



Huntsville Town  
Corporation

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Policies and Procedures  
Manual

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## INTRODUCTION

The Office of the Utah State Auditor has compiled this manual for local governments and special service districts to help them more fully comply with financial accounting and reporting requirements prescribed by Utah Law and professional accounting standards. This manual is designed to provide a basic overview and ready reference to the most frequently asked questions regarding municipal governance and accountability. Copies of this manual may be obtained on the internet at [auditor.utah.gov](http://auditor.utah.gov).

The Office of the Utah State Auditor also has a Uniform Accounting Manual (UAM) which is much more comprehensive; it should be used for areas not covered by this manual. The UAM may also be found on the internet at [auditor.utah.gov](http://auditor.utah.gov).

Please keep this manual with your council records and pass it on to the individual taking your place. We hope this manual will help you in meeting your responsibilities, which are important. Your efforts in meeting those responsibilities are very much appreciated.

If you have any questions about this manual, please call or e-mail Ryan Roberts at (801) 538-1721 or [ryanroberts@utah.gov](mailto:ryanroberts@utah.gov).

## **GOVERNING MUNICIPALITY RESPONSIBILITIES**

### ***Mayor/Mayor Pro Tempe***

- Conduct meetings

### ***Clerk***

- Attend meetings and keep a record of the proceedings.
- May sign a two signature check.
- Administer Municipal Elections.
- Post agendas.
- Administer Annexations.
- Administer property Re-Zones.
- Office clerical work.
- CDBG grant applications
- Planning Commission Secretary.
- Appeals Authority Secretary.
- Business Licensing.
- Record management.

### ***Treasurer (or other designated person not performing clerk duties)***

- Sign checks after determining that sufficient funds are available.
- Maintain custody of all money.
- Maintain financial records.
- Deposit and invest all money in accordance with the State Money Management Act (*Utah Code*, Title 51, Chapter 7).
- Receive all funds.
- Issue a receipt for money received.
- May sign a two signature check.
- Prepare checks after determining that the claim:
  - was authorized by the board or financial officer,
  - does not over expend the budget, and
  - was approved in advance.
- Present a financial report at least quarterly to the board.

### ***Council Members***

- Approve all expenditures, 1) if the checks are prepared in accordance with a schedule approved by the board, and 2) routine expenditures, such as utility bills, payroll-related expenses, supplies, and materials.
- Set a maximum sum over which all purchases may not be made without the council's approval.
- At least quarterly, review all expenditures authorized by the financial officer. (See *Utah Code* 17B-1-642)

- In a municipality with an expenditure budget of less than \$50,000 per year, a Mayor or Mayor Pro Tempore shall sign all checks.
- Duties as assigned by the Mayor.

### ***Appointment / Election***

A Council Member may be elected or appointed depending upon the *Utah Code* section under which the municipality was created and the law, ordinance or resolution creating the municipality. It is important that governing councils remain fully staffed and that vacancies are filled in a timely manner.

The number of governing council members for Huntsville Town is a Mayor and four Council Members who serve four-year terms which begin at noon on January 1 following the member's election or appointment.

*Utah Code* 17B-1-303 to 306 and 20A-1-512 generally define appointing or electing council members. Vacancies on the Town Council should be advertised and interested citizens should be given the opportunity to be considered for the vacancy.

The law also states that, "each council member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office" (17B-1-303)(2)(b). In other words, if a council member's term expires and a new council member has not been appointed or elected, the existing council member should continue to serve.

### ***Compensation***

A council member of a municipality may receive compensation for their service as determined by the council. The Town Council may be compensated for meeting attendance and mileage as set by resolution.

### ***Qualification***

A council member may not be employed by the Town either as an employee or under a contract. There is an exception to this requirement when:

- fewer than 3,000 people live within 40 miles of the primary place of employment,
- the job opening has had reasonable public notice, and
- the person employed is the best qualified candidate for the position. (See *Utah Code* 17B-1-311)

A council member must also be a registered voter and a resident within the boundaries of the Town.

### ***Ethics***

*Utah Code* 67-16 addresses ethics and conflicts of interest. Generally, ethics prohibit the acceptance and solicitation of gifts, compensation or loans by a public officer or employee. A public officer may accept an occasional gift having a value of \$50, or less.

A conflict of interest may be allowed as long as full and proper disclosure is made. Please refer to *Utah Code* 67-16-7 and 67-16-8 or your legal advisor for specific disclosure requirements.

### **Nepotism**

*Utah Code* 52-3 addresses nepotism. Generally, it means that no public officer may employ, appoint, vote for, or recommend a relative for employment. Further, no public officer may directly supervise an appointee who is a relative. Relative means a father, mother, husband, wife, son, daughter, sister, brother, aunt, uncle, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

There are several exceptions addressed in *Utah Code* 52-3-1(2)(a). The most important exception is that the relative may be employed if they are the only person available, qualified, or eligible for the position.

## MEETINGS

*Utah Code* 52-4 addresses open and public meetings. The law recognizes that governing body's exist to conduct the people's business and contains provisions designed to help ensure that a councils actions and deliberations are conducted openly.

### ***Open Meetings***

An open and public meeting is when the majority of a governing body meets to discuss or act upon a matter for which they have responsibility. Public meetings include workshops or executive sessions, but do not include chance or social meetings. (See *Utah Code* 52-4-103, 52-4-201(2) and 52-4-208)

### ***Closed Meetings***

All meetings shall be open to the public, except for discussion of the following:

- The character, competence or health of an individual.
- Deployment of security personnel, devices, or systems.
- Collective bargaining issues.
- Pending or reasonably imminent litigation.
- Purchase, exchange, lease, or sale of real property, including any form of a water right or water shares, if such discussion prevents the district from completing a transaction on the best possible terms.
- Investigative proceedings regarding allegations of criminal misconduct.
- Information that is required to be maintained as private or protected by the Utah Procurement Code (*Utah Code* 63G-6a), including trade secrets.

If a meeting is closed to discuss the character, competence or health of an individual or the deployment of security personnel, devices, or systems, then the person presiding shall sign a sworn written statement affirming that the sole purpose for closing the meeting was to discuss these issues. No recorded or written minutes are required when a meeting is closed for this purpose.

If a meeting is closed for a purpose other than those mentioned in the paragraph above, the board must record the closed portion of the meeting and may keep detailed written minutes. (See the Meeting Minutes section below for required elements of minutes of a closed meeting.) (See *Utah Code* 52-4-206)

Remember, no ordinance, resolution, rule, regulation, contract, or appointment may be approved in a closed meeting. Also, a closed meeting may be held only upon the affirmative vote of two-thirds of the council members present at a public meeting.



Both a recording and written minutes of closed meetings are protected records and may be disclosed only pursuant to a court order as provided in *Utah Code 52-4-206(5)*.

### ***Public Hearing***

A public hearing is the portion of an open meeting at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. Public hearings are required when the council imposes or increases a fee or adopts a budget.

### ***Electronic Meetings***

An electronic meeting is a public meeting convened or conducted by means of a conference using electronic communications. A municipality may convene an electronic meeting if they have adopted a resolution, rule, or ordinance governing the use of electronic meetings. See *Utah Code 52-4-207(2)(b)* for a list of items that the resolution or rule may include and *Utah Code 52-4-207(3)* for a list of things the district must do in order to convene or conduct an electronic meeting.

### **Meeting Minutes**

Written minutes and an audio recording shall be kept of all open meetings except for the following where a recording is not required to be kept:

- During a site visit or traveling tour where no vote or action is taken.
- If the Town's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less. (See *Utah Code 52-4-203*)

When a meeting (whether open or closed) is required to be recorded, the recording shall be complete and unedited and include all portions of the meeting from the commencement of the meeting through adjournment of the meeting.

Approved minutes are written minutes of an open meeting that have been approved by the public body that held the open meeting. Approved minutes of an open meeting are the official record of the meeting.

Draft minutes are written minutes of an open meeting that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting. Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.

Pending minutes, approved minutes, and a recording of a public meeting are public records under GRAMA.

Municipalities shall:

- Make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes.
- Within three business days or as soon as reasonable after approving written minutes, make the approved minutes available to the public, and

- Within three business days or as soon as reasonable after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- Establish and implement procedures for the public body's approval of the written minutes of each meeting.

### ***Content of Minutes***

Open meeting minutes shall include:

- date, time and location of the meeting.
- names of council members present and absent.
- substance of all matters proposed, discussed, and decided.
- votes taken by individual members of the public body.
- names of each person who is not a member of the public body, and after being recognized by the presiding member of the public body, provided testimony or comments and the substance in brief of their testimony or comments.
- any other information that is a record of the proceedings of the meeting that any member requests to be entered in the minutes or recording.

When a governing body closes a meeting, the following must be publicly announced and entered into the minutes of the open meeting at which the closed meeting was approved:

- reason or reasons for holding the closed meeting.
- location where the closed meeting will be held.
- vote of each member of the board, either for or against the motion.

The recorded and any written minutes of a closed meeting shall include:

- date, time and location of the meeting.
- names of council members present and absent.
- names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

### **Notice Requirements**

A municipality that holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once a year of its meeting schedule, giving dates, time, and place. If regular meetings are not held, the council shall give no less than 24 hours public notice specifying the date, time, and place.

All meetings whether regularly scheduled in advance over the course of a year or scheduled as needed must provide no less than 24 hours' notice of meeting agendas. The method of providing public notice for meetings and agendas depends upon whether a public hearing will be held during a portion of the meeting. It is important to distinguish between notice requirements for regular meetings and notice requirements for a meeting that will include a public hearing.

The table below contrasts notice requirements for a regular meeting and a public hearing held for the purpose of adopting a budget.

Requirement	Regular Meeting	Public Hearing
		Must <u>publish</u> notice in at least one issue of a newspaper of general circulation in which the Municipality is located. If the newspaper requires payment to publish the notice, then the municipality must pay the fee. If a newspaper of general circulation is not available, then post written notice in three public places within the Municipality
Posting	Post written notice at the Town Hall, Post Office, website <a href="http://huntsvilletown.com">huntsvilletown.com</a> , and State Public Noticing website ( <a href="http://www.pmn.org">www.pmn.org</a> )	Post written notice at the Town Hall, Post Office, website <a href="http://huntsvilletown.com">huntsvilletown.com</a> and State Public Noticing website ( <a href="http://www.pmn.org">www.pmn.org</a> )
Number of days	At least 24 hours before meeting.	At least fourteen days prior to the hearing.

