built with the appropriate sensitivities in mind, and less intrusive alternatives are-considered.

We look forward to working with you to ensure this project will be something of which UDOT and our residents will be proud.

Respectfully submitted on behalf of the Syracuse City Council,

Terry Palmer

Mayor, Syracuse City

Cc: State Senator Jerry Stevenson
State Representative Curtis Oda
State Representative Brad R. Wilson
Davis County Commission
Weber County Commission
Mayor and Council of Centerville City
Mayor and Council of Farmington City
Mayor and Council of Layton City
Mayor and Council of Kaysville City
Mayor and Council of West Point City
Mayor and Council of Clinton City
Mayor and Council of Roy City
Mayor and Council of Hooper City

7:34:35 PM

11. Proposed Resolution R15-26 appointing the Syracuse City Attorney.

An administrative memo explained the Mayor has extended a conditional offer to Paul Roberts for the City Attorney position. This was following two rounds of interviews that involved attorneys from Clearfield and Layton cities, Councilmember Peterson, City Manager Brody Bovero, and Shauna Greer. The second round of interviews also included Councilmember Lisonbee, Mayor Palmer, Cassie Brown, and Garret Atkin.

7:35:05 PM

Mayor Palmer introduced Mr. Roberts to the City Council. Councilmember Johnson asked those that participated in the interview process to provide their reasoning for recommending Mr. Roberts as the appointee. Councilmembers Peterson

and Lisonbee as well as Mayor Palmer indicated they were very supportive of Mr. Roberts based upon his past experience and the fact that he expressed an interest in working for the City long term.

7:38:40 PM

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT RESOLUTION R15-26 APPOINTING THE SYRACUSE CITY ATTORNEY. COUNCILMEMBER PETERSON SECONDED THE MOTION.

7:39:11 PM

Councilmember Duncan stated he is aware that Mayor Palmer and Mr. Bovero were anxious to fill the City Attorney position sooner, but he is glad that the process was delayed because he feels the City has found a good fit. Councilmember Peterson agreed and thanked former City Attorney Clint Drake for continuing to offer his services as a contract employee during the interim. Councilmember Lisonbee also thanked Mr. Drake.

7:39:56 PM

Mayor Palmer indicated there has been a motion and second to adopt the proposed resolution and he called for a vote; ALL VOTED IN FAVOR.

7:40:11 PM

Councilmember Gailey then asked Mr. Roberts to briefly provide information about himself and his background. Mr. Roberts reviewed his educational background and his professional experience as well as provided information about his family. He concluded he is excited to begin working for Syracuse City.

7:42:11 PM

Councilmember reports

Each Councilmember briefly reported on the events and meetings they have participated in since the last City Council meeting. Councilmember Duncan reported that given the cancellation of the August 11 meeting, tonight will be his last official meeting as a City Councilmember; he indicated he is moving to Box Elder County to be closer to his employer and it has become necessary for him to resign his position on the City Council. Each Councilmember thanked Councilmember Duncan for his service as a member of the City Council.

7:49:46 PM

12. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property

COUNCILMEMBER LISONBEE MADE A MOTION TO CONVENE IN A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 7:58 p.m.

The meeting reconvened at 8:31 p.m.

8:32:01 PM

At 8:32 P.M. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

_____
Terry Palmer
Mayor

_____
Cassie Z. Brown, CMC
City Recorder

Date approved: _____

COUNCIL AGENDA
August 25, 2015

Agenda Item **"3"** Disaster Preparedness Committee Appointment

Factual Summation

- Any question regarding this agenda item may be directed at Mayor Palmer.

- The Council recently created a Disaster Preparedness Committee for Syracuse City. The City Code calls for the appointment of seven members, appointed by the Mayor with the advice and consent of the City Council, who will serve a term of three years. To date only six members have been appointed and Mayor Palmer has recommended that Susan Pehrson be appointed to fill the final position on the committee.

- Attached for your review is a proposed resolution making the appointment recommended by Mayor Palmer.

RESOLUTION R15-27

A RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING SUSAN PEHRSON TO THE SYRACUSE CITY DISASTER PREPAREDNESS COMMITTEE.

WHEREAS Title 3 of the Syracuse City Code provides for the establishment of a Disaster Preparedness Committee in Syracuse; and

WHEREAS Section 3.50.020 of the Syracuse City Code calls for the appointment of seven members of who will serve terms of three years; and

WHEREAS Mayor Palmer has recommended the appointment of Susan Pehrson to the Syracuse City Disaster Preparedness Committee.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, UTAH, AS FOLLOWS:

Section 1. Appointment.

- Susan Pehrson is appointed to serve on the Syracuse City Disaster Preparedness Committee with her term expiring June 30, 2018.

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 25th DAY OF AUGUST, 2015.

