



**NOTICE AND AGENDA
SOUTH OGDEN CITY COUNCIL
WORK SESSION**

TUESDAY, MARCH 1, 2022

WORK SESSION – 5 PM

COUNCIL MEETING - 6 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled work session at 5 pm Tuesday, March 1, 2022. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; however, the city will abide by all COVID-19 restrictions in place at the time of the meeting, including social distancing, wearing of masks, and number of people allowed to gather at one time. No action will be taken on any items discussed during pre-council work sessions. Discussion of agenda items is for clarification only. Some members of the council may be attending the meeting electronically. The meeting will also be streamed live over www.facebook.com/southogdencity.

WORK SESSION AGENDA

I. CALL TO ORDER – Mayor Russell Porter

II. REVIEW OF AGENDA

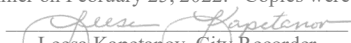
III. DISCUSSION ITEMS

A. FY2023 Strategic Plan

B. Utilization of American Rescue Plan Act (ARPA) Funds

IV. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on February 25, 2022. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.



2023 STRATEGIC PLAN

WBS	DESCRIPTION	OWNER	DUE DATE
1.0	FISCAL SUSTAINABILITY: Ensure the ability of the City to provide quality public services through careful, long-range planning and evaluation of current decisions in context of future fiscal impacts.		
1.1	Hold quarterly work sessions to review and update the City's Sustainability Models	Steve Liebersbach	2/1/2022
1.2	Expand the City's fleet lease program when doing so results in cost savings and benefits to the City	Steve Liebersbach	6/30/2022
1.3	Complete Sewer Capital Facilities Master Plan update	Jon Andersen	1/31/2022
1.3.1	Project list to Wasatch Civil Engineering	Josh Sully	10/29/2021
1.3.2	Review the plan & present to the Mayor & City Council in January 2022	Jon Andersen	4/29/2022
1.4	Analyze the effects of increased use of solar on City power utility revenues.	Steve Liebersbach	6/30/2022
1.5	Create an ARPA spending plan (ambulance, latter truck)	Steve Liebersbach	
1.6	Update Sustainability Model to address inflation and population growth	Steve Liebersbach	
1.7	Prepare an Accountability and Spending Plan for CARES, ARPA, Impact Fees	Steve Liebersbach	

2.0	EMPLOYEES: Recruit, develop and retain quality employees by maintaining competitiveness in pay and benefits and demonstrating a commitment to every employee's growth and development.		
2.1	Increase Employee Satisfaction	Doug Gailey	6/30/2022
2.1.1	Establish a base-line of current Employee Satisfaction	Doug Gailey	10/29/2021
2.1.1.1	Design and distribute employee satisfaction survey	Doug Gailey	1/19/2022
2.1.1.2	Gather survey results	Doug Gailey	2/4/2022
2.1.2	Hold monthly inter-departmental lunches	Doug Gailey	6/30/2022
2.2	Identify areas for improvement with the City's Employee Wellness program	Doug Gailey	6/30/2022
2.2.1	Conduct an employees survey to gather information on what changes the employees would like to see in the program.	Doug Gailey	9/3/2021
2.2.1.1	Present ideas to the wellness committee		9/15/2021
2.2.2	Enhance financial incentives for employees who participate in the Wellness Program.	Doug Gailey	8/30/2021
2.3	Prepare Succession Plans for departments	Doug Gailey	
2.4	Improve access and quality of Mental Health Resources for employees	Doug Gailey	
2.5	Evaluate and make recommendations for Benefit changes that may be necessary to remain competitive	Doug Gailey	
2.6	Ensure staffing needs are built into the Sustainability Model	Steve Liebersbach	

3.0	INFRASTRUCTURE: Invest in the maintenance of existing City infrastructure (i.e. utilities, parks, roads, etc.) and plan for new infrastructure needs necessary to support new growth and development within the City.		
3.1	Increase resident satisfaction with the quality of the City's streets by 10 percent	Jon Andersen	6/30/2025
3.1.1	Review 2020 Community Survey results for base satisfaction score.	Matt Dixon	10/1/2021
3.1.2	Compare 2021 Survey Results with 2020	Matt Dixon	12/31/2021
3.1.3	Complete a minimum of \$1.3M in road maintenance and improvement projects in 2021.	Jon Andersen	6/30/2022

2023 STRATEGIC PLAN

3.1.4	Provide quarterly updates/education on street maintenance treatments, City projects and efforts made to improve City streets.	Jamie Healy	3/1/2022
3.1.4.1	Work with Jon to find out what projects are upcoming for the following quarter.	Jamie Healy	10/1/2021
3.1.4.2	Content creation for project-video	Jamie Healy	10/15/2021
3.1.4.3	Deliver content to all media platforms	Jamie Healy	11/1/2021
3.1.5	Evaluate alternative funding plans for streets in anticipation of restrictions on the City's ability to charge Road Utility Fees.	Steve Liebersbach	6/30/2022
3.1.6	Increase beautification of Washington Blvd. between 36th and 40th Street.	Matt Dixon	6/30/2025
3.2	Increase resident satisfaction rating of the City parks by 10 percent	Jon Andersen	6/30/2022
3.2.1	Complete Burch Creek Park.	Jon Andersen	2/28/2022
3.2.1.1	Need to address the warranty issues on landscaping, features, etc. Warranty period should be through June 1, 2022	Jon Andersen	2/28/2022
3.2.2	Complete Phase I & II of Club Heights Park.	Jon Andersen	5/31/2022
3.2.2.1	Monitor drought to see when the sod can be installed	Shane Douglas	5/15/2022
3.2.2.2	Playgrounds & Pavilions installed fall of 2021	Jon Andersen	
3.2.2.3	Working on changing the water feature for improved functionality	Jon Andersen	
3.2.3	Prepare a development and funding plan for a Skate Park.	Matt Dixon	6/30/2022
3.2.3.1	Identify best locations for Skate Park	Matt Dixon	10/31/2021
3.2.3.2	Gather project options with Skate Park layouts and estimated costs	Jon Andersen	10/31/2021
3.2.3.3	Conduct work session with the Council and decide on location, layout and total project costs for Skate Park	Matt Dixon	12/31/2021
3.2.3.4	Incorporate Skate Park project into FY2023 Budget plan	Matt Dixon, Steve Liebersbach	3/1/2022
3.2.4	Review the Nature Park development and improvement plan (recreation, conservation, education) and discuss next steps	Matt Dixon	9/30/2021
3.2.4.1	Find the Nature Park development plans that were originally created	Matt Dixon	8/31/2021
3.2.4.2	Review the development plan, identify what has been completed, what remains and prepare presentation to review with the City Council	Matt Dixon	9/10/2021
3.2.4.3	Work with USU to see if there is a project they can help us with at the Nature Park.	Matt Dixon	10/31/2021
3.2.5	Work with Sons of the Utah Pioneers organization for the relocation of the Kit Carson memorial at Friendship Park	Matt Dixon	6/30/2022
3.2.5.1	Review plan for Heritage Trail with Jon and determine best location for the monument	Matt Dixon	9/14/2021
3.2.5.2	Meet with SOUP Org. and discuss plans, budget, etc.	Matt Dixon	9/15/2021
3.2.5.3	Review the plans with City Council in work session to verify approval of location and project details	Matt Dixon	11/30/2021
3.2.5.4	Apply for RAMP funding to help with the project.	Matt Dixon	1/15/2022
3.2.5.5	Support SOUP Org. with installation of the monument	Matt Dixon	6/30/2022
3.2.6	Replace playground at Friendship Park (2022)	Jon Andersen	12/31/2022
3.2.7	Complete a Park Master Plan for Meadows Park (2022)	Jon Andersen	6/30/2023
3.2.8	Compare results from 2020 Community Survey to 2021 Survey	Matt Dixon	12/31/2021

2023 STRATEGIC PLAN

3.3	Ensure adequate staffing and funding to maintain current and new parks.	Shane Douglas	9/15/2021
3.3.1	Evaluate the FTE & Seasonal staff for the 2021 season this fall	Shane Douglas	11/30/2021
3.3.2	Budget review to ensure funding is adequate for the new parks and current parks	Jon Andersen	2/15/2022
3.3.2.1	Develop a list of trees and planting materials that needs to be replaced	Shane Douglas	4/15/2022
3.3.3	Utilize NRPA standards to assist in the evaluation of staff & budget	Shane Douglas	12/15/2021
3.4	Increase opportunities for resident utilization of sidewalks and trails by identifying gaps and making improvements in areas such as School Safe Routes.	Jon Andersen	6/30/2022
3.4.1	Prepare trails for winter maintenance and use by the public.	Jon Andersen, Shane Douglas	6/30/2022
3.4.1.1	Conduct walk thru and evaluation of current condition with Granite Construction and get estimates on cost to maintain status quo and cost to improve for winter plowing/maintenance.	Josh Sully, Jon Andersen	8/10/2021
3.4.1.2	Have a discussion with Mayor & City Council to get direction	Jon Andersen	9/7/2021
3.4.1.3	Prepare budget estimates & timeline for the 2022 construction season to complete goal	Jon Andersen	5/1/2022
3.4.2	Improve sidewalk network/connections where there are gaps.	Shane Douglas, Jon Andersen	10/1/2022
3.4.2.1	Complete detailed inventory of areas throughout the city where there are gaps between existing sidewalks	Josh Sully	1/28/2022
3.4.2.2	Prioritize sections based on safety, pedestrian demand and location	Josh Sully	2/15/2022
3.4.2.3	Prepare a cost estimate for each section based on dollars per linear foot of sidewalk	Josh Sully	4/15/2022
3.4.2.4	Present information to City Council for review, discussion and direction	Jon Andersen	5/3/2022
3.4.3	Improve sidewalk networks in Safe Routes for Schools areas.	Josh Sully, Jon Andersen	6/30/2022
3.4.3.1	Coordinate with Weber School District to identify all Safe routes	Josh Sully	1/28/2022
3.4.3.2	Evaluate all safe routes for safety and conditions of existing sidewalk	Josh Sully	3/31/2022
3.4.3.3	Evaluate the safe routes for any need for new sidewalks	Josh Sully	2/26/2022
3.4.3.4	Develop a a list of potential projects for budgeting and grant purposes	Josh Sully	6/15/2022
3.5	Complete a plan for the remodel/relocation of the Public Works yard and facilities.	Jon Andersen	6/30/2022
3.5.1	Meet with School District on land swap plans and at Friendship Park	Jon Andersen	12/31/2021
3.5.2	Explore any other options for the relocation of the P.W. shop	Shane Douglas	12/17/2021
3.5.3	Develop a plan to remodel current location	Shane Douglas, Jon Andersen	3/4/2022
3.6	Increase resident access to public transit through construction of Ogden BRT Phase II and coordination and planning with UTA	Matt Dixon	6/30/2022
3.6.1	Identify steps and planning needed for Ogden BRT Phase II project.	Matt Dixon	6/30/2022
3.6.2	Talk with UTA representatives about the steps S. Ogden should be taking now to prepare	Matt Dixon	11/30/2021
3.6.3	Leverage county and city relationships to seek local match funding for Phase II	Matt Dixon	6/30/2022

2023 STRATEGIC PLAN

3.6.4	Review long-range transportation plan with WFRC to see where Phase II fits into their plans	Matt Dixon	10/31/2021
3.6.5	Hold meeting with UTA officials to review growth areas in S. Ogden and identify needs for enhanced public transit services	Matt Dixon	11/30/2021
3.7	Evaluate and determine interest in providing fiber connectivity for residents and businesses	Matt Dixon	
3.8	Prepare Phase II of Security Camera Program	Doug Gailey	
3.9	Work with Weber Basin Water to improve resiliency of the City's water service	Jon Andersen	