***Utah Public Notice Web-Site***

Most public bodies are required to post notices for a public meeting on the Utah Public Notice Website (see [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html)). Town’s with annual budgets less than \$1,000,000 are encouraged, but not required to post notice on the website. (See *Utah Code 52-4-202(3) (b)*)

The website allows the public to subscribe to the town council’s notices and receive notification of upcoming meetings and updates to current meetings. The website is designed to provide:

- Greater accessibility to public meeting information, which encourages greater participation by the public.
- A central source for all public meeting information statewide.
- Standardized format for publishing.
- Access to past public meeting minutes.

### ***Imposing or Increasing a Fee***

If the Municipality plans to impose or increase a fee, they must hold a public hearing in the evening no earlier than 6:00 pm. The Municipality must post the notice of the public hearing at the Town Hall, Post Office, Town Website, State Noticing website and if possible the Town Newsletter. The public notice must be posted for a minimum of 14 days prior to the public hearing.

The notice shall state the following:

- The municipality intends to impose or increase a fee and will hold a public hearing.
- The date, time, and location of the public hearing.
- The purpose of the hearing will be to hear comments regarding the proposed imposition or fee increase.
- The reasons for the proposed fee imposition or increase.

If there is no newspaper of general circulation within the municipality, the municipality must post at least one notice per 1,000 population within the district at locations most likely to provide actual notice. (See *Utah Code* 17B-1-643)

### **OR**

In lieu of publishing notice in the newspaper as outlined above, a municipality may provide notice by mailing the notice to those within the town who:

- will be charged the fee for a town service, if the fee is being imposed for the first time; or
- are being charged a fee, if the fee is proposed to be increased.

The notice may accompany a bill for an existing fee or may be mailed separately, but must be delivered at least 7 days prior to the hearing and shall state the following:

- The Town intends to impose or increase a fee and will hold a public hearing.
- The date, time, and location of the public hearing.
- The purpose of the hearing will be to hear comments regarding the proposed imposition or fee increase.
- The reasons for the proposed fee imposition or increase.

In addition to the options listed above, for districts with an annual operating budget of \$250,000 or less, the legal notice requirement can also be met by publishing notice on the Legal Notice Website ([www.utahlegals.com](http://www.utahlegals.com)). (See *Utah Code* 45-1-101(9))

Whether notice is provided by publishing in the newspaper, public posting or by mailing actual notice, *Utah Code* 17B-1-643 (2)(f) provides that if no challenge is made to the notice given within 30 days after the date of the hearing, the notice is considered adequate and proper.

### ***Truth in Taxation***

Towns are subject to "Truth in Taxation," which has to do with tax increases. *Utah Code* 59-2-919 deals with tax increases. There are additional notice and hearing requirements for budget hearings where there is a tax increase. For help in this area contact Jennifer Condie with the Utah State Tax Commission at 801-297-3636.

### **Agendas**

As noted above, the council required to give no less than 24 hours' notice of meeting agendas. Recent legislative sessions have further defined agenda requirements as follows:

- Agendas must provide reasonable specificity to notify the public as to the topics to be considered.
- Each topic shall be listed under an agenda item on the meeting agenda.
- The council may not consider a topic in an open meeting that was not on the agenda.
- The board may discuss a topic raised by the public during an open meeting that was not on the agenda, but it may not take final action during that meeting.

### **Emergency Meetings**

The council may call an emergency meeting to discuss an urgent matter due to unforeseen circumstances. When an emergency meeting is determined necessary the following is required:

- Give the best notice practicable of the time, location and topics to be considered.
- Attempt to contact all council members.
- A majority of the council members must approve the meeting.  
(See *Utah Code* 52-4-202(5)).

## **BUDGETING**

Budgets are required by law. It is an important way for the public to have input on town's expenditures and plans. Upon formal adoption, the budget constitutes spending authority for the town and a formal plan for spending. At adoption, the council has legally bound itself to spend this much and no more. Any expenditure in excess of the budget is illegal, even if the town has money available to spend.

### ***Budget Amendments***

Original budgets may be amended during the budget year to increase the original budget; however, budgets may not be changed after the budget year end. Generally, budget amendments must follow the same procedures as the adoption of the original budget (public notice and hearing); however, there are some exceptions.

A governing council may move budgeted expenditures from one budgeted line item to another without a public hearing. Adjusting line items is allowed as long as the adjustment is within the same fund and as long as the adjustment does not increase total expenditures or involve reducing the amount budgeted for debt retirement or reduction of a deficit (see *Utah Code 17B-1-620*).

*Utah Code 17B-1-620(1)* requires that a board of trustees establish policies for amending budgeted line items. For example, if a town has a general fund and within the general fund are two departments (water and sewer), a policy may authorize a budget officer, with the approval of a General Manager, to move money from one budgeted line to another budgeted line within the same department.

When adjusting budgeted line items between departments within a fund, the policy may require that the transfer be approved by the governing council. When the policy requires the approval of a governing board, the council should place the adjustment on the agenda of an open meeting and approve the adjustment in the meeting.

The budget of an enterprise fund may be amended by a resolution of the board of trustees at any regular or special meeting called for that purpose without a public hearing. This includes increasing total expenditures of the fund. (See *Utah Code 17B-1-630*)

Districts with an annual operating budget of \$250,000 or less may satisfy the notice requirements by mailing a written notice to each voter in the town and posting the notice in three public places within the town.

The tentative budget must be available to the public for seven days prior to the public hearing for the adoption of the final budget.

## REQUIRED REPORTS

The following schedule shows which reports are required by law, when they are due, and where they should be sent.

	<b>Report</b>	<b>When Due</b>	<b>Upload To:</b>
<b>1.</b>	Adopted Budget	No later than 30 days after adoption. (Usually in January)	reporting.auditor.utah.gov  <i>You may mail your reports to Office of the Utah State Auditor P.O. Box 142310 Salt Lake City, UT 84114 <b>ONLY</b> if internet access is <b>NOT</b> available.</i>
<b>2.</b>	Audited Financial Statements <u>or</u> On-line Financial Survey	No later than 180 days after year end. (Usually by Dec. 31)	
<b>3.</b>	Agreed-Upon Procedures Report	No later than 180 days after year end. (Usually by June 30)	
<b>4.</b>	Deposit and Investment Report	Bank Balances as of June 30 and December 31. (Twice per year)	mmcouncil@utah.gov Utah State Treasurer PO Box 142315 Salt Lake City, UT 84114

### ***Financial Report Requirements***

*Utah Code 51-2a-201* outlines reporting requirements. If revenues or expenditures of all funds are:

- Greater than \$500,000 – an audit is required.
- Between \$100,000 and \$500,000 – an agreed-upon procedures report and an on-line financial survey are required.
- Less than \$100,000 – An on-line financial survey is required.

The following describes the different types of financial reports:

- **Audit** – an examination completed by an independent certified public accountant (CPA). Reasonable assurance that the financial statements are fairly presented is provided.
- **Agreed-Upon Procedures** – an engagement by an independent CPA following procedures set forth by the Office of the Utah State Auditor. No assurance is provided on the reliability of the financial information generated by the entity and submitted to the State Auditor.
- **On-line financial survey** – Information regarding assets, liabilities, revenues and expenses is submitted on-line to the Office of the Utah State Auditor. This information is generally provided by the district budget officer who may receive assistance from the Office of the Utah State Auditor, a CPA or other qualified individual.

A municipality may choose to have a report prepared that exceeds the reporting requirements outlined above if the municipality wants to obtain greater assurance that their financial statements are correct. For example, a municipality with \$350,000 in revenues may choose to have an audit when only an agreed-upon procedures report is required.

In addition, Utah Code 11-50-202 requires the annual financial report submitted to the auditor's office to be certified by the Chief Administrative Officer (individual who watches over the day-to-day activities of the district) and the Chief Financial Officer (individual who has primary responsibility for preparing the annual financial report). This certification can occur either electronically or by hard copy once the report has been submitted through [reporting.auditor.utah.gov](http://reporting.auditor.utah.gov).

For questions regarding specific requirements or for help in posting information to the website contact the Utah Division of Finance at 801-538-3082.



## **INTERNAL CONTROLS**

The following procedures should be followed by the Huntsville Town Council.

- Checks for payables are written once per week or as needed requiring two signatures on checks. Deposits and disbursements should be reviewed by the town council each month. Council members should ask questions if something is unclear or looks unusual.
- The monthly reconciliations of the checkbook to the bank statement is made, or at least reviewed, by someone who does not sign checks.
- The council members should take a healthy interest in the finances of the town by reviewing the annual financial statements and physically inspecting other assets, such as pipes, trucks, lawnmowers, etc., to be sure they have not been lost or stolen and are in good condition.

## **PURCHASING**

*Utah Code* 17B-1-618 requires that all purchases by municipality be made according to the purchasing procedures established by each Town by resolution and only on an order or approval of the person duly authorized by the council to do the purchasing.

Essentially, a purchasing policy should establish a competitive procurement process which safeguards against bias or conflicts of interest. The policy should also consider the cost of soliciting or advertising bids with the benefits of competition among vendors.

A sample purchasing policy has been included under Appendix A of this manual. This sample policy is intended to assist the Town in preparing a purchasing policy and may not address all of the needs of the Town. It is recommended that a Town work with their legal advisor for assistance.

The following is a list of items that should be considered when developing a purchasing policy. The list is not all inclusive, but is intended to be a starting point:

- Amount under which competitive quotes are not required.
  - (Purchases less than \$1,000 do not require competitive quotes.)
- Amount over which verbal quotes will be obtained.
  - (Purchases between \$1,001 and \$2,000 require at least two verbal quotes.)
- Amount over which written quotes will be obtained.
  - (Purchases between \$2,001 and \$50,000 require at least three written quotes)
- Amount over which public advertising is required.
  - (Purchases greater than \$50,000 will be publicly advertised and subject to competitive sealed bidding.)