SYRACUSE CITY

ATTEST:

_____ By:_____

Cassie Z. Brown, City Recorder Terry Palmer, Mayor

COUNCIL AGENDA

August 25, 2015

Agenda Item "**4**" Canvass and consideration of certification of the results of the Syracuse City Primary Election held August 11, 2015.

Factual Summation

- Any questions regarding this item can be directed at City Recorder Cassie Brown.

Background

The Syracuse City Primary Election was held August 11, 2015; the election was conducted using a vote-by-mail hybrid approach whereby all registered voters were mailed a ballot 27 days prior to the Primary Election with the option of returning that ballot mail, via a ballot box at City Hall, or surrendering it on Election Day to vote in a traditional manner at the Syracuse Community Center.

Attached are the unofficial results of the Primary Election; I will provide the official result on the day of the canvass prior to the start of the City Council meeting.

Staff Proposal

Certify the results of the Syracuse City Primary Election held August 11, 2015. (roll call vote)

Unofficial Election Results
Davis County
Municipal Election
Held August 11, 2015
Syracuse City Council

Registered Voters: 10616 - Ballots Cast: 1970 18.56%

ANDREA Y. ANDERSON	1212	22.70%
KARIANNE LISONBEE	1025	19.20%
DAVE MAUGHAN	824	15.43%
DOUG PETERSON	736	13.79%
RANDY MILLER	362	6.78%
GARY PRATT	343	6.42%
DANIEL SCHULER	322	6.03%
RYAN R. HATCH	282	5.28%
KURT JONES	233	4.36%

COUNCIL AGENDA

August 25, 2015

Agenda Item **5** **General Plan and Rezone Request Professional Office to Business Park Zone**
3600 W 1700 S

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed at Noah Steele, Planner.

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

Attachments:

- Aerial
- General Plan Map
- Applicant Letter
- Conceptual Site Plan
- Public Notice Letter
-

Summary:

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property.

Planning Commission Recommendation:

The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

RESOLUTION R15-24

A RESOLUTION OF THE SYRACUSE CITY COUNCIL AMENDING THE SYRACUSE CITY GENERAL PLAN LAND USE MAP ADOPTED IN 1976, AS AMENDED.

WHEREAS, in 1967 a Syracuse Preliminary Master Plan was prepared for the Syracuse Planning Commission as a part of the Davis County Master Plan Program, said preliminary plan being prepared by R. Clay Allred and Associates, Planning Consultants; and

WHEREAS, in 1976 a Comprehensive Plan for Syracuse was prepared by the Davis County Planning Commission with assistance of Architects/Planners Alliance Planning Consultants and Wayne T. Van Wagoner and Associates, Traffic and Transportation Consultants which plan was financially aided by a grant from the Department of Housing and Urban Development through the Utah State Department of Community Affairs; and

WHEREAS, the 1976 Comprehensive Plan was amended in 1988 and the title changed to the Syracuse City Master Plan; and

WHEREAS, The Syracuse City General Plan was again amended in 1996, 1999, 2003, 2006, 2009, 2011, 2012, 2013, and 2014 to incorporate appropriate and necessary changes to the General Plan as approved at that time; and

WHEREAS, the Syracuse City Planning Commission adopted a process in 2012, where an applicant may apply for a Syracuse City General Plan update outside of the traditional district review; and

WHEREAS, public hearings have been held by the Planning Commission to receive public input regarding proposed changes; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendments to the General Plan concluding that the proposed amendments provide development objectives with respect to the most desirable use of land within the City for subject property which benefit the physical, social, economic, and governmental development of the City and to promote the general welfare and prosperity of its residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Adoption. That the proposed amendments to the Syracuse City General Plan Land Use Map, attached hereto as Exhibit A, are hereby adopted and any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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. <u>No Repeal</u>. This Resolution is not intended and shall not be construed as a repealer of any previously adopted ordinance or resolution and is specifically intended to clarify and supplement existing City ordinances, rules and regulations.

Section 4. <u>Effective Date</u>. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 28th DAY OF JULY, 2015.

SYRACUSE CITY

ATTEST:

_____ By:_____

Cassie Z. Brown, CMC
City Recorder

Terry Palmer
Mayor

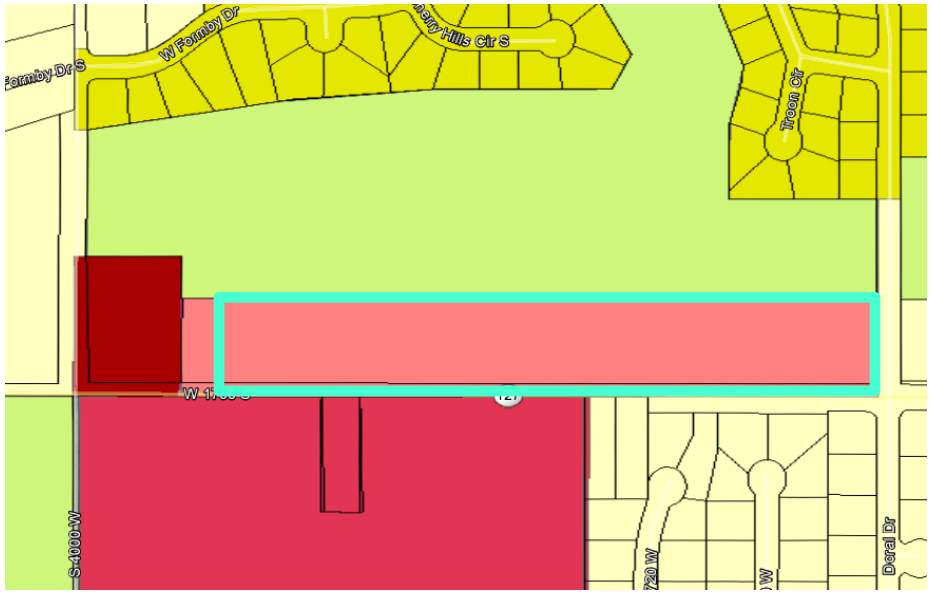
EXHIBIT “A”

General Plan Amendment
3600 W 1700 S

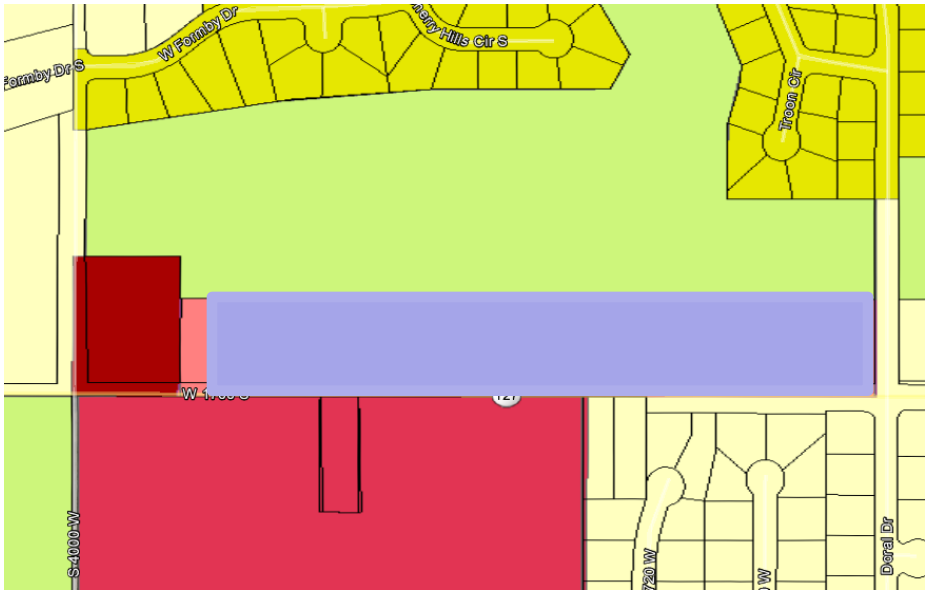
General Plan and Rezone Amendment
Professional Office to Business Park Zone
3600 W 1700 S

N

Current General Plan



Proposed General Plan



- Agriculture A-1
- R-1 (2.90 dwellings per net acre)
- R-2 (3.79 dwellings per net acre)
- R-3 (5.44 dwellings per net acre)
- PRD (8.0 dwellings per net acre)
- R-4 (14.52 dwellings per net acre)
- Professional Office
- Commercial II
- General Commercial Zone
- Industrial Zone
- Town Center Overlay Zone
- Sensitive Overlay Zone
- RDA & EDA Boundary
- Business Park Zone

Mayor
Terry Palmer

City Council
Brian Duncan
Mike Gailey
Craig Johnson
Karianne Lisonbee
Douglas Peterson

City Manager
Brody Bovero

July 10, 2015

The City has received a General Plan and Rezone request for the Business Park Zone, requested by Sunquest Development, property located approximately 3600 W 1700 S. The Planning Commission will consider this request in their regular meeting, beginning at 6 p.m., in the City Hall Council Chambers on **July 21 2015.**

In accordance with Syracuse City Land Use Ordinance 10-4-050(C), we are providing you notice of this request as a land owner within a 300-foot radius of the subject property. This is a Public Hearing, and you are welcome to attend and provide comments regarding this request, if you so desire, or submit them in writing to the email or mailing address below.

If you are uncertain as to the impact or ramifications of this proposal and would like more information; please feel free to call or stop in during regular business hours, between 8 a.m. and 5 p.m., Monday through Friday.