4.0	ECONOMIC DEVELOPMENT: Foster quality economic development by focusing on new development (i.e. businesses, housing, etc.) opportunities, zoning options, code enforcement, increased leveraging of development resources and effective branding.		
4.1	Develop an Economic Development Strategy for South Ogden.	Matt Dixon	12/31/2021
4.1.1	Find out what grant funding is available through edcUtah to help pay for this work.	Matt Dixon	7/1/2021
4.1.2	Apply for edcUtah grant funding.	Matt Dixon	7/31/2021
4.1.3	Solicit competitive bids from qualified firms to help develop the plan	Matt Dixon	8/30/2021
4.1.4	Work with consultants from Zions Bank on Draft Strategy	Matt Dixon	10/31/2021
4.1.5	CDRA Board and City Council approve the Strategy as policy	Matt Dixon	11/15/2021
4.2	Increase availability of affordable housing in South Ogden.	Matt Dixon	6/30/2025
4.2.1	Form a relationship(s) with developers of affordable housing projects and explore options and interest in partnering on a project in S. Ogden.	Matt Dixon	11/30/2021
4.2.1.1	Schedule work session with Preserve Partners (Max and Paula) for education and learning on possible projects.	Matt Dixon	10/31/2021
4.2.1.2	Schedule work session with Peter Lee to learn more about mortgage financing through Zions	Matt Dixon	10/31/2021
4.2.1.3	Review information provide by Peter Lee, Mortgage Loans, Zions Bank (801.500.4989), peter.lee@zionsbancorp.com and consider scheduling work session with him and the CDRA Board	Matt Dixon	9/30/2021
4.2.2	Gather information about what kinds of programs are permissible with the Olene Walker funds.	Matt Dixon	10/31/2021
4.2.3	Prepare report of possible policies/programs that will aid the City in preserving existing affordable housing in the City.	Matt Dixon	12/31/2021
4.2.4	Meet with the council to discuss options and get direction on South Ogden's program.	Matt Dixon	3/31/2022
4.2.5	Complete Affordable Housing Project	Matt Dixon	6/30/2024
4.3	Complete a public project(s) within the City Center CRA that will increase the likelihood of drawing redevelopment attention from investors.	Matt Dixon	9/30/2022
4.3.1	Generate a list of possible improvement projects within the project area that the Agency may want to consider	Matt Dixon	9/30/2021
4.3.1.1	Schedule meeting with key staff to review possible projects within the City Center CRA that would help increase likelihood of attracting new development (i.e. raised medians, street lights, banners, etc.)	Matt Dixon	9/30/2021
4.3.1.2	Review estimated increment available for debt service within the Project area	Steve Liebersbach	9/30/2021

2023 STRATEGIC PLAN

4.3.2	Work with UDOT Region 1 Planner, Chris Chesnut to discuss mid-block crossings along Washington Blvd.	Matt Dixon	6/30/2022
4.3.3	Identify parcels that, if assembled and prepared, would expedite the City's redevelopment within the City Center CRA.	Matt Dixon	6/30/2022
4.3.4	Develop project cost proposals for top 3 project ideas	Matt Dixon	4/30/2022
4.3.5	Work with financial advisor and explore project financing	Matt Dixon	9/30/2022
4.4	Complete project with private investment that will drive interest and new investment in the City Center CRA	Matt Dixon	6/30/2023
4.4.1	Work with Bennenson Capital on redevelopment of Big Lots/Savers property	Matt Dixon	6/30/2022
4.4.1.1	Work with Cypress Equity Investments (CEI) on possible redevelopment, mixed-use project	Matt Dixon	12/31/2021
4.5	Strengthen the City's brand.	Jamie Healy	
4.5.1	Construct Welcome to South Ogden signs at key locations in the City.	Matt Dixon	6/30/2025
4.5.1.1	Review sign designs and gather cost estimates	Matt Dixon	12/31/2021
4.5.1.2	Identify desired locations for Welcome signs	Matt Dixon	12/31/2021
4.5.1.3	Develop a project timeline that aligns with council desires and budget resources	Matt Dixon	12/31/2021
4.5.1.4	Construct signs at designated locations - according to plans	Matt Dixon	6/30/2025
4.5.2	Improve way-finding signage throughout the City (parks, city hall, public works, etc.).	Jamie Healy	1/1/2023
4.5.2.1	Prepare project report identifying sign locations, types, design and cost estimates		3/30/2022
4.5.2.2	Present report to City Council for review, discussion and direction		6/30/2022
4.5.3	Review and take steps to ensure the City has Brand Consistency	Jamie Healy	6/30/2022
4.5.3.1	Email Brand Consistency -Design -Approval -Implement	Jamie Healy	3/1/2022
4.5.3.2	Letterhead		3/1/2022
4.5.3.3	Vehicles		8/1/2022
4.5.3.4	Business Cards		3/1/2022
4.5.4	Create external/internal brand consistency	Jamie Healy	
4.5.4.1	Website update	Jamie Healy	
4.5.4.2	Social media content protocol	Jamie Healy	
4.5.4.3	Press release, letterhead, email consistency	Jamie Healy	
4.5.4.4		Jamie Healy	
4.6	Strengthen the City's relationship with our business community.	Jamie Healy	6/30/2023
4.6.1	Create social media posts to highlight businesses.	Jamie Healy	7/1/2023
4.6.1.1	Determine which businesses to highlight.	Jamie Healy	
4.6.1.2	Contact and set up meeting with business to film and create highlight video.	Jamie Healy	
4.6.2	Re-evaluate and make changes to SOBA.	Jamie Healy	3/1/2022

5.0	COMMUNITY ENGAGEMENT: Create opportunities for residents and businesses throughout the City to work and serve together while being connected to and valued by the City.		
5.1	Increase utilization of City facilities (i.e. amphitheater, parks, etc.).	Jamie Healy	4/1/2022
5.1.1	Gather data on utilization of parks and facilities the City may already have	Jamie Healy	4/1/2022
5.1.1.1	Move park reservations online for easier access to the public.	Jamie Healy	4/1/2022

2023 STRATEGIC PLAN

5.1.1.2	Create events based on type facilities. Pickleball tournaments, concerts in the amphitheater, movies in park, etc.	Jamie Healy	4/1/2022
5.1.2	Held 4 movie in the park events in 2021.	Jamie Healy	9/1/2021
5.2	Improve communications with residents & businesses.	Jamie Healy	
5.2.1	Find a diverse social media platform that can communicate with all types of residents from various backgrounds.	Jamie Healy	3/31/2022
5.2.1.1	Set up emergency communication tree with local religious organizations	Jamie Healy	2/25/2022
5.2.1.2	Find a text message subscription service to help notify residents during emergencies.	Jamie Healy	2/25/2022
5.2.1.3	Set up neighborhood specific social media via next-door that is able to reach areas in case of an emergency.	Jamie Healy	10/31/2021
5.2.2	Increase social media following to 10,000 and increase overall engagement by 25 percent.	Jamie Healy	6/30/2023
5.2.2.1	Department content creation plan. Work with each department to help educate residents on city events and other engaging content.	Jamie Healy	12/1/2021
5.2.2.2	30 day social media plans in place. 3-5 posts per week to up engagement.	Jamie Healy	12/1/2021
5.2.3	Complete 2 Town Hall meetings at off-site locations throughout the City.	Leesa Kapetanov	6/30/2022
5.2.3.1	Town Hall at Burch Creek Park or Elementary School	Leesa Kapetanov	9/30/2021
5.2.3.2	Town Hall at South Jr. High	Leesa Kapetanov	3/31/2022
5.2.4	Improve Emergency Communications		
5.3	Strengthen inclusion through improved communication and engagement with diverse groups (e.g. youth, ethnic groups).	Doug Gailey	6/30/2022
5.3.1	Offer a printed community survey to gather input from those who are unable to access a computer.	Doug Gailey	
5.3.2	City leaders meet with diverse group representatives and learn more about ways the City can better communicate with them and be more helpful to them	Doug Gailey	6/30/2022
5.3.3	Council review and discuss feedback from the meetings and provide direction on communication/engagement improvements	Doug Gailey	6/30/2022
5.4	Strengthen engagement and sense of Community through Special Events.	Jamie Healy	6/1/2022
5.4.1	Evaluate special events to match the desires of the council and needs of the citizens.	Jamie Healy	3/1/2022

6.0	COMMUNITY BEAUTIFICATION:		
6.1	Improve visual appeal of the City by creating a tracking/maintenance system for all City-owned properties and right-of-ways	Shane Douglas, Josh Sully	1/31/2022
6.1.1	Identify all City owned properties & right-of-ways	Josh Sully	10/15/2021
6.1.2	Identify types of maintenance needed at the different locations	Josh Sully	11/30/2021
6.1.3	Develop a tracking schedule for regular maintenance of the different properties	Shane Douglas	2/18/2022
6.2	Increase community engagement through service opportunities	Jamie Healy	6/30/2022
6.2.1	Complete one neighborhood-specific Day of Service with minimum of 100 volunteer/residents.	Jon Andersen	5/15/2022
6.2.1.1	Identify the neighbor for day of service		12/15/2021

2023 STRATEGIC PLAN

6.2.1.2	Identify the number off staff to assist with the project and the 100 volunteers		
6.2.1.3	Identify any materials that are needed for the projects, any costs or any necessary equipment, etc.		
6.2.1.4	Promote/Advertise to get the 100 volunteers to assist with the neighborhood project	Jamie Healy	
6.2.2	Complete one city-wide Day of Service event (i.e. public parks, trails, etc.) with a minimum of 100 volunteers/residents.	Jason Brennan	6/30/2022
6.2.2.1	Identify Projects for City-wide service day event	Jason Brennan	8/2/2021
6.2.2.2	identify number of staff needed for project.	Jason Brennan	8/18/2021
6.2.2.3	Purchased materials for service event.	Jason Brennan	8/23/2021



NOTICE AND AGENDA SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, MARCH 1, 2022

WORK SESSION – 5 PM

REGULAR COUNCIL MEETING - 6 PM

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CITY COUNCIL MEETING AGENDA

I. OPENING CEREMONY

- A. Call to Order – Mayor Russell Porter
- B. Prayer/Moment of Silence -
- C. Pledge of Allegiance – Council Member Stewart

II. PRESENTATION

- III. PUBLIC COMMENTS – This is an opportunity to address the mayor and council with any concerns, suggestions, or praise. No action can or will be taken at this meeting on comments made.
Please limit your comments to three minutes.

IV. RESPONSE TO PUBLIC COMMENT

V. CONSENT AGENDA

- A. Approval of February 15, 2022 Council Minutes

VI. DISCUSSION / ACTION ITEMS

- A.** Consideration of **Resolution 22-02** – Approving an Agreement With Hy and Mikes for Disposal of Abandoned or Forfeited Property
- B.** Consideration of **Resolution 22-03** – Approving a Federal Aid Agreement with UDOT for 40th Street/Chimes View Road Project

VII. DISCUSSION ITEMS

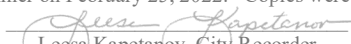
- A.** Discussion on Personnel Policy Manual

VIII. REPORTS/DIRECTION TO CITY MANAGER

- A.** City Council Members
- B.** City Manager
- C.** Mayor

IX. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on February 25, 2022. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.



MINUTES OF THE SOUTH OGDEN CITY COUNCIL WORK SESSION AND CITY COUNCIL MEETING

TUESDAY, FEBRUARY 15, 2022

WORK SESSION – 5 PM IN COUNCIL ROOM

COUNCIL MEETING – 6 PM IN COUNCIL ROOM

WORK SESSION MINUTES

COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth

Note: Council Member Orr joined the meeting electronically via the Teams meeting application

STAFF MEMBERS PRESENT

City Manager Matthew Dixon, Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Fire Chief Cameron West, Communications and Events Specialist Jamie Healy, and Recorder Leesa Kapetanov

MEMBERS OF THE PUBLIC PRESENT

No one else attended this meeting in person

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking the link:

https://www.southogdencity.com/document_center/Sound%20Files/2022/CC220215_1701.mp3

or by requesting a copy from the office of the South Ogden City Recorder.

I. CALL TO ORDER

- Mayor Porter called the work session to order at 5:03 pm and entertained a motion to open the meeting 00:00:00

Council Member Smyth so moved, followed by a second from Council Member Howard. Council Members Strate, Stewart, Howard, and Smyth all voted aye.

Note: Council Member Orr was not present for this vote. She joined the meeting electronically a few minutes later.

37 **II. REVIEW OF AGENDA**

- 38 • No one requested a review of any agenda items

39

40

41 **III. DISCUSSION ITEMS**

42 A. Fiber Buildout in South Ogden

- 43 • Staff overview 00:00:54

- 44 • Andy Lefgren, CIO, Ogden City

45 00:03:09

- 46 • Discussion 00:50:10

47

48 B. FY2023 Strategic Plan

- 49 • There was no time left in the work session for this agenda item

50

51

52

53 **IV. ADJOURN**

- 54 • Mayor Porter called for a motion to adjourn the work session

55 00:53:49

56

57 **Council Member Howard so moved, followed by a second from Council Member Stewart. All**
58 **present voted aye.**

59

60 The work session ended at 5:57 pm.

COUNCIL MEETING MINUTES

COUNCIL MEMBERS PRESENT

Mayor Russell L. Porter, Council Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth

Note: Council Member Orr joined the meeting electronically via the Teams meeting application

STAFF MEMBERS PRESENT

City Manager Matthew Dixon, Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Communications and Events Specialist Jamie Healy, and Recorder Leesa Kapetanov

MEMBERS OF THE PUBLIC PRESENT

Bruce & Joyce Hartman

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https://www.southogdencity.com/document_center/Sound%20Files/2022/CC220215_1804.mp3

or by requesting a copy from the office of the South Ogden City Recorder.