Under the Utah Procurement Code, it is unlawful for a person to intentionally or knowingly divide a purchase into one or more smaller purchases to circumvent established thresholds.

### **Records Retention**

In accordance with *Utah Code* 63G-6a-2002 and 2003, documents associated with purchases of \$50 or more are to be kept and made available to the public, upon request, for a minimum of 4 years. In addition, the procurement officer shall maintain a record of all contracts made pertaining to small purchases, sole-source procurement, and emergency procurement in accordance with the town's records retention schedule.

### **Large Procurements and Construction Projects**

Procurements for construction projects are subject to the Utah Procurement Code (*Utah Code 63G-6a*), which, among other things, mandates bidding on most building and public works construction projects and specifies how the bidding and RFP process are to be conducted.

### **State Resources**

State Purchasing has entered into multiple contracts for a variety of products and services that can be used by municipalities without having to go through the RFP and bidding process themselves. This provides municipalities with access to high quality products at a lower price. In addition, State Purchasing also offers assistance to municipalities going through a bidding and RFP process who lack experience and expertise in this area. For more information about state contracts and other purchasing assistance, go to the State Purchasing website at [purchasing.utah.gov](http://purchasing.utah.gov) or call State Purchasing at 801-538-3026.

## **RECORDS (GRAMA)**

*Utah Code* 63G-2, Government Records Access and Management Act (GRAMA), addresses government records and the management of those records. It recognizes that the public has a right to access information regarding the conduct of the public's business and the right of privacy in relation to personal data gathered by governmental entities.

### ***Policy***

A Town should adopt a records policy that is consistent with *Utah Code* and procedures established by Utah State Archives.

### ***Record Series***

A record series means “a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.” (*Utah Code* 63G-2-103(23)) Record series reflect the natural organization of groups of records and their relationships to each other. For example, board meeting minutes would be a record series.

### ***Retention***

There are different retention requirements for each record series. Towns are to follow record retention schedules for municipalities which may be found on the web at: <http://archives.utah.gov/recordsmanagement/grs/mungrs-list.html>.

State Archives is available as a resource to help you comply with record retention requirements. For questions call or e-mail: Rosemary Cundiff, Utah State Archives and Records Service, at (801) 531-3858 or [rcundiff@utah.gov](mailto:rcundiff@utah.gov).

### ***Classification***

Classification indicates the level of access to your records. A classification is assigned to each record series. There are four classifications defined in the law: public, private, controlled and protected. Only public records are open to the public (most records are public). Some record series may have more than one classification. If you need help contact the State Archives.

- Public records are records that are open to everyone. They include:
  - Minutes from open meetings.
  - Compensation paid to a contractor.
  - Names, gender and gross compensation paid to public employees.
  
- Private records are information about individuals that may only be accessed by those individuals and others specified in *Utah Code* 63G-2-202. They include:
  - Unemployment insurance, social service and welfare benefits.
  - Medical history, diagnosis, condition, treatment and evaluation.

- Public employees home address, home telephone number, social security number and marital status.
- Controlled records are records that may only be released to certain individuals such as social workers and health care providers and may not be disclosed to the individual to whom they pertain. They include:
  - Medical, psychiatric, or psychological data.
  - Information detrimental to the subject’s mental health or to the safety of any individual.
- Protected records are non-personal data that may only be released to the person who submitted the information. They include:
  - Trade secrets.
  - Test questions and answers.
  - Records that would jeopardize the life or safety of an individual.
  - Records that would jeopardize the security of a correctional facility.

The following is a schedule of records a municipality may typically have; it includes the type of record, classification and retention requirements.

<u>Record</u>	<u>Classification</u>	<u>Retention</u>
Meeting Minutes	Public	Permanent
Meeting Agenda	Public	2 Years
Annual Financial Reports	Public	Permanent
Budgets	Public	Permanent
Bank Statements	Public	4 Years
General Ledger	Public	10 Years
Timesheets	Public	3 Years
Accounts Payable & Receivable	Public	4 Years
Deposit Slips	Public	4 Years
Check Register	Public	7 Years
Receipt Books	Public	3 Years
Fixed Asset Lists	Public	10 Years
Procurement documents	Public	4 years

### **GRAMA Requests**

The following information is an excerpt from GRAMA training prepared by State Archives.

#### ***Preparing for a GRAMA Request***

- Make a policy within the Town about who handles record requests. Make sure everyone within the Town knows who handles record requests.

- The Huntsville Town Clerk is responsible for handling all GRAMA requests unless the request falls under water billings or treasurer duties.
- Create a standard GRAMA request form. A sample form can be found on the State Archives website at: <http://archives.utah.gov/recordsmanagement/forms/forms-grama.html> or in Appendix B at the back of this manual
- Get advice from administration and legal counsel in responding to a request.

***Receiving a GRAMA Request (Utah Code 63G-2-204(1),(2))***

- The law requires that the requester submit the request to the agency that prepares, owns, or retains the record. (Records are subject to the classification and retention schedules of the originating entity.
- The requester is also required to provide the following information in writing:
  - Name
  - Address
  - Phone Number
  - Description which identifies the record requested with reasonable specificity.

***Responding to a GRAMA Request (Utah Code 63G-2-204(3),(4))***

- The Town must respond within 10 business days, or 5 business days for an expedited response, providing a referral if the district does not maintain the record.
- The Town may deny the request if necessary.
- Failure to respond is considered a denial.
- The Town must notify the requester of EXTRAORDINARY CIRCUMSTANCES (see below).

***Extraordinary Circumstances Include: (Utah Code 63G-2-204(5))***

- Another agency is using the record.
- The town is processing a large quantity of records.
- The requester asks for a voluminous quantity of records.
- The records may be undergoing an audit by a government entity.

***Appropriate Response to Extraordinary Circumstance (Utah Code 63G-2-204(5))***

- If only part of the records can be located, disclose a portion or provide the requester with an estimate of time required to respond.
- Provide the request as soon as reasonably possible.

***In Response to a Request, a Town is Required to:*** (Utah Code 63G-2-201(1),(11),(12))

- Allow every person the right to inspect a public record free of charge.
- Provide electronic copies in lieu of paper if requestor prefers electronic copy and the district currently maintains the record in a reproducible electronic format.
- Avoid using a physical format to unreasonably hinder access.

***In Response to a Request, a Town is not required to:*** (Utah Code 63G-2-201(8))

- Compile, format, manipulate, summarize or tailor records.
- Provide a record in a format different than normally maintained.
- Fill the request if the record is available in a public publication.

**Fees**

The Town is required to adopt a uniform fee structure if it decides to charge for record requests. The following information will assist the district in preparing a policy that complies with the law.

***An Agency May Charge For:*** (Utah Code 63G-2-203(2))

- The actual cost of providing a record when it is provided in a form other than normally maintained.
- Staff time for direct costs such as search, retrieval, summarization, and compilation, not to exceed the salary of the lowest paid, capable employee.

***An Agency May Not Charge For:*** (Utah Code 63G-2-203(2)(c),(5)(b))

- The first 15 minutes of a search.
- Allowing the requestor to inspect the record.
- Reviewing a record to determine whether it is the subject of a request.

***An Agency is Encouraged to Fill the Request Without Charge When*** (Utah Code 63G-2-203(1),(4))

- Releasing the record will benefit the public.
- The requester is the subject of the record.
- The requester's legal rights are implicated, and they claim hardship.

***Denial of Request*** (Utah Code 63G-2-204(7), 63G-2-205(1),(2),(3))

- If the agency denies a request in whole or in part, it must provide notice of denial to the requester in writing (See Appendix B for a notice of denial form).
- The notice of denial shall contain a description of the record, citations to the applicable provisions of GRAMA, and a statement that the requester can appeal the denial to the chief administrative officer (CAO) of the agency with the name and address of the CAO.
- An agency must maintain the record until time limits for appeals have expired.

### ***Access***

In the interest of security and keeping records in their proper place, district personnel should not allow individuals to thumb through records. Requests for copies of records from the public should be specific and consistent with district policy.

### ***Ombudsman***

A records ombudsman can assist government records officers who are responding to records requests. They can recommend solutions to difficult records access issues. Contact the records ombudsman at 801-531-3858.

### ***Training***

Designated records officers of each district are required to complete an annual on-line training course in order to certify in GRAMA. This training must be completed each year that they are the officially designated records officer per *Utah Code* 63G-2-108. This training can be accessed on-line at [www.archives.utah.gov/recordsmanagement/training.html](http://www.archives.utah.gov/recordsmanagement/training.html) or by going to the archives.utah.gov website and clicking on records management, then training.



## INSURANCE

All public treasurers are required to be bonded in accordance with Rule Number 4 of the Utah State Money Management Council. *Utah Code 51-7-3(27)* states that, “A ‘Public Treasurer’ includes ... the official of any...political subdivision, or other public body who has the responsibility for the safekeeping and investment of any public funds.” This is a broad definition that includes the person or persons of a district with the responsibilities defined above.

The schedule below sets forth the amount for which each public treasurer should be bonded according to the annual budget for the governmental unit. The basis used shall be budgeted gross revenue for the previous year. Budgeted gross revenue includes all funds collected or handled by the public treasurer.

<b>Budget</b>	<b>Percent for Bond</b>	<b>Minimum Bond</b>
\$0 to 10,000	N/A	\$0
\$10,001 to \$100,000	9% but not less than	\$5,000
\$100,001 to \$500,000	8% but not less than	\$9,000
\$500,001 to \$1,000,000	7% but not less than	\$40,000
\$1,000,001 to \$5,000,000	6% but not less than	\$70,000
\$5,000,001 to \$10,000,000	5% but not less than	\$300,000
\$10,000,001 to \$25,000,000	4% but not less than	\$500,000
\$25,000,001 to \$50,000,000	3% but not less than	\$1,000,000
\$50,000,001 to \$500,000,000	2% but not less than	\$1,500,000
Over \$500,000,000		\$10,000,000

Bonds must be issued by a corporate surety licensed to do business in the State of Utah and rated XII or better by the latest issue of Bests Rating Guide. Bonds should be effective as of the date the treasurer assumes the duties of the office or is sworn in.