Respectfully,

Syracuse City

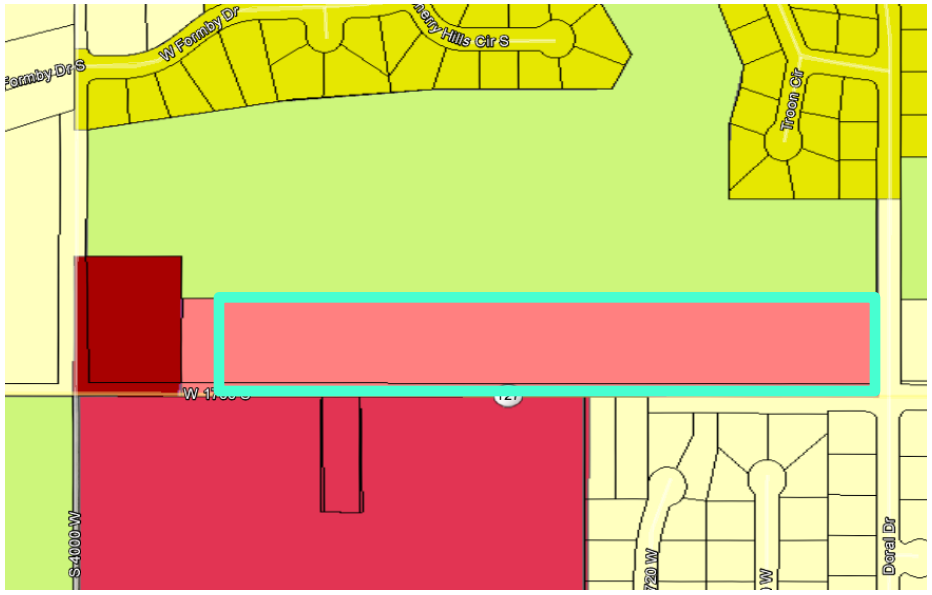
Community Development Department
Phone and/or Fax: 801-614-9632
Email: jschow@syracuseut.com

js

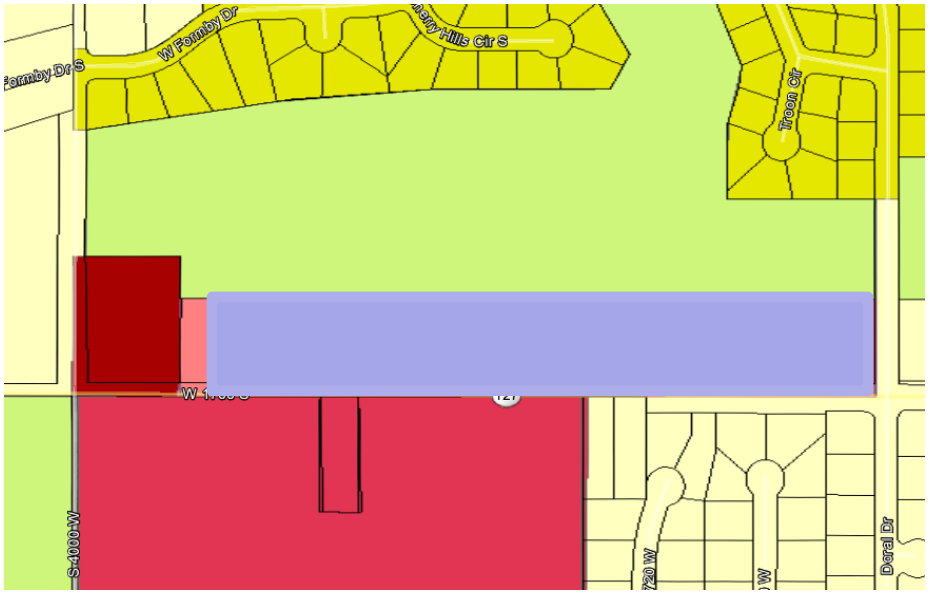
General Plan and Rezone Amendment
Professional Office to Business Park Zone
3600 W 1700 S

N

Current General Plan



Proposed General Plan



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- Professional Office
- Commercial II
- General Commercial Zone
- Industrial Zone
- Town Center Overlay Zone
- Sensitive Overlay Zone
- RDA & EDA Boundary
- Business Park Zone

