



# Personnel Policy & Procedures

Effective January 1, 2023

# TABLE OF CONTENTS

## Table of Contents

Effective January 01,  
2023..... 1

### **Section One (1) GENERAL PROVISIONS ..... 7**

1.1	Interpretation .....	7
1.2	Applicability .....	7
1.3	Violations .....	7
1.4	Maintenance.....	8
1.5	Departmental Rules .....	8
1.6	Notice of Federal/State EmploymentLaws .....	8

### **Section Two (2) EMPLOYMENT ..... 11**

2.1	Equal Employment Opportunity .....	11
2.2	Appointments .....	11
	a. Probationary Appointment .....	11
	b. Full-Time Regular Appointment .....	12
	c. Promotional Probation Appointment .....	12
	d. Acting Appointment.....	13
	e. Part-Time Appointment .....	13
	f. Seasonal Appointment.....	14
	g. Special Employment Agreement .....	14
	h. Volunteers .....	15
	j. Community Service .....	15
2.3	Rehire Policy.....	15
2.4	Fitness for Duty Medical Examinations .....	16
2.5	Pre-Employment Drug Testing .....	16
2.6	Federally Required Drug Testing .....	16
2.7	Background Checks and Credit Checks.....	16
	a. Pre-Employment Background Checks .....	17
	b. Pre-Employment Credit Checks .....	18
	c. Employee Arrests, Pleas and Convictions.....	18
	d. Confidentiality .....	19
2.8	Hiring Relatives & Dating.....	19
2.9	Child Labor Underage Workers .....	19

### **Section Three (3) CHANGE IN EMPLOYMENT STATUS..... 21**

3.1	Transfer.....	21
3.2	Promotions .....	21
3.3	Transfers for Disciplinary Reasons (Demotion) .....	22
3.4	Department Reorganization.....	22
3.5	Resignation & Discharge .....	23

3.6	Phased Out Retirement.....	23
3.7	Reduction in Force .....	24
3.8	Final Paycheck.....	24
3.9	Separation Agreement .....	24
<b>Section Four (4) EMPLOYEE PAY AND WORK PRACTICES .....</b>		<b>25</b>
4.1	Classification & Pay: Plan and Administration.....	25
4.2	Employee Pay.....	25
4.3	Work Week & Pay Periods .....	25
4.4	Break Time and Lunch Period.....	26
4.5	Time Keeping.....	26
4.6	Overtime.....	27
4.7	Garnishments & Wage Attachments.....	28
4.8	Payroll Deductions .....	28
4.9	Flex Schedules .....	28
4.10	Telecommuting.....	29
4.11	Absences & Tardiness .....	29
4.12	Salary Increase and Performance Evaluations .....	30
	<u>a. Position Reclassification Due to Pay Plan Adjustment due to Market Salary Review.....</u>	<u>30</u>
	<u>b. Merit Increase to Employee Pay.....</u>	<u>30</u>
	<u>c. Performance Reviews .....</u>	<u>31</u>
	<u>d. Full-Time Regular Employee Reviews.....</u>	<u>31</u>
	<u>e. Pay upon Promotion.....</u>	<u>32</u>
4.13	Bonuses.....	32
	<u>a. Purpose .....</u>	<u>32</u>
	<u>b. Bonus Categories.....</u>	<u>32</u>
	<u>    1. Instant Bonus .....</u>	<u>32</u>
	<u>    2. Cost Savings Bonus - Outside Regular Job Duties .....</u>	<u>33</u>
	<u>    3. Merit Bonus .....</u>	<u>33</u>
	<u>    4. Part-Time and/or Seasonal Employee End-of-Season Bonus .....</u>	<u>33</u>
	<u>    5. Part-time Employee Performance Bonus .....</u>	<u>33</u>
	<u>    6. Part-time and/or Seasonal Employee Pro Shop Bonus .....</u>	<u>34</u>
	<u>    7. Perfect Attendance Bonus .....</u>	<u>34</u>
	<u>c. Documentation and Procedure .....</u>	<u>34</u>
4.14	Release Time .....	34
4.15	On-Call Pay.....	35
4.16	Sick Leave & Sick Leave FMLA .....	35
4.17	Sick Leave Family & Sick Leave Family FMLA.....	36
4.18	Pregnancy and Parental Leave .....	37
	<u>a. Pregnancy Leave.....</u>	<u>37</u>
	<u>b. Parental Leave to Provide Care/Assistance to Mother and/or Child .....</u>	<u>37</u>
	<u>c. Coordination with Family Medical Leave Policy .....</u>	<u>38</u>
4.19	Family Medical Leave .....	38
	<u>a. Medical or Qualifying Exigency Leave.....</u>	<u>38</u>
	<u>b. Military Caregiver Leave .....</u>	<u>38</u>

4.20	Return to Work from Medical Leave .....	41
4.21	Light Duty .....	42
4.22	Disability Accommodations .....	44
	a. Requesting an Accommodation .....	44
	b. Supervisor Responsibilities .....	45
	c. Response to Accommodation Request .....	46
4.23	Holiday Pay & Premium Pay .....	46
4.24	Vacation Pay .....	48
4.25	Other Paid/Unpaid Leave .....	50
	4.25.2 Military Leave .....	50
	4.25.3 Jury Duty .....	50
	4.25.4 Funeral Leave .....	50
	4.25.5 Administrative Leave .....	50
4.26	Employee Benefits .....	51
4.27	Wellness Benefit .....	51
	4.27.1 Administration .....	51
	4.27.2 Duration .....	51
	4.27.3 Taxation Consideration for Participants .....	51
	4.27.4 Seasonal Employees .....	52
	4.27.5 Limitations .....	52
4.28	Peak Time Leave .....	52
<b>Section Five (5) CITY RULES .....</b>		<b>53</b>
5.1	Applicant & Personnel Files .....	53
5.2	Privacy of Personnel File and Other Employee Information .....	54
5.3	Personal Property .....	54
5.4	Safety .....	54
5.5	Driving on City Business & Use of City Vehicles .....	54
5.6	City Vehicles .....	55
5.7	Cellular Phones & Mobile Devices .....	56
5.8	Personal Conduct & Hygiene .....	58
5.9	Rules of Conduct .....	58
5.10	Harassment .....	61
5.11	Retribution and Retaliation .....	62
5.12	Use of Drugs and Alcohol .....	63
	a. Objectives .....	63
	b. Definitions .....	63
	c. Policy Application .....	64
	d. General Rules .....	64
	e. Drug and Alcohol Testing .....	65
	f. Testing Procedure .....	66
	g. Appeal Procedure .....	67
	h. Consent and Release Form(s) .....	67
	i. Use of Prescription Drugs or Over-the-Counter Medications .....	68
	j. Americans with Disabilities Act .....	69

_____ k.	Rehabilitation .....	69
_____ l.	Alcohol Consumption at City Functions .....	69
5.13	Workplace Violence .....	70
5.14	Outside Employment .....	72
5.15	Disciplinary Procedures .....	72
5.16	Strikes and Work Stoppages .....	74
5.17	Solicitations .....	74
5.18	Gratuities .....	75
5.19	Information Technology (IT) .....	75
_____ a.	City Business Use .....	75
_____ b.	Internet Use .....	75
_____ c.	Prohibited Activities .....	76
_____ d.	Compliance and Violations .....	77
_____ e.	Email Standardization .....	77
_____ f.	Support .....	78
_____ g.	Geographic Information Systems (GIS) .....	78
_____ h.	Training .....	78
_____ i.	Equipment & Software Requests .....	78
_____ j.	Social Media & Other Websites .....	78
5.20	Code of Ethics .....	80
5.21	Smoking .....	80
5.22	Consumer Reports .....	81
5.23	Youth Protection .....	82
<b>Section Six (6)</b>	<b>.....</b>	<b>83</b>
6.1	Complaint Procedure .....	83
6.2	Discharge and Pre-Termination Hearing .....	83
6.3	Employee Transfer and Discharge Appeal Rights and Procedure .....	83
6.4	Exit Interview .....	85
6.5	American with Disabilities Act Complaints .....	85
<b>Section Seven (7) EMERGENCY MANAGEMENT</b>	<b>.....</b>	<b>87</b>
7.1	Employee Identification Cards and Identification/Door Key Fob Cards .....	87
_____ a.	ID Card Description .....	87
_____ b.	Procedure .....	88
_____ c.	Identification (ID)/Key Fob cards .....	89
_____ d.	Information Availability .....	89
7.2	Emergency Work Requirements .....	89
7.3	NIMS (National Incident Management System) Training .....	90
7.4	Other Emergency Management Policies .....	90

## **Park City Municipal Corporation**

### **Policies and Procedures Do Not Constitute a Contract**

The information contained in this policies and procedures manual was prepared as a guide to provide employees a better understanding of the responsibilities and obligations of employment with Park City Municipal (“City”). The policies and procedures stated in this manual and other personnel statements or materials issued by the City are not intended to create either express or implied contract rights respecting the procedures, terms, conditions, or duration of employment or any other obligation or liability part of the City. The City hereby reserves the right and authorizes the City Manager to unilaterally alter, amend or revoke any policy, practice, or procedure without notice at any time and for any reason. The City’s affirmative prohibition of certain discriminatory or other conduct does not create any contract, duty, obligation or liability on the part of the City.

## **Section One (1)** **GENERAL PROVISIONS**

This manual is published to provide guidelines to the Policies and Procedures of Park City Municipal Corporation (“City”). These policies shall be adopted and amended at the City Council's discretion with recommendations from the City Manager. They shall be subject and subordinate to applicable federal and state laws, rules, regulations, and local ordinances. The City Manager may at any time, without notice, temporarily suspend or amend any policy herein by filing a written order with the Human Resources Manager. Such temporary policies shall be effective no longer than six months without the approval of the City Council.

### **1.1 Interpretation**

The City Manager shall exclusively hold the final authority, subject to appeal, to interpret these policies, rules, and procedures adopted hereunder. Such authority shall include applying these policies, rules, and procedures to specific employees, positions, and circumstances.

It is the responsibility of all city employees to be familiar with the City's policies and procedures.

All Managers should be familiar with the policies and procedures set forth in this manual so that they can address any questions and offer clear, accurate interpretations to any employee asking questions or desiring information on City policy or procedure.

Exceptions to any policy in this manual must have the approval of the City Manager.

### **1.2 Applicability**

Except as expressly provided otherwise in this manual, these policies shall apply to full-time regular, part-time, seasonal, student interns, special employment agreements, and volunteers. The exceptions are those positions which by ordinance report directly to the City Council. These policies shall not apply to persons or firms rendering services to the City as “independent contractors.” Employees under special employment agreements are covered under the policies and procedures in this manual except where superseded by terms of their contracts.

### **1.3 Violations**

Violation of any personnel policy, rule, or procedure adopted hereunder shall be grounds for disciplinary action up to and including termination.

## **1.4 Maintenance**

This manual shall be maintained and updated by the Human Resources Manager as directed by the City Manager. The Legal Department and a City Manager appointed Policies and Procedures (P&P) Task Force shall review this manual annually. The official copy of the Personnel Policies and Procedures shall be kept in the Human Resources department and is available on the employee portal ep.parkcity.org. Any employee with questions on the interpretation of a policy or whether or not a policy is current should check with Human Resources for clarification.

Employees who wish to suggest changes to this manual are encouraged to provide that information in writing to Human Resources or their manager for review.

## **1.5 Departmental Rules**

Individual departments within the City may establish policies and rules that are more restrictive than those set forth in this manual. These department rules may not be less restrictive than the rules set forth herein. City Departments may establish policies that apply to only a specific group (Front Desk in Recreation, Ice Rink Supervisors, etc.). Department Policies must be submitted first to the Human Resources Department and be approved before they are made effective. Department Policies must be resubmitted both annually during April and any time changes are made for pre-approval. The HR Manager must always approve job-specific training manuals before initiating within the department.

## **1.6 Notice of Federal/State Employment Laws**

### **[Title VII of the Civil Rights Act of 1964 as amended](#)**

Prohibits employment discrimination based on race, color, religion, sex, or national origin and protects qualified applicants and employees in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

### **[Utah Antidiscrimination Act](#)**

The City may not discriminate against any qualified person in matters of compensation and other terms, privileges, and conditions of employment because of: race, color, religion, sex (including pregnancy, childbirth, pregnancy-related conditions, breastfeeding, or medical conditions related to breastfeeding), national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity, or protected expressions. In addition, a covered employer may not refuse to reasonably accommodate gender identity in dress/grooming standards and facilities.

### **[The Americans with Disabilities Act of 1990 \(ADA\)](#)**

The ADA as amended, including the Americans with Disabilities Act Amendments of 2008



(ADAA), prohibits discrimination based on disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose an undue hardship on the employer. The law covers applicants and employees of local governments, including Park City Municipal Corporation.

[The Health Insurance Portability and Accountability Act \(HIPAA\)](#)

HIPAA, as amended, protects employee's and their family's privacy as it relates to the treatment of pre-existing conditions, certificates of credible coverage, special enrollment rights, availability of coverage, non-discrimination, and protected health information.

[The Age Discrimination in Employment Act of 1967 as amended](#)

Protects applicants and employees ages 40 years and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

[The Genetic Information Nondiscrimination Act of 2008](#)

Protects employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. It prohibits employers from acquiring genetic information from applicants, employees, or their family members.

[The Equal Pay Act as amended](#)

Prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

[Section 504 of the Rehabilitation Act of 1973 as amended](#)

Prohibits employment discrimination based on disability in any program or activity which receives federal financial assistance. Discrimination is prohibited in all aspects of employment against disabled persons who, with reasonable accommodation, can perform the essential functions of a job.

[Consolidated Omnibus Reconciliation Act of 1986 \(COBRA\)](#)

COBRA allows certain terminated employees, their spouses, and dependent children to continue medical and dental coverage under the group plan at their costs for a period not to exceed 18 months, in most cases, and up to 29 to 36 months in some cases.

[The Family and Medical Leave Act of 1993 \(FMLA\)](#)

Grants eligible employees the statutory right to take unpaid, job-protected leave under defined medical or other specified circumstances for up to twelve workweeks (480 hours) of leave in a 12-month period. FMLA applies to all City employees who have met certain conditions. In both types of FMLA leave, the City calculates the 12 months as a 'rolling' twelve months. See section [\*\*4.19 Family Medical Leave\*\*](#).

For circumstances regarding a covered military service-member, FMLA allows up to twenty-six workweeks (1040 hours) of leave during a single 12-month period to care for a covered Service-member with a serious injury or illness if the eligible employee is the service-member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

There are two additional but separate types of paid leave that may be used in conjunction with FMLA: Sick Leave FMLA to care for oneself and Sick Leave Family FMLA to care for an immediate family member or Domestic Partner. For eligibility and requirements, see section [4.16 Sick Leave & Sick Leave FMLA](#), and section [4.17 Sick Leave Family, and Sick Leave Family FMLA](#).

If you believe that you have been discriminated against under any of the above laws, please contact the Human Resources Department, the Legal Department, or the City Manager. Retaliation against a person who files a charge of discrimination, participates in an investigation or opposes an unlawful employment practice is prohibited by all these federal laws. See section [5.11 Retribution and Retaliation](#).

## **Section Two (2)** **EMPLOYMENT**

### **2.1 Equal Employment Opportunity**

Park City Municipal Corporation (“City”) is dedicated to equal employment and advancement opportunities. It is the City’s policy to provide equal employment opportunities to all individuals based on job-related qualifications and ability to perform a job, without regard to age, sex, race, color, religion, creed, national origin, sexual orientation, gender identity, disability, pregnancy, childbirth, pregnancy-related condition or marital status, and to maintain an environment free from intimidation and harassment based upon these grounds.

### **2.2 Appointments**

Employees’ jobs are governed by the U.S. Department of Labor <http://www.dol.gov> and are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not entitled to overtime pay.

The State of Utah is an “at-will” employment state. Accordingly, all appointments not subject to [Utah Code Section §10-3-1105\(1\)](#), as amended, are “at-will” employment and may be terminated at the convenience of the City Manager at any time with or without cause. All vacancies shall be filled by full-time regular appointment, part-time appointment, seasonal appointment, acting appointment, promotion, transfer, demotion, or special employment agreement. All full-time regular appointments must fill an approved budgeted position. Full-time regular appointments and special employment agreements shall be recommended by the Department Manager and submitted to the Human Resources Department for review. Following review, the Human Resources Department will submit the recommendations to the City Manager for final review and approval. The Department Manager shall submit all part-time and seasonal appointments to Human Resources for review and approval. Supervisors and department managers are accountable for ensuring that part-time, seasonal employees and student interns do not exceed the allowable and approved amount of hours regarding their particular designation and those governed by the Fair Labor Standards Act (FLSA).

#### **a. Probationary Appointment**

This appointment represents the first six months of a non-Public Safety full-time regular job appointment (or 12 months for a Public Safety sworn and non-sworn appointment), resulting from an initial hire, a promotion, a demotion, or a transfer. Any employee serving a probationary period shall be released from probationary status when a complete written evaluation and recommendation have been approved. Recommendations should be forwarded to Human Resources for review and submitted to the City Manager for final approval.

A manager may recommend an employee be changed from probationary status to regular

status in less than six months for non-Public Safety employees and in less than twelve months for Public Safety employees for exemplary performance. The Department Manager must forward written justification and complete an [“Employee Position Change Form”](#) for review and submission to the City Manager for final approval. Only under specially approved circumstances will an employee be allowed to serve a probationary period of fewer than three months. Probationary periods and restrictions for a promotion or transfer may be modified or waived with approval by the City Manager.

The probationary period may be extended beyond the initial six or twelve-month period for up to six additional months if any performance, attitude, ethics, and/or code of conduct issues warrant extending the probationary period. A written performance evaluation must accompany any probationary period extension. A second written evaluation will be required at the end of the extended period. A manager may award a pay increase as part of the evaluation based on performance, but probationary employees are not eligible for a lump merit increase for the time they are on probation. Extensions require the approval of the City Manager.

During the probationary period, any probationary employee may be terminated by the City Manager at any time with or without cause and without progressive discipline.

All newly hired full-time probationary or promotional probation status employees are paid at no more than the new hire pay maximum determined as 65% of the pay grade range unless the City Manager authorizes an exception. The City Manager may grant exceptions and allow appointments above the new hire maximum for such factors as a high level of experience and training or because the employment market demands affecting the position being recruited require a higher than new hire maximum pay rate.

#### **b. Full-Time Regular Appointment**

A full-time regular non-exempt employee is expected to work a 40-hour workweek. Full-time regular exempt employees are expected to work whatever hours are necessary to accomplish the job duties and standards of their exempt position without the availability of overtime or administrative leave. All full-time regular employees must work no less than an average of 32 hours per week during any month to qualify for full-time regular status and therefore remain eligible for the City’s core benefits. (See the [Employee Benefits Manual on](#) the ADP Homepage or contact Human Resources for benefit details).

A full-time regular status appointment indicates that an employee has completed their probationary period and will fill a budgeted position under [U.C.A. Section §10-3- 1105](#), as amended.

#### **c. Promotional Probation Appointment**

An employee who receives a promotion will typically serve a probationary period of the same duration as if the promotion were a new full-time regular appointment. See guidelines for

probationary appointments in section [2.2.a. Probationary Appointment](#). The City Manager may approve a probationary period that is shorter in length than that of a full-time regular probationary appointment. Employees on Promotional Probation may use vacation time and are eligible for a lump merit during the annual review process.

#### **d. Acting Appointment**

The City Manager may fill any vacancy with an acting appointee who may serve until another employee assumes the position's duties. An acting appointee who serves for more than 30 consecutive days shall receive compensation at no less than the minimum salary range for that position during the acting appointment.

#### **e. Part-Time Appointment**

A part-time appointment indicates an employee who may work between one and 1500 hours per year (28.8 hours per week average) over 12 months. Part-time appointments may be for a defined period or specific to project work but may also be for an indefinite period. Part-time employees with multiple appointments in the City may not work more than 1500 hours total per 12-month period for all positions held. Employees and managers are expected to monitor the time worked to maintain totals below allowable averages.

Part-time employees are hired as "Variable Hour Employees" as defined by [IRS Notice 2012-58](#) - "An employee is a variable hour employee if, based on the facts and circumstances at the date the employee begins providing services to the employer (the start date), it cannot be determined that the employee is reasonably expected to work on average at least 30 hours per week over a 12 month period."

Under limited circumstances, should part-time employee hour averages rise to 30 hours per week, they may become eligible for medical benefits if they meet one of the following criteria:

1. From June 1 through May 31 (the City's Standard "Measurement Period"), an employee worked an average of at least 30 hours a week for the City during the entire 12-month period. Medical Insurance eligibility would extend for a 12-month period and become effective July 1. **OR**
2. During the 12-month period beginning on the first of the month following an employee's hire date (the employee's new hire "Initial Measurement Period"), an employee worked an average of at least 30 hours a week for the City. Medical Insurance eligibility would extend for 12-months and become effective the first of the month following eligibility.

Part-time positions are not eligible for core benefits other than those required by law, such as Social Security, workers' compensation insurance, unemployment insurance, and Medicare. Part-time employees who gain eligibility for Medical Insurance are not eligible for other core benefits.