It would also be wise to consider in which areas the district and its board members should be insured. The law requires a district with an annual operating budget of at least \$50,000 to obtain liability insurance as considered appropriate by the board.

## FUND BALANCE LIMITATION

A common problem for districts is the accumulation of large fund balances or cash reserves. Large fund balances are inappropriate for governmental units and are generally a violation of state law.

*Utah Code* 17B-1-612 limits the amount that can be retained as unreserved fund balance in the general fund. The accumulation of a fund balance in the general fund may not exceed the greater of:

- 100% of the current year's property tax, or
- 25% of the total general fund revenues for districts with annual general fund budgets greater than \$100,000, or
- 50% of the total general fund revenues for districts with annual general fund budgets equal to or less than \$100,000.

The most common criteria will be 100% of the current year's property tax.

There are provisions in the law that allow the governing board to accumulate funds for the purpose of financing future specific capital projects, including new construction, capital repairs, replacement, and maintenance, under a formal long-range capital plan adopted by the governing body. Generally, the accumulation of these funds should be reported in a capital projects fund.

The concept is basically that a government should tax its constituents on a "pay as you go" basis. This means that purchases of economic resources which benefit taxpayers today should not be made with funds accumulated from prior taxpayers or by issuing excessive debt that places the burden on future taxpayers. Essentially, taxpayers should be allowed to determine the best use of their funds while being taxed in a manner that allows a government to meet its current obligations.

## **TRAINING**

The Office of the Utah State Auditor provides training for members of district governing boards and others as applicable. This training is required for new council members by *Utah Code* 17B-1-312 which states that each member of a council of a local municipality should, within one year after taking office, complete training developed by the Office of the Utah State Auditor in cooperation with the Utah Association of Special Districts.

The training is designed to help governing boards increase their understanding of their role, functions, and responsibilities. Topics covered by this training typically include items included in this manual. However, the training provides council members and others with the opportunity to ask questions and understand concepts behind laws and other requirements. An on-line training module that fulfills this requirement is available on the State Auditor's website at [auditor.utah.gov/local-government/local-districts/local-districts-training/](http://auditor.utah.gov/local-government/local-districts/local-districts-training/).

It is the intention of the Legislature, the Office of the Utah State Auditor and the Utah Association of Special Districts, to encourage council members to participate in this training to enhance governance and accountability of local municipalities. Live training is generally provided at various locations throughout the year and as requested by governing councils. If you have any questions regarding this training please call or e-mail Ryan Roberts at 801-538-1721 or [ryanroberts@utah.gov](mailto:ryanroberts@utah.gov).

## **UTAH ASSOCIATION OF SPECIAL DISTRICTS**

The association is dedicated to promoting the proper and efficient operation of all districts in our state. It assists districts in fulfilling their respective missions by informing governmental and public officials about districts; promoting district awareness; providing training to council members, management, and staff; and providing legislative input and advocacy, and updates of current laws and regulations. Membership is available for all municipalities. For more information please contact:

Mr. LeGrand W. Bitter, Executive Director  
Utah Association of Special Districts  
1272 West 2700 South  
Syracuse, UT 84075  
(801) 614-0405  
E-mail: [uasdmail@yahoo.com](mailto:uasdmail@yahoo.com)  
Website: [uasd.org](http://uasd.org)

# APPENDIX A

## EMPLOYEE POLICIES ADDENDUM

### CHAPTER 1--DEFINITIONS

- 1-1 Part-time Employees
- 1-2 Temporary or Seasonal Employees
- 1-3 Volunteers

#### 1-1 Part-time Regular Employees

Part-time regular employees are those who are hired to work on a regular basis less than 30 hours per week. Part-time regular employees are always in a probationary status and may be terminated at will, with or without cause or prior notice, for any reason or no reason at all.

#### 1-2 Temporary or Seasonal Employees

Temporary or seasonal employees are hired to work for a fixed or indefinite temporary period. Temporary or seasonal employees should have no expectation of continued or regular employment. They are always in a probationary status and may be terminated at will, with or without cause or prior notice, for any reason or no reason at all.

#### 1-3 Volunteers

Volunteer means any person who donates service or work time without pay or other compensation except expenses actually and reasonably incurred as approved by the town. A volunteer may not donate any service or work time to the Town unless the volunteer's services are approved by the Mayor or the Mayor's designee.

## **CHAPTER 2--ADMINISTRATION**

- 2-1 Implementation of Personnel Policies
- 2-2 Management/Employee Cooperation
- 2-3 The Town Council
- 2-4 The Mayor
- 2-5 Personnel Records and Reports

### **2-1 Implementation of Personnel Policies**

This Employment Manual is provided for general guidance only. The policies and procedures expressed in this Employment Manual, as well as those in any other personnel material, or other types of material which may be issued from time to time, do not create a binding contract or any other obligation or liability on the Town. The Town reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. The Town also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Employment Manual do not create an express or implied contract with any person.

### **2-2 Management/Employee Cooperation**

Our goal is to bring effective and efficient municipal services to the citizens of the Town. This can only be achieved by management and employee cooperation. A productive and successful employee works with management and other employees to accomplish the Town's goals.

### **2-3 The Town Council**

All policies and procedures either promulgated by the Mayor or originating with the Council that concern employee/employer relationships require the approval of the Town Council. The Mayor shall administer the personnel system of the Town with the advice and consent of the Town Council.

### **2-4 The Mayor**

The Mayor, with the help of such aides or assistants as may be required, shall be responsible for directing and coordinating the personnel activities of the Town.

The Mayor shall:

- A. Prepare and recommend position classification and pay plans and direct the continuous administration of these plans.
- B. Compute and submit to the Town Council the projected annual salary and wage expenditures for all departments.

- C. Direct the recruitment, testing, selection, and hiring of Town Employees, subject to the approval of the Town Council.
- D. Obtain or prepare and administer competitive examinations for all original appointments and promotions in the Town subject to testing, in conjunction with the appropriate department supervisor.
- E. Prepare, recommend, and enforce rules and regulations for personnel administration.
- F. Supervise, develop, and maintain personnel forms, procedures, and methods of record keeping.
- G. Maintain a personnel file on all persons employed by the Town and on Town volunteers where such a file is required by the Town's liability insurance carrier.
- H. Validate all appointments, promotions, demotions, disciplinary, and other actions affecting Town employees.
- I. Direct or coordinate employee orientation, training, counseling, and career development in conjunction with department supervisors.
- J. Review performance evaluations for all part-time employees.
- K. Administer personnel activities to comply with related federal and state laws.

## **2-5 Personnel Records and Reports**

The Mayor shall maintain such records as are necessary for the proper administration of the personnel system and in accordance with all Federal, State and Local laws.

## **CHAPTER 3--HIRING PRACTICES**

- 3-1 General Practice
- 3-2 Anti-Nepotism
- 3-3 Exception to Anti-Nepotism Policy
- 3-4 Veterans Preference
- 3-5 Job Announcements
- 3-6 Rejection of Application
- 3-7 Background Checks
- 3-8 Appointing Authority
- 3-9 Types of Employment

### **3-1 General Practice**

The Town is an *equal opportunity employer*. It is the policy of the Town from recruitment through employment and promotion, to provide equal opportunity at all times without regard to race, color, religion, sex, national origin, age, pregnancy or disability in compliance with the requirements of state and federal law.

It is the policy of the Town to fill all job openings with the most qualified individual available. Where possible, it shall be the policy of the Town to promote from within provided that all promotions shall be made based upon candidates' qualifications.

### **3-2 Anti-Nepotism**

It is the Town's policy to comply with Title 52, Chapter 3, Utah Code Annotated. The Town prohibits any person holding any position, to appoint, vote for the appointment of, directly supervise, be in the line of supervision of, or be directly supervised by their father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild. This policy applies to part-time employees and temporary or seasonal employees.

### **3-3 Exception to Anti-Nepotism Policy**

Chapter 3-2 shall not apply if the Mayor determines that the employee/relative is the only person available or best qualified to perform supervisory functions. The employee who exercises authority over a relative may not evaluate the relative's job performance or recommend salary increases for the relative. The employee or public officer shall make a complete written disclosure of the relationship to the Mayor (Utah Code 52-3-1).

### **3-4 Veteran's Preference**

In accordance with Title 71, Chapter 10, Utah Code Annotated, eligible veterans and their spouses shall be given preference in interviewing and hiring for a position.

### **3-5 Job Announcements**

Job announcements shall specify the title and beginning salary of the position for which the examination is announced; the nature of the work to be performed; the experience and training required, the time, place and manner of making application; the necessary special qualifications established for admission to the examination; and other pertinent information including the weight to be given to various components of the examination consistent with the position to be filled.

Announcements shall be distributed for every examination or job opening in order to inform interested and qualified persons of the opportunity to apply.

Announcements shall be posted where eligible persons might reasonably be expected to be located. A copy of each external announcement shall be sent to the local newspaper. Announcements shall be posted for a minimum of five working days, unless a longer announcement period is required to attract a sufficient number of applicants for the position at any time.

### **3-6 Rejection of Application**

Any application may be rejected if the applicant: is found to lack the qualifications prescribed for the position; or has a record of unsatisfactory employment; or has pleaded guilty to a felony or been convicted of a felony or pled no contest to a felony which would bar the applicant from effective performance of the duties of

the position applied for; or has practiced or attempted to practice deception or fraud in the applicant's application; or has otherwise violated provisions of these rules and regulations.

### **3-7 Background Checks**

It is the policy of Huntsville Town Corporation that all individuals currently employed shall be asked to submit to a criminal history, background check, and drug screen.



### **3-8 Appointing Authority**

The head of each Town department or division shall be the appointing authority for the employees in that department or division, and he or she shall make a recommendation to the Mayor that approval of the hire be obtained.

### **3-9 Types of Employment**

**Probationary Appointment.** Probationary appointment shall be made only following an action of the Town Council.

**Temporary and Seasonal (and Emergency) Appointments.** Applicants must be sixteen (16) years old and meet minimum position qualifications as outlines in the position description. Temporary and seasonal appointments shall be approved by the Mayor but shall not require Council approval.

**Part-Time.** Appointments to part-time positions may be made by the supervisor after approval of the Mayor and Town Council.