General Plan Amendment

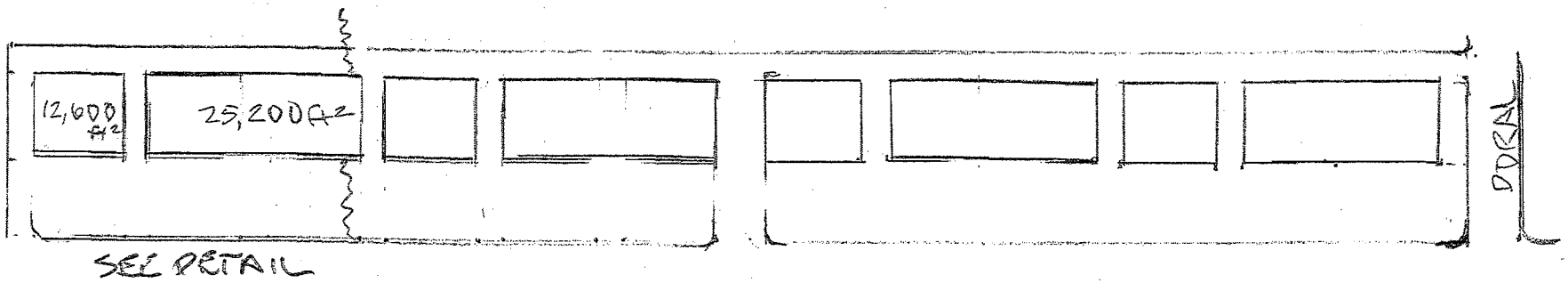
Parcel 12-047-0247

SunQuest Development LC

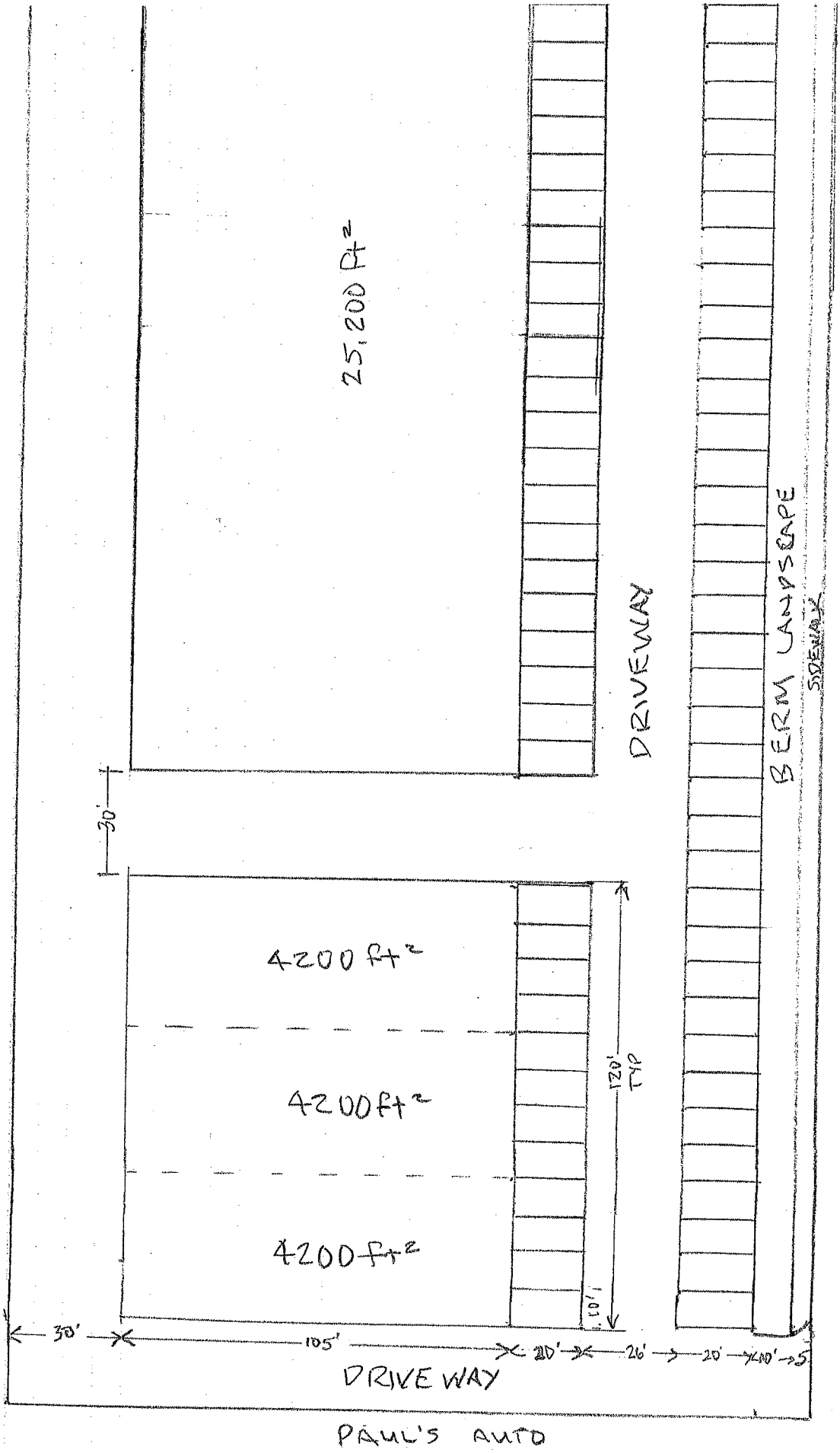
The current plan and zone for this parcel is Professional Office. This parcel is situated along 1700 South between Doral Dr (3600 West) and Paul's Automotive just east of 4000 West. Requests for buildings to store vehicles used in small businesses such as airduct cleaning, HVAC, carpentry and other similar businesses have come to the property owner's attention. Such buildings are in short supply in Syracuse and only located in the industrial zone on the east side of the City. In meeting with the Community Development Director, Noah Steele, it became apparent that a better zone and use of this property could be accomplished with a change to a Business Park Zone. That would facilitate building several buildings which would be similar in design and architecture as well as be consistent in landscaping, parking and other amenities. The ability to control the streetscape would be enhanced due to the entire parcel being in the ownership of SunQuest Development LC with an owner's association which would require the common areas be maintained and developed in a consistent pattern. Access to this property is available on the west end next to Paul's Automotive, from Doral Dr, and an additional entrance will be requested from UDOT in the center of the parcel. A full size street will be built at that location to allow future development of the property north of this parcel currently utilized as the golf course in the event the golf course is unable to reach a sustainable level of revenue and another use is required. This street would also allow access to this parcel to the west as well as to the east side. Development of the buildings would be in phases beginning at the west end and proceeding east as the market demands. The Business Park zone allows a variety of uses within the area, which will bring much higher potential of utilizing the property in a profitable manner and in a way which will provide an attractive area for the neighbors near the property.