Part-time employees may be eligible for certain fringe benefits (See the [Employee Benefits Manual](#), the employee portal [Benefits Guide](#), or contact Human Resources for details).

#### **f. Seasonal Appointment**

A seasonal appointment is an appointment to a position open during a specific season defined at hire, such as parks maintenance crews, golf employees, seasonal recreation program staff members, snow removal crews, etc. Seasonal positions involve labor performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year. From its nature, it may not be continuous or carried on throughout the year. Seasonal employees may work full-time or part-time hours. Seasonal employees may not work past the seasonal declared end date without HR permission.

Seasonal employees are hired as “Variable Hour Employees” as defined by IRS Notice 2012-58 - “An employee is a variable hour employee if, based on the facts and circumstances at the date the employee begins providing services to the employer (the start date), it cannot be determined that the employee is reasonably expected to work on average at least 30 hours per week over a 12 month period.”

Under limited circumstances (such as appointment to two separate seasonal positions during the winter then summer season), should seasonal employee hour averages rise to 30 hours per week, they may become eligible for medical benefits if they meet one of the following criteria:

1. From June 1 through May 31 (the City’s Standard “Measurement Period”), an employee worked an average of at least 30 hours a week for the City during the entire 12-month period. Medical Insurance eligibility would extend for 12 months and become effective July 1. **OR**
2. During the 12 month period beginning on the first of the month following an employee’s hire date (the employee’s new hire “Initial Measurement Period”), an employee worked an average of at least 30 hours a week for the City. Medical Insurance eligibility would extend for 12 months and become effective the first of the month following eligibility.

Seasonal positions are not eligible for core benefits other than those required by law, such as Social Security, Workers’ Compensation Insurance, Unemployment Insurance, and Medicare.

Seasonal employees who gain eligibility for Medical Insurance are not eligible for other core benefits. Seasonal employees may be eligible for certain fringe benefits (See the [Employee Benefits Manual](#) on the ADP home page or contact Human Resources for details).

#### **g. Special Employment Agreement**

Special employment agreements are used for employees appointed by the City Manager upon terms set forth in a written employment agreement signed by the employee, approved as to form by the Legal Department, and signed by the City Manager. Employees under Special

Employment Agreements are (1) employed to carry out special projects with a specific end date, or (2) the scope and nature of the work requires expertise not otherwise available.

#### **h. Volunteers**

Departments utilizing the services of volunteers should refer to the Park City Municipal Corporation Administrative Policy on Volunteers and contact Human Resources before the recruitment of any volunteers. For volunteers less than 18 years of age, tasks must be appropriate for the age group. See section [2.9 Child Labor Underage Workers](#).

#### **i. Community Service**

Department utilizing the services of community service workers should refer to the Park City Municipal Corporation Administrative Policy on Volunteers and contact Human Resources before use of community service workers.

#### **j. Student Intern**

A student intern appointment indicates an employee who may work between one and 40 hours per week for the temporary period they are actively enrolled and attending an accredited College or University and may not work more than 1500 hours total per 12- month period. Student interns are not eligible for core benefits other than those required by law, such as Social Security, Workers' Compensation Insurance, Unemployment Insurance, and Medicare. Student interns may be eligible for certain fringe benefits (See the [Employee Benefits Manual on the ADP home page](#) or contact Human Resources for details).

### **2.3 Rehire Policy**

The City will consider all qualified applicants for employment with Park City Municipal Corporation. If an employee leaves the City and reapplies later, the City will consider the employee's qualifications for the job and prior work performance record.

It is the policy of the City not to rehire those employees terminated for cause and Those who quit without giving the appropriate amount of written notice. A request for review may be made to the Human Resources Director by any supervisor or manager interested in rehiring a former employee who has been terminated for cause or gave insufficient notice upon resignation. The City Manager may make exceptions to this policy.

The written request must show supportable evidence of the following:

1. Why the rehire would be in the best interest of Park City Municipal Corporation.
2. Conditions surrounding the original separation.
3. Why is no one else suitable for being transferred or recruited, and what assets/qualifications the applicant have that outweighed those of other qualified applicants.

Inactive employees who re-apply for other positions available city-wide will have their prior work performance and attendance records reviewed before re-hire per hiring qualifications.

## **2.4 Fitness for Duty Medical Examinations**

The City may require that any applicant complete a “fitness for duty” medical examination or functional analysis testing to determine whether an applicant can perform essential job functions with or without reasonable accommodation. The City may require any employee to complete a fitness for duty examination, employer EAP referral, or functional analysis testing if it believes an employee may not be physically or emotionally able to perform essential job functions. Medical examinations are conducted after the hiring process and a conditional job offer but prior to the actual start date. Certain positions may also require a medical examination as part of state or federal regulations.

The City may also require a “fitness for duty” examination for current staff. Potential scenarios may include determining whether an employee performing a physically demanding job continues to be fit for duty, after an employee returns from any extended leave, including but not limited to short-term disability, long-term disability, and return to work from personal or professional trauma, limited or light duty.

City required examinations will be conducted by a provider of the City’s choice or approval and at the City’s expense.

## **2.5 Pre-Employment Drug Testing**

The City has a responsibility to employees to make a reasonable effort to provide a safe workplace and a responsibility to the public to make a reasonable effort to promote public safety. Therefore, applicants for certain positions may be required to submit and pass a drug screening test as a condition of employment (See section [5.11 Use of Drugs and Alcohol](#)).

## **2.6 Federally Required Drug Testing**

The City is required to test certain employees for drugs according to federal regulations. Such testing will take precedence over related provisions in this manual.

## **2.7 Background Checks and Credit Checks**

The City believes in promoting a safe environment for our customers and employees. In many instances, background and credit checks serve as an important part of the selection process. All background checks will be conducted in compliance with the Fair Credit Reporting Act (“FCRA”) and any other applicable laws. Background checks are performed to obtain information necessary to ensure the protection of people, physical property, proprietary information, and assets.

Background and/or credit checks will be conducted on all job applicants applying for qualifying positions. These positions have been pre-determined due to tasks such as working with



proprietary information, security, financial responsibilities, confidential or sensitive information, or as otherwise determined according to a legitimate business need. A background check will only be used for evaluating the applicant for employment. It will not be used to discriminate based on race, color, national origin, religion, sex, disability, age, sexual orientation, gender identity, or any other protected characteristic under state or local law.

Park City Municipal reserves the right to conduct a criminal background check for a current employee if circumstances indicate criminal activity by this employee may have occurred.

Background checks for public safety positions are performed in-house by public safety personnel and follow a separate procedure. Please see the public safety policy manual for further details.

#### **a. Pre-Employment Background Checks**

The City shall not exclude an applicant from an initial interview because of a past criminal conviction. An applicant shall not be required to disclose a criminal conviction on an employment application before an initial interview or if no interview is conducted. This shall in no way prevent the City from asking an applicant for information about their criminal conviction history during an initial interview or after an initial interview or considering an applicant's conviction history when making a hiring decision.

A third-party agency will be used to conduct the background checks and verify the accuracy of the information provided by the applicant during the selection process. Information collected by the agency may include criminal history, past employment, education, character, finances, and reputation.

The City will ensure that all background checks are conducted in compliance with all applicable federal and state statutes, such as the Fair Credit Reporting Act and the Americans with Disabilities Act. The information collected from previous employers and other sources will be limited to that which is job-related and pertains to the quality and quantity of work performed by the applicant and the applicant's attendance record, education, and other lawful, work-related inquiries. The Human Resources department and appropriate management personnel will be primarily responsible for the background check process.

The City may check criminal arrest and conviction records as part of the background check. In accord with the Equal Employment Opportunity Commission's current interpretation of Title VII of the Civil Rights Act of 1964, this information cannot be used as a basis for denying employment unless it is determined to be job-related and consistent with business necessity.

An arrest or conviction does not necessarily constitute disqualification. The City will consider the following factors: 1) the nature and gravity of the offense or conduct; 2)

the time passed since the offense, conduct, and completion of the sentence; and 3) the nature of the job sought. The City will inform the applicant before taking adverse action and advise the applicant of rights to dispute inaccurate information. If an applicant with a pending criminal case is hired, their continued employment will be reviewed upon disposition of the case. Applicants who refuse to consent to a criminal background screening are not eligible for employment.

#### **b. Pre-Employment Credit Checks**

Credit reports may collect credit information on applicants consistent with the guidelines set forth by the federal Fair Credit Reporting Act (FCRA). The FCRA requires organizations to obtain a candidate's written authorization before obtaining a credit report. The City will also disclose to the applicant or employee, on a separate form, its plans to obtain a consumer or investigative consumer report and that the information received will be used solely for employment purposes and be seen by only those who require the information to make an informed hiring choice. The City will also provide the individual with a summary of their rights under the FCRA.

Applicants may request additional information on the nature of the report and how such information may be obtained, such as information about the individual's character, general reputation, and personal characteristics. If the results of the credit check are unfavorable, the City will inform the applicant before taking adverse action based on the results, provide the applicant with a Statement of Consumer Rights from the Federal Trade Commission, offer the applicant the opportunity to review a copy of the credit report and advise the applicant of rights to dispute inaccurate information. Applicants will be granted five business days to dispute the information.

#### **c. Employee Arrests, Pleas, and Convictions**

If a current employee is arrested, makes a plea of guilty or no contest, or is convicted of a crime, they must inform the HR Department of the City within five working days. Employees who are arrested are responsible for providing a copy of the police report (and any other associated documentation concerning the arrest and charges) within 24 hours of the information being available. Noncompliance with the above-stated requirements or misrepresentation of the circumstances of the arrest can serve as grounds for disciplinary action up to and including termination.

Pursuant to an arrest and upon receipt of the police report and associated documentation, the City will consider the following factors: 1) the nature and gravity of the offense or conduct; 2) the time that has passed since the offense, conduct, and completion of the sentence; and 3) the nature of the job held. The City will inform the employee before taking adverse action and advise the employee of their rights to dispute inaccurate information. Pending prosecution, the employee may be subject to disciplinary action up to and including termination.

#### **d. Confidentiality**

Information obtained from the background check process will be shared only when necessary and only with those involved directly in a final decision. This may include a direct supervisor, manager, and City Manager. Outside of information that may impact a hiring or disciplinary decision, results will be kept strictly confidential. Only appropriate human resource personnel will have access to this information. No information from the background and/or credit checks will be stored in the employee's personnel file. Instead, it will be maintained in a separate location and will not be accessible for managers. The City complies with all federal and state laws regarding the collection, storing, and disposals of information, such as the Fair and Accurate Credit Transactions Act (FACTA).

#### **2.8 Hiring Relatives & Dating**

Any qualified applicant who applies for a position with Park City Municipal Corporation will be considered for employment. The City reserves the right not to hire an applicant who may become related to a current employee. The City also reserves the right not to promote or transfer an employee who may become related to a current employee.

No member of an employee's immediate family shall be under the direct or indirect supervision of a said employee unless a specific exception has been granted by the City Manager before an appointment or hire. Such requests for exceptions to the City Manager are generally disfavored. The immediate family shall include mother, father, brothers, sisters, aunts, uncles, grandparents, stepparents, children, wife, husband, mother-in-law, father-in-law, sisters-in-law, brothers-in-law, son-in-law, daughter-in-law, stepchildren, grandchildren, and domestic partners.

The City does not permit romantic relationships or dating between supervisors and subordinates. For purposes of this policy, a supervisor includes any supervisor within the same line of authority as the subordinate or any person charged with evaluating the subordinate. If such a relationship develops, the supervisor involved is responsible to immediately disclose the existence of the relationship in writing to their supervisor. It is within City's sole discretion that one or both persons involved may be transferred or given a different assignment.

#### **2.9 Child Labor Underage Workers**

The Fair Labor Standards Act (FLSA), as amended, permits the employment of under-age workers with restrictions. Under-age workers are defined to be persons between the ages of 14-17. The City does not allow employment of workers less than 14 years of age.

14-15-year-old restrictions:

- Work must take place during non-school hours.
- No more than 3 hours of work is permitted on a school day.
- No more than 18 hours of work is permitted in a school week.

- No more than 8 hours of work is permitted on a non-school day.
- No more than 40 hours on a non-school week.
- Work must take place between the hours of 7 a.m. and 7 p.m. (except from June 1 through Labor Day, when possible evening hours are extended to 9 p.m.);
- No hazardous work is permitted, including transportation, public utilities, or operating power-driven machinery.
- They are prohibited from driving in connection with their employment.

16-17-year-old restrictions:

- No hazardous work is permitted, including transportation, public utilities, or operating power-driven machinery.
- They are prohibited from driving in connection with their employment.

Under the age of 18, employees are entitled to a meal period of at least 30 minutes, not later than five hours from the beginning of their shift. A rest break is required for minors of at least 10 minutes for every three-hour period that is worked. The City also requires a signed note from the parents or legal guardian of any individual less than 16 years of age acknowledging and approving work duties which are to be submitted by the department with any new hire paperwork.

## **Section Three (3)** **CHANGE IN EMPLOYMENT STATUS**

### **3.1 Transfer**

A transfer is the appointment of an employee to a new position. Employees who are transferred are subject to a probationary period. See section [2.2a. Probationary Appointment](#) for details.

When a job vacancy is announced, any City employee may apply to transfer to the position. All qualified applicants will be considered, although no City employee is ensured of selection. If the employee successfully applies for transfer during a probationary period, the employee shall undergo a new and separate probationary period in the position to which they are transferred. Any proposed changes in pay must be effective the first day of a City established pay period.

The City reserves the right to transfer its employees, either permanently or temporarily, from one job to another or one department to another, according to need. If employees refuse to be transferred and the City determines in its sole discretion that there is not work for them in their current positions, they may be subject to a reduction in force.

Certain transfers are subject to appeal as described in section [6.3 ETDAH Appeal Rights and Procedures](#) in this manual.

### **3.2 Promotions**

Promotion is the appointment of an employee to a higher classification or salary range.

Insofar as it is consistent with the City's best interests, promotional opportunities within the City's service shall be encouraged. However, vacancies may be advertised outside the City, and promotional examinations or tests may be required.

When an employee is promoted to a higher position classification, the employee shall be eligible for an increase in pay within the higher position classification pay range. The exact percentage of the increase shall be recommended by the Department Manager, reviewed by the Human Resources Director, and submitted to the City Manager for final approval. The employee's new pay rate should be within the pay grade range assigned to that position. Employees who are promoted to a new position are subject to a probationary period. See section [2.2a. Probationary Appointment](#) for details.

Personnel action forms should be forwarded to the Human Resources Director as the City Manager's designee for review and approval for part-time or seasonal employees. The employee's new pay rate must be within the pay grade range assigned to that position.

### **3.3 Transfers for Disciplinary Reasons (Demotion)**

Employees transferred for disciplinary reasons to a lower salary/grade range will be paid at the lower rate when they begin the new job unless otherwise approved by the City Manager. A transfer for disciplinary reasons (demotion) shall be recommended by the Department Manager, reviewed by the Human Resources Director, and submitted to the City Manager for final approval.

A change in job title that does not affect the pay and classification of the employee shall not be considered a demotion. Certain demotions are subject to appeal as described in section [6.3 Employee Transfer & Discharge Appeal Rights and Procedures](#) of this manual.

When an employee is placed into a lower grade resulting from an inability to perform assigned work, the employee's pay will be adjusted to the lower grade.

### **3.4 Department Reorganization**

When an existing position is vacated or proposed for elimination or when requirements, duties, and job descriptions of a department have dramatically changed, a reorganization or department restructure may be proposed to the City Manager for consideration. The department must mitigate all potential impacts to internal and external customers caused by the reorganization or department restructure.

In cases where the reorganization or department restructure will eliminate or significantly change job descriptions, the Pay Plan Technical Committee will review the new job descriptions and conduct a market analysis using the latest available payroll benchmarks. If an appropriate benchmark is not available, the Technical Committee shall forward the reorganization information on those positions that do not have benchmarks available to the acting Pay Plan Committee for internal equity review. A final recommendation shall then be forwarded to the City Manager as to where the recommended job descriptions should be placed in the pay plan. See [Administrative policy - Salary Adjustments Outside of Adopted Pay Plan](#). Reorganization or department restructure could result in an employee change in employment status (see [Section 3 Change in Employment Status](#)).

The department requesting the reorganization or department restructure must submit a proposal to the City Manager, including a demonstrated need for the reorganization or department restructure, new organizational chart, potential costs or savings, and changes in job descriptions for review.

The City Manager may review and approve, deny, or revise the request. The City Manager may initiate department reorganization or restructure at any time deemed necessary.

Requests for the elimination of an entire department or combination of two or more departments must be submitted to the City Manager and Legal department to determine whether the Municipal Code requires additional Council approval.

### **3.5 Resignation & Discharge**

To resign in good standing, exempt and non-exempt employees must give their supervisor two calendar weeks' prior notice except for the Management Team, who must provide the City with four calendar weeks prior notice. The department manager or supervisor shall submit the resignation to the Human Resources Director. The Human Resources Director will forward the resignation to the City Manager.

Employees may not use any paid time (i.e., vacation, funeral, sick, etc.) hours other than holiday pay in place of straight time hours during their final two or four-week notice period.

Failure to comply with this rule shall be entered into the personnel file of the employee. It may cause denial of future employment with the City and any vacation or other benefits balance payouts (See section [4.23 Vacation Pay](#)).

The City Manager may discharge any employee of Park City Municipal Corporation at any time subject to [UCA Section § 10-3-1105\(1\)](#) as amended and to appeal described in section **6 Procedures for Employee Complaints, Discharge, and Transfer Appeals**. See section **2.2 Appointments**. A discharge may be cause for denial of future employment with the City, as well as ineligibility of vacation balances (See section [4.23 Vacation Pay](#)).

Employees should seek counsel with HR before responding to an employment referral based on time worked at the City. When post-employment or current employment referrals are received directly by HR, they will provide only basic information regarding employment for Park City Municipal, including job title, dates of employment, and salary.

### **3.6 Phased Out Retirement**

The City participates in the Utah Retirement Systems (URS) Phased retirement option. Should an employee wish to request a Phased-Out Retirement option, they must submit a request in writing to the City Manager. This option will only be approved when continued employment is deemed necessary to successful City operations and when sufficient funds available to cover costs.

To be eligible for consideration of this phased out retirement program, employees must currently meet the following criteria:

- Full-Time Regular status
- Worked in a URS eligible position for the City for four years or more
- Currently eligible for retirement in the Utah Retirement System
- Must claim a retirement date with URS and the City
- Does not work for another employer participating in the URS system

If the request for a Phased-Out Retirement is approved, the employee cannot work more than 20 hours per week following the claimed retirement date. The employee will no longer be eligible for benefits and will become a part-time status employee with the City. Also, employees may not work in this "phased out" state for longer than five years.

### **3.7 Reduction in Force**

The City Manager may discharge any employee at any time under the implementation of a Reduction In Force strategy as part of a reorganization, elimination of a City service, or as provided in the City Budget Recession/Revenue Shortfall Plan, after consultation with the Legal Department.

### **3.8 Final Paycheck**

All City property must be returned to the department manager or supervisor before the release of the final paycheck. If an employee is involuntarily terminated, wages will be paid within one business day of termination. Final wages for employees who voluntarily resign will be paid on the next scheduled pay date.

### **3.9 Separation Agreement**

If in the sole discretion of the City Manager a separation agreement is warranted, which may or may not include compensation or other consideration, it will be negotiated on a case-by-case basis. Such an agreement in excess of six months' salary, not including other compensation/benefits, requires the City Council's approval unless the agreement is pursuant to a Court order. Any educational assistance, bonuses, or other benefits received by the employee within the last 12 months prior to separation will be taken into consideration.



## **Section Four (4)**

### **EMPLOYEE PAY AND WORK PRACTICES**

#### **4.1 Classification & Pay: Plan and Administration**

Park City Municipal Corporation operates within the guidelines of an established Pay Plan. The pay plan attempts to ensure the uniform and equitable application of pay due to the duties, responsibilities, most current available market data, and requisite qualifications of each position classification. The City believes rewarding performance and not longevity is an equitable way of compensating employees for their contributions to the organization. All pay plan recommendations and individual employee salary increases or lump merit eligibility are subject to budget constraints and revenue availability and may be altered or rescinded by the City Manager at any time. See the [Classification & Pay Plan Manual](#) for details.

The City's Pay Plan contains a list of grades and positions supported by written job descriptions detailing the duties and responsibilities of each position and the qualifications necessary for appointment to a position. The classification system is not static and is not intended to fix positions permanently into grades. Instead, the system is periodically reviewed to adapt to changing conditions.

#### **4.2 Employee Pay**

City policy and practice comply with all laws, both State and Federal. In the event of an inadvertent or improper pay deduction, affected employees are requested to bring the situation to the attention of the Payroll Coordinator immediately. The City will review the case thoroughly and make corrections to an employee's pay deemed necessary. Questions or concerns may also be directed to the Human Resources Department.

Overpayment of wages or benefits will be deducted from upcoming employee's paychecks. Depending on the size of the overpayment of wages or benefits, a re-payment schedule and timeline may be approved by the Finance Manager.