**Temporary Emergency Appointments.** In an emergency, to prevent undue delay or serious interference with the provision of vital Town services, department or division heads may make a temporary emergency appointment for a period not to exceed thirty calendar days.

## Chapter 4--EMPLOYMENT STATUS

- 4-1 Appointed Positions
- 4-2 Probationary Employees

### 4-1 Appointed Positions

The following enumerated positions constituting officers, managers, fire department appointments, and/or department heads shall be appointed and serve at the pleasure of the Mayor and Town Council:

- A. Public Works Employee
- B. Town Treasurer
- C. Town Clerk/Recorder
- D. Town Water Billing & Collection Department
- E. Planning Commission Chairperson
- F. Town Building Official
- G. Board of Adjustments

Appointed employees are part of the pay and benefit system applicable to all employees and shall be subject to policies contained in this Manual, with the following exceptions:

- A. Appointed employees are at-will employees, and are appointed and may be suspended or terminated by the Mayor with the advice and consent of the Town Council with or without cause or prior notice.
- B. As at-will employees, appointed employees shall have no right to appeal the suspension or termination of their employment.

### 4-2 Probationary Employees

All new part-time employees who are hired with intention of becoming regular part-time employee, are required to serve at least 6 months in probationary status.

During probation, except probation due to promotion, the employee may be terminated at-will at any time, with or without cause or prior notice, for any reason or no reason at all.

An unpaid leave of absence shall not be considered part of any probationary period.

**Promotion.** Any promotion to a position with significant differences in job responsibility shall be subject to a probationary period of 6 months. During the probationary period the employee's abilities and performance will be evaluated by the supervisor. If in the sole discretion of the Town, the Town determines that the employee's performance is unsatisfactory, the Town shall notify the employee in writing of his/her failure to complete the probationary period and the

employee will be reinstated, if available, to their previous position, or if available another position for which they are qualified.

However, if the cause for rejection during the promotional probationary period was sufficient grounds for dismissal from both positions, the employee may be dismissed in accordance with the Town's formal disciplinary procedures.

**Reinstatement.**

The probationary period for a former employee being reinstated may be for a period less than 6 months if reinstatement is to the same department and to the same position previously held, or 6 months if the reinstatement is to a different department or to a different position within the same department to which the employee was previously assigned.

## **Chapter 5--SEPARATIONS**

- 5-1 Resigned Employee
- 5-2 Abandonment of Position
- 5-3 Reduction in Force
- 5-4 Discharge

### **5-1 Resigned Employee**

Employees who resign and desire to leave the Town in good standing should give a minimum of two (2) weeks notice, otherwise they may not be considered for re-employment at a future date.

The Town reserves the right to place a resigning employee on a paid leave of absence for any portion or all of the notice period.

### **5-2 Abandonment of Position**

One unauthorized absence may constitute cause for separation. An employee who fails to call their supervisor to report their absence for one (1) working day, and to request that the absence be recorded as authorized, may be deemed to have voluntarily abandoned his/her position and may have his/her employment with the Town terminated.

### **5-3 Reduction in Force**

When it becomes necessary to reduce the work force, regular part-time employee(s) with the position(s) to be eliminated shall, when possible, be notified in writing of the reduction in force at least two (2) weeks before the planned reduction in force.

### **5-4 Discharge**

Discharge of employment may occur as a result of the employee's failure in some instances, to satisfactorily complete a probationary period, as a result of disciplinary action, or at-will. Discharged employees shall be notified in writing by the Mayor. At-will employees and those in a probationary status (except promotional probation) have no appeal right to appeal the termination.

When it is determined on the basis of a medical examination, that an employee is incapable of satisfactorily performing the essential functions of his/her position because of a physical or mental impairment which is likely to continue indefinitely or to recur frequently and which cannot be overcome by reasonable accommodation and the employee has exhausted any leave for which he/she may qualify, the employee may be terminated. However, every effort will be made to reassign the employee to a position within the employee's physical and mental capabilities.

## **CHAPTER 6--EMPLOYEE CONDUCT**

- 6-1 Ethics
- 6-2 Receipt of Gifts
- 6-3 Privileged Information - Conflict of Interest
- 6-4 Political Activity
- 6-5 Use of Town Electronic Mail, Voicemail, and Computer Systems
- 6-6 Public Relations
- 6-7 Dress and Hygiene Standard
- 6-8 Outside Employment

### **6-1 Ethics**

Town employees shall comply with the Utah Public Officers' and Employees' Ethics Act, Title 67, Chapter 16, Utah Code Annotated, and the Utah Municipal Officers' and Employees' Ethics Act, Title 10, Chapter 3, Part 13, and their successor statutes, to avoid actual or potential conflicts of interest between their public duties and their private interests.

### **6-2 Receipt of Gifts**

Town employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any item of monetary value from any person seeking to obtain business with the Town, or from any person within or outside Town employment whose interests may be affected by the employee's performance or nonperformance of official duties.

### **6-3 Information - Conflict of Interest**

Town employees who are involved with or have access to information of significant public interest may not use this information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Town plan or activity, this situation must be reported to the employee's supervisor immediately. Each employee is charged with the responsibility of ensuring that only information that should be made available to the general public is released. Violation of these provisions regarding information or use for private gain shall be cause for disciplinary action.

### **6-4 Political Activity**

The following restrictions apply to Town employees:

- A. An employee may not use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
- B. An employee may not directly or indirectly coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.

- C. An employee may not use Town work time to campaign for political office or otherwise engage in political activities.

#### **6-5 Use of Town or Personal Electronic Mail, Voicemail, the Internet, Phone, and Computer Systems, Text Messaging**

Inappropriate use of electronic mail, voicemail, the Internet, phone and computer systems and text messaging includes, but is not limited to: harassment and intimidation of individuals on the basis of race, sex, religion, ethnicity, sexual orientation or disability; any pornographic or sexually explicit material, pictures or images; profanity, obscenity, and sexually explicit language; threats of violence; allowing use to interfere with normal work duties; and any violation of local, state or federal laws.

##### **A. Unacceptable Use of E-Mail.**

The use of e-mail to send pornographic, sexually harassing, obscene messages and materials, or those with sexual content is prohibited. The Town's sexual harassment policy shall apply to the use of obscene e-mails and materials, and those with sexual content. The use of Town computer resources to intentionally view, download or send pornography, sexually explicit materials or materials with sexual content is prohibited.

The use of e-mail to send discriminatory, disparaging or harassing messages or materials based on race, color, religion, sex, pregnancy, gender, national origin, age or disability is prohibited. The Town's anti-discrimination policies shall apply to the use of such e-mails and materials.

Electronic dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws is prohibited.

These rules apply to Town-owned phone and computer use during work hours and outside work hours. These rules also apply when utilizing personal phone or computer for town business between employees.

##### **B. Transmission of Proprietary or Confidential Information.**

The unauthorized transmissions of proprietary or confidential information to unauthorized persons or entities by e-mail, or any other means, is prohibited.

##### **C. In Town E-Mail Advertising.**

E-mail sent within the Town may not be used for personal business purposes or fund-raisers not approved by the Town.

##### **D. Outside Business Endeavors.**

Use of Town computers, computer resources, phones, e-mail, or other resources for the employee's outside business endeavors is prohibited. Under no circumstances may any employee use Town computers, phones, computer resources, e-mail, or other resources to run, support or operate a personal business.

E-mail and voice mail communication and the contents of Town owned computers and phones are the sole property of the Town and may be subject to monitoring at any time without notice. When using the e-mail or voice mail systems, and other equipment including Town computers and phones, **the employee knowingly and voluntarily consents to being monitored and acknowledges the employer's right to conduct such monitoring.** The security of e-mail and voice mail communications is not guaranteed. Abuse of e-mail, voice mail, computer systems and phones could subject the employee to disciplinary action, up to and including termination.

#### **E. E-Mail Retention.**

The purpose of the e-mail retention policy is to ensure that e-mail and electronic documents are maintained in accordance with the Utah Government Records Access and Management Act (GRAMA). Employees are reminded that electronic documents and e-mail created or received on Town-owned computers or sent over Town-run networks are the property of the Town. Employees should have no expectation of e-mail privacy and should limit any personal use of e-mail.

E-mail and other electronic documents that must be saved should be printed and retained according to GRAMA guidelines.

#### **F. E-Mail Retention and Deletion Policy.**

To ensure that important information is not lost because of improper deletion or management of e-mail correspondence, Huntsville Town employees are directed to adhere to the following e-mail use guidelines.

Broadly speaking, e-mails fall into three main categories: 1) those that may be deleted; 2) those that must be saved for future reference or public/media access; and 3) confidential information.

#### **G. E-Mail that must be saved.**

Program, policy, or decision-making correspondence. Business-related messages that provide substantive information about Town functions, policies, procedures, or programs must be saved. These e-mails document the discussions and decisions made regarding Town interests.

#### **H. Confidential information.**

Generally speaking, confidential information should not be transmitted electronically.

#### **I. E-mail that may be deleted.**

All e-mail not falling into the above categories may be deleted when the user's need for the e-mail has expired. Examples of e-mail messages that do not need to be saved are:

- a. Personal e-mail
- b. Routine correspondence
- c. Meeting agendas, broad e-mail announcements, and e-mails on which you are cc'd, if you have no use for them.

Note: the sender and direct recipient of program, policy, or decision-making e-mail are responsible for retaining the document.

**J. Attachment policy.**

You are required to keep a copy of any attachments you send (e.g., Word, Excel or PowerPoint files) if they fall under the category of 'E-mail that must be saved.'

**K. Responsibility of the sender.**

Primary responsibility for retention of important e-mail rests with the sender.

**L. Responsibility of the recipient.**

If you are the direct recipient (not cc'd) of e-mail containing policy, program or decision-making information, you must save the e-mail unless the sender has indicated to you that they have saved it.

**M. Electronic Documents policy.**

All electronic documents produced by Town employees are the property of the Town and must not be deleted. All documents created in the course of Town business that fall under the category of program, policy, or decision-making, should be printed and saved by the creator and retained according to GRAMA guidelines.