Michael E. McBride,

Manager, SunQuest Development LC.



151,200 ft² TOTAL



75 PARKING STALLS

SCALE 1" = 40'

04/15/2010 12:08 PM

04/15/2010 12:07 PM

COUNCIL AGENDA

August 25, 2015

Agenda Item **6** **General Plan and Rezone Request Professional Office to Business Park Zone**
3600 W 1700 S

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed at Noah Steele, Planner.

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

Attachments:

- Aerial
- General Plan Map
- Applicant Letter
- Conceptual Site Plan
- Public Notice Letter
-

Summary:

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property.

Planning Commission Recommendation:

The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

ORDINANCE NO. 15-16

AN ORDINANCE AMENDING THE EXISTING ZONING MAP OF TITLE X, "SYRACUSE CITY ZONING ORDINANCE", REVISED ORDINANCES OF SYRACUSE, 1971, BY CHANGING FROM (PO) PROFESSIONAL OFFICE ZONE TO (BP) BUSINESS PARK ZONE ON THE PARCEL(S) OF REAL PROPERTY HEREIN DESCRIBED.

WHEREAS, the City has adopted a Zoning Ordinance to regulate land use and development within the corporate boundaries of the City; and

WHEREAS, Chapter Four of the Ordinance authorizes the City Council to amend the number, shape, boundaries, or any area of any zone; and

WHEREAS, a request for rezone has been made; the same has been recommended for approval by the Planning Commission; and a public hearing has been held with the proper notice having been given 10-days prior to the hearing date;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF SYRACUSE DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:

SECTION 1: That the following described real parcels of property in (PO) Professional Office Zone as shown on a zoning map are hereby amended and changed to To (BP) Business Park Zone on the parcel shown accordingly:

A PARCEL OF LAND WH LIES WITHIN THE SW 1/4 OF SEC 8-T4N-R2W, SLM, SD PARCEL BEING MORE PART'LY DESC AS FOLLOWS: BEG AT A PT WH LIES S 89^53'34" E ALG THE S LINE OF SD SEC 8, 383.05 FT & N 0^06'26" E, 33.00 FT FR THE SW COR OF SD SEC 8 & RUN TH N 00^08'48" E, 219.99 FT; TH S 89^53'34" E, 1706.28 FT; TH S 0^06'11" W, 219.99 FT TO A PT ON THE N R/W LINE OF 1700 SOUTH STR; N 89^53'34" W ALG SD R/W LINE, 1706.45 FT TO THE POB. CONT 8.57 ACRES

SECTION 2: Effective Date. This Ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 28th DAY OF JULY, 2015.

SYRACUSE CITY

ATTEST:

_____ _____

Cassie Z. Brown, City Recorder Mayor Terry Palmer

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Peterson	____	_____
Councilmember Lisonbee	____	_____
Councilmember Duncan	____	_____
Councilmember Johnson	____	_____
Councilmember Gailey	____	_____

General Plan Amendment
3600 W 1700 S

Mayor
Terry Palmer

City Council
Brian Duncan
Mike Gailey
Craig Johnson
Karianne Lisonbee
Douglas Peterson

City Manager
Brody Bovero

July 10, 2015

The City has received a General Plan and Rezone request for the Business Park Zone, requested by Sunquest Development, property located approximately 3600 W 1700 S. The Planning Commission will consider this request in their regular meeting, beginning at 6 p.m., in the City Hall Council Chambers on **July 21 2015.**

In accordance with Syracuse City Land Use Ordinance 10-4-050(C), we are providing you notice of this request as a land owner within a 300-foot radius of the subject property. This is a Public Hearing, and you are welcome to attend and provide comments regarding this request, if you so desire, or submit them in writing to the email or mailing address below.