#### **4.3 Work Week & Pay Periods**

Park City Municipal Corporation operates its payroll system on a biweekly period. The biweekly pay period is defined as a two-week period commencing at 12:01 a.m. Sunday and running to midnight Saturday of the following week, running concurrently with the two weeks used to compute payroll. The standard work week for all non-public safety personnel begins on Sunday and ends Saturday of the same week. The standard work week for all sworn Police Officers is defined by the biweekly pay period of 80 hours. Employees must approve time must approve timecards by 10:00 am on the Monday following the end of the pay period. Managers must approve timecards the same day by noon. The typical work week for full-time regular employees is 40 hours per week, except for public safety personnel which is the biweekly pay period of 80 hours. Departments may supplement less than 40 hours with the

employee's Vacation balance if work was provided but declined.

Employees are paid every other Friday for the preceding pay period. Park City does not offer live paychecks. Employees are required to sign up for direct deposit or a City pay card. More information is available in the Finance Department.

#### **4.4 Break Time and Lunch Period**

Policies covering break time and lunch periods vary by department. Employees should contact their Department Manager or the Human Resources Department. For lunch and break period requirements for employees less than 18 years of age, see section [2.9 Child Labor Underage Worker](#).

For break time requirements for nursing mothers, see section [4.18.a. Medical Maternity Leave](#).

#### **4.5 Time Keeping**

Any non-exempt employee who works during a biweekly pay period must check in to work by an approved time-keeping method. This may include a physical time clock, phone app, or computer check-in. Employees are accountable for using the time-keeping method approved by their supervisor, team, or department. Employees are not permitted to save up hours worked and report them on a payroll other than the one coinciding with actual days worked. Employees who submit their time late on Monday following the end of the pay period may not be paid until the following pay period. Violation of time-keeping policies or falsification of time reported may result in disciplinary action up to and including termination.

Time must be verified by the employee and approved by a supervisor before forwarding to payroll for processing. Employees are compensated in quarter-hour increments only. An employee may clock in at any time other than their initial start time, and punches will be rounded to the nearest quarter-hour. Employees with schedules established in the timekeeping system may punch in up to 15 minutes (referred to as a "grace period") prior to their scheduled starting time but will not be compensated until their shift begins as scheduled. Employees with no schedules established may punch in up to 7 minutes before their scheduled starting time but will not be compensated until their shift begins as scheduled. Employees punching in later than their approved start time or taking longer or shorter than their approved lunch period may be subject to disciplinary action up to and including termination. Employees are expected to be "clocked in" and ready to work at their work location when their shift starts.

##### Timekeeping in Transit Department

Transit Department time and pay tracking vary from that above in two significant ways: 1. Hours worked do not round but are compensating for each minute worked. 2. Transit employees may clock in up to 5 minutes early and clock out at their established schedule time.

Non-exempt employees are required to clock in or out using their department's approved time-keeping method at the beginning and end of each shift and during unpaid meal breaks. Employees who fail to check in or out of work properly must have the hours for that day verified according to their supervisor's or department's policy and have appropriate corrections made in the timekeeping system by an immediate supervisor. Per the Fair Labor Standards Act (FLSA), non-exempt employees may not perform their job functions without payment. This includes checking email on a cell phone and texting others about work topics that would typically be compensated. Failure to comply with this law by employees and supervisors may result in discipline up to and including termination.

Exempt employees who use any time other than Straight Time hours must indicate such use on their timecard during the pay period in which the hours were used. This includes but is not limited to Sick Leave, Sick Leave FMLA, Sick Leave Family, Sick Leave Family FMLA, Vacation, Lump Merit Leave, Floating Holiday, Funeral Leave, Jury Duty Leave, Maternity Leave, Paternity Leave, and approved Administrative Leave. Actual hours of straight or "worked" time may vary from numbers pre-programmed in timekeeping software. Pre-programmed totals are for ease of use only and must be updated to include time other than Straight Time. Exempt employees must approve time records before their submittal to payroll.

Falsifying time clock entries or allowing any employee to punch in or out for another employee is prohibited. It can result in immediate and severe disciplinary action, up to and including termination. Should any discrepancy occur in a time clock entry, employees should contact their supervisor immediately. Any team member or supervisor who signs another employee's timesheet is accountable for the verification and accuracy of the time declared.

Paid or unpaid administrative leave for all employees, exempt and non-exempt, must be pre-approved by the City Manager.

Qualified Sick Leave, Maternity Leave, Paternity Leave, Sick Leave Family and Workers Compensation Leave may also be considered Family Medical Leave and deducted from the 12 weeks of FMLA available to all qualified employees, exempt & non-exempt, each pay period. See section [4.19 Family Medical Leave](#).

#### **4.6 Overtime**

For non-exempt and non-public safety employees, overtime is time worked above a 40-hour workweek. For non-exempt public safety employees, overtime is defined as hours worked above 80 hours during the biweekly pay period.

Hours worked (Straight Time) and actual on-call hours worked (On-Call Pay) will be used to calculate overtime. All other leave hours, including Sick Leave, Sick Leave FMLA, Sick Leave Family, Sick Leave Family FMLA, Holiday Pay, Vacation, Floating Holiday, Funeral Leave, Jury Duty Leave, and Release Time are not used for calculating overtime hours. Administrative Leave is never used in the calculation of overtime.

An employee must obtain their supervisor's approval for overtime hours before working overtime hours. Employees should consult their supervisor or department manager for clarification on department-specific practices.

Without overtime approval from their supervisor, all hourly employees must conclude their day's work at the established quitting time. Any non-exempt employee must obtain their supervisor's approval to conduct City-business while not scheduled. This includes but is not limited to answering or sending phone calls and emails for City-business while off-the-clock.

#### **4.7 Garnishments & Wage Attachments**

Occasionally the City will be served with a Garnishment Writ of Execution or wage attachments against an employee's wages. The City is required by law to comply with properly served garnishments.

Garnishments create an additional workload for City staff, and therefore employees are urged to arrange promptly for the discharging of any amount of judgment against them. If the garnishment cannot be paid outright, an agreement is suggested to make periodic payments be arranged until the judgment is discharged. Alternatively, the employee should make arrangements for a loan to pay off the judgment.

#### **4.8 Payroll Deductions**

The law requires that certain deductions be withheld from an employee's paycheck. These include Social Security (FICA), Medicare, worker's compensation, federal and state taxes. These deductions are based on a schedule provided by the government and bear a direct relationship to the exemptions the employee claims and the employee's earnings. Additional deductions will be withheld according to the contributory benefits elected by employees, such as insurance premiums, retirement, employee purchase plans, etc. Employee payroll check stubs detail all deductions.

#### **4.9 Flex Schedules**

Employees are required to work a shift that includes "core hours" defined by the department. Any department interested in allowing a modified flex schedule must have approval from the City Manager. Flextime schedules may allow regular full-time, exempt, and non-exempt employees to set their starting and ending times for the workday with the support of their supervisor and within certain limits. Managers must submit a flex plan and schedules including but not limited to recommendations, costs, benefits, and customer service impacts to the City Manager before scheduling begins. Offices and departments may not close between regular business hours due to flex schedules, nor can customer service be diminished. Managers must submit flex schedules to HR annually in April of each year, and any time they are recommending changes to previously approved flex schedules.

The Human Resources Director will compile and maintain a list of departments and divisions implementing or utilizing a flex schedule and presenting it to the City Manager annually. Flex schedules must comply with the Fair Labor Standards Act (FLSA) and the City's policy on overtime and workweek designation as defined in section [4.6 Overtime](#). Flex schedules may be modified or rescinded at any time by the department manager or City Manager.

#### **4.10 Telecommuting**

The City confirms its commitment to assisting employees in developing a work-life balance by supporting telecommuting when it is reasonable and practical to do so and when operational needs will not be adversely affected. It can also reduce absenteeism in certain situations and improve productivity. Telecommuting allows an employee to work from home part of their regular workweek.

Telecommuting is not intended to permit employees to work at other jobs or run other businesses. According to City needs, it is not an entitlement or a City-wide benefit and can be altered or terminated at any time with or without notice.

Please refer to the Administrative Policies found on the Employee Portal ([ep.parkcity.org](http://ep.parkcity.org)) for policy and direction on Telecommuting.

#### **4.11 Absences & Tardiness**

Employees are expected to report to work on time. Tardiness is expensive, disrupts workflow, compromises customer service, and will not be tolerated. Unauthorized or excessive absences or tardiness may result in disciplinary action up to and including termination. An absence is unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Unsatisfactory attendance may also harm any promotional opportunities.

If an employee will be late or absent for any reason, they shall contact their supervisor or their designee at least one hour before their regular starting time. It is the employee's responsibility to ensure that proper notification is given. Leaving voice mail messages is not considered adequate notice unless authorized by the department supervisor. Asking another employee, friend, or relative to provide this notification is acceptable only under emergency circumstances.

Employees who know they will be absent on three or more consecutive workdays must notify their supervisor in advance of their absence. Employees who are absent on consecutive workdays due to day-to-day illnesses must notify their supervisor each day. Employees who take sick leave for three or more consecutive shifts are required to provide their supervisor or department manager with a doctor's note from a certified medical provider upon return to duty, verifying their ability to return to work full duty. Supervisors should forward all doctor's notes to Human Resources. Absences occurring around regularly scheduled days off are considered consecutive. For example, Thursday, Friday, Monday absences are considered

three consecutive workdays for those working a typical workweek.

Employees who exhibit a pattern of absences (three or more occurrences of two consecutive work day absences or more than 40 hours) in any three-month period may be required to furnish a doctor's note from a certified medical provider verifying each occurrence of illness until the employee's pattern of absences ceases. Patterns of absences include but are not limited to Monday and Friday absences, absences before scheduled time off, and holidays or sick leave taken on more than two consecutive scheduled workdays in any month. This applies to both non-exempt and exempt employees.

Employees absent from work for three consecutive days without giving proper notice, communication, or verification to a supervisor or manager will be considered to have voluntarily terminated employment with the City. At that time, the termination will be formally noted in the employee's personnel file. The employee will be advised of the action by certified mail to the employee's last known address.

#### **4.12 Salary Increase and Performance Evaluations**

As part of the City budget process, the City Council will decide on the amount of funds appropriate for employee pay. Any recommended changes in pay levels must be effective the first day of an approved City pay period.

##### **a. Position Reclassification Due to Pay Plan Adjustment due to Market Salary Review**

The Council may approve an adjustment to pay plan grade levels. Adjustments are recommended due to changes in job market compensation and follow a market salary review. An employee whose current classification is moved to a higher pay grade will move into the new grade at their current wage or the minimum wage of the grade, whichever is greater.

##### **b. Merit Increase to Employee Pay**

All employees meeting expectations with no significant performance issues raised in the most recent evaluation may be eligible for an increase. Merit increases in pay must be effective concurrent with the annual performance review process effective July 1 of each year. An employee may not be recommended to be paid above the Council-approved maximum for its pay grade.

If an employee's salary is above the Top of Range rate of its position, regardless of the reason, any increase will be calculated and treated as though the employee was at the top of the pay grade.

Factors that will not affect eligibility for a merit pay increase are a department transfer within the same pay class or range or leave-without-pay for 30 or fewer calendar days.

### **c. Performance Reviews**

Managers should assist in an employee's development to full potential, help overcome performance deficiencies, and develop an employee's understanding of performance requirements.

A realistic rating of each employee's performance should be conducted and result in an appropriate recognition of individual performance. Eligibility for salary increases within a specific job is based on how well an employee performs during any given review period. It is, therefore, essential that performance be formally reviewed and proper documentation submitted to the Human Resources Department.

All written employee performance reviews, including self-evaluations and any actions resulting from the review, shall become a part of the employee's permanent personnel file. Employees shall not be eligible for pay raises unless a written evaluation of the employee's performance is included with the pay raise request.

A performance review does not precipitate a salary adjustment. The program should not be construed as authorizing annual increases for employees. Annual performance reviews should be conducted whether or not the employee is being recommended for salary increase or lump merit. (See the [Performance Reviews Manual](#) for review process requirements and details).

### **d. Full-Time Regular Employee Reviews**

Full-time regular employees will receive a performance evaluation for the review period of April 16 – April 15. Performance evaluations pay changes and bonuses are effective at the start of the first pay period closest to July 1. Full-Time regular employees may be eligible for a lump sum based on merit (lump merit) of up to 7% annually. Lump Merits are subject to the following: completion of the review period, a performance which exceeds expectations, budget constraints, and revenue availability. The amount of the lump merit will not result in an increase in salary for that position. However, the City will make retirement contributions on performance lump merits (lump sum) consistent with contributions on base pay.

Each employee who meets the standard identified in the job description of their position in their performance review will be eligible to receive up to a 5% percentage increase to salary until they reach the top of their position's pay grade. In addition, an employee meeting their performance goals may receive the lump merit up to the annual percentage, while an employee who is meeting their performance goals but has been performing below competency levels may receive no lump merit. Employees who consistently demonstrate excellence in job duties and standards may be eligible for pay increases up to the grade maximum.

Proposed pay raises and lump merits shall be recommended by the Department Manager and approved by the City Manager or, in the case of part-time employees, the Human Resources Director as the City Manager's designee.

No time spent on leave without pay will count toward lump merit eligibility. If the employee is on leave-without-pay status for over 30 days, no time spent on leave-without-pay over 30 calendar days will count toward merit increase eligibility. Time considered as leave without pay includes Short-Term Disability (STD), unpaid Worker's Compensation Leave (WC), Long-Term Disability (LTD), Family Medical Leave (FMLA), Unpaid Leave, and unpaid Administrative Leave due to disciplinary actions.

Managers of employees retiring from employment with the City may request a pro-rated lump merit based on time worked during the review period.

For information on Part-Time, Student Intern & Seasonal Employee performance review bonus programs, see section [4.13 Bonuses](#).

**e. Pay upon Promotion**

When an employee is promoted to a higher position classification, the employee shall be eligible for an increase in pay within the higher position classification pay range. The percentage of the increase shall be recommended by the Department Manager and submitted to the Human Resources Director for review. For full-time regular appointments, the Human Resources Director shall submit the recommendation to the City Manager for final approval. Only with approval by the City Manager will an employee be moved to a rate higher than the new hire maximum of the pay range in which they are being promoted.

In the case of part-time or seasonal employees, changes should be recommended solely to the Human Resources Director as the City Manager's designee for review and approval. The employee's new pay rate must be within the pay grade range assigned to that position.

**4.13 Bonuses**

**a. Purpose**

The bonus program is designed to recognize a specific incident, such as recognition for safety efforts, clean accident records, or other on-the-job accomplishments and contributions. Gifts and gift cards purchased with City funds and given to employees are considered bonuses and must be categorized and approved per the processes below.

**b. Bonus Categories**

**1. Instant Bonus**

Any employee may nominate another employee for an instant bonus to a maximum of \$100.00 with the Human Resources Director's and the nominee's



Manager's approval. Instant bonuses are grossed up in the payroll system.

**2. Cost Savings Bonus - Outside Normal Job Duties or Description**

Any employee may receive up to 10% of cost savings not to exceed \$3,000.00 that would be realized in the first year following implementing an employee's cost savings idea. Any cost savings bonus requires the prior written approval of the City Manager. Nominations must be in writing and forwarded to the Human Resources Department. The cost savings idea must be outside of an employee's regular job duties or job description. Cost savings bonuses may not be grossed up in the payroll system.

**3. Merit Bonus**

A merit bonus of up to \$400.00 may be recommended for a full-time regular employee by their supervisor. Merit bonuses should be reserved for the most productive and estimable performances. They should be based upon the employee's contribution to a department or City essential project, completing a specific project milestone, exceptional meritorious performance, or acknowledging efforts during particularly challenging work. The City Manager must approve any meritorious bonus over \$100.00. Projects or events that are ongoing will not be given a merit bonus beyond the year of implementation. Merit bonuses may be grossed up in the payroll system.

**4. Part-Time and/or Seasonal Employee End-of-Season Bonus**

A part-time or seasonal employee who is not eligible for performance or pro shop bonus programs may receive a bonus based on approved end-of-season time and shift requirements, safety, accident record, or other on-the-job accomplishments, specific department criteria. Each department with retention/end-of-season bonus programs must have the criteria by which the bonus is calculated, approved by the City Manager, and on file in Human Resources before any bonus is approved. The City Manager must approve all end-of-season bonuses over \$100.00. These bonuses are funded by individual departments and should be budgeted accordingly, and are not grossed up in the payroll system.

**5. Part-time Employee Performance Bonus**

A part-time employee who has worked at least one year with the City may be eligible for a bonus of up to 4% of their pay during the year in review.

Each department requesting part-time employee performance bonuses must have the criteria by which the bonus is calculated and the employees eligible approved by the HR Director. Managers should submit the criteria and performance for each staff member along with a recommendation for a bonus. All part-time employee performance bonuses over \$100.00 must be approved by the City Manager. These bonuses may not be grossed up in the payroll system. Human Resources provides funding for part-time employee performance

bonuses.

#### **6. Part-time or Seasonal Employee Pro Shop Bonus**

Employees whose positions are related to merchandise sales or services may be eligible for a bonus based on sales or pro shop revenue generation. Pro Shop Bonuses are for part-time or seasonal employees that work in pro shops. The City Manager must approve all Pro Shop Bonuses over \$100.00. Employees who receive these bonuses are not eligible for end-of-season or performance bonus programs. These bonuses may not be grossed up in the payroll system.

#### **7. Perfect Attendance Bonus**

To reward full-time regular, non-exempt employees who have been released from probation and who do not use Sick Leave, Sick Leave FMLA, Sick Leave Family, Sick Leave Family FMLA, Parental, Pregnancy, Disability or Workers' Compensation hours, the following incentive will be provided: For each quarter (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec) of perfect attendance, full-time regular employees will receive a \$100 bonus. If the employee has perfect attendance for the entire calendar year, they will receive an additional \$200 at the end of the corresponding year. The bonuses will be paid within 30 days after the end of the quarter. Perfect Attendance Bonuses may be suspended at any time for any reason by the City Manager. Exempt employees are not eligible for this incentive.

#### **c. Documentation and Procedure**

Any department requesting performance, pro shop, or end-of-season bonuses for part-time employees must have the criteria by which the bonus is calculated, the employees' eligibility approved by the Human Resources Director.

An articulation of the program, the specific reasons, and employee eligibility must be submitted to Human Resources and approved by the Human Resources Director before bonus recommendations. This process must be used for each employee evaluated and accompany an Employee Position Change Form with the appropriate approvals to the Human Resources Department for processing.

Part-time and seasonal employees are eligible for only one performance bonus, an end-of-season bonus, or a pro shop bonus. Full-time regular or employees under Special Employment Agreements do not qualify for end-of-season or pro shop bonuses.

#### **4.14 Release Time**

As part of the City's wellness program and with prior supervisory approval, eligible employees may be granted periods of 30 to 60 minutes, up to a maximum of 90 total minutes per week, to participate in an approved physical activity. Release time may only be granted during an

employee's regularly scheduled work hours. This benefit is not to be used as commute time or to leave work early to then exercise later but is to be used for physical activity. Release Time may not be available for use during busy seasons or otherwise busy times depending on Manager's discretion. Release time may not impact City operations, and therefore may not be available for all City departments.

Release time is considered "non-productive" time and is not included in overtime calculations. Employees may not use Release Time to exceed 40 hours in a workweek without the manager's approval. This benefit cannot be used in conjunction with other paid benefit time such as vacation, sick leave, family sick leave, etc., within the same workday. Release Time must be pre-approved by supervisors depending on department needs. This time is recorded as Release Time on timesheets.

#### **4.15 On-Call Pay**

On-call employees shall receive \$18.00 per day and a minimum of two hours' pay if called out. Upon callout, travel time is paid to commute to a work site. Except for emergencies when phone conversations are necessary, travel time from work is not paid. On-call employees may be provided with a City vehicle used only by the employee commuting to and from work and on-call emergencies.

On-call employees shall strictly adhere to all City policies and procedures and in particular Section [5.11 Use of Drugs and Alcohol](#) of this manual. On-call employees shall not drive City vehicles or perform on-call emergency services while under the influence of drugs (legal or illegal) or alcohol.

This on-call policy does not apply to Police Officers (except detectives) or exempt employees.

#### **4.16 Sick Leave & Sick Leave FMLA**

Sick leave is leave with pay granted to a full-time regular employee suffering from an injury, illness, or disability, which prevents them from performing their usual duties and responsibilities. If an employee is sick, they will be paid at their regular pay rate for work hours missed due to the illness up to 120 hours per illness or occurrence of an illness, and no more than a total of 140 hours per calendar year.

When an employee is absent due to illness, doctor's appointment, or dental appointment, the time will be recorded as Sick Leave on timesheets. Employees taking three or more consecutive workdays as leave will be required to provide documentation of illness or medical necessity from a physician upon return to work to their supervisor or the Human Resources department. Supervisors receiving sick leave notes from employees should forward them to the Human Resources department immediately. It is the responsibility of the supervisor or team to monitor the amount of sick time being used and deal with abusers through the formal disciplinary procedures as provided in section [5.14 Disciplinary Procedures](#). Employees with consistent patterns of absences, whether on paid or unpaid leave status, may be subject to

disciplinary action up to and including termination. Consistent absences may include Monday and Friday absences, absences before scheduled time off, holidays, or consistent sick leave taken in any month or over several months. This applies to both non-exempt and exempt status employees.