I. OPENING CEREMONY

A. Call To Order

- At 6:06 pm, Mayor Porter called the meeting to order and entertained a motion to begin
00:00:19

Council Member Smyth so moved. The motion was seconded by Council Member Stewart. In a voice vote Council Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

B. Prayer/Moment of Silence

The mayor led those present in a moment of silence.

C. Pledge Of Allegiance

- Council Member Strate led everyone in the Pledge of Allegiance.

103 **II. PUBLIC COMMENTS**

- 104 • There were no in person public comments. The mayor gave those online until 6:15 pm to post
105 a comment.
106
107

108 **III. RESPONSE TO PUBLIC COMMENT**

- 109 • Not applicable at this time
110
111

112 **IV. CONSENT AGENDA**

113 **A. Approval of January 21, 2022 Strategic Planning Work Session Minutes and February 1, 2022**
114 **Council Meeting Minutes**

- 115 • The mayor asked if there were any comments or corrections for the consent agenda
116 00:01:29
117 • City Recorder Leesa Kapetanov brought up a question about the time the strategic
118 planning meeting ended. It was the consensus of the Council that the time listed was
119 correct. 00:01:44
120 • Mayor Porter called for a motion to approve the consent agenda
121 00:03:46
122

123 **Council Member Strate so moved. Council Member Howard seconded the motion. The**
124 **voice vote was unanimous in favor of the motion.**
125
126

127 **V. DISCUSSION /ACTION ITEMS**

128 **A. Consideration of Ordinance 22-01 – Amending Title 10-5.1A and 10-5.1B of the City Code,**
129 **Defining Set Backs for Interior Row Buildings**

- 130 • Staff overview 00:04:04
131 • Questions/Discussion
132 00:06:02
133 • The mayor called for a motion to approve Ordinance 22-01 with the corrections
134 brought up in the discussion (The definition of “Yard, Front –Interior Building” in
135 10-5.1B-10-5 should be the same as that in 10-5.1A-10-5).
136 00:13:00
137

138 **Council Member Smyth so moved. The motion was seconded by Council Member**
139 **Howard. The mayor asked if there was any discussion on the motion; seeing none, he**
140 **called the vote:**

141	Council Member Orr-	Yes
142	Council Member Strate-	Yes
143	Council Member Stewart-	Yes
144	Council Member Howard-	Yes
145	Council Member Smyth-	Yes

The motion stood.

- The mayor informed all present that no online public comment had been received
00:13:40

B. Consideration of Ordinance 22-02 – Amending Title 10 of the City Code Changing the Maximum Number of Children Allowed in a Home Daycare from Five to Eight

- Staff overview 00:13:47
- Questions/Discussion 00:15:21
- Mayor Porter called for a motion to approve Ordinance 22-02 with the corrections made by Council Member Stewart (to view the corrections, view Ordinance 22-02 online at southogdencity.gov or ask for a copy from the City Recorder).
00:22:45

Council Member Howard so moved, followed by a second from Council Member Smyth. After determining there was no discussion on the motion, the mayor called the vote:

Council Member Smyth-	Yes
Council Member Howard-	Yes
Council Member Stewart-	Yes
Council Member Strate-	Yes
Council Member Orr-	Yes

Ordinance 22-02 was adopted with the noted corrections.

C. Consideration of Resolution 22-01 – Approving Memorandum of Understanding With Bonneville Communities That Care

- Staff overview 00:23:20
- Discussion 00:24:31
- The mayor called for a motion to adopt Resolution 22-01
00:29:41

Council Member Strate so moved. Council Member Smyth seconded the motion. There was no discussion on the motion. Mayor Porter called the vote:

Council Member Stewart-	Yes
Council Member Howard-	Yes
Council Member Strate-	Yes
Council Member Smyth-	Yes
Council Member Orr-	Yes

Resolution 22-01 was approved.

190 **VI. DISCUSSION ITEMS**

191 A. Personnel Policy Manual Update

192 00:30:11

193

- 194 • The council requested this item be placed on the next agenda for further discussion

195

196

197 **VII. REPORTS/DIRECTION TO CITY MANAGER**

198 A. City Council Members

- 199 • Council Member Howard - nothing to report

- 200 • Council Member Strate - nothing to report

- 201 • Council Member Stewart - nothing to report

- 202 • Council Member Smyth - nothing to report

- 203 • Council Member Orr - 00:47:54

204

205 B. City Manager 00:48:09

206 C. Mayor Porter 00:50:00

207

208

209

210 **VIII. RECESS INTO CLOSED EXECUTIVE SESSION**

211 In Accordance With 52-4-205(1), To Discuss Pending or Reasonably Imminent Litigation

212

- 213 • At 7:01 pm, Mayor Porter called for a motion to recess into a closed executive session

214

215 **Council Member Smyth so moved, followed by a second from Council Member Strate. The**
216 **voice vote was unanimous in favor of the motion.**

217

- 218 • Mayor Porter asked everyone besides City Manager Dixon, Police Chief Darin Parke, himself,
219 and the Council to leave the room in order to hold a closed meeting. Attorney Heather White
220 joined the closed meeting virtually.

221

222 Note: The recording of the following motion is only 49 seconds long. Anyone wishing a
223 copy of the recording can contact the City Recorder.

224

225 **IX. ADJOURN**

226 At 7:31 pm, the mayor announced they had just left their closed executive session where they had
227 discussed pending or reasonably imminent litigation in accordance with UCA 52-4-205(1) and were
228 now back in city council meeting. He called for a motion to adjourn city council meeting.

229

230 **Council Member Howard so moved. The motion was seconded by Council Member Strate.**
231 **All present voted aye.**

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Not Approved

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Pre-Council Work Session and Council Meeting held Tuesday, February 15, 2022.


Kapetanov, City Recorder

_____, Leesa
Date Approved by the City Council

STAFF REPORT



SUBJECT: Contract for disposition of items in police evidence
AUTHOR: Chief Parke
DEPARTMENT: Police
DATE: March 1, 2022

RECOMMENDATION

I recommend the approval of the contract with Hy and Mike's of South Ogden for the sale of items from the police evidence room.

BACKGROUND

The City has a contract with a company to sell items, which have been abandoned, surrendered, or forfeited. The company retains 60% of the proceeds.

Hy and Mike's of South Ogden recently entered into a contract with Ogden City to sell their evidence room items, and retain 20% of the proceeds.

Hy and Mike's and I have discussed them doing the same for South Ogden.

ANALYSIS

The evidence room is a secure location in the Police Department where items coming into police possession are stored. Not all of the items are actually evidence. Occasionally unwanted property, such as a gun, is given to the police department. Found property and actual evidence are also stored there. Except for unwanted or donated property, we follow procedures required by law to try to return the item to its owner, or owner's representative. Once that process is exhausted, the item is disposed of.

When items are ready for disposal, Hy and Mike's will evaluate them, and take possession of those deemed worthwhile to sell.

They will send a monthly report of items sold, the sale price and fees retained. Once a month, when net sale proceeds (less fees) exceed \$250.00, they will send a check to the city. Hy and Mike's will retain a fee of 20% for items sold.

SIGNIFICANT IMPACTS

Anticipated revenue is two or three thousand dollars a year.

Resolution No. 22-02

RESOLUTION OF SOUTH OGDEN CITY APPROVING AND AUTHORIZING ENTERING INTO AN AGREEMENT WITH HY AND MIKES OF SOUTH OGDEN PROVIDING FOR EVIDENCE ROOM SURPLUS ASSET DISPOSAL SERVICES; AUTHORIZING THE CITY MANAGER TO SIGN THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY TO GIVE EFFECT TO THE INTENT HEREOF; AND, PROVIDING FOR AN EFFECTIVE DATE.

SECTION I-RECITALS

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council finds that it necessary to evaluate how the city manages its evidence room surplus assets for disposal; and,

WHEREAS, the City Council finds that Hy and Mikes of South Ogden has the professional ability to provide for the necessary disposition of evidence room surplus assets to meet the city's needs; and,

WHEREAS, the City Council finds that City now desires to further those ends by entering into an agreement Hy and Mikes of South Ogden to provide such services; and,

WHEREAS, the City Council finds that the public convenience and necessity requires the actions contemplated,

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
SOUTH OGDEN AS FOLLOWS:**

SECTION II - CONTRACT AUTHORIZED

That the **"Services Agreement"**, Attached Hereto As **Attachment "A"** and by This Reference Fully Incorporated Herein, Is Hereby Approved and Adopted; and That the City Manager Is Authorized More Fully Negotiate Any Remaining Details, if any, under the Agreement On Behalf Of the City and Then to Sign, and the City Recorder Authorized to attest, any and all documents necessary to effect this authorization and approval.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of any and all prior Resolutions, with their specific provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which are in conflict with this Resolution, are, to the extent of such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 1st day of March, 2022, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 1st day of March, 2022.

SOUTH OGDEN CITY

Russell Porter, Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

Resolution No. 22-02

Resolution Of South Ogden City Approving And Authorizing Entering Into An Agreement With Hy And Mikes Of South Ogden Providing For Evidence Room Surplus Asset Disposal Services; Authorizing The City Manager To Sign The Necessary Documents On Behalf Of The City To Give Effect To The Intent Hereof; And, Providing For An Effective Date.

01 Mar 22

SERVICES AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____, 202__, by and between **SOUTH OGDEN CITY CORPORATION**, a municipal corporation of the State of Utah, hereinafter "City," Hy & Mikes, hereinafter "Contractor" and located at located at 3912 Washington Blvd. South Ogden UT, 84403,

WITNESSETH:

WHEREAS, City has established a need for selling lawfully seized and forfeited, or abandoned, property including firearms; and

WHEREAS, Contractor has proposed to provide such services.

NOW, THEREFORE, in consideration of the mutual covenants and agreements stated herein and of the payments for services hereinafter described, the parties hereto do mutually agree as follows:

1. Performance of Services. City hereby agrees to engage Contractor, and Contractor hereby agrees to perform the services and comply with all terms of the Request for Contractors Bid Document attached hereto at Exhibit "A" and incorporated herein by reference. Contractor warrants that it is a licensed business in South Ogden Utah and holds a valid Federal Firearms License.

2. Time of Performance. This Agreement shall commence on the date of the execution of this Agreement and shall continue for a period of three years, unless sooner terminated under other terms of this agreement.

3. Compensation. For these services, Contractor shall retain a fee of 20% per item as specified in Exhibit "A" attached hereto and by this reference made a part hereof. Said total shall constitute full payment for all services rendered and costs incurred by Contractor in

performing this Agreement. Once a month, the Contractor will forward the proceeds from the sale(s) to the City. Payment may be deferred for any amount owed less than \$250.00.

Documentation for the sale amount will be included with the proceeds transfer.

4. Termination of Agreement for Cause. If, through any cause, Contractor shall fail to fulfill, in a timely and proper manner, its obligations under this Agreement, or if Contractor shall violate any of the covenants, agreements or stipulations of this Agreement, City shall have the right to terminate this Agreement by giving written notice to Contractor of such termination and specifying the effective date thereof. In the event of termination for cause, Contractor shall be entitled to receive only the share of the total compensation which is equal to any satisfactory work completed as of the date of termination. Notwithstanding the above, Contractor shall not be relieved of liability to City for damages sustained by City by virtue of any breach of the Agreement by Contractor, and City may withhold any payments to Contractor for the purpose of setoff until such time as the exact amount of damages due City from Contractor is determined.

5. Termination for Convenience. The City or Contractor may terminate the Agreement at any time by giving written notice to the other and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. If the Agreement is terminated by City as provided herein, City shall pay Contractor for all work performed as of the date of termination. All unsold products shall return to the custody of the City.

6. Non-assignability. Contractor shall not assign any interest in this Agreement, and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of the City thereto.

7. Interest of Contractor. Contractor covenants that Contractor presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the services hereunder. Contractor further covenants that in the performance of this Agreement no person having such interest shall be employed.

8. Insurance requirements. Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, employees or subcontractors. The cost of such insurance shall be included in Contractor's bid. The amount of insurance shall not be less than:

Combined General Liability: Minimum of \$3,000,000 commercial general liability coverage with \$1,000,000 for each occurrence. Policy to include coverage for operations, contractual liability, personal injury liability, products/completed operations liability, broad-form property damage (if applicable) and independent contractor's liability (if applicable) written on an occurrence form.