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Respectfully,

Syracuse City

Community Development Department
Phone and/or Fax: 801-614-9632
Email: jschow@syracuseut.com

js

General Plan and Rezone Amendment
Professional Office to Business Park Zone
3600 W 1700 S

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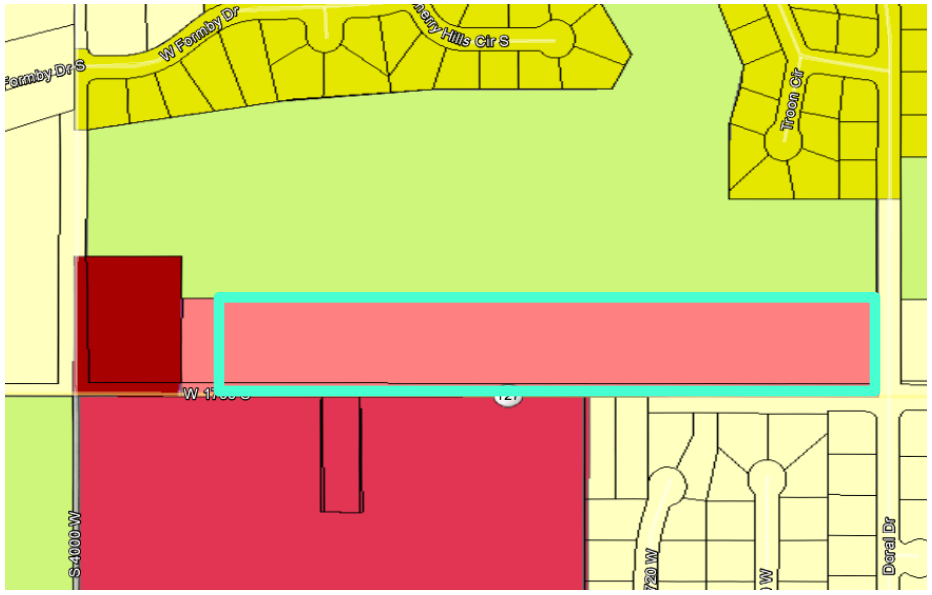
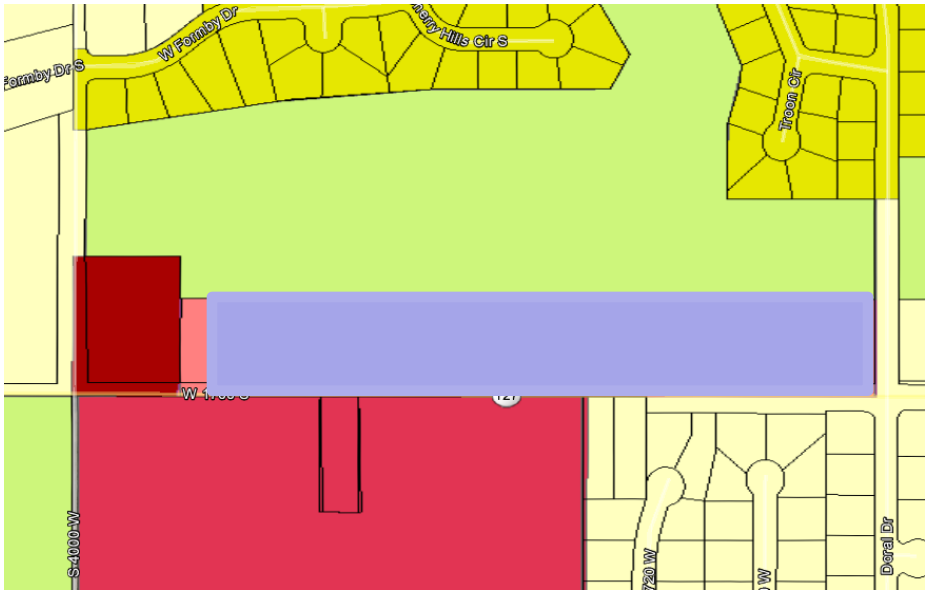
Current General Plan