Employees should inform their supervisors about any non-emergency, medically necessary surgeries or procedures in advance. The request should be accompanied by a physician's note which must specify medical necessity, prognosis, and a probable return to work date. At the end of 21 consecutive days due to the employee's illness, employees will be placed on Short-Term Disability status and may opt to supplement pay with a vacation payout. See section [4.23 Vacation Pay](#). No more than a maximum of 120 hours of Sick Leave may be used either consecutively or non-consecutively by an employee for the same occurrence of illness or medical condition.

Employees returning to work with physical restrictions must adhere to sections [3.2 Return to Work from Medical Leave](#) & [4.21 Light Duty](#) policies. Employees may not substitute Vacation hours instead of Sick Leave or receive perfect attendance bonuses or any other reason.

Sick Leave used by employees for illnesses or injuries eligible for FMLA status will also be counted toward the 12 weeks of eligibility for Family Medical Leave. Time will be recorded as Sick Leave FMLA on timesheets. See section [4.19 Family Medical Leave](#). Sick leave and perfect attendance bonuses are part of the City's core benefits package.

Upon resignation, employees may not use any sick leave hours within the last two weeks (or for the Management Team, four weeks) of their notice. See section [3.5 Resignations & Discharges](#).

#### **[4.17 Sick Leave Family & Sick Leave Family FMLA](#)**

Sick Leave Family is paid leave granted to eligible employees due to an illness or injury of a member of their immediate family, which requires the employee's presence as a primary caregiver. For this policy, immediate family is defined as dependents, children, spouses, parents, domestic partners, and legal guardians. Employees taking more than three consecutive days for qualified family illness will be required to provide documentation of illness or medical necessity from a physician upon return to work.

Employees are allowed a maximum of 120 Sick Leave Family hours per calendar year. After 120 hours of Sick Leave Family due to the same occurrence of illness or medical condition of a member of the employee's immediate family where a medical provider or physician designates an employee as the primary caregiver, an employee may be allowed additional unpaid leave as designated and regulated by the Family Medical Leave Act (FMLA). An employee may supplement unpaid time with a vacation payout. See sections [4.23 Vacation Pay](#) and [4.19 Family Medical Leave](#).

Employees returning to work after caring for an immediate family member for more than two

consecutive scheduled workdays must adhere to sections [4.20 Return to Work from Medical Leave](#). Employees may not substitute Vacation hours instead of Sick Leave or receive perfect attendance bonuses or any other reason.

Sick Leave Family used by employees whose immediate family member is considered to have a serious medical condition will also be counted toward the 12 weeks of eligibility for Family Medical Leave and time will be recorded as Sick Leave Family FMLA on timesheets. See section [4.19 Family Medical Leave](#). Sick leave and perfect attendance bonuses are part of the City's core benefits package.

Upon resignation, employees may not use any paid sick leave hours within the last two weeks (or for the Management Team, four weeks) of their notice. See section 3.5 Resignations & Discharges.

#### **4.18 Pregnancy and Parental Leave**

##### **a. Pregnancy Leave**

Paid leave up to 160 hours will be granted to female, full-time regular employees for pre-partum and post-partum care and recovery. This includes pre-birth doctor's visits and sick leave due to pregnancy care. Once medical pregnancy leave hours are exhausted, additional unpaid hours may be granted under the Family Medical Leave Act. Employees may supplement unpaid time with a vacation payout. See section [4.22 Vacation Pay](#). Paid Pregnancy Leave hours will be counted towards the 12 weeks of leave allowed by the Family Medical Leave Act.

See section [4.19 Family Medical Leave](#). Once pregnancy leave hours are exhausted, pregnancy care is not eligible for sick leave coverage. Only full-time regular employees are eligible for Pregnancy Leave.

Regardless of employee status, nursing mothers are eligible to reasonable unpaid breaks during work time to express milk for their infants for one year after the child is born. A location other than a bathroom will be provided, which is shielded from view and free from intrusion from co-workers and the public.

##### **b. Parental Leave to Provide Care/Assistance to Mother or Child**

Paid Leave of 80 hours will be granted to all full-time regular employees, including those who also take Pregnancy Leave, to provide care and assistance for the birth or adoption of a child or their mother. Once Parental Leave hours are exhausted, additional unpaid hours may be granted under the Family Medical Leave Act (FMLA). Paid Parental Leave hours will be counted towards the 12 weeks of leave allowed by the Family Medical Leave Act. See section [4.19 Family Medical Leave](#). Once parental leave hours are exhausted, Parental Leave is not considered Sick Leave Family coverage unless specifically designated by a physician. Only full-time regular employees are eligible for Parental Leave.

**c. Coordination with Family Medical Leave Policy**

Pregnancy and Parental Leave are counted toward the 12 weeks of eligibility for Family Medical Leave. See section **4.19 Family Medical Leave**.

**4.19 Family Medical Leave**

The Family and Medical Leave Act of 1993 (FMLA) grants eligible employees the statutory right to take unpaid leave under specified circumstances. This policy applies to all City employees who have met all of the following conditions:

- Worked for the City a minimum of 1,250 hours in the 1-year period based on a rolling calendar year immediately preceding the request for leave.
- Worked for the City for a total of 12 months. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more will not be counted unless the break was occasioned by the employee's fulfillment of National Guard or Reserve military obligation.
- Be an active employee.

There are three separate types of leave and applicable requirements: Medical Leave, Qualifying Exigency Leave, and Military Caregiver Leave.

**a. Medical or Qualifying Exigency Leave**

Eligible employees are entitled to take up to 12 weeks (480 hours) of leave during a 12-month period for any of the following:

- the birth or adoption and care of a newborn child of the employee,
- placement with the employee of a son or daughter for adoption or foster care,
- to care for a spouse, child, dependent, domestic partner, or parent with a serious health condition,
- a serious health condition that makes the employee unable to perform their job functions,
- if the employee's spouse, child or parent is a member of the National Guard or Reserves (or a retired member of the regular Armed Forces) and who is either on active or inactive duty and has been notified of an impending federal call or order to active duty in support of a contingency operation. Contingency operations may include but are not limited to a call to war or national emergency declared by the President of the United States or the US Congress.

To be eligible for medical or qualifying exigency leave, the employee must submit a form WH-380 for medical leave and WH-384 for qualifying exigency leave that can be obtained either online through the Department of Labor or from the Human Resources office. The leave taken under this policy may not exceed 12 weeks (480 hours) in any 12-month period.

**b. Military Caregiver Leave**

Eligible employees may be entitled to take up to 26 weeks (1040 hours) of leave for the care of a spouse, child, parent, or next of kin who is a “covered military service member” undergoing medical treatment, therapy, or recuperation, who must have an outpatient status or be listed on the temporary disability retired list (TDRL) for a serious injury or illness. The serious injury or illness must have occurred in the line of duty while on active duty in the Armed Forces, and the injury must have rendered them “medically unfit to perform the duties of the member’s office, grade, rank or rating.” The leave taken under this policy may not exceed 26 weeks (1040 hours) of leave in any 12-month period. To be eligible for Military Caregiver Leave, the employee must submit a form WH-385 for Military Caregiver Leave obtained either online through the Department of Labor or from the Human Resources office.

A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care.
- Continuing treatment by a health care provider, which includes:
  - A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
    - Treatment two or more times by or under the supervision of a health care provider (the first visit must be within seven days and both within 30 days of the first day of incapacity) **or**
    - One treatment by a health care provider (an in-person visit within seven days of the first day of incapacity) with a continuing regimen of treatment (i.e., prescription medication, physical therapy, etc.).
  - Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence
  - Any period of incapacity or treatment for a chronic, serious health condition that continues over an extended period requires periodic visits (at least twice a year) to a health care provider and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence.
  - A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment.
  - Any absence to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Part-time and seasonal employees who do not work full-time schedules will be eligible for a pro-rated amount of leave hours based on the total number of hours worked during the qualifying period of 1 year previous to a request for FMLA leave.

The 12-month period of leave is considered as a rolling 12-month period, which is measured backward from the current date. When used for a serious medical condition, sick leave, family sick leave, and worker's compensation leave, or leave taken by an employee who is designated as qualifying for Family Sick Leave may be counted toward the 12 weeks of leave. Maternity leave, paternity leave, short-term disability, and long-term disability will also be counted towards the 12 weeks of leave.

The definitions and rules outlined in the Family Medical Leave Act of 1993 and the Department of Labor Rules and Regulations are used to determine if an employee qualifies for leave under this policy. Employees who request leave for their own serious health condition or the serious health condition of an applicable family member are required to provide the City with a complete U.S. Department of Labor Form WH- 380 Certification of Health Care Provider. This form can be found online through the Department of Labor and from the Human Resources Department.

When leave is expected to last more than five days, the employee must request the leave, in writing, to their supervisor at least 30 days before the leave, or as soon as practical when the employee is made aware of the need for leave if less than 30 days. The request should then be forwarded to the Human Resources Department. Verbal notice of emergency leave must be followed by a written request and applicable forms as soon as possible.

Pending receipt of a form WH-380, 384, or 385, the employee is provisionally entitled to the benefits of the Act, including maintenance of group health insurance benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under Park City's established leave policies. If the City has reason to doubt the validity of a medical certification, it may require an employee to obtain a second opinion. The City is permitted to designate the health care provider to furnish the second opinion. However, the selected health care provider may not be employed regularly by the City. This second opinion is at the City's expense. If the opinions of the employees and the City's designated health care providers differ, the employer may require a certification from a third health care provider, again at the City's expense. This third opinion shall be final and binding. The City will provide employees with a copy of the second and third medical opinions, where applicable, upon request.

Before returning to work, the City may require that an employee on leave for their own serious health condition submit a doctor's note that the employee is able to return to work with or without restrictions. See sections [4.20 Return to Work from Medical Leave](#) and [4.21 Light Duty](#).

The City may require a fitness for duty examination, functional analysis, and drug or alcohol testing if it has reasonable cause to believe that an employee may not be physically or emotionally able to perform essential job functions or if necessary, to determine whether an employee performing a physically demanding job continues to be fit for duty. During periods



of leave taken according to this policy, the City continues to pay the employer's portions of the employee's health insurance premium. The employee is responsible for paying their portion of the monthly health insurance premium. The employee's failure to pay the employee portion of any health insurance premium may result in the loss of health insurance benefits.

Married employees who both work for the City are restricted to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the birth and care of a child, or the adoption of a child or placement of a child with the employee for foster care. This restriction does not apply to other types of leave the employees may qualify for under this policy.

Eligible employees who take leave under this policy are entitled to be restored to the same position they held when the leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. The City reserves the right to designate certain employees as key employees, according to the Family and Medical Leave Act of 1993 (FMLA). Under certain circumstances, key employees may not be entitled to return to work following leave.

The City's Parental, Pregnancy, Short-term Disability, and Long-term Disability hours run concurrently with FMLA hours. Other leave, such as accrued paid leave or unpaid leave granted by the City Manager, may, upon approval, be taken by an employee to extend the overall leave duration. However, the protections and benefits provided by FMLA do not apply to leave which exceeds the FMLA leave period per 12-month or 26-month maximum.

Employees are not eligible to accrue vacation hours or use other types of paid leave once on unpaid leave. An employee may, if eligible, request a vacation payout during any portions of unpaid or partially paid FMLA leave, up to 100% of regular pay. Any partially paid portion (including worker's compensation, short and long-term disability payments) shall be considered a portion of regular salary when determining payout eligibility. Employees are eligible for payouts only up to their current vacation balance. All vacation payouts will be subtracted from the current balance upon payment. See section [4.22 Vacation Pay](#)

The application of this policy and any inconsistencies, conflicts, or issues that arise are governed by the provision of the Family and Medical Leave Act of 1993 (FMLA) and applicable federal regulations that interpret the Act.

#### **[4.20 Return to Work from Medical Leave](#)**

When an employee returns from any form of approved medical leave (workers' compensation leave, disability leave, sick leave, etc.) with work restrictions ordered by a certified doctor or medical provider, the employee must report with that information to their immediate supervisor and/or the HR department before reporting to duty. The City will then determine whether that employee may return to their regular duties, whether modifications will be made, or if there is no modified work available. See section [4.21 Light Duty](#).

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Employees absent for three or more consecutive workdays or regularly scheduled shifts will

be required to provide documentation of illness or medical necessity from a physician upon return to work to their supervisor or the Human Resources department for any of the following types of leave: Sick Leave, Sick Leave FMLA, Family Sick Leave, Family Sick Leave FMLA, Worker's Compensation Leave, Short-Term Disability, and Long-Term Disability. For an employee regularly scheduled to work Monday-Friday, the weekend is not excluded from consecutive absences. For example, a doctor's note is required for absences Friday, Monday, and Tuesday if the employee regularly works Monday - Friday.

#### **4.21 Light Duty**

Light Duty / Return to Work policies are highly effective in containing and reducing an employer's costs of Workers' Compensation and disability-related leaves. Enabling the earliest possible return of injured/sick workers to perform productive work within their physical capabilities may also promote quicker employee rehabilitation by keeping the employee active and part of the work environment. It ultimately facilitates the employee's return to their regular position once released from light duty.

Light Duty is prescribed by a physician due to an employee's work-related injury, personal injury or disability. It temporarily restricts an employee's physical abilities. These restrictions may present obstacles to the employee's ability to perform tasks required by their normal position. Light duty enables supervisors to modify the employee's position to accommodate the restrictions or allow other positions or tasks within the City to be temporarily filled by the employee. Light duty may also be referred to as modified duty, limited duty, alternate duty, restricted duty or transitional duty.

This policy applies to all City employees, including full-time regular, part-time non-benefitted, seasonal, and special employment agreements, from all City departments.

Light duty assignments are developed at the City's discretion based on physical capability, skills, City needs, and the availability of light-duty assignments. Light duty assignments will be re-evaluated every 80 hours. The City will determine appropriate work hours, shifts, duration, and locations of all work assignments. The City also reserves the right to determine availability, appropriateness, and continuation or cancellation of any light-duty assignment at any time for any reason.

Preferably, light-duty assignments will be a modification of the employee's current position. If this is not possible, an assignment within the same department or any other department or location within the City will be considered. Telecommuting may also be considered in certain cases. The assignment may require the employee to work a different schedule and/or hours per week than normally done. The employee will continue to be compensated at their same salary for hours worked. If the employee holds more than one position and light-duty is not due to a work-related injury, the employee may receive the salary equivalent to the lowest salary held.

The employee's salary will be charged to their normal department even if temporarily

assigned to another department.

Light-duty assignments may be approved for eligible employees for up to 90 consecutive days. The employee will not be displaced from that assignment during the 90-day period by another employee who subsequently requires light duty. The light-duty assignments may change or be terminated within the 90 day period depending on City needs at any time for any reason.

The City may allow the employee to extend their light-duty beyond the 90-day period. However, the City reserves the right to terminate the assignment at any time for any reason. Upon a physician's note stating the employee's ability to return to full duty without restrictions, the light-duty assignment is immediately terminated, and the employee will be reinstated into their normal position.

This policy does not limit the rights of employees covered by the Americans with Disabilities Act (ADA) to seek reasonable accommodations as provided under that law as amended. It also does not limit an employee's rights and protections under the Family Medical Leave Act (FMLA).

An employee returning from any form of approved leave, including Workers' Compensation, Short or Long-Term Disability, or Sick Leave with work restrictions ordered by a physician must submit that information to their supervisor before reporting to duty. The City will then determine whether that employee may return to their duties or whether modifications will be made.

The employee assigned to light duty must not exceed the duties of the position or go beyond the doctor's restrictions. The employee will submit all appropriate medical notes to their regular supervisor and also their temporary supervisor if assigned to a different department. If any medical restrictions change, the employee must notify their supervisor(s) immediately and provide a copy of the new medical release.

Supervisors will monitor work performance to ensure the employee does not exceed the requirements set by the attending physician. They will forward all documentation received to the Human Resources Department.

Upon receipt of a physician's note indicating an employee return to work with light-duty restrictions:

- The supervisor will evaluate the possibility of modifying the employee's current position to accommodate the physical restrictions.
- If the supervisor is unable to accommodate the restrictions, they will inform the Department Manager, who will evaluate other assignments within the department for temporary placement.
- If the department is unable to provide the employee with light-duty, HR will try to find proper placement elsewhere in the City and will inform the supervisor

- of the assignment.
- HR will complete the “Light Duty Assignment Record” form and ensure the light-duty assignment is in compliance with the employee’s restrictions. HR will ensure that the employee and the supervisors are aware of their responsibilities and will track the duration of the assignment.
  - The employee must submit all physician follow-up notes to their normal supervisor and if assigned to a different department, will also give a copy of this note to their assigned supervisor.
  - Upon receipt of a return to full duty note from the physician, the employee will be promptly returned to their normal position.

## **4.22 Disability Accommodations**

**Equal Employment Opportunity Employer** - The City is committed to providing equal employment opportunities for all employees and job applicants. As part of that commitment, the City seeks to implement all applicable provisions of the Americans with Disabilities Act (the “ADA”), as amended, and related state law. It is the City’s policy not to discriminate against qualified individuals with disabilities with application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. Ability, not disability, is the basis for employment decisions. It is the City’s policy to provide reasonable accommodation to qualified individuals with a disability. A qualified individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs when the City acts based on such use.

### **a. Requesting an Accommodation**

The accommodation request process is interactive. It requires cooperation and communication between both the individual requesting accommodation and the City. Qualified employees or applicants with disabilities may request a reasonable accommodation. The need for accommodation may be brought to the attention of the City in any of the following situations:

- A job applicant may request an accommodation with respect to the job application process.
- A new employee may request an accommodation to perform the essential functions of the job.
- An employee returning to work after experiencing an illness or injury may request an accommodation.
- A current employee with a disability whose medical condition has changed may request an accommodation for the first time or a change in accommodation or
- Any employee with a disability may request accommodation at any time.

An employee is not required to disclose the diagnosis of their condition or the details of their medical treatment when requesting an accommodation when both the disability and the need for reasonable accommodation are obvious. However, the employee must notify the

City of a need for accommodation for a reason related to a medical condition.

Medical documentation may be required to evaluate and process an accommodation request when the disability or the need for accommodation is not obvious. If such information is needed, employees are encouraged to use the [Medical Information Request Form](#), found on ADP under “Employee Forms” or from the HR Department.

Qualified employees or applicants with disabilities may request an accommodation by filling out a **Reasonable Accommodation Request Form** and returning it to the **HR Director**. This form is found on the employee portal under the tab “Forms” or may be obtained from the HR office. Employees may also request an accommodation by notifying any of the following responsible persons of a need for accommodation:

- City Manager
- Assistant City Manager
- HR Manager
- Department Manager/Director
- Immediate Supervisor/Manager

Employees who suffer from a mental or physical impairment that interferes with their ability to perform their job are encouraged to submit a Reasonable Accommodation Request Form or discuss their situation with any of the responsible persons identified above.

The interactive process should be documented with the ADA Interactive Process Worksheet found on ADP under “Forms” and from the HR Department.

### **b. Supervisor Responsibilities**

If any employee approaches a supervisor about an accommodation or health problem, the supervisor may not ask the employee for personal medical information. Instead, the supervisor should immediately contact the Human Resources Director, even if the employee does not make a specific accommodation request. Should the employee choose to disclose personal medical information to a supervisor (which the supervisor should discourage), the supervisor should advise the employee that disclosure is not necessary, that such information will be kept confidential, and that such information will be discussed only with the Human Resources Director and other necessary persons. Supervisors must keep the employee’s request confidential and help ensure the accommodation’s work-related effectiveness.

TO ENSURE THAT REQUESTS FOR ACCOMMODATION ARE HANDLED APPROPRIATELY, SUPERVISORS/MANAGERS SHOULD NOT ENGAGE IN THE INTERACTIVE PROCESS OR OTHERWISE DISCUSS THE MEDICAL CONDITION WITH AN EMPLOYEE BUT MUST IMMEDIATELY CONTACT THE HUMAN RESOURCES DIRECTOR.

Supervisors are expected to support reasonable accommodations once approved. If a Supervisor has any concerns about the impact of a medical condition or any reasonable

accommodation on an employee's job performance or impacts to the department or City, the Supervisor should contact Human Resources. The Supervisor should not raise any concerns with the specific employee or employees generally.

### **c. Response to Accommodation Request**

The City will respond to a disability accommodation request as quickly as possible. When the HR Director receives an accommodation request, they will engage in an interactive process with the employee to clarify their needs and to determine whether and what reasonable accommodation is appropriate under the circumstances. The HR Director will analyze the following factors in determining the reasonableness of the accommodation requested by an employee:

1. Is the employee otherwise qualified to perform the essential job functions?
2. Will the accommodation accomplish the desired result, i.e., allowing the individual to effectively perform the job's essential functions?
3. Will the accommodation create an undue hardship?
4. Does the accommodation raise any safety concerns?

Essential job functions are those that an employee must be able to perform, with or without accommodation. They cannot be removed from the position without changing its nature. Job duties that are not essential may be modified, eliminated, replaced, or restricted as part of the accommodation process.