Business Automobile Liability: \$1,000,000 combined single limit per occurrence for bodily injury and property damage for owned, non-owned and hired autos.

Workers' Compensation and Employers' Liability: Worker's Compensation limits as required by the Labor Code of the State of Utah and employer's liability with limits of \$1,000,000 per accident.

Insurance is to be placed with insurers acceptable to and approved by the City. Contractor's insurer must be authorized to do business in Utah at the time the contract is executed (and throughout the time period the contract is maintained), unless otherwise agreed in writing by the City. Failure to maintain or renew coverage or to provide evidence of renewal will be treated by City as a material breach of contract.

Limits of liability amounts must meet contract requirements before contract is initiated.

The City, and its elected officials, officers, employees, agents and volunteers are to be named as additional insureds with primary coverage and not contributing.

The City shall be furnished with original certificates of insurance and endorsements effecting coverage required within, signed by a person authorized by that insurer to bind

coverage on its behalf. All certificates and endorsements are to be received by the City Recorder's Office before work commences.

The City reserves the right to require complete, certified copies of all required insurance policies at any time.

Each policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty days prior written notice by certified mail, return receipt requested, has been given to the City.

Contractor's insurance shall be primary insurance and any insurance or self insurance maintained by the City, its officers, officials, employees, and volunteers shall be excess of Contractor's insurance and shall not contribute with it.

Contractor shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected officials, officers, employees, agents and volunteers; or Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations claim administration and defense expenses.

9. Indemnification. Contractor agrees to indemnify, save harmless and defend City and its elected officials, authorized agents, officers, employees, and volunteers from and against any and all claims, damages, demands, actions, costs and charges arising out of or by reason of Contractor's performance or failure to perform this agreement.

10. Attorneys' Fees. In the event either party institutes litigation to enforce its rights under this Agreement, the prevailing party in such litigation shall be entitled to an award of its reasonable attorneys' fees and costs.

11. Notice. Any notice, or notices, required or permitted to be given pursuant to this Agreement, may be personally served on the other party by the party giving such notice, or may be served by certified mail, return receipt requested, to the following addresses:

City: SOUTH OGDEN CITY CORPORATION
3950 South Adams Avenue
South Ogden, Utah 84403
Attn: Marci Edwards
(801) 622-2806

Contractor: Hy & Mikes of South Ogden
3912 Washington Blvd.
South Ogden UT, 84403

12. Independent Contractor. Contractor is independent of the City and shall perform all services according to its own methods without being subject to the control of the City except as to the results obtained. The City shall not carry Worker's Compensation insurance or any health or accident insurance to cover Contractor. The City shall not pay nor be responsible for any contribution to Social Security, unemployment insurance, federal or state withholding taxes, nor provide any other contributions or benefits which might be expected in an employer-employee relationship. Contractor, as an independent contractor, shall provide and be responsible for any and all of Contractor, and its employees or agents, Worker's Compensation contributions, federal and state withholding, unemployment compensation contributions and social security tax withholding, etc. Contractor agrees to report and pay any contributions for taxes, unemployment insurance, Social Security and other benefits.

13. When Rights and Remedies Not Waived. In no event shall any payment by City hereunder constitute or be construed to be a waiver by City of any breach of conditions or any

default which may then exist, or while any such breach or default shall exist, in no way impair or prejudice any right or remedy available to City with respect to such breach or default.

14. Integrated Document. This Agreement embodies the entire agreement between City and Contractor for the scope of services and the terms and conditions. No verbal agreements or conversations with any officer, agent or employee of City prior to the execution of this Agreement shall affect or modify any of the terms or obligations contained in any documents comprising this Agreement. Any such verbal agreement shall be considered as unofficial information and in no way binding upon City.

15. Compliance with Laws. Contractor shall comply with all laws, ordinances, regulations, rules, etc., of the federal, state and local governments in connection with the performance of this Agreement.

16. Furnishing of W-9. Payment under this Agreement is contingent upon Contractor furnishing City with a completed W-9 IRS tax form, which shall be attached hereto and incorporated herein. Contractor shall cooperate with City in furnishing any additional information City may need to comply with rules and regulations of the Internal Revenue Service.

17. Employment Status Verification. Contractor shall register and participate in the Status Verification System requirements of Utah Code Ann. § 63G-12-302, et seq.

18. Severability of Provisions. If any provisions of this Agreement are held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

19. Modifications. No oral modifications or amendments to this Agreement shall be effective, but this Agreement may be modified or amended by written agreement.

20. Governing Law. This Agreement, its terms and conditions, shall be governed by Utah law.

IN WITNESS WHEREOF, the parties hereto execute the foregoing instrument as of the day and year first above written.

SOUTH OGDEN CITY CORPORATION

By: Matt Dixon, City Manager

ATTEST:

City Recorder

Hy and Mikes

By: Hiram Barker, Owner/ Manager

Exhibit A- Compensation

Exhibit B- Federal Firearms License

Exhibit C- Certificate of Liability Insurance

Exhibit A

Compensation

Hy and Mikes of South Ogden proposes a sales commission fee of 20% per sale.

Example:

*Sale Price	Hy & Mike's of South Ogden	South Ogden City
\$500	*\$100	\$400
*Sale Price does not include taxes or background check fee.	*includes website fees for any online sales. Typically 5-10%	
100%	20%	80%

Hy and Mikes cares for each firearm including research and pricing; cleaning and polish, a functions check/assessment, and background checks on all in-person sales. Each item may include additional work including online sales and transfers including packaging and shipping.

The item may be sold over-the-counter or online. If the item is sold online, Hy and Mikes will absorb the online fee in their 20% commission. Website fees are typically between 5-10%, plus packaging and shipping for the transfer. Commission amounts do not include any state or federal taxes.

Exhibit B

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Federal Firearms License
(18 U.S.C. Chapter 44)

In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 478), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 478.51.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF ATF - Chief, FFLC
Correspondence To 244 Needy Road
Martinsburg, WV 25405-9431

License Number **9-87-057-02-3L-03568**

Chief, Federal Firearms Licensing Center (FFLC)

Expiration Date **November 1, 2023**

Name
HY & MIKES OF SOUTH OGDEN

Premises Address (Changes? Notify the FFLC at least 30 days before the move.)

**3912 WASHINGTON BLVD
SOUTH OGDEN, UT 84403-**

Type of License

02-PAWNBROKER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES

Purchasing Certification Statement

The licensee named above shall use a copy of this license to assist a transfer of firearms to verify the identity and the licensed status of the licensee as provided by 27 CFR Part 478. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Firearms Licensee (FFL) or a responsible person of the FFL. I certify that this is a true copy of a license issued to the licensee named above to engage in the business specified above under "Type of License."

Mailing Address (Changes? Notify the FFLC of any changes.)

**HY & MIKES OF SOUTH OGDEN LLC
HY & MIKES OF SOUTH OGDEN
3912 WASHINGTON BLVD
SOUTH OGDEN, UT 84403-**

Licensee Responsible Person Signature

Position Title

Corey A. Howell
Printed Name

11-2-20
Date

Previous Edition is Obsolete

HY & MIKES OF SOUTH OGDEN LLC 3912 WASHINGTON BLVD 84403-07-02-01-01-0000 November 1, 2023 02-PAWNBROKER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES

ATF Form 8 (5310.11)
Revised October 2011

Federal Firearms License (FFL) Customer Service Information

Federal Firearms Licensing Center (FFLC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (866) 662-2750
Toll-free Fax Number: (866) 257-2749
E-mail: NLC@atf.gov

ATF Homepage: www.atf.gov
FFL eZ Check: www.atfonline.gov/fflezcheck

Change of Address (27 CFR 478.52). Licensees may during the term of their current license remove their business or activity to a new location at which they intend regularly to carry on such business or activity by filing an Application for an Amended Federal Firearms License, ATF Form 5300.38, in duplicate, not less than 30 days prior to such removal with the Chief, Federal Firearms Licensing Center. The application must be executed under the penalties of perjury and penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the licensee's original license. The license will be valid for the remainder of the term of the original license. **(The Chief, FFLC, shall, if the applicant is not qualified, refer the application for amended license to the Director of Industry Operations for denial in accordance with § 478.71.)**

Right of Succession (27 CFR 478.56). (a) Certain persons other than the licensee may secure the right to carry on the same firearms or ammunition business at the same address shown on, and for the remainder of the term of, a current license. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business shall furnish the license for endorsement of such succession to the Chief, FFLC, within 30 days from the date on which the successor begins to carry on the business.

(Continued on reverse side)

Cut Here

Federal Firearms License (FFL) Information Card

License Name: **HY & MIKES OF SOUTH OGDEN LLC**
Business Name: **HY & MIKES OF SOUTH OGDEN**
License Number: **9-87-057-02-3L-03568**
License Type: **02-PAWNBROKER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES**
Expiration: **November 1, 2023**

Please Note: Not Valid for the Sale or Other Disposition of Firearms.

FFL Newsletter - Electronic Version Available

Sign-Up Today!

FFLs interested in receiving the electronic version of the FFL Newsletter, along with occasional additional information, should submit name, FFL number, and e-mail address to: FIPB@atf.gov.

The electronic FFL Newsletter will enable ATF to communicate information to licensees on a periodic basis.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/03/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Your Way Insurance Brokerage 2868 Washington Blvd. Ogden, UT 84401		CONTACT NAME: PHONE (A/C No. Ext): (801) 393-3656 FAX (A/C No.): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Evanston Insurance Company INSURER B: CNA Surety INSURER C: INSURER D: INSURER E: INSURER F:	
INSURED Hy & Mikes of South Ogden LLC 3912 Washington Blvd Ogden, UT 84403		NAIC #	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATION MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD. W/O	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		2AA123337	08/29/2020	08/29/2021	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
		MED EXP (Any one person) \$ 5,000				
		PERSONAL & ADV INJURY \$ 1,000,000				
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:					GENERAL AGGREGATE \$ 2,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY					PRODUCTS - COMP/OP AGG \$ Excluded
	ANY AUTO					
	OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$
	HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY				BODILY INJURY (Per person) \$
						BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	<input type="checkbox"/> RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE/OF FICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$
B	Pawn Shop Bond		63331129	08/29/2020	08/29/2021	\$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

<CC>

STAFF REPORT



SUBJECT: UDOT Federal Agreement - 40th & Chimes Project
AUTHOR: Jon Andersen
DEPARTMENT: Public Works
DATE: 3-1-22

RECOMMENDATION

City staff recommends the approval of the Federal Aid Agreement with the State of Utah for the 40th St project.

BACKGROUND

In 2018 South Ogden City submitted an application for funding through the State's Surface Transportation Program (STP) for the rebuild of 40th Street and Chimes View between Riverdale Road and Washington Blvd. The original project cost estimate was \$4.7M with the city's portion being approximately \$321,250. The scope of this project will be to rebuild the streets and replacing/upgrading the underground utilities. Some improvements will be made to add/improve sections of sidewalks as well as make safety improvements long the corridor.

ANALYSIS

In December of 2022 the City Council approved a contract with PEC to do the environmental review for this project. They are currently 30%-40% completed. Once the environmental review is completed the final design/bid phase can begin. During the review process it has been discovered that some right of way may need to be purchased potentially on 2-4 locations. We will not be sure until the review is completed in the coming months. The first allotment of money for the project will become available to use after July 1, 2022 from the State of Utah.

SIGNIFICANT IMPACTS

The cost of the project is estimated at \$4,745,200. South Ogden is responsible for 6.77% of the total project. Based off the project estimate South Ogden will have to pay \$321,250.04

ATTACHMENTS

None

Resolution No. 22-03

**RESOLUTION OF SOUTH OGDEN CITY APPROVING AN
AGREEMENT WITH STATE OF UTAH DEPARTMENT OF
TRANSPORTATION FOR THE 40th STREET/CHIMES VIEW DRIVE
ROAD IMPROVEMENT PROJECT, AND PROVIDING THAT THIS
RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON
POSTING AND FINAL PASSAGE.**

SECTION I-RECITALS

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council finds it necessary to address certain Road Improvement Projects needs within the city; and,

WHEREAS, the City Council finds that the city staff recommends that the city contract with State of Utah Department of Transportation for funding assistance for the installation and completion of the 40th Street/Chimes View Drive Road Improvement Project; and,

WHEREAS, the City Council finds that State of Utah Department of Transportation has agreed to provide financial assistance for this project to meet the city's needs; and,

WHEREAS, the City Council finds that the City now desires to further those ends by contracting with State of Utah Department of Transportation to provide such services and funding; and,

WHEREAS, the City Council finds that the public convenience and necessity requires the actions contemplated,

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
SOUTH OGDEN AS FOLLOWS:**

SECTION II - CONTRACT AUTHORIZED

That The **"Agreement"** For The 40th Street/Chimes View Drive Road Improvement Project, Federal Aid Agreement for Local Agency Project, Project Number F-3354(4)0, Administered by the State of Utah Department of Transportation, Attached Hereto As **Attachment "A"** And By This Reference Fully Incorporated Herein, Is Hereby Approved And Adopted; And That The City Manager Is Authorized To More Fully Negotiate Any Remaining Details Under The Agreement On Behalf Of The City And Then To Sign, And The City Recorder Authorized To Attest, Any And All Documents Necessary To Effect This Authorization And Approval.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 1st day of March, 2022, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 1st day of March, 2022.