Proposed General Plan



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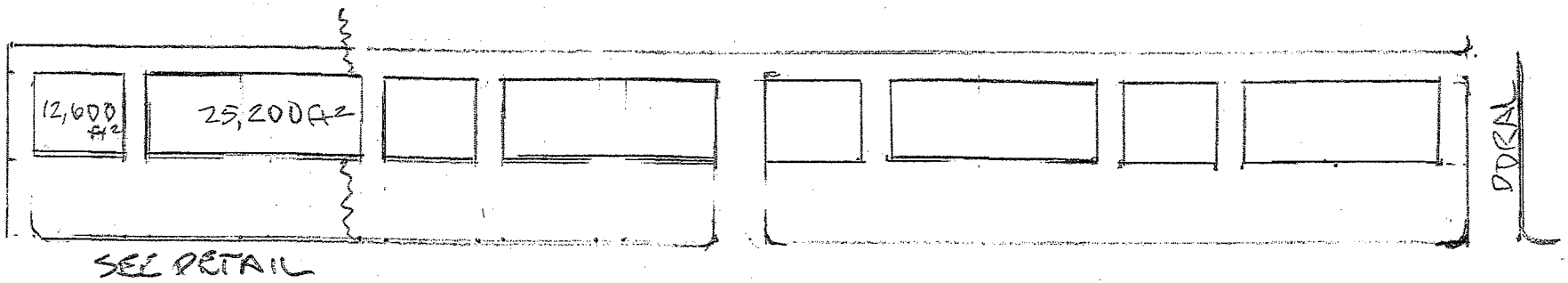

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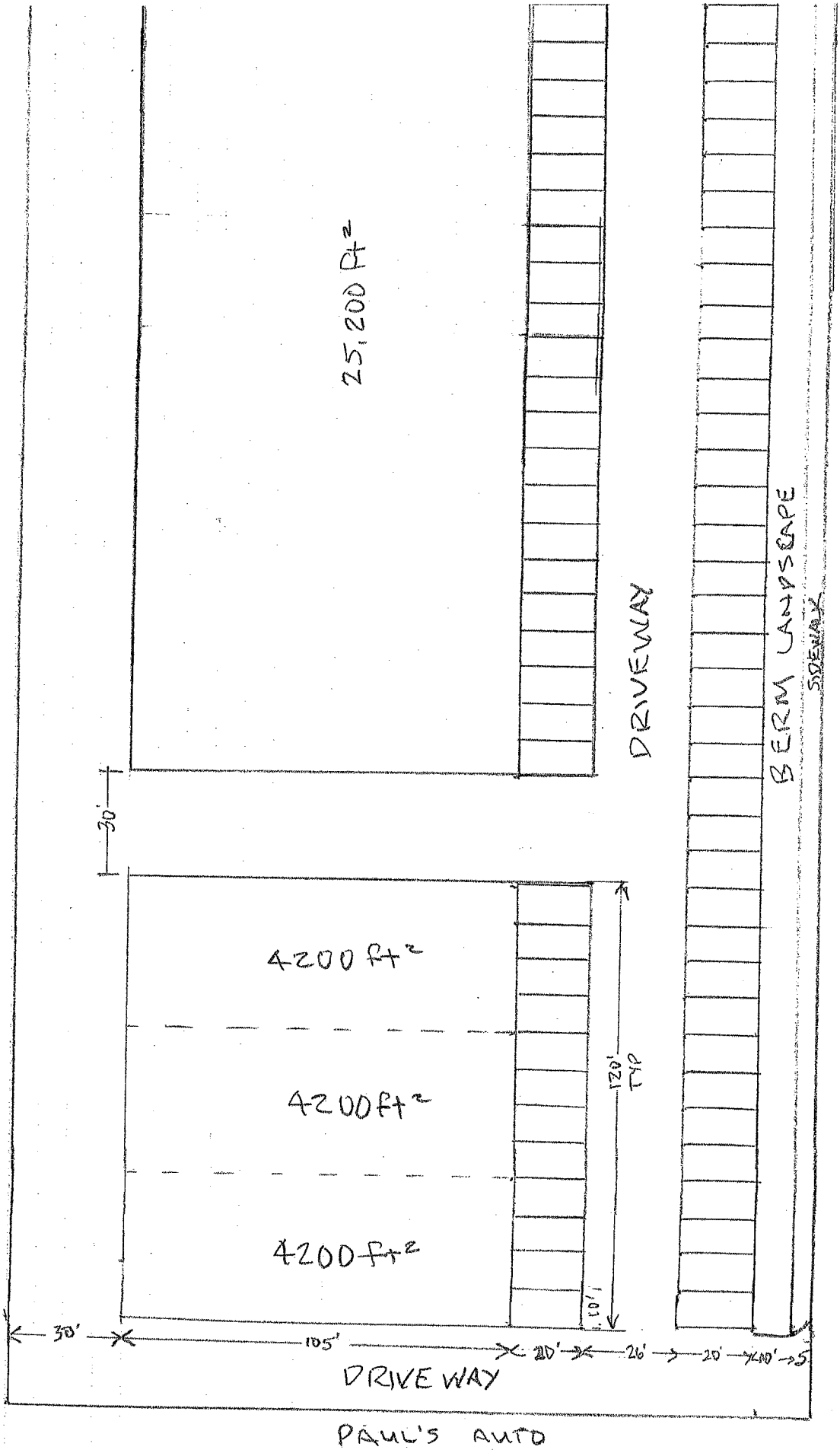

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