The HR Director is responsible for evaluating the considerations listed above and approving or not approving all accommodation requests. The HR Director may perform this evaluation in conjunction with other necessary persons. If an employee is not satisfied with the response to an accommodation request, they are encouraged to promptly discuss their concerns with the Human Resources Director or any other responsible person identified in section (a) above. See section **6.5 American with Disability Act Complaints**.

Nothing in this policy is intended to create any contractual rights and does not create any obligations beyond federal or state law requirements.

### **4.23 Holiday Pay & Premium Pay**

The City provides 13 paid holidays each year for full-time regular employees (11 City-observed holidays and an additional floating holiday eligible employees may use at their discretion).

For each of the City-observed holidays listed below, all full-time regular employees are eligible to receive eight hours of holiday pay. Only those employees who permanently work shifts of 10 or more hour shifts will be eligible to receive 10 hours of holiday pay.

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February

Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Pioneer Day	July 24
Labor Day	1st Monday in September
Thanksgiving	4th Thursday after the 1st Monday in November
Day after Thanksgiving	4th Friday after the 1st Monday in November
Christmas Eve (or Day after Christmas)	December 24 (or 26)
Christmas	December 25

If the holiday falls on a Saturday, the City will recognize the day before (Friday) as the holiday. If the holiday falls on a Sunday, the City will recognize the day after (Monday) as the holiday. Only the City Manager may change the holiday schedule. Holiday pay is paid, and City offices are closed on City Manager approved City-recognized holidays only.

All city employees are eligible for Premium Pay on holiday days worked. Premium Pay is equivalent to one-half an employee's regular pay and is paid in addition to straight time. Premium Pay is paid on the actual dates of Federal holidays listed above only, regardless of the City recognized holiday (which changes to fall only on weekdays as described above).

Most eligible employees will have the day off and receive 8 hours of holiday pay. Holiday pay hours are not considered productive time and therefore are not used in the calculation of overtime. Employees who are required to work on a holiday will receive holiday and premium pay according to the following policy:

1. Full-time regular employees who work regularly scheduled shifts of 10 hours or greater are eligible for 10 hours of holiday pay. Those employees working less than a regularly scheduled 10 or more hour shift will be paid for 8 hours of holiday pay.
2. Exempt, full-time regular employees who are required to work on a City-recognized holiday may, at the City Manager's or department manager's discretion, be given but are not entitled to administrative leave at another time for working the recognized holiday. Holiday is only paid on those holidays recognized by the City and approved by the City Manager. Premium Pay is only paid on the holiday dates listed above.
3. In addition to the above list of City-observed holidays, full-time regular employees are granted an 8 hour "Floating Holiday," which can be taken at their discretion with the supervisor's approval. New employees must be released from probation and have six months left in the calendar year to be eligible for the floating holiday. The floating holiday is granted on the first day of the year to eligible employees and must be taken in the calendar year it is given, or it is lost. It cannot be carried forward past December 31<sup>st</sup>.
4. Special Events Police officers who work voluntarily, and are not required to work holidays, are exempted from premium pay and will receive a rate equal to their hourly wage only.

## **4.24 Vacation Pay**

### **PURPOSE**

Park City believes in the health benefits of taking time away from work. Research shows time away is linked to improved productivity, lower stress, and better mental health.

### **POLICY GUIDELINES**

Vacation time off begins to accrue on your first day of full-time regular employment. Employees are encouraged to take their vacation in blocks of time whenever possible. Vacation leave must be pre-approved by the employee's Department Manager. The vacation allowance for full-time regular employees is based on the length of service; newly hired employees may be eligible for an accrual rate that aligns with their years of professional experience. See the chart below for accrual rates.

#### **Vacation Time Off Accruals for Full-time Regular Employees**

<b>Total Years of Service</b>	<b>Hours Earned Per Month</b>	<b>Hours Earned Per Year</b>	<b>Days Earned Per Year</b>	<b>Maximum Accrual</b>
<b>Less than 5 years</b>	10 hours	120	15	320
<b>5 years but less than 10 years</b>	12 hours	144	18	320
<b>10 years but less than 15 years</b>	14 hours	168	21	320
<b>15 years but less than 20 years</b>	18 hours	216	27	320
<b>20+ years</b>	20 hours	240	30	320

#### **1. REQUESTING VACATION LEAVE**

- a. Vacation benefits apply to active full-time regular employees.
- b. An employee may request to use multiple weeks of vacation at a time subject to the Department Manager's approval based on departmental needs and staffing.
- c. Vacation requests should be made in advance. The guideline is for every week of vacation requested, an employee should provide the same number of months in advance notice, (*e.g., for a 2-week vacation, you would request 2 months ahead of time*).
- d. Vacation leave is scheduled by the hour. If an employee on a 10-hour day schedule takes a day of vacation, they will need to use 10 hours of vacation time.



## 2. VACATION ACCRUALS

- a. Employees may accrue a “bank” of vacation time before reaching a maximum accrual, the maximum accrual for any employee is 320 hours. Once the bank is maxed out an employee may:
  - ie. Take vacation leave to reduce their bank; hours will be in a “use or lose” state and will no longer accumulate until the bank falls below the maximum accrual of 320 hours.

## 3. TAKING UNPAID LEAVE

- a. While on unpaid leave, vacation accrual is paused. After returning to the regular work schedule, accruals will restart.

## 4. VACATION LEAVE HARDSHIP CASH-OUT

- a. Employees may request to cash out up to 50% (fifty percent) of their accrued vacation bank (1) one time per calendar year; a minimum of 40 hours of vacation is required to remain in their bank.
- b. Hardship cash-outs must be for emergencies such as illness or accident, loss of property, or another extraordinary and unforeseen circumstances.
- c. Verification of hardship is required.
- d. Vacation Hardship Cash-Outs require HR Director Approval.
- e. Vacation Hardship Cash-outs are subject to taxes and withholdings.

## 5. LEAVING THE CITY

- a. Upon notice of resignation, an employee’s request for vacation will no longer be approved; however, a vacation payout for the remaining balance will be included in the final paycheck if the employee satisfies the required resignation notice requirements pursuant to the Resignation and Discharge policy.
- b. Should an employee be terminated or resign prior to successfully completing the probationary period, they are not entitled to receive a vacation payout.

## **4.25 Other Paid/Unpaid Leave**

### **4.25.1 Personal Leave**

Written requests for personal leaves of absence will be received and reviewed by the City Manager. The employee's length of service, past performance record, and reason for the requested absence will be taken into account, and the disruption the employee's absence will cause in their department. Personal leave must be approved by the City Manager. Personal leaves of absence are without pay and benefits unless specifically pre-approved by the City Manager.

### **4.25.2 Military Leave**

The City will adhere to any federal requirements governing military service, military personnel, and military families. Should the employee be inducted or ordered to active duty in the armed forces of the United States, the employee will retain seniority and, upon return to work, the City will try to reinstate them in a job comparable in pay and classification to that held during the prior employment. Declaration for re-employment must be made within the time specified by law. Military leave is also granted to those employees with Reserve or National Guard obligations with partial pay, limited to 10 working days per year.

### **4.25.3 Jury Duty**

Full-time regular employees required to serve as a juror or witness will be granted Jury Duty leave. Employees who receive payment for appearing in court, either as a jury member or a subpoenaed witness, should endorse these payments to the City, who will, in turn, pay the employee the full amount of their paycheck. An employee serving as a juror or witness will be expected to work as much of their regularly scheduled shift as the court duty schedule permits, to the extent that combined time on court duty and work does not exceed the number of scheduled work hours for that day.

### **4.25.4 Funeral Leave**

Funeral Leave will be granted for a maximum of five days or up to 40 hours with pay in the event of the death in an employee's immediate family. In the event of a non-immediate family member, a maximum of one day with pay may be granted at the discretion of the Department Manager. Immediate family is defined as spouse, parent, daughter, son, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, stepparents, stepchildren, domestic partner, and a person who is legally acting in one of the above capacities.

### **4.25.5 Administrative Leave**

Exempt employees shall work the hours and time required to perform the duties of their positions and shall be entitled to neither compensatory time nor overtime pay. However, in

recognition of extra-ordinary hours worked, the City Manager may, in their sole discretion, approve paid Administrative Leave for exempt employees. Administrative Leave must be approved in advance and be reflected on the employee's timesheet anytime it is used. Any employee may be placed on paid or unpaid administrative leave as authorized by the City Manager.

#### **4.26 Employee Benefits**

The Human Resources Director shall prepare a benefits plan with cost projections for review by the City Manager. The City Manager shall then determine the final benefits plan to be submitted to the City Council for their adoption during the budget process.

To the extent possible under federal law, the City will offer equal benefits to both same- and different-sex domestic partners of its employees and their legal dependents.

See the [Employee Benefits Manual](#), the employee portal, or contact Human Resources for details on all City benefits.

#### **4.27 Wellness Benefit**

The City offers privileges and discounts at City recreational facilities such as the PC MARC, Golf Course, and the Ice Arena. All active part-time, full-time, seasonal, and intern status employees are eligible to request Wellness benefits. Individuals under special employment agreements may also be eligible depending on their employment agreement. Benefits may also be requested for spouses, domestic partners, and dependents.

##### **4.27.1 Administration**

The individual recreation facility involved (PC MARC, Ice Rink, Golf) will handle enrollment, tracking, and reporting of participants. Interested employees must complete the applicable Wellness agreements and forms in the facility offering the program. HR will regularly inform the participating recreational facilities of active employees to enroll the employee according to their specific procedures. HR will also periodically notify the participating recreation facilities of terminated employees to cancel any passes according to their procedures.

Benefits can only be used while employed by Park City Municipal Corporation. All completed benefit forms and receipts should be scanned and emailed to the Accounting Manager in the Finance Department of taxation of the benefit applies. Each facility monitors and tracks the discounts given. Benefits offered are subject to change and cancellation at any time without notice. Current offerings are available at each corresponding facility.

##### **4.27.2 Duration**

Certain privileges such as punch cards, passes, classes, and memberships have varying expiration dates.

##### **4.27.3 Taxation Consideration for Participants**

Benefit use by employees, their spouses, and dependents, which do not create an additional cost to the facility or at a 20% discount or less, is a tax-free benefit. Due to IRS regulations, the employee will need to pay payroll and income taxes on the value of the domestic partner's benefits. Any discounted cost of a recreation program above 20% will be subject to income and payroll taxes.

#### **4.27.4 Seasonal Employees**

Upon approval by the HR Department and employee's Department Manager, a seasonal staff may receive a recreation benefit voucher as an end-of-season bonus. This must be submitted in the same format required for an end-of-season bonus. This benefit would be a taxable fringe benefit and must be shown on or before their final paycheck.

#### **4.27.5 Limitations**

Employees and their spouses/domestic partners/dependents receiving any of the benefits listed above may be subject to blackout dates and restrictions in any programs and recreational facilities. Employees and their family members are expected to defer to the paying customer during heavy use times (see recreation department policies for details).

Per the discretion of the Recreation, Ice & Golf Department Manager and approved by the HR Director and City Manager, Wellness benefits are subject to change at any time without notice.

#### **4.28 Peak Time Leave**

During peak times, the City experiences heavy congestion and traffic from events, weather, and other circumstances that create public safety concerns. To reduce congestion, Peak Time Leave (PTL) may be made available to full-time regular and full-time regular probation status employees, at the discretion of the City Manager. While the intent is to announce PTL in advance, it may also be announced on short notice based on weather or other unexpected conditions.

When PTL is made available, an employee must use it unless the employee is required for City operations during peak time if possible. Employees required to work during peak times will be determined by the Department Managers in consultation with the City Manager.

PTL only carries forward for employees who are required for City operations during the peak time or who are off duty during the peak time. These employees may use the PTL within the City's fiscal year, with the advance approval of their immediate supervisor.

PTL does not accrue and is subject to "use or lose" at the end of the calendar year. PTL is part of the City's core benefits package.

Employees are not entitled to be paid for PTL upon separation from the City.

## **Section Five (5)** **CITY RULES**

### **5.1 Applicant & Personnel Files**

An applicant's social security number, date of birth, or driver's license number may not be obtained before a job offer is made unless required by law or before the time when initiating a credit, driving, or criminal background check. Access to applicant information is limited to purposes of hiring, employment, or as required by law. Applicant information will not be retained longer than two years from the date received unless the applicant is hired. Applications will be safely secured until destroyed. An applicant may, upon request, review this policy before being required to provide information as part of the initial selection process.

Individual employee files are considered confidential data unless otherwise classified public in accordance with state law and the City Retention Policy. Access to them is limited for official City business purposes, and their confidential nature is safeguarded. An employee may review their personnel file. The only other people allowed to see the employee's records, unless otherwise ordered by a court of law with legal jurisdiction, are their supervisor, Department Manager, the City's financial auditors, employees of the Human Resources Department, the City Attorney, and the City Manager. A supervisor from a different City department considering an employee for a new position must have the employee's permission to review that employee's personnel file. If the employee's personnel record needs to be used as evidence in a grievance hearing, the personnel record may become part of the grievance proceeding.

No documents or information in an employee's personnel file shall be released to anyone other than the employee or the personnel identified above unless requested by the employee or approved by the City Attorney. Employees may authorize Human Resources to provide specific information to authorized loans, mortgages, or financial institutions with signed approval.

Current, accurate records concerning each employee are essential. The Human Resources Department must be notified within 30 days if a change in any of the following occurs:

1. Name
2. Physical Address
3. Mailing Address
4. Marital Status
5. Telephone Number (home, cell, and City-issued phone numbers)
6. Number of Dependents
7. Beneficiary Designations
8. Emergency Notification

Upon separation from the City, it is the employee's responsibility to provide the City with information regarding a change of address to ensure timely delivery of the employee's tax record and any other materials the City may need to forward to the former employee.

## **5.2 Privacy of Personnel File and Other Employee Information**

The Human Resources Department will regard employee information as confidential. It will respect the need to protect each employee's privacy by establishing guidelines for the proper receipt, possession, use, retention, and transmittal of personal information used by the City to make appropriate judgments regarding prospective employees, current employees, and retirees. To this end, the City will collect and retain only such personal information pertinent to conducting City business and administering personnel programs. Upon request, employees will be permitted to access their records. Employee files are archived or destroyed in accordance with the City's approved retention policy and State law.

## **5.3 Personal Property**

The City assumes no responsibility for personal property lost, stolen, damaged, tampered with, or destroyed at work. Personal property should be secured when left unattended and are brought on City property at the employee's own risk. The City will ensure hand tools and toolboxes required by mechanics in Fleet Services. Still, Fleet Services must be responsible to appropriately secure all personal and City property or equipment when left unattended.

## **5.4 Safety**

The health and safety of employees and others on City property are of the utmost concern. Park City Municipal Corporation's policy is to maintain the highest possible level of safety in all activities and operations. Our goal is to comply with all health and safety laws by encouraging all employees to make every reasonable effort to keep public and work areas free of hazardous conditions.

Each employee's responsibility is to work safely and do all possible to prevent accidents or injuries. Every worker is expected to report unsafe conditions, think before acting, and consciously avoid unnecessary risk.

If an employee is injured in connection with employment, regardless of the severity of the injury, the employee must immediately notify their supervisor, seek necessary medical attention and complete a workers' compensation form. The questionnaire can be found on the [employee portal](#) under "Incidents & Workers Comp" or with department supervisors. The questionnaire must be forwarded to Human Resources for completion and submission of the first report of injury form. It is the supervisor's responsibility to notify Human Resources of the injury.

## **5.5 Driving on City Business & Use of City Vehicles**

### **Motor Vehicle Driving Records**

As a means of promoting a safe work environment, driver's license checks will be performed on all applicants after a conditional offer of employment has been made and for all employees if driving may be necessary to conduct City business. Employees are expected to drive safely and responsibly both on and off the job to maintain a good driving record.

Employees whose driving records are found to be less than acceptable will be referred to the HR Director for review. Criteria that may indicate an unacceptable record includes, but is not limited to:

- Three or more moving violations in past 24 months.
- Reckless driving in the past 24 months.
- Two or more at fault accidents in past 36 months. Contributing factors, such as weather or mechanical problems, may be taken into consideration.
- One or more DUIs/DWIs in the past 72 months.
- Leaving the scene of an accident in the past 72 months.
- Any combination of accidents and moving violations.

Employees with an unacceptable driving record may be subject to disciplinary action, including termination of employment. Should an unacceptable driving record render the employee “uninsurable” by the City’s insurance carrier, they will be unable to drive any vehicle for City business. Un-insurability may be cause disciplinary action up to and including termination of employment if such interferes with the ability of an employee to perform their job functions as required.

Employees who operate a vehicle on City business are required to notify their supervisors within one day if they receive a conviction for driving under the influence of alcohol or drugs or if they have had their driver’s license suspended or revoked for whatever reason. A license suspension or revocation may cause disciplinary action up to and including termination if such revocation interferes with the ability of an employee to perform their job functions as required.

A personal vehicle used by an employee for City business and eligible for mileage reimbursement must be properly licensed, registered, and insured. Reimbursement shall be at the current IRS mileage reimbursement rate. Individuals called in to work during off-hours may be reimbursed for miles driven to and from work in their personal vehicle.

## **5.6 City Vehicles**

City-owned vehicles are to be used for official business purposes only and shall carry no passengers in them other than as needed for official City business. An employee authorized to drive a City vehicle must have a current State Issued driver’s license. For heavy equipment operators and bus drivers, a driver must possess a valid State Issued Commercial Driver’s License (CDL). Bus drivers will also be required to have air brake and passenger endorsements in addition to the CDL. The City reserves the right to require additional endorsements to the CDL as the position may require. Employees operating City vehicles are encouraged to participate in driving courses that the City may offer and shall always obey Utah state law and City ordinances, including the use of seat belts.

City employees may use City vehicles for transportation needs when available and appropriate while performing City business. If a city car is not available, or circumstances are

such that it is not practical to use a City vehicle, the Department Manager may approve the use of a personal vehicle thereby authorizing reimbursement to the individual for such use.

Employees who are issued City vehicles will be subject to the appropriate IRS regulations governing the use of issued vehicles. The Finance department will assess the appropriate IRS charges regarding the use of the vehicle.

For more information on city vehicles and personal vehicles used for work purposes, see [Administrative Policy Vehicle Use, Maintenance, and Repair policy](#). Smoking is prohibited in all City vehicles.

## **5.7 Cellular Phones & Mobile Devices**

City-issued mobile devices, including cellular phones, smartphones, laptops, tablets, thumb drives, and other handheld electronic equipment, are considered “computers” and are subject to all computer and internet use policies. Devices are to be used primarily for City business.

Personal use of City-owned devices will require the employee to reimburse the City for costs beyond City/department allowances for service/phone/data/text plans.

For non-exempt employees, the use of City-owned wireless devices and smartphones for city business while not working (off the clock) is prohibited. Such use is considered a compensable time and must be pre-approved by the employee’s supervisor and reported to payroll on the employee’s timecard. Any phone calls or emails made to the employee or by the employee for City business must be pre-approved by the employee’s supervisor commensurate with Overtime policy section [4.6 Overtime](#).

City Phones must have a protective case and a screen protector (tempered glass is preferred) appropriate for the anticipated use. Phones with shatterproof glass screens are exempt from the screen protector requirement. Phones are expected to last a minimum of two years unless there is a justifiable need to replace them earlier. Phones at the end of their life must be turned into the IT Department, where they will be recycled.

**Apps:** Personal applications (apps) can be downloaded so long as they are paid for by the employee and comply with all City Policies. Apps cannot interfere or conflict with the business use of the device or increase costs to the City. Employees assume all responsibility for any personal data and financial risk for purchasing apps or accessories. The IT department will not support or guarantee any personal aspects of the device and will not be held liable for data loss or hardware/software incompatibilities.

**IM:** Instant messaging (IM) linked to or part of a City public safety software system shall be kept for six months and not deleted by users. Other instant messaging should be considered similar to a phone conversation with the realization that outside parties may limit the storage of the messaging. Messages shall be kept for a minimum of 24 hours. Users may delete IM conversations older than 24 hours from mobile or computer devices when administrated need (if any) ends.



**MMS, SMS, and TXT:** Multimedia Messaging Service (MMS), Simple Messaging Service (SMS), Text Messaging (TXT), and chat are discouraged for use in conducting substantive business. Text and related messages should be short and considered similar to a phone conversation with the realization that outside parties may limit the storage of the messaging. Messages shall be kept for a minimum of 24 hours. Users may delete text and related conversations older than 24 hours from mobile or computer devices when administrated need (if any) ends. Users are encouraged to start a new text or related messages rather than add messaging to the back end of a long string of messages in one text conversation.

**Personal Devices:** The use of any personal devices (e.g. “Android, iPhone, iPad, audio recordings, memory devices, etc.) to conduct City business (or ancillary to assigned job duties), to collect or create data including documents, messages, video, photographs or audio recordings becomes the property of the City and cannot be copied, distributed, posted or printed beyond the official work need. Such data is subject to Social Media Policy, eDiscovery, and GRAMA requirements. Employees wanting to synchronize mobile devices with City messaging services must agree to and submit the “**Personal Device Access Agreement**” form located on the employee portal under City Policies to their department for approval.