SOUTH OGDEN CITY

Russell Porter, Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

Resolution No. 22-03

Resolution Of South Ogden City Approving An Agreement With State Of Utah
Department Of Transportation For The 40th Street/Chimes View Drive Road
Improvement Project, And Providing That This Resolution Shall Become
Effective Immediately Upon Posting And Final Passage.

01 Mar 22

**State of Utah
Department of Transportation**

Federal Aid Agreement for Local Agency Project CFDA No. 20.205 Highway Planning and Construction	City of South Ogden - Matthew Dixon	Maximum Project Value Authorized \$4,745,200
PIN Number 16936 FINET Number 55337 FMIS Number F014164 DUNS Number 079579145	Project Number F-3354(4)0 PIN Description 40th St & Chimes View - Riverdale to Washington	Agreement Number (Assigned By Comptrollers) <hr/> Date Executed

This Agreement is entered into this _____ by and between the Utah Department of Transportation ("UDOT") and **City of South Ogden "Local Agency"**, a political subdivision(s) of the State of Utah.

The (City/County) has a project that will receive financing from federal-aid highway funds. The Project consists of **40th St & Chimes View - Riverdale to Washington**, located at **City of South Ogden** and identified as project number **F-3354(4)0**;

Pursuant to 23 CFR Section 635.105, UDOT has the responsibility to oversee the federal aid projects to ensure adequate supervision and inspection so the projects are completed in conformance with the approved plans and specifications, including compliance with all federal requirements; and

This Agreement describes the respective roles and requirements of UDOT and the City/County to ensure compliance with the federal requirements for the receipt of federal funding for the Project.

State Wide Transportation Improvement Program STIP 2022 - 2025

Fund*	Prior	2022	2023	2024	2025	Total	Fed Aid	State	Other	Pct
LOCAL GOVT	\$0	\$0	\$0	\$0	\$454,735	\$454,735	\$0	\$0	\$454,735	100.00%
STP_URB_O/L	\$0	\$10,000	\$1,062,616	\$1,608,924	\$1,608,925	\$4,290,465	\$4,000,001	\$0	\$290,464	6.77%
Total:	\$0	\$10,000	\$1,062,616	\$1,608,924	\$2,063,660	\$4,745,200	\$4,000,001	\$0	\$745,199	15.70%

AGREEMENT

Now, therefore, the parties agree as follows:

I. Description of the Project.

II. UDOT's Roles and Responsibilities on a Federally Funded Local Government Project as follows:

- A. Oversee compliance with federal and state regulations.
- B. Ensure transportation project oversight as outlined in 23 CFR 635.105.
- C. Assign a UDOT Project Manager to:
 - 1. Assist the Local Government Project Manager to monitor scope, schedule, budget, and help track expenditures during all phases of the project.
 - 2. Assist in project risk monitoring by reviewing and discussing identified risks and mitigation efforts.
 - 3. For projects approved through the Wasatch Front Regional Council (WFRC), assist in early coordination with UDOT's Environmental staff during preparation of the environmental document.
 - 4. Prepare and process the federal aid agreement before project initiation.
 - 5. Help administer consultant qualifications-based selection, negotiation of contract, and contracting process for all phases of the Project using the UDOT Consultant Services selection process.
 - 6. Assist the local agency to process and approve Consultant Pay Requests.
 - 7. Coordinate and participate in design review meetings to ensure the federally-approved, UDOT design process is followed.
 - 8. Coordinate to ensure ongoing communication with the local project sponsor.
 - 9. Notify the Local Government that the match, betterment or other funding to UDOT is due.
 - 10. Assist the Local Agency in preparing and executing UDOT Standard Utility Reimbursement Agreements as required.
 - 11. Coordinate betterment items and finalize agreements prior to construction advertising.
 - 12. Assist with the federally-approved construction advertising and award processes through the UDOT construction advertising and award process.
 - 13. Coordinate with the Local Project Manager to review and recommend change orders for approval.
 - 14. Coordinate the UDOT project closeout process.

III. Local Agency Roles and Responsibilities on a Federally Funded Local Government Project.

The Local Agency shall manage the Project in compliance with federal and state laws and regulations. The Local Agency shall monitor the quality of work being performed on the Project and daily activities and issues with the consultants.

- A. The Local Agency shall assign a representative to serve as the Local Project Manager to:
 - 1. Research, understand, and take responsibility for federal requirements by its acceptance of federal funds.
 - 2. Coordinate with the UDOT Project Manager concerning the funding.
 - 3. Work with organizations (MPO's, etc.) for funding and expenditure time-frames, scope issues and delivery schedule.
 - 4. Manage the day-to-day activities of the Project as follows:
 - a. Consultant and professional services used on the Project.
 - b. The Local Agency shall recommend and approve consultant pay requests.
 - c. Project scope, schedule, budget, and quality.
 - d. Coordination of details, decisions and impacts with the local jurisdiction's community councils, commissions, legal counsel, department heads, political leads, engineering and public works departments, etc.
 - e. Coordination with the assigned UDOT Project Manager.
 - f. Project risk monitoring by reviewing and discussing identified risks and mitigation efforts.
 - g. Monitor project schedule and progress of all project tasks- to ensure a timely delivery of the project.
 - h. Schedule discussion should be held in all preconstruction and construction project progress meeting.
 - i. Oversee project compliance with federal and state transportation project processes. These responsibilities include (but are not limited to):

- 1) Participate in the federally approved UDOT consultant qualifications-based selection, negotiation of contract, and contracting process for all phases of the project.
 - 2) Participate as the active lead in project team meetings as well as all field and plan reviews.
 - 3) Ensure NEPA Environmental clearances and approvals are obtained.
 - 4) Ensure current AASHTO, MUTCD, and UDOT design standards are met, or if not, ensure all design exceptions, waivers or deviations are obtained from UDOT and have the necessary signatures in place.
 - 5) Ensure and certify that right of way acquisitions follow the federal Uniform Act and comply with state right of way acquisition policy, including rules, and meet all Project right of way commitments.
 - 6) Ensure construction standards and specifications are met.
 - 7) Oversee project construction management operations, progress, documentation and quality inspection to meet state and federal contract administration requirements.
- j. Coordinate with utilities to minimize project impacts and ensure needed relocations have the proper documentation, easements and agreements in place. The Local Agency shall provide to UDOT Region Utility Coordinator the Project utility certification prior to construction advertising. All utility agreements must follow the UDOT standard Utility agreement format and process.
 - k. Provide right of way certification verifying all required right of way has been purchased prior to advertising.
 - l. Ensure required documentation is in place before submitting the advertising package to UDOT for advertising through its federally-approved process.
 - m. Coordinate with the UDOT Project Manager and Comptroller's Office to deposit the local match and betterment funds as outlined below in Section IV.
 - n. Approve the final advertising package and obtain local signature approval advertisement.
 - o. Review the abstract of bids and recommend to the UDOT Project Manager award of the project. The Local Agency may decline to recommend award for the following reasons: Lack of funding to cover project costs as bid, or cancelling the project.
 - p. Attend Construction Coordination meetings and coordinate with the Consultant Resident Engineer (RE).
 - q. Review all construction change orders for approval and submit them to UDOT Project Manager for review and processing.
 - r. Review the project budget for changes related to change orders, quantity overruns, incentives, fuel and asphalt adjustments, etc.
 - s. Ensure materials comply with the current UDOT Materials Testing and Acceptance Manual and the UDOT Minimum Sampling and Testing Requirements.
 - t. Assist to provide all documentation needed for construction project close out including Buy America certification.
 - u. Coordinate the project close out process by timely closing all open contracts and agreements.

This list of roles and responsibilities is not comprehensive but describes the general roles of the Local Agency.

IV. Funding. Upon signing this agreement, the Local Agency agrees to pay its estimated matching share in phases when requested by UDOT within 30 days. Phases typically include environmental, design, right of way and construction. The local match for this project is represented by the percentages of the Total Project Value shown below. In addition, the Local Agency agrees to pay 100% of the overruns that exceed **\$4,745,200** and any ineligible costs to UDOT.

The Local Agency shall be responsible for all costs associated with the project which are not reimbursed by the federal government. For a Joint Highway Committee project, the federal participation for construction engineering costs is limited to 20 percent of the construction contract costs. No costs are eligible for federal aid reimbursement until authorized by the FHWA through Form R-709, Request for Federal Aid Project Approval, separate from this Local Agency Agreement.

Local Agency betterments are ineligible for Federal Funding. The Federal Aid Agreement must be modified to incorporate the additional funding for the betterments that are included after the execution of this Agreement. The Local Agency will advance the funds for the betterments to UDOT prior to the construction award.

Flexible match (soft match) will only be utilized on this project if the flexible match is approved by the UDOT Local Government Programs Engineer and the flexible match is included in this agreement prior to execution. Flexible match will not be added to the project after this agreement has been executed.

For the specific funding for the project, see page 1, Statewide Transportation Improvement Program (STIP).

UDOT will request payment of matching shares and overruns through an email that will be sent to [Matthew Dixon at MDIXON@SOUTHOGDENCITY.COM](mailto:MDIXON@SOUTHOGDENCITY.COM), the Local Agency Contact. The Local Agency shall pay within 30 days after each payment request. The Local Agency shall make the check payable to the Utah Department of Transportation referencing the project number above and mail to UDOT Comptroller's Office, 4501 South 2700 West, Box 1415010, Salt Lake City, Utah 84114-1510.

Funds requested beyond the amount described in this Agreement will require execution of a Federal Aid Agreement Modification by the parties.

If the project has cost overruns, the Local Agency shall pay the additional amount to UDOT within 30 days of receiving the invoice. Should the Local Agency fail to reimburse UDOT for costs that exceed the federal reimbursement, federal funding for other Local Agency projects or B&C road funds may be withheld until payment is made in addition to any other remedies available.

If the Local Agency's advanced amount exceeds its share of project cost, UDOT will return the amount of overpayment to the Local Agency upon financial closure of the project.

If there are any unexpended Federal Funds remaining on the project, the funds will be returned to the funding source that they originated (MPO, etc) and reprogrammed.

UDOT Comptroller shall provide the Local Agency with a quarterly statement reflecting a cost summary for the project.

V. Local Agency's Reimbursement Claims. The Local Agency shall bill UDOT for eligible federal aid project cost incurred after FHWA phased approval for authorization to proceed (form R709) and in conformity with applicable federal and state laws. Authorized Local Agency reimbursement claims should be submitted to UDOT Project Manager within 30 days of cost incurrence. Reimbursements to the Local Agency for right of way claims are classified as a pass-through of Federal funds from UDOT to the Local Agency. Expenditures by the Local Agency for general administration, supervision, and other overhead shall not be eligible for federal participation unless an indirect cost plan has been approved annually by the Federal government. The Local Agency shall certify to UDOT that it has conformed to all the requirements of applicable state and federal law, Consultant Services Manual of Instruction, Local Public Agency Guide, and all the provisions of the contract, as a condition of and prior to receiving payment under the contract.

The Local Agency shall comply with 23 CFR Section 710.203 for FHWA reimbursement requests of real property acquisitions. A Local Agency shall not request reimbursement for excess acquisitions which are not eligible for FHWA reimbursement under 23 CFR Section 710.203. <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>

VI. Federal Aid Project Compliance. Local Agency shall comply with Title 23, USC, 23 CFR, 2 CFR Part 200, , UDOT Local Government and State Aid Project Guide, UDOT's Right of Way Operational Manual and the Federal Aid Project Agreement between UDOT and Federal Highway Administration concerning federal aid projects. They will also follow the Local Government Design and Process Manuals.

Compliance with the John S. McCain National Defense Authorization Act: The Local Agency certifies conformance and continued conformance with Public Law 115-232, § 889 and 2 CFR § 200.216.