**6-6 Public relations**

The measure of Town government is, to some extent, based on the effectiveness and personal contact of its employees with the general public. It is expected that all employees will avoid conduct at work or elsewhere that might cause embarrassment to, or criticism of the Town. Often times, the Town employee is the only contact a private citizen has with our municipal government and, although the citizen may not always be right, he/she does have an active interest in the Town and its government. Therefore, it is essential that the attitudes and actions of the employees of the Town, both on and off duty, bring credit to the Town. Good public relations can best be created by the simple process of being helpful, courteous and treating people in the same manner you would like to be treated. It is also important to the public relations of the Town that each municipal employee be neat, clean, impressive in appearance and respectable in his/her use of language.



### **6-7 Dress and Hygiene Standard**

Town employees are expected to have socially acceptable personal hygiene and grooming and to dress in professional, modest attire which is appropriate to the job they are performing.

### **6-8 Outside Employment**

Upon notification of approval of the department supervisor and the Mayor, a Town employee may engage in outside employment. However, no employee may engage in additional employment which in any manner interferes with the proper and effective performance of official duties, or which results in a conflict of interest. If the Mayor, in consultation with the department head, determines that outside employment is disadvantageous to the Town's interests, upon notification in writing by the department head or the Mayor such outside employment shall be terminated.

## **CHAPTER 7--DISCIPLINE PROCEDURE**

- 7-1 Disciplinary Action
- 7-2 Review of Specified Disciplinary Actions: Discharge, Demotion, or Suspension of Over Two (2) Days without pay.
- 7-3 Suspension Pending Investigation and Decision
- 7-4 Causes for Discipline

### **7-1 Disciplinary Action**

An employee whose conduct constitutes grounds for disciplinary action shall be subject to any of the following discipline: reprimand, suspension without pay, involuntary transfer to a position with less remuneration, or discharge. This provision shall not be construed as requiring that discipline proceed in any particular order, and any one of the foregoing disciplinary actions may be imposed for any incident, including for a first offense.

### **7-2 Review of Specified Disciplinary Actions: Discharge, Involuntary Transfer, or Suspension of Over Two (2) Days without Pay.**

The review process set forth in this section shall apply whenever an employee is subject to any of the following actions: discharge, involuntary transfer to a position with less remuneration, or suspension of over two (2) days without pay.

For purposes of this section, the term “employee” shall not include any of the following positions.

- A. an employee appointed by the mayor or other person or body exercising executive power;
- B. a head of a department;
- C. a probationary employee;
- D. a part-time employee;
- E. a temporary or seasonal employee

The review process for employees (as defined in this section) who are subject to discharge, involuntary transfer to a position with less remuneration, or suspension of over two (2) days without pay, shall be as follows.

### **STEP ONE: PRE-DISCIPLINARY HEARING**

The employee shall be given written notice of the hearing which includes an explanation of the conduct constituting the grounds for the potential disciplinary action against the employee and notice that discipline up to and including discharge, demotion and/or suspension of over two (2) days without pay is being considered.

The Pre-Disciplinary Hearing shall be conducted by the Mayor for the purpose of allowing the employee to respond to the conduct constituting grounds for the potential disciplinary action and present information the employee believes is relevant to the decision.

A decision as to the disciplinary action to be taken, if any, shall be made by the Mayor and the employee shall be notified in writing within a reasonable time after the hearing. In the event disciplinary action is imposed, the Mayor shall provide the employee with written notice of the disciplinary action.

### **7-3 Suspension Pending Investigation and Decision**

At the Town's sole discretion, an employee may be suspended (with or without pay) pending an investigation. If after an investigation, the charge is found to be without merit, the employee shall be restored to his or her position and/or compensated for any lost pay.

### **7-4 Cause for Discipline**

Each of the following shall constitute cause for discipline, up to and including discharge. The offenses listed are not intended to be comprehensive, and the enumeration of these commonly-accepted violations shall not be deemed to prevent the discipline of an employee for other violations not enumerated.

- Personal or gross negligence on or off duty which prevents or substantially hampers job performance
- Negligently using, abusing, or damaging Town property
- Any violation of Town or departmental policies or procedures
- Violations of commonly accepted employment standards
- Sexual harassment
- Illegal discrimination
- Disregard for safety rules
- Insubordination by refusing superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority
- Failure to follow specified job instructions
- Unwillingness to work harmoniously with other employees
- Unauthorized solicitation on Town property
- Distributing unauthorized printed matter on Town property
- Tardiness
- Creating or contributing to unsanitary conditions
- Unauthorized operation of tools, machinery, equipment
- Gambling on Town property
- Failure to timely report an injury or accident
- Unauthorized sleeping on the job during work hours or leaving the site early without permission
- Abuse of personal leave
- Fighting or attempting to provoke a fight on Town property
- Deliberately restricting output
- Failure to maintain production and performance standards
- Theft

- Possession and/or use of alcoholic beverages or controlled substances while on duty
- Possession and/or use of alcoholic beverages or controlled substances while operating Town equipment
- Reporting for work while under the influence of alcoholic beverages or controlled substances
- Assault on a supervisor or any other Town employee
- Threatening or intimidating other Town employees or supervisors verbally, texting or in written form
- Falsifying Town records
- Intentionally misusing, abusing, or damaging Town property or the property of another Town employee
- Unauthorized removal, falsification, or alteration of Town records or intentional release of confidential information
- Failure to report for work without appropriate notice
- Failure to obtain pre-approval for any overtime
- Repeated violation of rules and procedures
- Use of profanity or any offensive language directed at any individual
- Dishonesty, deceit or fraud
- Excessive complaining or poor attitude
- Spreading of rumors and gossip
- The commission of any criminal conduct
- Any conduct which reflects negatively upon the Town or upon the character of any Town employee
- Brandishing or exhibiting any dangerous weapon in an angry or threatening manner, or destroying property or throwing objects in a manner perceived to be threatening. This prohibition does not include law enforcement officers acting in their official capacity
- Inappropriate use of Town computers including e-mail, the internet and chat rooms
- Inappropriate use of Town cell phones including excessive personal use, text messaging and the internet

## CHAPTER 8--EMPLOYEE DEVELOPMENT

### Performance Evaluation

#### 8-1 Performance Evaluation

#### 8-2 Travel Expenses Reimbursed

### 8-1 Performance Evaluation

Annual performance evaluations shall be conducted of all employees.

### 8-2 Travel Expenses Reimbursed

Huntsville Town Corporation recognizes the need for its employees to travel outside of the Town limits at various times to receive training, information, briefing etc. for efficiency and effectiveness as Town employees.

**Approval.** All travel outside of the Town limits during Town work time shall be authorized by the employee's immediate supervisor. All multi-day training shall be pre-approved by the Mayor. Employees are responsible for completing a pre-travel approval request prior to training. Travel for legitimate Town purposes in Town vehicles may be authorized by a supervisor when the use of the vehicle does not detract from the operational needs of the Town. Overnight use of Town vehicles for travel purposes may be authorized by the Mayor. When requesting travel approval, employees shall take into consideration cost effective modes of travel when determining how to travel to and from training.

**Personal vehicle use.** Use of an employee's personal vehicle may be authorized when circumstances warrant. The employee shall calculate the mileage associated with the approved travel and submit a request for reimbursement based upon this calculation and charged to the respective training line item. The Mayor and the Department Supervisor will countersign this request, thus authorizing the reimbursement. The mileage rate will be .56 per mile.

**In-State/Out-of-State Training.** Huntsville Town strongly encourages its employees to attend training provided within the state. Occasionally, out-of-state travel may be approved when similar training is not offered within the state or when out-of-state travel is cost beneficial for the city. As budget allows, employees may be granted one out-of-state travel in a year. Out-of-State training required by grants or other reimbursable training (i.e. EMI training) will not count against an employee's one-out-of state travel.

**Dual representation.** Mayor's approval is required prior to any appointment for representation on any organization representing the Town especially those that may require travel and time away from work. Actual costs of attending such training/conference must be expensed through the Town with reimbursements made to the Town.

**Travel Accommodation Reimbursement.** All hotels or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid through the purchase order process in advance of the trip. An employee may be approved for lodging when attending a two or more day training or conference outside a 50 mile radius of Huntsville Town.

The Mayor may reduce mileage and per diem reimbursement for Town travel and training when the Town's financial condition makes it necessary and where such adjustment to the normal policy will maximize scarce training dollars.

All registration fees etc. will be approved and paid in advance by purchase order. If payment in advance is not possible, the Town shall reimburse to the employee the cash amount of the cost of such lodging and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances may necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned in to the Town by the employee as a verification of attendance no matter what the form of payment.

**Recreational Activities.** With pre-approval of the Mayor and Supervisor, employees may be allowed to receive reimbursement from the Town for recreational activities, if such activity is part of the conference, does not directly conflict with attending the conference, or if by attending would not receive a discount by not participating, or if such activity comes with an additional charge, but provides an advantage for the Town.

**Training Report.** As training is an opportunity to increase one's skills and abilities, upon returning from all trainings, employees shall verbally report on their training to their supervisor and/or co-workers as deemed appropriate by the supervisor.

## **CHAPTER 9--PART-TIME EMPLOYEE BENEFITS**

9-1 Unemployment Compensation Benefits

9-2 Workers Compensation

### **9-1 Unemployment Compensation Benefits**

Employees whose employment is terminated may be eligible to receive unemployment compensation benefits, contingent upon the reason for the termination of the employment, the existence of a continued attachment to the labor market by the employee, and other factors. The determination of eligibility for unemployment compensation benefits, the amount of the benefits, and the duration of payments, if any, is made by the State of Utah Department of Employment Security, according to statutes, regulations and case law decision. Questions regarding unemployment compensation benefits should be directed to the State of Utah Department of Employment Security

### **9-2 Workers Compensation**

Any injury occurring on the job must be immediately reported to the employee's supervisor. The job related injury shall be detailed on forms prescribed by the Utah Labor Commission and the Town. These forms must be completed within 24 hours following the incident producing the injury.