**PIN:** Policies enforced on mobile devices will require the use of a security pin. If multiple failed login attempts are made (as determined by the software), data on the device will be erased.

**USE:** When using City or personal devices for work purposes, employees are expected to obey all applicable laws, exercise reasonable care, and follow all applicable department, operating and safety guidelines. Employees should not use mobile phone devices for work or personal purposes while operating any motor vehicle.

- Employees should turn off their cell phones and any other equipment before driving or allow voicemail to handle calls.
- If an employee needs to place or receive a call, they should wait until they can legally stop at a safe location and place the vehicle in ‘park’ before using the phone.
- Using messaging services such as text and email while operating a motor vehicle is strictly prohibited.

EXCEPTIONS:

- Public Safety/Law Enforcement or emergency service personnel acting in the course and scope of employment;
- Communications during a medical emergency or when providing roadside or medical assistance;
- 911 or other communications to report a safety hazard, an emergency, or other public concern
- safety communication such as reporting criminal activity or assistance relating to criminal activity with reasonable care taken to perform the call, which may include pulling over to the side of the road provided a safe and legal location is

- timely available;
- Use of Transit and Snow Removal Driver two-way radios during shifts;
- Use of GPS navigation services is allowed but must provide audio directions and be programmed and adjusted while the vehicle is safely parked;
- Public Works on-call employee receipt of emergency/essential calls, with reasonable care taken to perform or take the call, which may include pulling over to the side of the road provided a safe and legal location is available.

All staff authorized to drive a City vehicle or a personal vehicle on City business must complete Inattentive Driving Training. Employees shall refrain from doing any activity that would contribute to careless driving. Careless driving activity examples include any activity unrelated to the operation of the vehicle, such as eating, grooming, or searching for an item in the vehicle.

Any employee who is found guilty of careless driving while on City time or while driving a city vehicle will receive a safety violation that will be reflected in the employee's next performance evaluation and personnel file. Any city-issued device may be removed from their possession, and there may be revocation of their City business driving privilege. Utah law defines careless driving as committing a moving violation (other than speeding) while distracted by using a handheld cell phone or other activities not related to driving. Repeated violations may result in the revocation of such equipment and City driving privileges, as well as a progressive discipline up to and including termination.

Any employee who is observed/found using such equipment or doing any other inattentive driving activity while operating a motor vehicle during City business may receive a safety violation. Safety violations will be reflected in the employee's next performance evaluation and personnel file. Repeated violations may result in the revocation of use of such equipment and City driving privileges and progressive discipline up to and including termination.

Employees who violate this policy risk having cellular or mobile device privileges revoked.

Lost or stolen devices must be reported immediately to the IT department for security and service changes. The cost of damaged or lost equipment due to employee negligence may be charged to the employee.

## **5.8 Personal Conduct & Hygiene**

Employees are expected to conduct themselves in a positive, courteous, and appropriate manner to promote and reflect the City's best interests. While working or representing their department or the City, employees are expected to maintain an appearance that promotes a clean, positive and professional image. Employees are expected to dress in attire or uniform appropriate or required for the workplace and their work assignment. Employees are expected to maintain a high standard of cleanliness and personal hygiene.

## **5.9 Rules of Conduct**

Disclaimer: The policies and procedures stated in this manual and in other personnel

statements or materials issued by the City are not intended to create either expressed or implied contract rights respecting the procedures, terms, conditions, or duration of employment nor other obligation or liability on the part of the City. The State of Utah is an “at-will” employment state. Accordingly, employment with the City is on an at-will basis, meaning that it may be terminated by the employee or City Manager at any time, for any reason or no reason, without notice, and without procedures or formality.

The City believes that certain rules and regulations regarding employee conduct and behavior are necessary for efficient business operations and the benefit and safety of all employees. Conduct that interferes with operations discredits the City, or is offensive to customers, the public, or coworkers will not be tolerated and may result in immediate dismissal.

Inappropriate actions include but are not limited to:

- Refusal to support department and City goals and programs.
- Sleeping on the job.
- Neglect of duty.
- Disrespectful behavior and/or poor attitude.
- Failure or willful refusal to perform work as directed and/or insubordination.
- Lack of cooperation with or impeding a department, City, or Police investigation.
- Negligence in observing or reporting fire prevention issues (including smoking in designated areas only), safety regulations or any condition that may cause harm to employees or the general public.
- Improper notification of sick leave to Manager; not providing notice of known upcoming sick leave of three or more days or not providing doctor’s note after three or more days of consecutive days of day-to-day sick leave (see section [4.16 Sick Leave & Sick Leave FMLA](#)); habitual tardiness or absenteeism.
- Unwillingness or inability to work in harmony with others. Behavior that shows a clear lack of courtesy, or creates irritation or friction with others.
- Soliciting or distributing non-related City products or programs via e-mail or in person.
- Deliberate omission, alteration, or falsification of information on employment applications, time records, medical reports, expense records, absentee reports, work-related injury reports, unemployment reports, or other City records.
- Reporting to work under the influence of alcohol, illegal drugs, or narcotics; using, selling, or dispensing illegal drugs or narcotics on City premises; reporting to work under the influence of over-the-counter (OTC) drugs that may adversely affect performance or safety of the employee or others.
- Failure to reasonably comply with City policies governing City communications systems.
- Breach of confidentiality.
- Lack of proper hygiene or clothing inappropriate for the workplace. Failure to maintain uniforms to department standards.
- Engaging in or threatening acts of workplace violence, including but not limited to:
  - Possessing firearms or other weapons on City property with the

exception of Peace Officers and Law Enforcement Officials as defined by [Utah Code Section §76-10-523](#) and as authorized by [Utah Code Section §53-5-704](#).

- Fighting or assaulting a co-worker, guest, visitor, or customer
- Threatening or intimidating a co-worker, guest, visitor, or customer
- Engaging in any form of harassment.
- Stealing, destroying, defacing, or misusing City property or other employees, customers, or guest's property.
- Misusing City communications systems, including electronic mail, computers, Internet access, and telephones.
- Refusing to follow instructions concerning a job-related matter or insubordination.
- Failing to wear assigned safety equipment or failing to abide by safety rules or policies.
- Smoking where prohibited by section [5.20 Smoking](#), local and State law.
- Using profanity or abusive language or actions.
- Gambling on City property.

The examples of inappropriate behavior described above are not intended to be an all-inclusive list. At management's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action up to and including termination. Any questions in connection with this policy should be directed to your supervisor or Human Resources.

Employees are expected to conduct themselves in a positive and appropriate manner to promote and reflect the best interests of the City. Appropriate employee conduct includes:

- Treating customers, visitors, the public, and co-workers in a courteous and respectful manner.
- Refraining from behavior or conduct that is offensive, undesirable, or which is contrary to the City's best interests or core values.
- Reporting to management any suspicious, unethical, or illegal conduct by co-workers, customers, suppliers, or vendors.
- Reporting to management any threatening or potentially violent behavior by coworkers, customers, or suppliers.
- Cooperating with a department, City, or Police investigation.
- Complying with all City safety and security regulations.
- Wearing clothing appropriate for the work being performed.
- Performing assigned tasks efficiently and according to established quality standards.
- Reporting to work punctually and as scheduled.
- Giving proper advance notice when unable to work or report on time according to section [4.11 Absences and Tardiness](#) or specific department policies.
- Smoking only at times and in places not prohibited by section [5.20 Smoking](#), and local or Utah State law.

## 5.10 Harassment

The City is committed to the belief that all employees have the right to work in an environment free from discrimination and harassment. The City strictly prohibits harassment of or by its employees, vendors, customers, or others who enter our workplace in any form. All employees at any level of employment with the City must avoid offensive or inappropriate harassing behavior. The City holds employees responsible for ensuring that the workplace is free from any type of harassment. Employees should always treat other employees with respect, dignity, and in a manner so as not to offend the sensibility of their co-workers. The City is committed to the vigorous enforcement of its harassment policy at all levels of employment and in all City workplaces.

The City bases its harassment policy on Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I and Title V of the Americans with Disabilities Act of 1990, Sections 501 and 505 of the Rehabilitation Act of 1973 and the Civil Rights Act of 1991. It also bases its policy on the Equal Employment Opportunity Commission's (EEOC) definition of sexual harassment, which is: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly a term or condition of an individual's employment; (2) submission to or rejection of such by an individual is used as the basis for employment or decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Specifically, the City prohibits conduct that may include but is not limited to the following:

- a. Degrading words to describe an individual; threats; offensive comments; derogatory remarks; innuendos or taunts; off-color language or jokes; and sexually suggestive objects, books, magazines, photographs, cartoons, or pictures.
- b. Display, storage, or transmitting of offensive, pornographic, racist, or offensive language, signs, or images from any personal cell phone, PDA, computer, or radio while on duty.
- c. Any verbal or physical conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- d. Sexual harassment, including sexual harassment of women by men, men by women, and same sex harassment.
- e. Engaging in indecent exposure.
- f. Unwelcome sexual advances.
- g. Requests for sexual favors, whether accompanied by promises or threats with regard to the employment relationship.
- h. Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of the sexual advances will in any way influence any personal decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment

- or career development.
- i. Other harassing conduct committed in the workplace by supervisors or non-supervisory personnel, whether physical or verbal.

Any type of harassing conduct may result in disciplinary action up to and including termination. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action. Employees are prohibited from harassing other employees whether the incidents of harassment occur on employer premises or whether the incidents occur during business hours.

Employees who have complaints of harassment by anyone in the workplace, including supervisors, co-workers, or visitors, are urged to report such conduct to their supervisors or Department Managers. They will report the incident to the Human Resources Director so that the City may investigate and resolve the problem. If the complaint involves an employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with their immediate supervisor, the employee may go directly to any Department Manager, any management team member or directly to the Human Resources Director, City Attorney, or City Manager.

The City endeavors to investigate all complaints as expeditiously and professionally as possible. Where investigation confirms allegations of harassment, the City shall take appropriate corrective action.

If, after careful investigation, the City is unable to confirm an allegation of harassment, the City may transfer an employee to a new location where the employee will not have any contact with the alleged harasser.

To the extent possible by regulation or law, employees will be apprised of the investigation process and the conclusion of the investigation.

The City makes every attempt to keep confidential the information provided to it in the complaint and investigation process to the fullest extent permitted by the circumstances. Retaliation against employees for reporting harassment or assisting the City in its investigation of a complaint is against the law and is not permitted. Retaliation may include but is not limited to such acts as refusing to recommend the employee for a benefit for which they qualify, spreading rumors about the employee, encouraging hostility from co-workers, and escalating the harassment.

If, after investigating any complaint of harassment, the City learns that an employee provided false information regarding the complaint, the City may take disciplinary action against the employee.

### **5.11 Retribution and Retaliation**

Supervisors, managers, and employees are not permitted to engage in any form of retaliation or retribution.

- **Retaliation:** the taking of any unfavorable job or employment action against an employee who in good faith reports suspected instances of inappropriate business conduct, activity, safety or policies and procedures violation.
- **Retribution:** the dispensing of any punishment (formal or informal) against an employee who in good faith reports suspected instances of inappropriate business conduct, activity, safety or policies and procedures violation.

Any supervisor, manager, or employee who engages in retribution or retaliation against a reporting employee is subject to disciplinary action up to and including termination. Any supervisor, manager, or employee who purposely reports false information of retribution or retaliation to settle personal grievances is subject to disciplinary action up to and including termination.

## 5.12 Use of Drugs and Alcohol

### a. Objectives

Park City Municipal Corporation is concerned about employee health and safety. The City recognizes that illegal drug use and alcohol abuse can destroy health and adversely affect personal life and work performance. Employees who abuse drugs or alcohol are a source of danger to themselves and their co-workers. The employee likely will incur medical costs much higher than those of other employees, which may increase health insurance premiums. The quality and efficiency of performance will suffer, and absenteeism and tardiness will likely increase. All these symptoms of alcohol and drug abuse will damage the City's productivity and competitiveness in the marketplace.

To protect the safety of all employees and the public and to prevent decreased productivity and work quality, the City may require employees to submit to testing for illegal drugs or alcohol under the following circumstances:

1. Investigation of possible individual employee impairment.
2. Investigation of accidents in the workplace or incidents of workplace theft.
3. Maintenance of safety for employees or the public or
4. Maintenance of productivity, quality of products or services, or security of property or information.

### b. Definitions

The following definitions apply:

1. **Alcohol** - ethyl alcohol or ethanol.
2. **Illegal Drugs** - any substance recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other drug compendia, or supplement to any of those compendia or substances declared illegal under applicable state statutes (such as "spice," "bath salts," and similar natural or synthetic drugs). The term Illegal Drugs does not include a drug taken in accordance with a valid prescription if taken as prescribed or other use authorized by law.
3. **Positive Test Results** - the results of a test for Alcohol or drugs that shows the

presence of detectable levels of Alcohol (detectable defined as blood alcohol level of .04 or above) or Illegal Drugs in your system (including without limitation blood and urine.)

4. **Under the influence** - (a) to be unable to perform work safely or productively, OR (b) to have impaired judgment, OR (c) to be a potential threat to personal safety or welfare or that of other employees or the general public, OR (d) to be impaired in physical or mental functioning in any respect resulting from the use of Alcohol or Illegal Drugs, OR (e) to receive a Positive Test Result indicating the presence of detectable levels of Alcohol or Illegal Drugs in your system.
5. **Park City Municipal Corporation Premises** - (a) all property, offices, facilities, manufacturing plants, land, buildings, structures, and installations used by the City in the course and scope of their employment; (b) automobiles, trucks, and all other vehicles and equipment, whether owned or leased by Park City Municipal Corporation or used by an employee in the course and scope of their employment; (c) Any parking lot or any automobile parked on any parking lot used by Park City Municipal Corporation employees to park their personal vehicles during work hours; (d) automobiles owned or leased by employees while those automobiles are being used on the City's business. The term Park City Municipal Corporation Premises also includes all customer properties, areas under Park City Municipal Corporation's control, and any other work locations or mode of transportation to and from those locations during working time and while in the course and scope of employment with Park City Municipal Corporation or while conducting City business.

### **c. Policy Application**

This policy applies to all City employees, volunteers, and employment applicants. Park City Municipal Corporation will discipline any employee, up to and including immediate discharge, or refuse to hire any job applicant who violates this policy.

### **d. General Rules**

1. Employees may NOT be under the influence of Alcohol while performing job responsibilities, operating an automobile, truck, or other vehicle or equipment leased or owned by the City, operating a personal vehicle while on business for the City. Exceptions may be allowed for City functions (See section [5.11 Alcohol and Drug Use I. Alcohol Consumption at City Functions](#)).
2. Employees may NOT use or be under the influence of Illegal Drugs, regardless of whether Illegal Drug use has any adverse impact on job performance.
3. Employees may NOT unlawfully use, manufacture, distribute, possess, purchase, or sell Illegal Drugs or Alcohol at any time. If convicted of a crime (under state or federal law) as the result of unlawful use, manufacture, distribution, possession, purchase, sale of Illegal Drugs or Alcohol, or DUI employees must report the conviction to the Human Resources Manager or the City Manager within five working days of conviction.



4. Employees may NOT tamper with the testing procedure in any manner that is designed to, or that reasonably could interfere with, the accuracy of the testing procedure [e.g., using an adulterant (either by ingesting a substance into the body or adding a substance to the testing sample in an attempt to interfere with or negate the test results), attempting to hydrate the body before testing or substituting urine or any other substance for the testing sample].

The Park City Municipal Corporation will discipline employees who violate any of the General Rules discussed above up to and including termination.

#### **e. Drug and Alcohol Testing**

Park City Municipal Corporation, in its sole discretion, may require employees to submit to a test for the presence of Illegal Drugs (including legal drugs not taken under a lawful prescription) or Alcohol under the following circumstances:

1. **Pre-Employment Testing:** As mentioned in section [2.5 Pre-Employment Drug Testing](#), the City has a responsibility to employees to make a reasonable effort to provide a safe workplace and a responsibility to the public to make a reasonable effort to promote public safety. Therefore, applicants may be required to submit and pass a drug screening test as a condition of employment. Positive test results will make candidates ineligible for hire for a minimum of one year.
2. **Post-Accident Testing:** Employees will be required to sign the appropriate consent and release form(s) and allow Park City Municipal Corporation to test them for Illegal Drugs or Alcohol if employees are involved in: (a) any on-the-job accident or another incident where the City has reasonable suspicion that Illegal Drug or Alcohol use may have been involved; (b) any on-the-job personal injury accident that results in the need for medical treatment by a clinic or hospital; or (c) any on-the-job accident which results in damages to property estimated equal to or in excess of \$2,500 commensurate with [Utah Code Ann. 41-6a-401 as amended](#). Park City Municipal Corporation will require post-accident testing for Alcohol only if it has reasonable suspicion that the use of Alcohol may have caused or contributed to the accident.
3. **Reasonable Suspicion Testing:** If a City supervisor has reasonable suspicion that an employee is using and/or under the influence of Illegal Drugs and/or Alcohol on Park City Municipal Corporation Premises, the employee will be required to sign the appropriate consent and release form(s) and allow the City to test for Illegal Drugs and/or Alcohol. Indications of individual, job-related impairment that constitute grounds for requesting a drug or Alcohol test include, but are not limited to, the manifestation of physical or physiological signs, symptoms, or reactions commonly caused by the consumption or ingestion of Alcohol or drugs (i.e., the odor of Alcohol, slurred or thickened speech, apparent loss of coordination or unsteady gait, or uncharacteristic emotional behavior), failure to meet performance standards, and attendance and tardiness problems. Any City supervisor or employee who observes possible Illegal Drug or Alcohol use must immediately inform the Human Resources

Manager or the City Manager.

4. **Random Testing:** The Federal Highway Administration has Drug and Alcohol Rules for employees with a commercial driver's license (CDL). These rules are available in the Code of Federal Regulations Title 49 Part 382. Park City may perform random testing for employees required to have a CDL in accordance with these rules.

The City will count the time needed for testing as hours worked for compensation and benefits. Park City Municipal Corporation will keep written records of testing for Illegal Drugs and Alcohol. The City will treat all information, interviews, reports, statements, memoranda, or test results as confidential communications and keep the information in a file separate from the personnel file. The City will not provide information regarding testing results to any third party except as specifically allowed by law.

Employees will be discharged if they refuse to sign a requested release form(s) or to submit to testing for Illegal Drugs or Alcohol OR if the employee tampers with the testing procedure in any manner that is designed to or that could nullify or interfere with the accuracy of the testing procedure. The City will discipline employees who receive a Positive Test Result for the presence of Illegal Drugs or Alcohol up to and including termination.

#### **f. Testing Procedure**

Employees will be transported to a testing facility and accompanied within a close proximity during testing by a Supervisor or designee. A licensed physician, testing clinic, or laboratory established by the City that meets applicable standards will collect the testing sample. Samples will be collected with reasonable regard for privacy unless the licensed physician, testing clinic, or laboratory reasonably believes that employees have altered or made substitutions to the testing sample.

A federally or state-certified laboratory or other appropriate laboratory facilities will conduct the testing. Any positive test result will be identified or confirmed by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical method, as determined by the testing laboratory. In the event the laboratory uses a testing sample other than a urine sample, it will use testing procedures (including appropriate confirmation testing) that meet applicable standards.

If the employee tampers with the testing procedure in any manner that is designed to or that reasonably could interfere with the accuracy of the testing procedure [e.g., using an adulterant (either by ingesting a substance into their body or adding a substance to their testing sample in an attempt to interfere with or negate the test results), attempting to hydrate the body prior to testing, or substituting urine or any other substance for the testing sample], the City will terminate their employment.

The laboratory will use testing procedures for the presence of Alcohol that meets applicable standards.

The City will use a medical review officer (MRO) to interpret any first or second test confirmed positive results. An MRO is a licensed health care provider who has knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate a positive test result related to medical history and any other biomedical information. The MRO will discuss the Positive Test Result with the employee, including obtaining information that may explain the Positive Test Result (e.g., a drug taken under a lawful prescription, circumstances that may explain a false positive, etc.). If, after evaluating the information received from the employee, the MRO determines that the employee's Positive Test Result was the result of the use of Illegal Drugs or Alcohol (including without limitation the taking of a drug not under a lawful prescription or over-the-counter instructions), the MRO will inform the Human Resources Director or designee.

At the discretion of the City and employee, employees receiving a positive test result may be directed to the City's Employee Assistance Program (EAP). Employees will be subject to any treatment plan developed by the EAP and the City. The cost of the treatment will be the responsibility of the employee unless designated otherwise by the City Manager. However, the City maintains the right to terminate an employee at its discretion at any stage of the treatment process. Treatment will not be in lieu of discipline up to and including termination.

Employees will not be notified of negative test results unless he/she requests the test result from the City in writing within a reasonable time following the test.

The City will pay all costs of testing for Illegal Drugs and Alcohol required by the City, including the cost of transportation if the testing is conducted at a place other than the worksite.