VII. Project Authorization for Federal Aid. The Local Agency, through UDOT, must obtain an Authorization to proceed from FHWA before beginning work on any federal aid project. Federal funds shall not participate in costs incurred prior to the date of authorization. The Local Agency will work with the Project Manager to establish a project end date. Any expenses incurred after the FMIS Close Out End Date will not be eligible for Federal reimbursement and the Local Agency will be required to pay 100% of those costs. This end date can be

found on the UDOT website at the following link: [Local Government Close Out Dates](#). FHWA authorizes the funding in separate phases including environmental, design, ROW, and construction.

VIII. Indemnity clause. UDOT and Local Agency are both governmental entities subject to the Utah Governmental Immunity Act ("Act"). Each party agrees to indemnify, defend, and save harmless the other party from and against all claims, suits, and costs, including attorney's fees for injury or damage of any kind, arising out of its negligent acts, errors or omissions of its officers, agents, contractors or employees in the performance of this Agreement. Nothing in this paragraph is intended to create additional rights to third parties or to waive any of the provisions of the Act. The obligation to indemnify is limited to the dollars amounts set forth in the Act. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

IX. Single Audit Act. The Local Agency, as a sub-recipient of federal funds, shall adhere to 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. A sub-recipient who expends \$750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with 2 CFR 200. Upon conclusion of the 2 CFR 200 audit, the Local Agency shall be responsible for ensuring that a copy of the report is transmitted to the Utah Department of Transportation, Internal Audit, 4501 S 2700 W, Box 148230, Salt Lake City, Utah 84114-8230.

X. Maintenance. The Local Agency shall properly maintain and restore each type of roadway, structure and facility as nearly as possible in its original condition as constructed or improved in accordance with state and federal requirements.

XI. Utilities. The Local Agency shall notify and cooperate with utility companies having facilities in the project limits in accordance with Utah Code Section 54-3-29. The Local Agency shall follow the standard UDOT utility agreement process including signatures by UDOT, utility, and the Local Agency.

The Local Agency shall certify, in accordance with 23 CFR Section 645.107(c), that utility relocation reimbursements to be made in accordance with the provisions of 23 CFR Section 645.107(a) do not violate the terms of a use and occupancy agreement, or legal contract, between the utility and the Local Agency, or are solely for the purpose of implementing safety corrective measures to reduce the roadside hazards of utility facilities to the highway use as provided in 23 CFR Section 645.107(k).

The Local Agency shall determine reimbursement eligibility for identified relocations based on Local Agency Franchise Agreement or Ordinance. If not reimbursable, submit a written statement to UDOT that the Local Agency is "legally unable to reimburse the utilities" for relocation or protection work as part of the project. Utility relocations deemed to be reimbursable will be performed in accordance with 23 CFR Section 645, Utilities, Subpart A, and are subject to 23 CFR Section 635.410, Buy America Requirements.

In accordance with 23 CFR Section 645.209 (g), the Local Agency will provide a degree of protection to the highway that is equivalent to or more protective than Utah Administrative Rule 930-7, Utility Accommodation Rule.

XII. Availability of Records. For a period not less than three (3) years from the date of final voucher, the Local Agency accounting records pertaining to the federal aid project are to be kept available for inspection and audit by the state and federal government, or furnished upon request.

XIII. Right of Way. The Local Agency shall acquire all the required right of way for the Project in compliance with 23 CFR Section 710.309, 49 CFR Part 24 and UDOT Right of Way Operations Manual, including the procurement process for contracting with consultants. The Local Agency shall use the right of way module in ePM for acquisitions. The Local Agency shall utilize UDOT's contracting processes to hire consultants to provide Right of Way services. This requirement includes selection methods, consultants being on the approved pool, and the contracts going through UDOT Consultant Services. Noncompliance with these requirements may result in UDOT withholding federal funds. Once all the necessary right of way is acquired, the Local Agency shall obtain UDOT's certification. All the necessary right-of-way must be obtained before the project is advertised. No limitations concerning right-of-way shall be allowed. For UDOT right-of-way certifications required for advertising access the following: <https://www.udot.utah.gov/connect/business/design/project-advertising-tools/>.

For real property disposals the Local Agency shall comply with 23 CFR Sections 710.409 and 710.403. The Local Agency should have property management records, which identify inventories of real property considered excess to project needs. If a Local Agency determines that real property initially acquired as part of

the project is declared excess and disposed of the Local Agency must comply with 23 CFR Sections 710.409 and 710.403. These sections require that the Federal share of net income from the sale or lease of real property acquired with Federal assistance be used for Title 23 eligible projects. Refer to <https://www.ecfr.gov/cgi-bin/ECFR?page=browse> for additional information. The Local Agency shall deposit the net proceeds from the sale or lease with UDOT to be applied towards a Title 23 eligible project as authorized by the appropriate metropolitan planning organization or the Joint Highway Committee.

XIV. Change in Scope and Schedule. Local Agency recognizes that if a project scope changes from the original intent of the project application, the project will need to be re-evaluated by the responsible agency that programmed the project (i.e, MPO, JHC). Such a review may result in approval of the scope change, removal from the program, or adjustment in the federal aid funds programmed for the project.

Local Agency is responsible for the schedule of the project. If the project cannot progress as programmed, the responsible programming agency may advance other projects and require the project to wait for next available funding.

Any change orders required to meet the terms and conditions of the construction contract will be initiated by UDOT. UDOT will notify the Local Agency of any such change orders and obtain the Local Agency's consent if the change order increases the cost of the project. The Local Agency shall be responsible for 100% of the costs of all change orders on the Project not reimbursed by FHWA.

XV. UDOT Service Costs. UDOT may provide expertise in project management, contract preparation, design plan reviews, advertising, construction materials verification/certification, technical assistance, engineering services or other services as needed. This includes costs for auditing consultant contracts that can be up to 0.5% of the contract costs. Appropriate charges for these costs will be incurred by the project and included in the overall project costs.

XVI. Additional Contracting Party. If the Local Agency desires to be an additional contracting party and an additional bondholder or obligee on the performance bond for Class B and C roads, a signed letter on official letterhead by the governing body of the Local Agency shall be an attachment to this Federal Aid Agreement. This provision applies only to federally funded projects and only on B and C roads.

XVII. Termination. This agreement may be terminated as follows:

1. By mutual agreement of the parties, in writing.
2. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this agreement. Thirty day written notice to terminate the Agreement will be provided to the other party describing the noncompliance of the Agreement. If the noncompliance is not remedied within the thirty day period, the Agreement shall terminate. However, if UDOT believes that the Local Agency is violating the Agreement that may result in harm to the public, inappropriate use of federal funds or if the Federal Highway Administration requests immediate termination, UDOT may terminate the Agreement without giving the thirty day notice.
3. By UDOT for the convenience of the state upon written notice to the Local Agency.
4. By UDOT, in the event that construction of the project for which this design engineering is undertaken is not started by the close of the fifth fiscal year following the fiscal year in which this agreement is executed.

In the event of termination, the Local Agency shall pay all of UDOT's costs referenced in paragraph XV regardless of whether the Project is constructed.

XVIII. Miscellaneous.

1. This Agreement cannot be altered or amended, except pursuant to an instrument in writing signed by each of the parties.
2. If any term or provision of this Agreement or application to any person or circumstance shall, to any extent, be invalid or unenforceable, then the remainder of this Agreement shall not be affected and each term, condition and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law, so long as removing the severed portion does not materially alter the overall intent of this Agreement.
3. The failure of a party to insist upon strict performance of any provisions of this Agreement shall not be construed as a waiver for future purposes with respect to any such provision or portion. No provision of this

Agreement shall be waived unless such waiver is in writing and signed by the party alleged to have waived its rights.

4. Each undersigned represents and warrants that each has been duly authorized for all necessary action, as appropriate, to execute this Agreement for and on behalf of the respective parties
5. The parties shall not, by this Agreement nor by any act of either party, be deemed principal and agent, limited or general partners, joint ventures or to have any other similar relationship to each other in the conduct of their entities.

XIX. Content Review

Language content was reviewed and approved by the Utah AG's office on September 28, 2020.

LOCAL AGENCY

By _____

Date _____
City of South Ogden Official

Utah Department of Transportation

By _____
Region Director

Date _____

UDOT Comptroller

By _____
Comptroller's Office

Date _____



**Consultant Services
Federal Aid Agreement Review/Approval Routing Form**

**STATE OF UTAH
UTAH DEPARTMENT OF TRANSPORTATION
ENGINEERING SERVICES**

TODAY'S DATE 2/4/2022
PM REQUEST DATE 2/3/2022

**FEDERAL AID
AGREEMENT NO.**

Project No.: F-3354(4)0

PIN No.: 16936

PIN Description: 40th St & Chimes View - Riverdale to
Washington

FINET Prog Code No.: 55337

UDOT Project Manager	UDOT Contract Administrator
Nathan A Jones 166 West Southwell Street Ogden, UT 84404 (801)668-2826 nathanjones@utah.gov	Michael R. Butler (Acting as UDOT) PO Box 148490 Salt Lake City Utah 84114-8490 (801)815-4367 michaelbutler@utah.gov

Local Government
City of South Ogden 3950 ADAMS AVE STE 1 South Ogden, UT 84403-1822 Matthew Dixon, (801) 622-2702 MDIXON@SOUTHOGDENCITY.COM

Project Value	\$4,745,200
Federal Match	\$4,000,001
Local Government Match	\$745,199
State Match	\$0

This Federal Aid Agreement will follow the current Consultant Services electronic signature process. Please follow the email instructions for processing the Federal Aid Agreement. If legal reviews are required by your entity, the contract will still need to ultimately follow the electronic signature process.

STAFF REPORT



SUBJECT: Personnel Policy Manual Update
AUTHOR: Doug Gailey
DEPARTMENT: Administration
DATE: 2-15-2022

RECOMMENDATION

Discussion item only

BACKGROUND

The personnel policy manual has not been updated for several years. Staff has been working to get it updated since at least 2019, but it seems there is always a policy update coming, so it is pushed back. Staff has decided to go ahead and submit the policy updates as they stand and bring forth policy changes in the future as they occur. (for example staff will be presenting a social media policy in the next few months).

ANALYSIS

After last Council meeting, Staff made the changes the council suggested and also incorporated a few more edits. Below is a summary of the edits that were made to the redline version of the policy manual

Section 2

02.020 subsection 4 delete repeated phrase

02.040 Copied and pasted State of Utah wording for definition of Relative

02.075 deleted Casual Employee, Non-merit Service Employee

Section 3

Changed General and Enterprise fund salary range to South Ogden Employee Salary Range