## **CHAPTER 10--COMPENSATION AND WORK HOURS**

- 10-1 Work Hours
- 10-2 Classification of Positions
- 10-3 Payroll Administration
- 10-4 Reclassification of Positions
- 10-5 Regular Full-time and Part-time Compensation Scale
- 10-6 Temporary and Seasonal Compensation Scale
- 10-7 Fair Labor Standards Act
- 10-8 Compensatory Time

### **10-1 Work Hours**

Regular and prompt attendance at work is required of all employees. Employees are expected to arrive at work so that they can begin working at the start of their shift.

Work schedules will be followed in accordance with service delivery needs.

When an employee has not scheduled time-off with his/her supervisor and does not report at the regularly scheduled time, the employee shall be considered absent.

An employee is entitled to two (2) compensated 15 minute work break periods in an 8 hour work day, generally speaking one in the morning and the other in the afternoon. Employees may take a 15 minute break period for every four (4) hours worked. Employees may not accumulate break periods or combine them with lunch breaks, or take them at the beginning of the day so as to arrive late for work, or use them at the end of the day so as to leave work early. If an employee chooses to not take a break, no additional compensation will be given.

### **10-2 Classification of Positions**

The Mayor, in conjunction with the Town Council shall be responsible for the development and maintenance of a uniform and equitable pay plan and maximum rates of pay for each classified position as deemed necessary and equitable.

Each Town position shall have a job description.

The Town assigns each regular position a salary range.

### **10-3 Payroll Administration**

All employees of the Town shall be paid their salaries or wages once a month; on the 7th.

All time sheets shall be reviewed and signed by the employee's supervisor and turned into the Town Treasurer no later than 5<sup>th</sup> working day following the end of the pay period.



In the event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor, the payroll office, or the Mayor so that corrections can be made as quickly as possible.

Huntsville Town Corporation reserves the right to make any and all payroll corrections as deemed necessary and appropriate.

Federal and State laws require Huntsville Town Corporation to keep an accurate record of time worked.

- Time worked is all time actually spent on the job performing assigned duties.
- Employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.
- Altering, falsifying, tampering with the records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.
- It is the employee's responsibility to sign their time records and to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing.
- If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the change.

Each paycheck will include earnings for all work performed through the end of the previous payroll period.

- In the event that a regularly scheduled payday falls on an employee's day off or a holiday, employees will be paid in accordance with state and federal guidelines.
- If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation or handled in accordance with the employee's instructions prior to leaving. Generally speaking paychecks are not distributed prior to pay day.

Department Heads and/or supervisors will not release paychecks or pay statements to anyone other than the employee unless written authorization is given in advance by the employee.

Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the payroll office.

#### **10-4 Reclassification of Positions**

Due to possible budget impact, reclassification studies will typically be undertaken in conjunction with the preparation of the yearly operating budget. Any proposed reclassification pay increase will typically not become effective until the beginning of the new fiscal year.

The effective date for any pay increase shall generally be the beginning of the payroll period following Town Council action on the pay increase, but this may be changed by the Town Council when extenuating circumstances so warrant.

#### **10-5 Part-time Compensation Scale**

In conjunction with the annual budget, the Mayor and Town Council shall consider salary increases for all part-time employees.

#### **10-6 Temporary and Seasonal Compensation Scale**

Annually, the Mayor and Town Council shall consider a wage increase for all temporary and seasonal employees.

#### **10-7 Fair Labor Standards Act**

All employees shall comply with the provisions of the Fair Labor Standards Act (FLSA) as amended and the Department of Labor regulations issued there under pertaining to compensation for overtime work.

**Exemptions.** In accordance with the provisions of the Fair Labor Standards Act, certain positions are "exempt" from the payment of additional money for overtime worked.

**Work period.** For the purpose of complying with the requirements of the FLSA, the workweek shall consist of seven days beginning 12:00 a.m. Saturday and ending at 11:59 p.m. Friday.

**Joint employment.** A Town employee shall not serve as a volunteer for the same job in which he/she is employed by the Town.

## **CHAPTER 11--SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE**

- 11-1 Policy Statement
- 11-2 Definitions
- 11-3 Testing Policy
- 11-4 Town Action
- 11-5 Confidentiality
- 11-6 Work Place Rules
- 11-7 Drug and Alcohol Policy Not a Contract

### **11-1 Policy Statement**

The Town believes that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of services rendered by the Town are important. The abuse of drugs and alcohol creates a variety of work place problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased work place theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

The purpose of this section is to implement the Federal Drug Free Workplace Act of 1988 and to provide a safe and productive environment that is free from the effects of unlawful drug use, distribution, dispensing, manufacture, and possession of controlled substances. The purpose of this section is also to identify, correct and remove the effects of drug abuse on job performance, to assure the protection and safety of employees, and the public, and to maintain public confidence in Huntsville Town and its employees.

- A. Employees of Huntsville Town are prohibited from unlawfully manufacturing, dispensing, possessing, using or distributing any controlled substance during working hours or on Huntsville Town property at any time.
- B. Huntsville Town employees are prohibited from engaging in any of the unlawful activities described in paragraph 1, which occur outside of work hours if such use, possession or other unlawful action adversely affects work performance or directly affects the public safety or credibility of Huntsville Town.
- C. For purposes of this section, alcohol, prescription, and other drugs are prohibited to the same extent as controlled substances as specified in paragraphs 1 and 2 above if their use can reasonably be considered to impair an employee's effective discharge of duties.
- D. An employee shall not report to work or duty while under the influence of any drug if said drug influence is of a degree which can reasonably be considered to impair the employee's effective discharge of duties or which directly affects the public safety or credibility of Huntsville Town.

- E. Any employee or supervisor who has reasonable grounds to believe that an employee is under the influence of any drug to a degree which can reasonably be considered to impair the employee's effective discharge of duties or which directly affects the public safety or credibility of Huntsville Town or that an employee is distributing, dispensing, manufacturing or possessing controlled substances or other drugs in violation of this rule shall take appropriate immediate action as follows:
- a. An employee who has reasonable grounds to believe that a co-worker is under the influence of drugs or is dispensing, manufacturing, possessing or distributing controlled substances in the workplace shall notify his or her supervisor and shall provide to the supervisor the information which justifies the employee's belief.
  - b. Supervisors who have reason to believe that an employee is in violation of this section shall immediately notify the head of the department for which the employee works. A department head shall take immediate corrective action which is specified in the Huntsville Town Employees Policy and Procedures Manual.
  - c. When a Town Employee is involved in an accident while driving a Town Vehicle or operating Town equipment, a test shall be made as soon as possible, but not later than two (2) hours after the accident to determine whether the employee was under the influence of drugs at the time of the accident.
  - d. Upon receipt of information or complaint regarding drug use by an employee of Huntsville in violation of this section, the head of the department for which that employee works shall make a determination of the nature and extent of the violation of this section and shall initiate appropriate disciplinary or corrective action as follows:
    - i. An employee in a rehabilitation program must use personal time for in-patient treatment, and shall complete that treatment within 45 days after being directed by the department head to enter the treatment program.
    - ii. Each employee entering a treatment program shall sign a release which will allow communication between Huntsville Town and the treatment provider. All such communication shall be maintained by the Town as a confidential matter.
    - iii. Upon successful completion of an in-patient treatment program, the employee shall be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. An employee will be required to continue any prescribed out-patient treatment on his or her own time.

- iv. Any employee who refuses to enroll or fails to complete a program of drug treatment and rehabilitation required by this section for any reason shall be terminated.
  - v. An employee who returns to work following a treatment program but who cannot perform at an acceptable level will be subject to termination.
- e. Any employee undergoing prescribed medical treatment which can reasonably be considered to impair the employee's effective discharge of duties or which directly affects the public safety or credibility of Huntsville Town shall report that fact to his or her supervisor. The employee shall also furnish to his or her supervisor a written statement from the employee's physician as to the nature and extent of the treatment and the names and dosages of the medication(s) being used by the employee under the physician's direction. In order to maintain the health and safety of the employee and of the employee's co-workers and of the public, the supervisor may, during the term of such treatment, change an employee's job assignment.
- f. Appropriate disciplinary action as specified in the Huntsville Town Employees Policy and Procedures Manual will be taken against any employee who manufactures, dispenses, possesses, or distributes drugs in the workplace or outside of working hours if such violation adversely affects work performance or directly affects the public safety or credibility of Huntsville Town. Nothing in this section which requires an employee to submit to a drug treatment or rehabilitation program shall prohibit the Town or any employee's supervisor from taking appropriate disciplinary action against an employee. Upon review of the facts surrounding any violation of this section, suspension or termination of employment may result from such violation. An employee or supervisor who does not follow the rules set forth in this section in correcting drug use or abuse shall also be subject to disciplinary action.

## 11-2 Definitions

For the purposes of this policy:

**“Alcohol”** means alcoholic beverages and any other intoxicating substances.

**“Drugs”** used in this policy refer to and include all drugs, paraphernalia, controlled substances, or mood or mind altering inhalants, any of which were not prescribed by a licensed physician/dentist in the United States for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.

**“Drug Paraphernalia”** means objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, conceal, and/or to inject, ingest, inhale, or otherwise introduce a drug into the human body.

**“Employee”** means any person in the service of the Town whether for compensation or as a volunteer.

**“Prospective employee”** means any person who has made application for employment with the Town and to whom the Town has offered employment, conditioned upon the results of a drug and alcohol test.

**“Conviction”** means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal statutes.

**“Criminal Drug Statute”** means a Federal or State criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

**“MRO”** means Medical Review Officer, charged with reviewing and interpreting test results and determining any alternate medical explanations.

**“Drug Policy Coordinator”** is the Town employee specifically designated to administer the Drug and Alcohol Testing Policy and through whom any procedures, or disciplinary or rehabilitative action regarding this policy, must be reviewed and approved. The Drug Policy Coordinator is the Human Resource Coordinator.

**“CDL-Commercial Driver’s License”** is the license required to operate a commercial vehicle.

**“Sample”** means urine, blood, breath, saliva, or hair.

### **11-3 Testing Policy**

It is the policy of the Town to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment, or if employed, may be subject to termination. The Town shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.

The preferred method of drug testing shall be urine collection. However, an alternate sample may be used if deemed necessary by the department head or Medical Review Officer.

The Town shall require the testing of employees and prospective employees, including management, on a periodic basis, under the following circumstances and purposes.