#### **g. Appeal Procedure**

If an employee receives a Positive Test Result, they may, at their option, contact the testing laboratory and request a new test of the same sample *at their own expense*. Any request for a re-test must occur within three business days of the date they are notified of a Positive Test Result (please contact Human Resources to obtain contact information for the testing laboratory). It also is the employee's responsibility to notify the City after they have requested a re-test of the original sample. The City has no responsibility to ensure that the re-test occurs. The results of any re-test must be forwarded by the testing laboratory directly to the City. If employees do not receive a Positive Test Result on the new test, the City may request that they sign the appropriate consent and release form(s) and be tested a final time. The final test may be of the same or a new sample, at the City's sole discretion. If employees refuse to sign the appropriate consent and release form(s) for the final test, they will be discharged. If employees receive a Positive Test Result on the final test, the City may discipline up to and including termination.

#### **h. Consent and Release Form(s)**

At the time an employee is required to undergo testing for Illegal Drugs or Alcohol, they will be required to sign consent and release form(s) approved by the City at the testing facilities identified by the City. An employee will be discharged if they refuse to sign the consent and release form(s).

**i. Use of Prescription Drugs or Over-the-Counter Medications**

This policy does not prohibit the normal use of prescription drugs as ordered by a licensed health care provider or over-the-counter medications. However, while employees are on City premises, the City prohibits the use of any prescription medication that is not prescribed for the employee, or that is not taken in accordance with the prescription instructions. In addition, the City prohibits the abuse of over-the-counter medications on City Premises.

In accordance with Utah Code Title 26, Chapter 61a or Utah Code section 58-37-3.7, the City shall treat an employee's use of medical cannabis in the same way the City treats employee use of any prescribed controlled substance except when the employee's position requires federal funding, federal security clearance, or any other federal background determination required for the employee's position.

The following general statements will apply:

1. If the employee has been informed by label warnings or physician instructions or otherwise has reason to believe that their use of any prescription drug or over-the-counter medication may interfere with their ability to perform the essential functions of their job, the City encourages the employee to speak to their supervisor or the Human Resources Director. Examples of drug side-effects that may interfere with an employee's ability to perform the essential functions of their job include but are not limited to drowsiness, restricted vision, or restricted motor control. The City will take steps as required by law to reasonably accommodate employees and prevent a significant risk of substantial harm to the health and safety of employees and co-workers. Nothing set forth in this paragraph shall impose any contractual or other obligation on the part of Park City Municipal Corporation except as required by the Americans with Disabilities Act or any state or local statute or regulation prohibiting discrimination on the basis of disability or handicap.
2. While on Park City Municipal Corporation Premises, employees must NOT consume prescription drugs more often than instructed on the prescription label.
3. While on City/customer premises, employees must NOT allow a co-worker or other person to take the prescription medications of others.
4. While on Park City Municipal Corporation Premises, employees must keep all prescription and over-the-counter medication in its original container. All prescription medication must be in the employee's name and have the doctor's name and prescription number on the label.

Employees may use over-the-counter medications or prescription medication if it will not adversely affect work performance. However, Park City Municipal Corporation at all times reserves the right to have a licensed health care provider determine if the use of a prescription or over-the-counter drug or medication may adversely affect job performance or increase the risk of injury to employees or co-workers. In that event, the Park City Municipal Corporation may limit or suspend work activities until employees are no longer using the over-the-counter medication or prescription drug, in accordance with applicable federal and state law.

**j. Americans with Disabilities Act**

Alcoholism is considered a disability under the Americans with Disabilities Act. If an employee believes they may suffer from Alcohol abuse associated with alcoholism, the City strongly encourages him/her to contact the Human Resources Manager or the City Manager. In accordance with the Americans with Disabilities Act, the City will make reasonable accommodations if the employee suffers from alcoholism, including encouraging employees to participate in rehabilitation programs.

If an employee suffers from alcoholism, they will be held to the same job performance standards and behavior as other employees. The City will not tolerate tardiness, absenteeism, accidents, or other unsatisfactory job performance caused or created by alcoholism. The City will discipline an employee if alcoholism adversely affects job performance or conduct so that the employee may no longer be considered a qualified individual with a disability.

**k. Rehabilitation**

The City does not have an Alcohol or drug rehabilitation program. However, if an employee believes they may have a substance abuse problem and would like assistance, please contact the Human Resources Manager. The City will not discipline an employee solely for seeking assistance or admitting the use of Illegal Drugs or Alcohol.

Employees disclosing the use of Illegal Drugs or Alcohol at work, who have not received a request for testing from the City, will be referred to the City's EAP. The City will treat the request confidentially. Employees may receive financial assistance for rehabilitation programs through the City's group medical benefit plan, subject to the terms, conditions, and limitations set forth therein. The City may allow an employee a leave of absence to obtain treatment.

If an employee seeks assistance for an Illegal Drug or Alcohol abuse problem only after being notified that they will be tested, they will be required to complete the testing and may be disciplined for violation of this Policy.

Nothing in this section prevents Park City Municipal Corporation from disciplining an employee for any violation of this policy. Nothing in this policy modifies an employee's status as an at-will employee.

**l. Alcohol Consumption at City Functions**

Possession, consumption, or use of alcoholic beverages at City functions may occur only with prior approval from the City Manager and manager of the department organizing the event. After approval, the manager of the organizing department has ultimate responsibility for ensuring that employees adhere to the guidelines presented below. All employees are responsible for adherence to City policy and event consumption limitations. Failure to do so may result in disciplinary action up to and including termination.

City functions to which this policy applies may include but are not limited to receptions, meetings, recruitment socials, retirement and anniversary parties, end of season celebrations,

City events and parties, and service award recognition events.

Employees are subject to City policy on alcohol consumption unless the City Manager has made an exception if one of the following criteria is met:

- Alcohol consumed was purchased using City funds.
- Employees attending an event are operating in an official capacity as a required job function.

City functions involving the consumption of alcohol must adhere to the following:

1. Employees who choose to drink alcoholic beverages at City functions are expected to behave under usual business standards and all City policies.
2. The department manager of the department organizing a function where alcohol is served is responsible for ensuring adherence to these guidelines.
3. Alcoholic beverages are not to be served in offices or work areas.
4. Alcoholic beverages are served, rather than simply made available, to those who wish to partake. Self-serving of alcoholic beverages at City functions is strictly prohibited.
5. Any off-site functions are held in appropriately licensed facilities, with drinks served by professional bartenders.
6. Food must be available.
7. Alcoholic beverages will be served for a restricted period, generally no more than two hours. Possible exception: If the function is planned for an extended period of time, e.g., a full or half-day, alcohol may be served for a longer period with prior City Manager approval. However, alcohol service must cease no less than one hour before the end of the function.
8. Alcohol is not to be served to minors or anyone who appears to be impaired.
9. Safe passage home must be pre-arranged by an employee who plans to consume alcoholic beverages at City functions.

Employees are expected to use good judgment and discretion in regard to the use of alcohol.

### **5.13 Workplace Violence**

Park City Municipal Corporation provides a safe workplace for all employees. To ensure a safe workplace and reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. The following guidelines have been adopted to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises. This policy applies to all full-time regular, special employment appointments, part-time and seasonal employees.

All employees (including managers, supervisors, part-time, seasonal, student interns, and special employment agreements) and volunteers 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 Park City Municipal Corporation without proper authorization. Possessing firearms or other weapons on City property with the

exception of Peace Officers and Law Enforcement Officials as defined by [Utah Code Section §76-10-523](#) and as authorized by [Utah Code Section §53-5-704](#) is prohibited.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the employee's immediate supervisor or any other member of management. This includes threats by employees, customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

Park City Municipal Corporation will promptly and thoroughly investigate all reports of threats of (or actual) violence and suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. To maintain workplace safety and the integrity of its investigation, Park City Municipal Corporation may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that violates these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Any type of workplace violence committed by or against employees will not be tolerated. The following list of behaviors, while not all-inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person.
- Making threatening remarks.
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee.
- Possessing firearms or other weapons on City property or while on City business with the exception of Peace Officers and Law Enforcement Officials as defined by [Utah Code Section §76-10-523](#) and as authorized by [Utah Code Section §53-5-704](#) Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be reported immediately to a supervisor,



manager, or the Human Resource Department. Employees are expected to exercise good judgment in recognizing dangerous situations. Such behavior includes:

- Discussing weapons or bringing them to the workplace
- Displaying overt signs of extreme stress, resentment, hostility, or anger
- Making threatening remarks
- Sudden or significant deterioration of performance
- Displaying irrational or inappropriate behavior

Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. Park City Municipal Corporation is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

At any time, if employees or the public are threatened or may be in danger, please contact the Park City Police Department or dial 911 immediately.

#### **5.14 Outside Employment**

Outside employment includes self-employment and is defined as work performance other than City work for self or others for compensation. Full-time regular employees must request permission to accept outside employment from their Manager and the Human Resources Department. The City Manager must approve outside employment. Outside employment permission forms are available from Human Resources or the [Employee Form](#) found on the ADP homepage. Failure to provide notification of outside employment may result in disciplinary action up to and including termination. The request should include any pertinent information about the outside employer, and the nature and hours of the employment.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. Permission shall not be given if it is determined that such outside employment is likely to physically or mentally hamper the employee's ability to do the job required of them by the City, or if it is likely to reflect discredit on the City's service or the employee, or if it is in conflict with one's position as a City employee. Any changes to position or employer must be re-approved.

Approval of outside employment is valid until February following its approval. In September of each year, all full-time regular employees must complete a new Outside Employment form and have their Manager, the Human Resources Department, and the City Manager re-approve the outside employment position.

#### **5.15 Disciplinary Procedures**

Disclaimer: The policies and procedures stated in this manual and other personnel statements or materials issued by the City are not intended to create either express or implied contracts respecting the procedures, terms, conditions, or duration of employment, or other obligation or liability on the part of the City. Unless otherwise provided by State law, employment with



the City is at will. It shall remain as such notwithstanding the procedures below; meaning that it may be terminated by the employer or City Manager at any time, for any reason or no reason, without notice, and without procedure or formality.

It is the City's policy that all employees are expected to comply with City standards of behavior and performance and that any non-compliance with these standards must be corrected.

Under normal circumstances, the City endorses a policy of progressive discipline. It attempts to provide employees with notice of deficiencies and inappropriate behaviors and an opportunity to improve or correct deficiencies or behaviors. The procedures set out below are as complete as the City can reasonably make them. However, they are not necessarily all-inclusive. The City may vary from the rules/procedures listed if, in its opinion, the circumstances require. As such, the City retains the right to administer discipline in any manner approved by the City Manager. This policy does not modify the status of employees who are employees at-will. Supervisors must have manager approval before issuing any reprimands. Managers must meet with the Human Resources Director or designee before issuing any reprimand.

The normal application of progressive discipline:

**Verbal Reprimand:** If an employee is not meeting City standards of behavior or performance, the employee's supervisor should take the following action:

- a. The supervisor shall discuss the matter with the employee.
- b. Inform the employee of the nature of the problem and the action necessary to correct it. Explain what constitutes proper conduct, standards of behavior, or performance.
- c. The supervisor should prepare a written record documenting the meeting has taken place.
- d. Verbal reprimands should be submitted to the Human Resources Department. They are not filed in employees' files.

**1st Written Reprimand:** If there is a second occurrence or intentional or repeated related or unrelated offenses:

- e. The employee receives written notice of discipline or reprimand following intentional or repeated or unrelated offenses. A copy of the written notice is placed in the employee's personnel file.
- f. The supervisor may suspend the employee with or without pay as approved by the City Manager.
- g. Written reprimands should be submitted to the Human Resources Department. They are filed in employees' files.

**2nd Written Reprimand:** If there are additional occurrences, the supervisor should take the following action depending on the severity of the conduct or offenses:

- h. The employee receives final written notice of discipline or reprimand following serious misconduct or further repeated related or unrelated offenses.
- i. The supervisor may suspend the employee with or without pay as approved by the City Manager.
- j. Written reprimands should be submitted to the Human Resources Department. They are filed in employees' files.

**Termination:** Employee is recommended for termination as the result of a serious offense or the final step in the progressive discipline process. Discharged employees may have rights of appeal as set forth in [Section 6 Procedures for Employee Complaints, Discharge, and Transfer Appeals](#) of this Manual.

Although they may not necessarily agree with the disciplinary action, employees must sign the form or memorandum signifying that they are aware that disciplinary action has been taken against them. If an employee refuses to acknowledge the disciplinary action with their signature, the supervisor shall have another supervisor witness the refusal, and both supervisors will sign indicating the employee's refusal.

A Supervisor may recommend removing a written record from the employee's file after a specified time of meeting certain performance conditions outlined in the written notice or a subsequent performance review, with the approval of Human Resources and the City Manager. The specified time shall, at a minimum, include one (1) year. Written notice may be removed after that specified time based upon satisfactory performance related to outlined conditions, no additional performance issues, and the approval of the supervisor, Human Resources, and the City Manager. The removal of written records is generally disfavored and may be approved or denied at the sole discretion of the City Manager.

Removal requests will typically only be considered for relatively minor matters where the City Manager finds no further personnel need for the record, and its continued inclusion in the file would unnecessarily tarnish the employee's employment history. Denials of such requests are not considered adverse job actions and may not be appealed.

## **5.16 Strikes and Work Stoppages**

Every City employee, by accepting or retaining a position with the City, agrees that they will not engage in, threaten to engage in, encourage, or plan any strike or job action, whether it be in the nature of an immediate walk out or resignation after notice or job slow down. Any violation of this section shall be grounds for removal from the City's employment and grounds for refusal of reinstatement or employment within the City.

## **5.17 Solicitations**

Solicitations by employees or unauthorized vendors on City premises are prohibited. The prohibition applies both to employees on working time and to non-employees.

## **5.18 Gratuities**

All employees who accept any type of gratuity (anything of monetary value) must report it on their timecard as wages commensurate with the IRS tips reporting guidelines referenced in [Publication 531, Reporting Tip Income](#). Employees shall not directly or indirectly solicit any gift or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form except as specifically provided herein. Employees may be permitted to accept food and items of nominal value as defined by [Utah Code Section §3-1-4\(C\)](#), Title 3 of the Municipal Code. Any employee who is uncertain whether an offered gratuity may be accepted may request a ruling from the City Attorney as to the propriety of the offered gift.

Official Master Festival and Special Event sponsorship materials, tickets, and event invitations that the City receives in its corporate capacity, which may be distributed to officials and/or employees by the City Manager in their sole discretion, shall not be considered a gift or gratuity for purposes of this section.

## **5.19 Information Technology (IT)**

### **a. City Business Use**

In general, IT systems and services are provided for City business. This includes but is not limited to computer equipment, phones, printers, photocopiers, FAX devices, email services, software, Internet access, wireless services (Wi-Fi, 3G/4G), and data storage. City systems are not to be used in a way that may be disruptive, offensive to others, in conflict with city business operations, or harmful to morale.

Users should not expect privacy when using City equipment, data, or networks. All electronic files and messages, sent and received using City systems or City-provided Internet access, including web-based messaging systems, are subject to viewing, inspection, release, and archiving by authorized personnel at all times to the extent that applicable laws do not supersede such rights. The City will comply with reasonable and compulsory requests from law enforcement and regulatory agencies for electronic records.

Users are responsible for the security of the equipment and data. It is paramount that users protect City and personal data. Do not store, copy, share or transmit any confidential data, including but not limited to passwords, social security numbers, bank routing information, and credit card numbers outside of appropriate City Systems.

All City records must be maintained according to City retention policies. It is prohibited to destroy, delete, erase or conceal City files or otherwise making such files or data unavailable or inaccessible in any manner inconsistent with such policies.

### **b. Internet Use**

This policy governs all uses of Park City's network and Internet/intranet access at all offices,

hotels, airports, employees' homes, and any other location when such access is for work purposes or on City equipment.

The Park City network and Internet access are intended primarily for business use only. Employees may access the Internet for personal use only during nonworking hours and strictly in compliance with the terms of this policy.

All information created, transmitted, acquired, downloaded, or uploaded via the organization's network and Internet or intranet is the property of Park City Municipal Corporation. Employees should have no expectation of privacy regarding this information. The organization reserves the right to access, read, review, monitor and copy all messages, content, and files on its computer system or network-enabled device at any time and without notice. When deemed necessary, the organization may disclose text or images to law enforcement agencies or other third parties without the employee's consent.

Employees are reminded that information obtained from the Internet is not always reliable and should be verified for accuracy before it is used.

### **c. Prohibited Activities**

Employees are prohibited from using Park City's network or Internet access for the following activities unless as part of an active internal or Police investigation:

- Downloading or installing software without prior written approval from the IT Director.
- Disseminating or printing copyrighted materials, including articles and software, in violation of copyright laws, including the use of peer-to-peer file sharing or storage of such materials on any city-owned equipment.
- Sending, receiving, printing, or otherwise disseminating Park City Corporation's proprietary data or other confidential information in violation of organizational policy or written agreements.
- Operating a business, election campaign activity, usurping business opportunities, soliciting money for personal gain, or searching for jobs outside Park City Municipal Corporation.
- Making offensive or harassing statements or disparaging others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation.
- Viewing, downloading, uploading, sending, or soliciting obscene or pornographic sites, messages, or images, or otherwise viewing, downloading, uploading, sending, or displaying sites or messages which violate the City's harassment policies.
- Visiting sites featuring pornography, terrorism, espionage, theft, or illegal drugs.

Gambling or engaging in any other criminal activity in violation of local, state, or federal

law. Engaging in unethical activities or content.

Participating in activities, viewing, or writing content that could damage Park City Municipal Corporation's professional reputation.

#### **d. Compliance and Violations**

1. Managers are responsible for ensuring employee compliance with this policy.
2. Employees who learn of policy violations should notify the HR or IT Director(s).
3. Employees who violate this policy or use Park City's network, Internet, or intranet access for improper purposes will be subject to discipline, up to and including termination.

#### **e. Email Standardization**

Professional e-mail transmission is important to maintaining the positive image of the City, its business, and its government and therefore must adhere to the following guidelines: E-mail background must be white. All signature elements including logo, font, and color must be found on the city's style reference website: <http://style.parkcity.org>

The City's policy on access to and disclosure of electronic mail messages sent or received by Park City Municipal Corporation employees who use the electronic mail system may be changed at any time.

All electronic communication, phone, e-mail, text, smartphone, PDA, etc., are solely owned City property. Notwithstanding the assigning of individual passwords, the City reserves the right to access and disclose all messages sent over its electronic mail system and server domain or any communication system at any time for any business purpose, including but not limited to ensuring employee performance and protecting confidential information.

Employees should not attempt to gain access to another employee's e-mail account or e-mail messages without the latter's express permission. However, City management reserves the right to enter an employee's e-mail files whenever there is a legitimate business need to do so. However, nothing herein shall affect the classification of e-mail pursuant to the Utah Government Records and Retention Act or other state and federal standards.

E-mail transmissions are not actually deleted when a City employee deletes them from their computer. Deleted e-mail remains in memory storage and can be accessed by outside parties in the event of a lawsuit or other investigation. Because e-mail transmissions are discoverable documentary evidence, employees may be asked to explain e-mail transmissions before a judge in a court of law if the City is involved in a lawsuit.

Transmission between any Park City employee and the Park City Legal Department containing substantive legal material should be labeled "protected attorney-client communication," but absences of such label shall not preclude the City from classifying

such communication as “protected” after the fact.

**f. Support**

Technical support, record requests, and GIS services are provided during regular business hours (8 am – 5 pm Monday-Friday). After-hours emergency support should only be utilized when critical services are unavailable or no other alternative exists. Unscheduled walk-in support is discouraged.

Web: <http://5123.parkcity.org> – Internal network  
only Email: [5123@parkcity.org](mailto:5123@parkcity.org)  
Phone: 435-615-5123 (EMERGENCY SUPPORT ONLY)

**g. Geographic Information Systems (GIS)**

GIS data cannot be distributed or resold without permission. All data that is distributed requires a signed agreement. Contact IT support for more information. All GIS data must be saved in “GISDATA” or “CITYWIDE” network share.

Use of plotter may result in material costs to you or your department. Please make arrangements well in advance of your deadline.

**h. Training**

IT/GIS training is offered throughout the year and upon request but does not include specialized training for individual industry or job functions. Training can be requested through support by emailing [5123@parkcity.org](mailto:5123@parkcity.org).

**i. Equipment & Software Requests**

Contact IT for all technology requests, including software, hardware, printers, copiers, GPS, and accessories.

**j. Social Media & Other Websites**

No City department, official, or employee may create a social media site or an identity/entity/presence on a website (such as Twitter, Facebook, YouTube, internet blogs or chat rooms, and other websites) regarding City affairs or content without the express approval of the Community Engagement Manager. Authorized sites shall have a designated purpose and staff member assigned to maintain and moderate content.

Generally, City sites shall not allow public citizen comment, except as approved by the City Manager for designated and published public purposes. All sites shall contain a link with the following prohibitions on content:

- No comments unrelated to purpose.
- No content that promotes discrimination or harassment.

- No posts that constitute or encourage illegal activity.
- No solicitations of commerce (except for authorized public bidding sites).
- No sexually related content or links to sexually related content.
- No profane language.
- No content that violates a legal ownership interest of another party.
- No information that compromises the safety or security of any information or person.
- No comments regarding political campaigns or ballot measures (state law prohibits the use of City resources for such).