Changed Sworn Public Safety Pay range to Fire and Police pay range

03.015 added Police

Section 4

04.035 section C added the word approved

Section 11

Section 11.015 removed Non-Merit Special employees

11.025 removed Special, Non-merit

11.100 substituted documenting the need for in place of the word causing

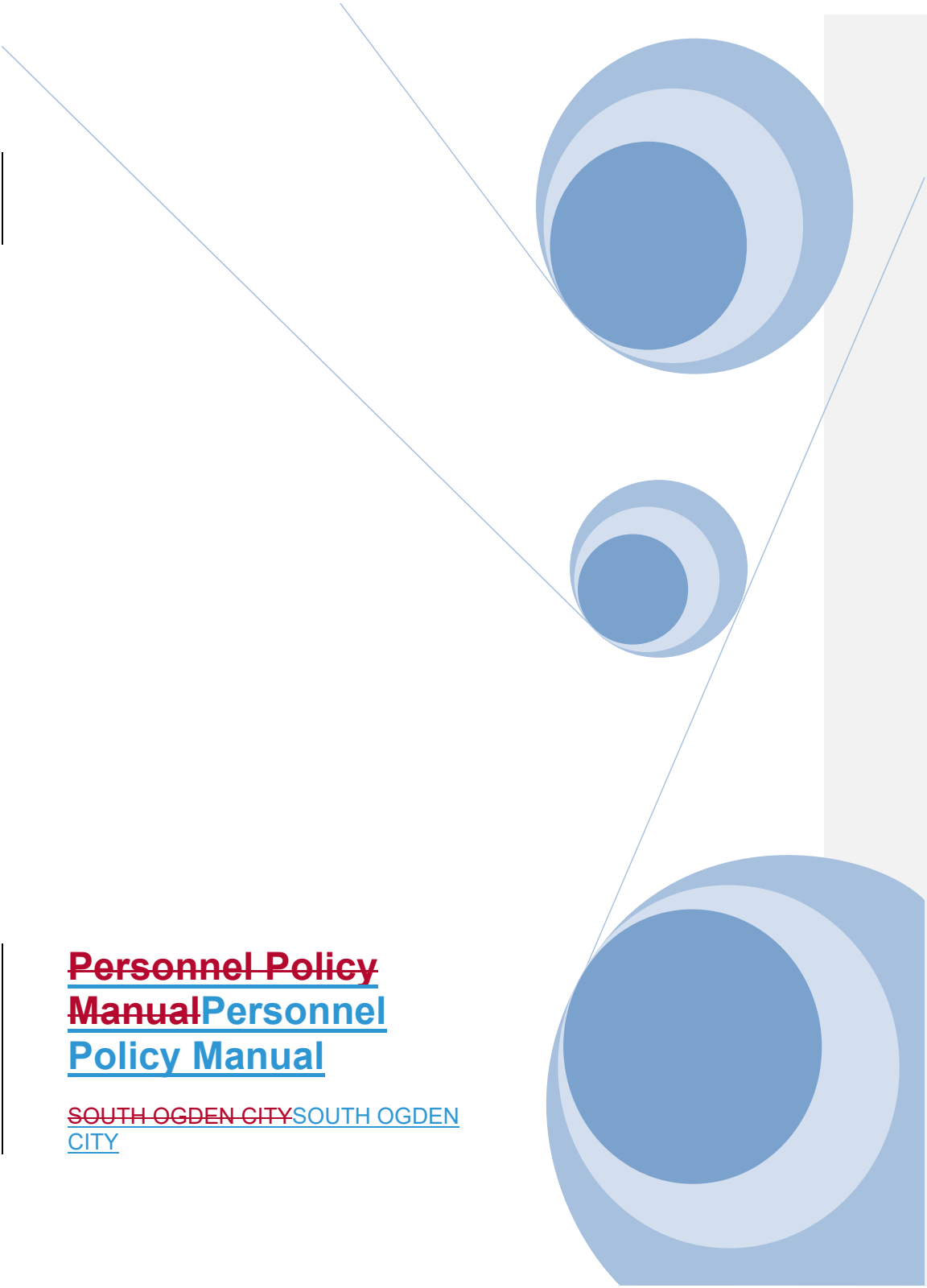
Changed all instances of department director and department head to Department Director

SIGNIFICANT IMPACTS

None

ATTACHMENTS

Updated Red Line Policy



Personnel Policy
Manual**Personnel**
Policy Manual

SOUTH OGDEN CITY**SOUTH OGDEN**
CITY



~~Policies and Procedures~~Personnel ~~2019~~20202022
Policy Manual

~~1/1/2020~~2/15/2022



~~Policies and Procedures~~ Personnel ~~2019~~ 2020 ~~2022~~
Policy Manual

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2015 Amendment 002	June February 15, 20220

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INTRODUCTION

It is the policy of South Ogden City to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of South Ogden City and its employees.

These policies are designed to acquaint all employees with the City and to provide information about working conditions and some policies affecting employment with the City. Employees should read, understand, and comply with all provisions of these policies. It is a condition of employment that all employees adhere to the City's policies, and sign the Policy Acknowledgement Form (**AT THE END OF THIS MANUAL**). It is important to be familiar with these policies. One of the City's objectives is to provide a work environment conducive to both personal and professional growth. The City encourages discussion of any portion of these policies with a supervisor. Supervisors can arrange a convenient time to review the material with you as necessary.

THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPRESS OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY SOUTH OGDEN CITY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE MAYOR OF SOUTH OGDEN CITY.

It is also the policy of South Ogden City to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. South Ogden City will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veteran's status, and will ensure that applicants and employees are treated without unlawful regard to these ~~characteristics~~ classes.

It is the policy of South Ogden City to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to South Ogden City by enlisting the help of all employees to ensure public and work areas are free of hazardous conditions.

South Ogden City reserves the right to change its policies and/or procedures in the future. Therefore, any suggestions or comments concerning the content of this manual, please submit in writing, to South Ogden City's City Manager for review.

Final interpretation authority of all policies and procedures contained rests with the City Manager.



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Questions related to the interpretation of any policy and/or procedure shall be directed to the City Manager.

MISSION STATEMENT

South Ogden City ~~Corporation~~ is a responsible organization dedicated to preserving and enhancing quality of life ~~by providing premium public services, promoting fiscal responsibility and responding in a timely and professional manner to the needs of every resident, visitor or employee of South Ogden City.~~ and professionally meeting the expectations of residents, businesses, employees and visitors



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SECTION 1: EQUAL EMPLOYMENT OPPORTUNITY

01.005 General Policy

It is the policy of South Ogden City to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc., without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran status.

01.010 Supervisor Responsibilities

The City Manager will ensure South Ogden City complies with all of the personnel policies and procedures in this manual, including all EEO standards. The ~~Administrative Services Director~~ Assistant City Manager will ensure that each employee receives a copy of this Personnel Policies and Procedures Manual and that the employee signs and dates a Policy Statement and Acknowledgment Form stating receipt of the manual. The ~~Administrative Services Director~~ Assistant City Manager will then file the signed and dated Policy Statement and Acknowledgment Form in the employee's personnel file.

01.015 Employee Responsibilities

Employees are responsible for informing themselves about the policies, practices, and benefits set forth in South Ogden City's Personnel Policy ~~and Procedures~~ Manual by reading them and asking ~~that they be explained to them~~ for clarification. All employees must sign and date a Policy Statement and Acknowledgment Form stating receipt of this manual.

01.020 Equal Employment Opportunity

To provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practice on the basis of race, color, religion, gender, national origin, age, disability, or any other ~~characteristic~~ class protected by law.

The City will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would cause an undue hardship on the City. This policy governs all aspects of employment including recruitment, selection, job assignment, compensation, discipline, termination, and access to benefits and training.

The City adheres to federal and state law regarding veterans' preference criteria when making decisions regarding initial, new hiring. It is City policy that veteran's² preference does not apply to promotional opportunities. Applicants for initial employment with the City shall be required to provide reasonable documentation and records as proof of any claimed veteran's preference. Such



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documentation may include, but may not be limited to, a Form DD-214, or equivalent discharge or other official record from the ~~armed~~ Armed services Services of the United States.

The City develops job descriptions, duty rosters and other guidelines for each employee's job. These will be used in determining whether an employee meets the qualifications and standards of performance on which decisions of initial employment or continued employment are based. Jobs site evaluations and other evaluative and analytical processes and procedures may be used besides other written documents pertaining to job duties to assist employees, supervisors and appropriate professionals in better determining job duties and work demands, and employee performance.

Employees with questions about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or City Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including, termination of employment.



SECTION 2: RECRUITMENT AND EMPLOYEE HIRING

02.005 General Policy

It is the policy of the City to fill vacancies with qualified individuals, who are able to perform job functions properly, appropriately and adequately. This policy extends to all aspects and phases of the employment life cycle from job announcement, recruitment, hiring, performance evaluation, discipline and separation. ~~While the City will give first consideration to current employees, the City reserves the right to accept applications from non-City employees.~~

02.010 Employment

Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.

02.015 Hiring

The City will use the following when taking action to fill a job vacancy in a merit or classified position.

- A. Former employees with [reinstatement rights Section 02.085](#) will be considered pursuant to the Reinstatement Rights policy.
- B. Vacant positions will be posted for a minimum of five (5) calendar days ~~in the City Administrative offices and may be advertised in~~ appropriate newspapers, professional journals and publications, state authorized websites, or other appropriate media simultaneously. ~~Announcements will also be distributed to the city departments for posting at appropriate work sites, and may be distributed to interested candidates.~~ Applications will ~~then be accepted from current employees, and non-employees, when applicable, in the Administrative Office until 5:00 p.m. on~~ the closing date in the vacancy announcement.
- C. Testing procedures applicable to job position qualifications, which assess a candidate's knowledge, skill and ability to successfully complete an essential job function, may be conducted by the city, or under the City's direction and guidance.
- ~~D. An eligibility list will be compiled and the top two to five (2-5) eligible candidates will be certified by the department director for possible selection. The department director may select any person on the certified eligible list for an appointment. If the department director has fewer than five persons from which to make a selection and no additional names can be certified, he/she may choose from the certified names available, elect to postpone filling the vacancy, or fill the position by a temporary appointment.~~



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~~E.D.~~ ~~Division manager~~ Supervisors of the City may make recommendation to a department director concerning the hiring or transfer of a job candidate. Subject to the terms and conditions of this hiring procedure and guideline, the department director will have final authority in the hiring process, subject to approval by the Assistant City Manager or designee. ~~Only those applicants properly certified by the department director will be considered for appointment.~~

~~F.E.~~ Anyone who believes these procedures were not followed, or who wishes to make an inquiry or raise a concern or issue about the proper and appropriate application of these procedures, may contact the Office of the Assistant City Manager and file a written inquiry or protest. Any inquiry or protest by an applicant shall be filed within five (5) working days from the date a hiring decision has been made, or it will not be considered.

~~G.F.~~ After a period of not more than fourteen (14) calendar days from receipt of a written inquiry or protest, the Assistant City Manager shall make a written reply to the petitioner, and a copy of that reply will be filed with the ~~department~~ Department ~~director~~ Director.

~~H.G.~~ The City reserves the right to investigate any hiring procedure or process, evaluate and analyze data and information received, and otherwise modify, amend or set aside any hiring decision which violates any policy or the best interests of the City. Such investigations shall be performed as directed by the City Manager.

~~I.H.~~ Prior to placement in any position and commencement of work activity for any newly hired employee, a drug and alcohol test shall be performed and completed to determine and verify fitness for duty.

~~J.I.~~ Post offer may include conducting a background check and/or driver's license check.

02.020 Recruitment

All recruitment shall be conducted under South Ogden City's equal opportunity guidelines.

A. Internal Promotions. It is South Ogden City's policy to give first consideration to current, qualified agency employees desiring to fill an open job position.

B. External Advertising.

(1) Only the Assistant City Manager, or designee, may place advertisements and respond to inquiries from employment agencies and/or job applicants.

Commented [MD1]: Who are "Division Managers" and what departments have them?

Commented [DG2R1]: I took this to mean mid level managers such as Fire Captains, or Sergeants or a similar position in Public works

Commented [CW3R1]: Can we just change this to supervisors?

Commented [MD4]: This should remain CM, since he/she has all hiring/firing authority (recorder and treasurer being the exceptions).



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- (2) Each Job Opening Announcement should contain a statement indicating South Ogden City is an equal opportunity employer.
- (3) Job Opening Announcements may be advertised in the appropriate media as determined by the Assistant City Manager.
- (4) All Job Opening Announcements must specify the name and the office of the person from whom Job Applications are to be obtained, ~~from whom job applications are to be obtained~~, to whom completed applications are to be returned, and the deadline for filing an application.
- (5) Advertisements may state that job applicants residing in South Ogden City or the surrounding area will be given hiring preference.

02.025 Employment Applications

All interested job applicants shall complete a Job Application. All application and resumes received for the job opening will be forwarded to the ~~Director of Administrative Services~~ Assistant City Manager. ~~Upon receipt, each application and resume will be marked with the date it was received and placed in an open applicant file for at least one (1) year.~~

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

The City relies upon the accuracy of information in the employment application, and the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in this information violate South Ogden City's policies. Violating City policy may cause the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

- A. Job Applicant Disqualification. An application may be rejected for, but not limited to, the following reasons. When the Job Applicant:

- (1) Does not meet minimum qualifications established for the position.
- (2) Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a



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conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).

- (3) Has falsified a material fact or failed to complete the application.
- (4) Has failed to timely file the application.
- (5) Has an unsatisfactory employment history or poor work references.
- (6) Has failed to attain a passing score, if an examination is required.

B. General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the GATB. If administration of the GATB is deemed necessary, it may be administered by the Department of Workforce Services.

C. Other Tests. Job Applicants may be required to take other tests which South Ogden City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When South Ogden City uses these tests, the City shall, when necessary, make reasonable accommodations for disabled applicants.

02.030 Selection & Interviewing

The ~~Administrative Services Director~~ Assistant City Manager, with the Department ~~Head~~ Director will select applicants to interview from those who have passed the preliminary screening tests and job applications. Job related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.

Individuals conducting job interviews shall only ask questions that pertain to the job position. The Pre-Employment questions should be reviewed by ~~Human Resources~~ the Assistant City Manager before the interview begins.

02.035 Employment Reference Checks

The applicant's signature on the employment application is considered a signed release to facilitate references checks. South Ogden City may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked.

To ensure that individuals who become employees of the City are well qualified and have a strong

Commented [MD5]: should this be Assistant CM as well?