#### **Pre-Employment Testing.**

Prospective employees may be tested for drug or alcohol usage prior to being placed for employment. All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for review by all prospective employees.

All prospective employees shall be required, prior to being hired by the Town, to sign the acknowledgment form, agreeing to abide by the terms of this policy. The Town will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO), may reapply for employment with the Town after six months from the date of such test. If the Town hires a prospective employee, he or she must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he or she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

In addition, any employee who has taken an extended leave of absence of six months or longer must be retested under this section before returning to work.

**Reasonable Suspicion (For Cause) Testing.**

Certain supervisors shall be trained to look for behaviors which may indicate drug or alcohol usage. These behaviors include, but are not limited to: direct observation of drug or alcohol use, drug paraphernalia, abnormal or erratic behavior such as accidents, stealing, or repeated errors on the job as deemed by supervisor, or unsatisfactory time and attendance patterns, any of which are coupled with a specific contemporaneous event that indicates probable drug or alcohol use. An employee will be required to provide a sample, as defined below, when such reasonable suspicion arises and at least one supervisor or manager, and the designated Drug Policy Coordinator, concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific contemporaneous, physical, behavioral, and/or performance indicators. Once the authorized supervisors have determined that a reasonable suspicion exists, testing is done immediately.

**Return to Duty Testing.**

If the Town returns to duty an employee after he or she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the Town.

**Post-Accident Testing.**

Post-accident testing will be conducted on employees whose performance either contributed to an accident, or cannot be completely discounted as contributing to the accident. Such testing will occur as soon as possible, but not later than two (2) hours after an accident has occurred. The immediate supervisor and the department manager of such employee, in association with the Drug Policy Coordinator, shall determine if the performance of that employee either contributed to the accident or cannot be completely discounted as a contributing factor.

**Random Testing.**

The Town reserves the right to implement a random drug and alcohol testing program consistent with applicable federal, state and local law, for purposes of maintaining safety and as a deterrent to drug and alcohol abuse.

Employee's required to hold a Commercial Driver's License (CDL) and drive commercial vehicles as a condition of employment may be tested as required by federal and/or state law.

Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees, and shall be deemed work time for purposes of compensation and benefits for current employees.

Individuals will be tested on Town premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a "Reasonable Suspicion" test, the employee must be driven to the facility by the supervisor or his/her designee. The employee must then be put on administrative leave until the results of the test are available.

The supervisor must make arrangements or help the employee make arrangements to get home without driving him/herself.

The Town shall pay all costs of testing and transportation associated with a test required by the Town.

#### **11-4 Town Action**

Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of this policy (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15ml urine sample tested), or upon the refusal of any employee or prospective employee to provide a sample, the Town may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to, the following:

- A. Termination of employment.
- B. Refusal to hire a prospective employee.
- C. Any other disciplinary measures in conformance with the Town's practices, policies, or procedures.

#### **11-5 Confidentiality**

The information received from the drug testing results shall be the property of the Town.

Test results information may be released to the person who has been tested upon written request.

#### **11-6 Work Place Rules**

Employees, who possess, dispense, manufacture, or distribute alcohol, drugs or drug paraphernalia on Town premises, or on Town time may be subject to disciplinary action, including termination.



Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to their supervisor.

Any employee convicted of violating a criminal drug statute must notify the Town Administrator within five (5) days of conviction. The Town may take appropriate disciplinary or rehabilitative actions as a consequence.

No employee may use or be under the influence of drugs or alcohol on the Town's premises, in the Town's vehicles, or any time the employee is representing the Town on Town business, except in cases involving a current, prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.

#### **11-7 Drug and Alcohol Policy Not a Contract**

This Drug and Alcohol Testing Policy is the unilateral action of the Town and does not constitute an express or implied contract with any person affected by or subject to the policy. Neither this policy nor any action taken pursuant to this policy assures or guarantees employment or any terms of employment to any person for any period of time. The Town may alter, terminate or make exceptions to this policy at any time, at the Town's sole discretion. This policy does not limit or alter the Town's right to terminate any employee at any time for any reason.

## **CHAPTER 12--SEXUAL HARASSMENT POLICY AND PROCEDURE**

12-1 Prohibition Against Sexual Harassment

12-2 Statement of Penalties for Misconduct

12-3 Reporting Violations of Sexual Harassment

### **12-1 Prohibition Against Sexual Harassment**

All employees of the Town have the legal right (Title VII of the Civil Rights Act of 1964) to work in an environment free from sexual harassment. In addition, all individuals making application for employment with the Town have the right to expect an environment free from sexual harassment.

Sexual harassment is an unlawful activity which violates Town policy and is prohibited as a form of sex discrimination. Both sexual harassment and inappropriate sexual conduct, whether legally sexual harassment or not, are unacceptable behavior. Any employee who engages in any form of sexual harassment shall be subject to disciplinary action.

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex based nature where:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- B. An employment decision is based on an individual's acceptance or rejection of such conduct.
- C. Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about sexual harassment or inappropriate sexual conduct.

The Town and its supervisors, employees and agents are under a duty to investigate or eradicate any form of sexual harassment or inappropriate sexual conduct or complaints about such conduct. In addition to prohibiting sexual harassment and inappropriate sexual conduct by its employees, the Town prohibits sexual harassment towards its employees by its citizens, contractors and/or vendors.

The Town's management is committed to vigorously enforcing this prohibition of Sexual Harassment at all levels of the organization. This prohibition against Sexual Harassment is in effect at all times and in all places.

### **12-2 Statement of Penalties for Misconduct**

An employee's commission of acts of sexual harassment, inappropriate sexual conduct, and/or retaliation will result in disciplinary action up to and including termination.

#### **12-4 Reporting Violations of Sexual Harassment**

Employees are required to report all incidents of what they believe to be inappropriate sexual conduct or violations of the Town's Sexual Harassment Policy. These reports shall be made at the time when the employee first feels they or someone else has been sexually harassed or subjected to inappropriate sexual conduct. The following procedure will guide the investigation of these claims:

- A. Employees must file a sexual harassment complaint either verbally or in writing with the Mayor, or the Town Attorney. The Mayor will then investigate the allegation with the help of the appropriate supervisory personnel and make a written report of his findings to Town Council, together with any corrective actions proposed or undertaken.
- B. All such complaints will be investigated. If the investigation indicates that harassment or inappropriate sexual conduct has occurred, appropriate action will be taken. Confidentiality will, to the extent practical, be protected. The Town will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.
- C. Any employee of the Town who is accused of sexual harassment or inappropriate sexual conduct shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint of sexual harassment or inappropriate sexual conduct or against employees that have provided information concerning the complaint.
- D. All employees shall cooperate fully in any investigation of sexual harassment, inappropriate sexual conduct, or retaliation. Disciplinary action will be taken against any employee that obstructs or does not fully cooperate with any such investigation.

## **CHAPTER 13--DISCRIMINATION/HARASSMENT POLICY AND PROCEDURE**

### **13-1 Prohibition Against Discrimination/Harassment**

Federal and state laws prohibit discrimination because of race, color, religion, sex (including gender), pregnancy, national origin, age, or disability in all employment practices, including the terms, conditions, and privileges of employment. The policy of the Town is to avoid all such prohibited discrimination or harassment in the workplace, and that all employees are entitled to work in an environment free from any such prohibited discrimination or harassment. Such discrimination or harassment is a prohibited employment practice, and perpetrators are subject to disciplinary action.

Any employee who believes that he or she has been subjected to discrimination or harassment based on race, color, religion, sex (including gender), pregnancy, national origin, age, or disability, or who is aware of such an occurrence, has the obligation, duty and right to report to the Mayor, or the Town Attorney. All complaints should be made as soon as the objectionable conduct or language first occurs. The Mayor will then investigate the allegation with the help of the appropriate supervisory personnel and make a written report of his/her findings to Town Council, together with any corrective actions proposed or undertaken.

All such complaints will be investigated and, if the investigation indicates that discrimination or harassment has occurred, appropriate action will be taken. Confidentiality will, to the extent practical, be protected. The Town will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.

An employee who is accused of such discrimination or harassment shall not question, coerce, intimidate or retaliate in any way against the person making the report, against the person who was discriminated against or harassed, or against any person who provided information concerning the complaint. All employees shall cooperate fully in any investigation of discrimination, harassment or retaliation.

## **CHAPTER 14--WORKPLACE VIOLENCE**

14-1 Workplace Violence and Policy Statement

14-2 Workplace Violence Definitions

### **14-1 Workplace Violence and Policy Statement**

The Town is committed to providing, in so far as it reasonably can within available resources, a safe environment for working and conducting business. The Town prohibits acts of violence committed by Town employees, or against Town employees by members of the public while on Town property or while the Town employee is performing Town business at other locations. The objective of this policy is to reduce the potential for violence in and around the workplace, to encourage and foster a work environment that is characterized by respect and healthy conflict resolution, and to mitigate the negative consequences for employees who experience or encounter violence in their work lives.

### **14-2 Workplace Violence Definitions**

The work violence in this policy shall mean an act or behavior that:

- A. is physically assaultive;
- B. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- C. would be interpreted by a reasonable person as having potential for physical harm to the individual;
- D. a reasonable person would perceive as menacing;
- E. involves carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or
- F. consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on Town property, in Town facilities or while on Town business will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on Town property or while using Town facilities will be prosecuted as appropriate and may result in disciplinary action, up to and including termination. Employees must immediately report to their supervisor all incidents of workplace violence.

## **CHAPTER 15--RISK MANAGEMENT AND SAFETY**

15-1 Employee Liability

15-2 Workplace Accidents

### **15-1 Employee Liability**

An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his employment, shall give immediate notice to his supervisor who will notify Utah Risk Management Mutual Association (URMMA).

### **15-2 Workplace Accidents**

If an employee should sustain an accident while working for the Town, the following procedure is to be implemented:

- A. For extreme emergencies 911 will be called.
- B. Employee should immediately contact their supervisor upon accident.
- C. Supervisor should accompany employee to facility if injury warrants medical attention by a physician.
- D. Receipts and documentation need to be turned into the Town in compliance with Workman's Compensation regulations (see Chapter 9-2).
- E. As soon as possible notify Town Council Member who is over the department you work in.