Employees posting on City sites or third-party sites, if the posting occurred in the scope of employment or concerns City business or information, shall adhere to the following rules:

- Social networking and video site users are required to write/post content under their own names. Pseudonyms and anonymous postings are prohibited when using City equipment or City-hosted social networking or video sites.
- Unless approved by the City, employees are prohibited from mentioning the City or identifying themselves as employees of the City via text, photos, art, City logos, City uniforms, City letterhead, City products, City trademarks, or any other image, copy, or content, when using personal social networking and video sites.
- Employees must incorporate the following legal disclaimer into their personal social networking pages and public video site posts when making statements regarding matters of public concern that may in any way impact or be related to City business: “The opinions expressed on this social networking profile (video site) are my own personal opinions. They do not reflect the opinions of my employer.”
- Employees are prohibited from attacking, defaming, harassing, discriminating against, menacing, threatening, or otherwise exhibiting inappropriate or offensive behavior, attitudes, opinions, or commentary toward or about coworkers, supervisors, executives, customers, vendors, shareholders, the media, or other third parties, when using a personal social networking site or public video sites.
- Employees are prohibited from disclosing confidential, protected, proprietary, or private information about the City or obtained in the scope of employment.
- Employees are prohibited from disclosing information regarding the City, its products, services, financials, plans, employees, customers, partners, suppliers, or other third parties when using a personal social networking site or public video site.
- Employees are prohibited from using a City-provided or personal cell phone or
- Smartphone camera or video recorder to take, transmit, download, or upload to social networking or video sites any photos or videos of coworkers, executives, customers, suppliers, and any other third party without first securing the written permission of the subject if applicable and their Department Manager, and an

authorized member of management.

- Employees are prohibited from using a City-provided or personal cell phone or Smartphone camera or video recorder to take, transmit, download, or upload any business- or City-related photos or videos to City computers, personal computers, and social networking or video sites without first securing written permission from their Department Manager as well as an authorized member of City management if applicable. Banned photos and videos include, but are not limited to, the following:
  - “Funny,” embarrassing, or unprofessional images of City employees, executives, customers, suppliers, or other third parties.
  - City buildings (internal and external), offices, facilities, operations, services, confidential data, and internal documents.
  - City uniforms, logos, signage, trademarks, business cards, letterhead, literature, or any other printed or electronic content that can be used to identify the City or past and current employees.
  - Employees are prohibited from disclosing financial information about the City without permission.
  - Employees must adhere to the City’s written Personnel Policies and Procedures Handbook when using a personal social networking site or public video site. Prohibited content includes, but is not limited to, obscene, profane, adult-oriented, pornographic, harassing, discriminatory, menacing, threatening, and otherwise offensive text, art, photos, videos, graphics, cartoons, or other images and content.
  - Employees may not post content or conduct activities that violate applicable local, state, or federal laws or regulations when using a personal social networking site or public video site, or City-hosted social networking or video site.

Violation of the City’s Social Media Site policy (or any other City policy) will result in disciplinary action, up to and including termination.

## **5.20 Code of Ethics**

Park City employees are subject to the Code of Ethics, Title 3 of the Municipal Code and the Municipal Officers and Employees Ethics Act, [Section §10-3-1301 et seq.](#), Utah Code Annotated 1953, as amended, which establishes standards of conduct for employees to disclose actual or potential conflicts of interest between public and personal duties. Employees are responsible for complying with the disclosure requirements for personal interest and restrictions governing the acceptance of gifts.

## **5.21 Smoking**

All government buildings are designated as “smoke-free” under [Utah Code Section §26-38-3 as annotated](#). The City recognizes that smoking in the workplace can adversely affect



employees. Accordingly, smoking is restricted inside all City facilities. Smoking includes but is not limited to tobacco, marijuana, and e-cigarettes. Smoking out of doors must conform to the rules set forth in the Utah Clean Air Act. Smoking is prohibited during the operation of City equipment or while driving City vehicles. Failure to comply with this policy may result in disciplinary procedure up to and including termination.

## **5.22 Consumer Reports**

The City maintains the right to request consumer reports as a condition of hire, promotion, or transfer when necessary under the Fair Credit Reporting Act ([Title VI of the Consumer Credit Protection Act](#)). Consumer reports may consist of financial credit checks, criminal background checks, etc.

The City may, at its discretion, not extend an offer of employment, promotion, or transfer to a candidate where debt history or standing may indicate financial irresponsibility for a position that requires financial honesty and aptitude.

### **The National Child Protection Act of 1993 (NCPA)**

The NCPA, as amended by the Volunteers for Children Act (VCA), authorizes a state and national criminal background check to determine the fitness of an employee or volunteer with unsupervised access to children, the elderly, or individuals with disabilities. Applicants for specified full-time, part-time, seasonal, and volunteer positions in which there may be unsupervised access or exposure to children, the elderly, or individuals with disabilities, will be required to apply for a criminal history background check as a condition of employment or volunteer purposes prior to a final determination of appointment. The City reserves the right to deny employment or acceptance of a volunteer position to any person convicted of or is under pending indictment for a crime that bears upon their fitness to be employed or serve as a volunteer for a position of trust over children, vulnerable adults or persons with disabilities.

Candidates for employment who are required to submit to consumer reports such as background or credit checks must provide written authorization to do so and may expect the following:

- Be notified before a report is obtained.
- Be informed of the name and address of the reporting agency.
- Should information obtained on a consumer report which prohibits a candidate from obtaining a position with the City, they will be informed with a notice which will include the name, address, and phone number of the consumer reporting agency, a statement that the agency supplying the report did not make the decision to take
- adverse action and a notice of the individual's right to dispute the accuracy or completeness of any information furnished, and their right to an additional free report from the agency upon request within 60 days.
- Information obtained from consumer reports will be available only to those staff members who have a legitimate need. Any employee who disseminates or uses information obtained from the consumer report for purposes other than that specified

above will be subject to disciplinary action up to and including termination and may also be subject to civil liability.

- The City also maintains the right to perform consumer reports as part of an investigation of wrongdoing and policy violation of any current employee if applicable and as part of an ongoing investigation.

### **5.23 Youth Protection**

The City has no tolerance for mistreatment of children or diminished capacity adults within the programs it administers. Staff or volunteers suspected of abuse will be removed from involvement with youth programs pending investigation. A finding of cause to believe that abuse occurred by an investigating agency shall be sufficient cause for disciplinary action up to and including termination from employment or termination from volunteer service.

Every allegation of wrongdoing involving children shall be reported immediately to the Park City Police Department. City staff shall not take it upon themselves to investigate allegations of abuse by parents, guardians, City staff or volunteers, or any other person. City staff shall cooperate fully as necessary with investigations conducted by appropriate state agencies.

Isolated one-on-one contact between a staff member or volunteer and a child is discouraged and should be avoided when possible or not prohibited by business need.

**Section Six (6)**  
**PROCEDURES FOR EMPLOYEE COMPLAINTS,  
DISCHARGE, AND TRANSFER APPEALS**

**6.1 Complaint Procedure**

Employees who have an issue or concern about their employment that does not involve a transfer or discharge shall have the opportunity to discuss the issue with management. The first step is a discussion of the issue or concern with the employee's immediate supervisor. If a satisfactory resolution is not reached, the employee shall have the right to pursue the issue through the organization's chain of command. If the employee does pursue the issue, it shall be their responsibility to inform the manager at each level of the intent to pursue a resolution to the next level. The final step of this process shall be a discussion with the City Manager, whose determinations shall be final.

**6.2 Discharge and Pre-Termination Hearing**

Only the City Manager or designee may discharge a Full-Time Regular employee. Before being discharged, an employee shall have the right to know the reason for their discharge and have the opportunity to discuss the discharge with their Department Manager. Full-time Regular status employees may have the opportunity to discuss their discharge with the City Manager if they wish to do so.

**6.3 Employee Transfer and Discharge Appeal Rights and Procedure**

Except as otherwise provided in [Utah Code Ann. Section §10-3-1105\(2\)](#) as amended, any employee, who is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, shall have the right to appeal the discharge, suspension without pay, or involuntary transfer to an Employee Transfer and Discharge Hearing Officer as set forth in Utah Code Ann. Sections 10-3-1105 and 10-3-1106 as amended.

Pursuant to [Utah Code Ann. Section §10-3-1105\(2\)](#), as amended, the Employee Transfer and Discharge appeal rights provided herein do not apply to the following positions:

- Finance Manager
- City Treasurer / Accounting Manager
- Transportation Planning Manager
- Chief of Police
- Police Captain
- Ice Rink General Manager
- Golf Manager
- Recreation Manager
- Budget Operations & Strategic Planning Director
- Chief Building Official

- Housing Development Manager
- Deputy Chief Building Official
- Library Director
- Planning Director
- Economic Development Manager
- Community Engagement Manager
- IT Director
- Environmental Sustainability Manager
- Human Resources Director
- Public Utilities Director
- Water Engineer and any superintendents
- Water Quality & Treatment Manager
- City Attorney
- Deputy City Attorney
- City Manager
- Deputy City Manager
- Emergency Manager
- City Recorder
- Resident Advocate
- Executive Assistant
- City Engineer
- Transit Manager
- Assistant Transit Manager
- Public Works Manager

Any other position specified in [Utah Code Ann. Section §10-3-1105\(2\)](#), as amended, including but not limited to a probationary employee of the municipality; a part-time or contract employee of the municipality; a seasonal employee of the municipality; and a student intern of the municipality.

Nothing in [Utah Code Ann. Sections §10-3-1105](#) or [§10-3-1106](#), as amended, may be construed to limit a municipality's ability to define the cause for an employee termination or reduction in force.

An employee to which Employee Transfer and Discharge appeal rights apply may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department.

Appeals to the Employee Transfer and Discharge Hearing Officer shall be taken by filing written notice of the appeal with the City Recorder within ten calendar days of the discharge, suspension without pay, or involuntary transfer.

Upon the filing of the appeal, the City Recorder shall refer a copy of the same to the Hearing Officer. Upon receipt of the referral from the City Recorder, the Hearing Officer shall

forthwith commence an investigation, take and receive evidence and fully hear and determine the matter which relates to the cause for the discharge or transfer.

The Hearing Officer shall have the power to subpoena witnesses and compel the production of evidence. The scope of the inquiry of the Hearing Officer shall be limited to determine if the City has proven the facts supporting the allegations made against the employee by substantial evidence and that the disciplinary sanction is proportionate to the alleged misconduct and consistent with discipline imposed against other similarly situated employees with appeal rights. Discovery shall be limited to information that was considered in making the decision that is being appealed. The Hearing Officer is not required to follow the Utah Rules of Civil Procedure or the Utah Rules of Evidence.

The Employee shall be entitled to appear in person and be represented by counsel (at the expense of the employee), have a public hearing, confront the witness whose testimony is to be considered, and examine the evidence to be considered by the Hearing Officer.

The decision of the Hearing Officer shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held. The City Recorder shall certify the decision to the employee affected and the head of the department from whose order the appeal was taken.

In the event that the Hearing Officer does not uphold the discharge or transfer, the Hearing Officer shall provide that the employee shall receive the employee's salary for the period of time which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or any deficiency in salary for the period during which the employee was transferred to a position of less remuneration. The employee shall be paid their salary commencing with the next working day following the certification by the City Recorder of the Hearing Officer's decision, provided that the employee, or officer, concerned reports for their assigned duties during that next working day.

A final action or order of the Hearing Officer may be reviewed by the Court of Appeals by filing with that court a petition for review within 30 days after the issuance of the final action or order of the Hearing Officer.

#### **6.4 Exit Interview**

All Full-Time Regular employees may receive an exit interview. The purpose of the interview is to gather information on the improvement of the City. All terminating full-time regular employees are encouraged to meet with Human Resources for an exit interview. This interview aims to gather information to assist management in identifying satisfactory areas and those that need improvement. Exit interview information is not confidential and may be disclosed to the employee's manager and the City Manager.

#### **6.5 American with Disabilities Act Complaints**

The Human Resources Director is the City's Americans with Disabilities Act (ADA) Coordinator.

The ADA Coordinator coordinates the ADA compliance effort and processes complaints in compliance with the ADA grievance procedure to ensure that qualified disabled individuals are not excluded from or denied the benefit of City programs. The procedure for handling potential ADA grievances is as follows:

- a. Complainants file verbal or written complaints with the Human Resources Director.
- b. Complaints must include the complainant's name and address and should briefly describe the alleged ADA violation.
- c. Complainants must file their complaint within ten days of becoming aware of the alleged ADA violation.
- d. The ADA Coordinator conducts a thorough investigation of the complaint and allows all interested persons and their representatives to submit oral or documentary evidence relevant to the complaint.
- e. The ADA Coordinator issues a written determination to the validity and resolution of the complaint and forwards a copy to the complainant no later than 30 days after the complaint is filed.
- f. If the complainant is dissatisfied with the resolution of the complaint, the complainant may request reconsideration. Complainants may file requests for reconsideration with the City Manager or the City Manager's designee within ten days of issuance of the written documentation.
- g. The complainant's rights to prompt and equitable resolution of complaints filed hereunder are not impaired by the complainant's pursuit of other remedies, such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- h. The ADA Coordinator maintains City files and records relating to the filing and processing of ADA complaints.

## **Section Seven (7)** **EMERGENCY** **MANAGEMENT**

### **7.1 Employee Identification Cards and Identification/Door Key Fob Cards**

Employee ID cards provide a means of quickly identifying PCMC employees and elected officials and the capacity in which they serve the City. This identification will be used for security purposes in the event of a citywide emergency or disaster situation. The identification system may also be used as a means of identification for daily operations, building, and restricted area access, including Vendors. All questions and requests concerning ID cards or ID/Fob Cards should be addressed to [idcards@parkcity.org](mailto:idcards@parkcity.org).

All PCMC employees, elected or appointed officials, volunteers, and vendors who work in City buildings must have a PCMC ID card while on duty and be visibly displayed by the employee on a lanyard or clip. An ID card is for the sole use of the employee or vendor and may not be shared or loaned.

Any lanyard used for ID cards must be of a break-away variety. For job positions where a visible ID on a lanyard or clip may pose a safety threat, the department manager may exempt that position from visibly displaying an employee ID; however, the employee is not exempt from having their City ID card in their possession while on duty.

Elected Officials and designated personnel will also be issued an additional ID card that will grant them access to the Emergency Operations Center (EOC) should their presence be requested or required.

Employees are required to show their ID card to any Park City Police Officer upon request.

#### **a. ID Card Description**

The ID cards are color-coded to assist in easy identification of the employee and the capacity in which they serve the City. Color-coded ID cards will be as follows:

- Elected Official (green)
- Management Team (orange)
- Full-time Regular and Special Employment Agreements Contract (blue)
- Part-time or Seasonal (yellow)
- Volunteer (purple)
- City Approved Vendor (black)
- Solicitor (orange) –Handled by the Finance Dept.
- EOC- (red) this card will identify elected officials, limited key employees, and outside agencies that, in the event of an emergency/disaster, will have access to restricted areas including but not limited to the Emergency Operations Center (EOC). The City Manager or designee will determine the necessity and revocation of Emergency Operations Center (EOC) identifications.

- EOC Media (pink)

Cards will contain the following information on the front

- PCMC name and logo
- Employee's photo - renewed every four years. [some vendor cards do not include a photo]
- Employee legal first and last name
- Employee department (certain positions will have a title instead of a department)
- Employee ID number - unique number, never repeated [some vendor and volunteer cards do not have a number]
- Card expiration date
- Phone number to call to verify card validity
- Color code to indicate the employment status

Cards will contain the following information on the back:

- PCMC identification
- Return address and phone number in case card is found
- Employee signature
- Color code bar to indicate the employment status
- Employee emergency hotline phone number [removed for vendor cards]

#### **b. Procedure**

All new and rehired employees will obtain an identification card during the hiring process. They must have their picture taken within 5 (five) days of employment. Photos may be taken in departments by employees designated to do so or at the City Hall Front Desk – 445 Marsac. Photos must match ID card photo standards.

All identification cards will have an expiration date and will be renewed bi-annually. Employee photos will only be updated every four (4) years.

- Seasonal employee cards will expire at the end of the designated season in which they were hired.
- Contract employees will expire at the end of their contract.
- Full-time Regular and FT Contract employee cards are replaced on odd-numbered years.
- Part-time employee cards are replaced on even-numbered years.
- Vendor or Lessee cards expire at the end of their contract.

Identification cards are PCMC property. Identification cards must be returned to the City in the event an employee leaves under any employment circumstance. In the event of a lost, stolen, or damaged identification card, employees must notify their supervisor immediately, who will notify [IDCards@parkcity.org](mailto:IDCards@parkcity.org) (5123 if after hours, weekends or holidays), so the card can be deactivated and replaced. There is no cost for the replacement card in the event of a lost or damaged card unless the employee requires more than one replacement per year. Replacements of greater than one per year may cost the employee \$25.00 each.



Employees and Vendors must sign the appropriate Human Resources Form for each card acknowledging receipt and basic rules concerning the card.

**c. Identification (ID)/Key Fob cards**

ID/Fob cards look just like a regular ID card, with the exception that embedded in the card is an electronic key used to open city facility doors as authorized for that employee. Each card is programmed to allow access on the days and times to the doors authorized by that Department’s Manager. An ID/Fob card has the same policy and procedure requirements outlined above for a standard ID card.

Both authorized and unauthorized FOB/ID transactions are recorded for auditing purposes. Like a standard ID card,

If an ID/Fob card stops working, an employee should contact their supervisor who can troubleshoot the problem by emailing [idcards@parkcity.org](mailto:idcards@parkcity.org) with details including employee name, department, what times or doors the card is not working with.

An ID/Fob card may not be given or loaned to anyone and is for the sole use of the designated employee or vendor. Failure to follow this ID/ Fob card policy may include disciplinary action up to and including termination.

**d. Information Availability**

The following exhibits are available to authorized users on the H: drive in the ID Cards and Photo File

- Exhibit A – ID Card and ID-Fob Card Photo Rules & Tips
- Exhibit B –Card Maker Instructions
- Exhibit C –Security and Auditing Procedures

**7.2 Emergency Work Requirements**

In the event of a City emergency, employees (including part-time, seasonal, and contract employees) will be required to report to work as soon as possible unless they are medically unable to do so. PCMC will collaborate with the Red Cross and other agencies to make every effort to provide services for employees’ families and pets. Failure to contact PCMC as outlined in section [4.11 Absences & Tardiness](#) may result in termination.

A dedicated “Emergency Hot Line” number of 888-894-7275 (888-894-PARK) will be activated during emergencies. Employees can call this number and get information about the overall status of the City's situation and their work assignments. Employees will also have the ability to leave a message about their situation if they are unable to report for work.

Depending on the gravity and extent of the emergency situations, the City Manager has the authority to temporarily suspend any or all time-off requests (vacation, holiday, etc.) Suspended time off will not be lost but will be postponed to a later date.

Flexibility will be necessary, and regular work schedules and departments may be altered to reassign employees where their qualifications and skills will be most beneficial to the City and its residents.

**Work Location:** The first place where employees should report for work is at their regular workplace. If the regular workplace is damaged or inaccessible, employees must report to a secondary rally point, the Public Works Complex at 1053 Iron horse. If that location is damaged or inaccessible, report to the Quinn’s Recreation fields. There will be assigned staff at the rally point to collect and dispense information and provide personal assistance. There will also be an information board for employees to communicate with their co-workers.

During an emergency event where employees do not have any means of transportation, they are directed to call the “Emergency Hot Line” for information about possible shuttle services. PCMC will try to arrange shuttle service at defined times and locations in the greater Park City area to assist employees in commuting to and from work, if possible.

### **7.3 NIMS (National Incident Management System) Training**

Mandatory NIMS training requirements, as outlined in job descriptions, the Comprehensive Emergency Management Plan (CEMP), and by departments, must be completed within six (6) months from an employee’s date of hire. The City Manager may extend that deadline on a case-by-case basis depending on the job description up to one year.

### **7.4 Other Emergency Management Policies**

The PCMC Administrative Policy & Procedure (AP&P) Manual has many additional Emergency Management policies related and is key to the City and staff’s ability to respond to emergencies and disasters. Employees should be familiar with these additional policies found in [Section 7 Emergency Planning of The Administrative Policy & Procedures Manual](#). These policies include:

- Assigned Emergency Equipment Policy
- AED – Automated External Defibrillators – Early Defibrillation Policy Blood Borne Pathogens Exposure Control Policy
- Comprehensive Emergency Management Plan (CEMP)
- Departmental Closures Due to Emergencies or Severe Weather Policy
- Emergency Manager Notification Policy
- Emergency Evacuation of City Facilities Policy
- Non-Punitive Sick-Leave during an Emergency or Pandemic Policy
- Policy and Procedures for the Use of the Park City Alert – Emergency Mass Notification Systems (EMNS)

Use of the 1700 AM Highway Advisory Radio System Policy  
Shelter-in-Place within City Facilities Policy  
“Top” Half Fuel Policy  
Utilization and Access of Building Closed Circuit Video Systems (CCVS)