Commented [DG6R5]: It could, My thought was that if HR ever grew we wouldn't have to change the policy. Either way is fine by me.



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potential to be productive and successful, the City reserves the right at its sole discretion to check the employment references of applicants and otherwise verify the accuracy and validity of information contained on applications or in other documents within the application and selection process.

The ~~Administrative Services Director~~ Assistant City Manager and/or ~~department directors~~ will respond to all reference inquiries regarding present or former City employees. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No other employment information should be released without authorization and release signed by the individual who is the subject of the inquiry provided. However, good faith release of employment information regarding job performance, professional conduct or evaluation of a former or present employee to a prospective employer as authorized by Utah Code Section 34-42-1 is allowed.

02.040 Hiring of Relatives

The employment of relatives in the same organization or in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. To address these potential problems, the following policies are adopted.

Regarding the employment of relatives, state law prohibits the hiring of relatives under certain circumstances (Title 52, Chapter 3, Utah Code Annotated). The City has adopted as policy, and subscribes to the intent of, existing state law which prohibits employment of relatives within certain guidelines and subject to certain qualifications.

“Relative” for this policy means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. See Utah Code 52-3-1. ~~for this policy means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, niece, nephew, first cousin, mother-in-law, father-in-law, grandparent, grandchild, half brother, half sister, brother-in-law, or sister-in-law.~~

Applicants for employment shall be required to disclose any familial relationships with other employees of the City, and it will be grounds for immediate discharge if applicants willfully withhold or give false information. Any officer or supervisor who knowingly violates this Section shall be subject to immediate termination.

Commented [MD7]: Is this understood by departments? only ASM will do conduct these checks.

Commented [DP8R7]: I read it as general inquiry is handled by ASM, and with a signed release more info is provided by ASM or others.

Commented [DG9R7]: I think it should be standardized to HR. If a more indepth inquiry is required, I can assign it.



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Employees with questions about state law or wanting copies of the City policy may contact their ~~department~~ Department ~~director~~ Director or the ~~Administrative Services Director~~ Assistant City Manager.

02.045 Personal Conflicts

As with other management rights to set work standards and rules, where a conflict or the potential for conflict in the work force arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. A conflict may exist when a ~~department~~ Department ~~director~~ Director determines that a relationship between two employees interferes with the ability to direct work assignments within the department, or interferes with performing work or assignments of employees.

- A. Nepotism. It is the policy of South Ogden City to comply with Utah's Anti-Nepotism Act, Utah Code 52-3-1.
- B. Employment of Minors. It is the policy of South Ogden City that no one under the age of fourteen (14) shall be hired for any position.
- C. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all other ~~non-employee~~ applications. The Assistant City Manager, ~~or designee~~, will review the former employee's personnel records and the circumstances surrounding termination of previous employment with South Ogden City.
 - (1) Former employees terminated for cause, or who voluntarily resign while facing disciplinary action, are not eligible for rehire.
 - (2) Applicants who are rehired shall be required to serve an introductory period.

02.050 Placement

After a job applicant is approved by South Ogden City, the ~~Director of Administrative Services~~ Assistant City Manager shall notify the successful job applicant of their conditional selection through a written Conditional Job Offer Letter. The written ~~e~~Conditional Job Offer Letter shall state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests and background checks). The written ~~e~~Conditional Job Offer Letter shall state that the offer is not accepted until the candidate signs the written ~~e~~Conditional Job Offer Letter and returns it to South Ogden City by the requested date. The original Conditional Job Offer Letter is then filed in the employee's file and a copy is given to the



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new employee during orientation. Written ~~e~~Conditional Job Offer Letters should also include the following:

- (1) A clear statement of the job description.
- (2) The employee's starting salary. Starting salary offers for exempt positions shall be figured for ~~a specified period, such as a two (2) week period~~ annual salary. Starting salary offers for non-exempt positions shall be figured at an hourly wage.
- (3) The employee's job title.
- (4) The employee's supervisor.
- (5) Any relocation commitments, if applicable.
- ~~(6) South Ogden City's at-will employment policy.~~
- ~~(7) The employee's starting date.~~
- ~~(8)~~ (6) The length of the employee's introductory period.
- ~~(9)~~ (7) Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.

~~A. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified. The Administrative Services Director/Assistant City Manager may send a Job Rejection Letter to each job applicant not selected for a job opening.~~

~~B.~~ A. Medical Examinations. Once South Ogden City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by South Ogden City to determine a job applicant's ability to fulfill essential job related requirements. Only the ~~Director of Administrative Services~~ Assistant City Manager may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by South Ogden City. The prospective employee must sign a written release of this information to South Ogden City.

~~C.~~ B. Reinstatements. Employees reinstated into South Ogden City may maintain their

Commented [MD10]: Is there even value in having this in policy? If it's something that "may" be done, that also means is "may not" be done. I think this could be deleted.

Commented [DG11R10]: Generally we would not do it, but there could be a time where it is required because of an ADA accommodation.



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original anniversary date for seniority and for those benefit programs governed by the anniversary date. The policy will be as follows:

- (1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority if they are re-employed by South Ogden City within one (1) year after date of termination.
- (2) Voluntary resignations. Employees who voluntarily terminate their employment with South Ogden City will maintain their original anniversary date, subject to City Manager approval, if they are re-employed by South Ogden City within six months after date of termination. All reinstatements must be approved by the City Manager.

~~D.C.~~ Hiring New Employees.

- (1) Required for All Employees: The ~~Director of Administrative Services~~ Assistant City Manager is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on South Ogden City's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours during the employee's first day of work.
- (2) Additional Requirement for Employment of Minors (employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certification for each minor employed to show that the minor is the minimum age for the job.):
 - a. Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.
 - b. Unless otherwise exempt, a minor employee must be paid according to the current statutory minimum wage and overtime provisions (currently one and one half {1/2} times the employee's regular wage after forty {40} hours worked in a work week) of the Fair Labor Standards Act of 1938, as amended.
 - c. Employees fourteen (14) and fifteen (15) years old may not be employed:
 1. During school hours, except as provided for in work experience and career exploration programs.

~~2.~~ Before 7 a.m. or after 7 p.m., except 9 p.m. from June 1 through Labor Day.



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~~(time depends on local standards).~~

~~3.2~~ Over three (3) hours a day on school days.

~~4.3~~ Over eighteen (18) hours a week, in school weeks.

~~5.4~~ Over eight (8) hours a day, on non-school days.

~~6.5~~ Over forty (40) hours a week, in non-school weeks.

~~7.6~~ In any occupations found and declared to be hazardous.

~~8.7~~ In the operation or tending of hoisting apparatus.

~~9.8~~ In the operation or tending of any power-driven machinery.

~~10.9.~~ Outside window washing that involves working from window sills, and all work requiring using ladders, scaffolds or their substitutes.

~~E.D.~~ Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of labor shall find and by order declare to be hazardous or detrimental to their health and well-being as set forth in WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupation.

~~F.E.~~ Orientation. Newly hired South Ogden City employees shall complete all required paperwork and receive an orientation on or before their first (1st) day of work.

(1) Under the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment and provide the documentation.

(2) All new employees shall complete and sign a Form W-4 Federal Withholding Statement.

(3) All new employees should be given a tour of the work place with an overview of company rules and benefits.



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02.055 Introductory Period

All new employees, except “non-merit” employees ~~who are at will employees~~, shall be subject to a six (6) month introductory period. During this period, introductory employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal with said termination. Part time firefighters shall be subject to twelve (12) month introductory period. ~~due to the lack of availability of shifts.~~ See Fire Policies for more information.

Introductory periods begin on the first day of employment and continue for six (6) months. Management will provide guidance to introductory employees so they understand work requirements.

An employee ~~on probation~~ shall have a performance evaluation ~~at~~ prior to the end of the introductory period. This performance evaluation may provide information to both the employee and management regarding the employee’s performance. A performance evaluation and the results of such evaluation shall not obligate management to a course of action relative to the introductory employee nor shall it create any property/due process rights for the introductory employee relative to their job/position.

Commented [MD12]: Seems like these would be conducted in time to allow the employee to be terminated with or without cause prior to the end of the intro period.

Employees promoted or transferred within the City must complete a secondary introductory period of the same length with each reassignment to a new position. Any continuous absence over 10 working days will automatically extend an introductory period by the length of the absence.

In cases of promotions or transfers within the City an employee who, in the sole judgment of the ~~department~~ Department ~~director~~ Director, is unsuccessful in the new position can be removed from that position during the secondary introductory period. If this occurs, the employee may return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City’s needs. If a similar position is not immediately available, the employee will be placed on a reinstatement list.

Upon satisfactory completion of the initial introductory period, employees enter the designated employment category.

Benefits eligibility and employment status are not affected during the secondary introductory period that results from a promotion or a transfer within the City.

02.060 Volunteers

Commented [DP13]: Do we provide the items listed under C.?

Commented [DG14R13]: Yes

A. The Assistant City Manager shall develop guidelines for volunteers.



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- B. Prior to accepting any volunteer services, the Supervisor of the department and the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.
- C. A volunteer shall be provided the protections as an employee of South Ogden City for:
- (1) Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
 - (2) Operating South Ogden City owned vehicles or equipment when the volunteer is properly licensed to do so.
 - (3) Liability insurance coverage offered employees.
- D. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with South Ogden City.

02.065 Personal Information Changes

It is the responsibility of each employee to promptly notify the City of any changes in personal data. Each employee maintains current and accurate information on file with his/her respective ~~department~~ Department ~~director~~ Director. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted if emergency occurs, educational accomplishments, and other such status reports should be accurate and current. -

If and when any personal data has changed, the employee must notify the ~~Director of Administrative Services~~ Assistant City Manager, and his/her own ~~department~~ Department ~~director~~ Director. ~~Notification should be made when possible.~~

02.070 Immigration Law Compliance

The City will employ only United States citizens and aliens who may to work in the United States, but does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Failure to present proper or adequate documentation required within three (3) working days from hire will cause in termination of employment. Former employees who are rehired must also complete I-9 form. Employee



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information will be entered into the E-VERIFY website within 3 days of hire by the ~~Administrative Services Director~~ Assistant City Manager.

02.075 Employment Categories

The employees of the City are classified into various employee categories that relate to employment status, hiring procedures, grievance procedures, compensation, benefit eligibility and applicability of certain federal and state laws. These classifications do not guarantee employment for any specified period of time. Subject to current City personnel policies, the right to terminate the employment relationship at will is retained by both the employee and the City. Such categories or classifications are subject to change depending upon the requirements of State or federal law or the requirements of City ordinance.

Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. An employee's exempt or nonexempt classification may be changed only upon written notification by the ~~Assistant~~ City Manager, or designee.

The City also places employees in one of three (3) other job categories, which reflect certain job conditions and/or protections the employee has, or does not have. These three categories are:

Classified Service

This category includes those employees of the police and fire departments, except ~~d~~Department ~~d~~Directors, and their ~~e~~Chief ~~d~~Deputies or ~~a~~Assistant ~~e~~Chiefs, as required by State law. The classified service can comprise full-time, qualified part-time, part-time ~~casual~~/seasonal, introductory or temporary employees.

Merit Service

The merit service includes the employees of the City who are not members of the classified service and are not members of the non-merit service. The merit service comprises either full-time or qualified part-time employees.

Non-merit Service

Members of the non-merit service comprise:

- A. The Mayor and members of the City Council
- B. The City Manager, ~~department~~ Department ~~directors~~ Directors (including the Fire and Police Chiefs), ~~the~~ Finance Director, ~~the Administrative Services Directory~~ Assistant City

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Commented [MD15]: This section is for non-merit Service positions and then C, D, E and F list those that are not non-merit Service.



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Manager, Public Works Director, City Attorney, City Recorder, City Treasurer, ~~the Police Lieutenant, the Deputy Fire Chief and Assistant or Deputy Chiefs within the Police, Fire and the Assistant~~ Public Works Director, ~~department~~.

C. ~~Casual~~ Temporary or seasonal employees ~~not part of the classified service.~~

—Part-time employees ~~not part of the classified services.~~

~~C. E.~~ Introductory employees ~~not part of the classified service.~~

D. ~~Temporary employees not part of the classified service.~~

Besides the categories of classified, merit and non-merit service, employees are also placed in categories.

Elected Officials

The Mayor and members of the City Council are elected officials. Elected officials are not considered employees, are paid on a part-time basis, City Council Members and are not eligible for retirement benefits, unless otherwise required by the Utah Retirement System.

Non-merit special employees

Non-merit special employees are the City Manager, ~~dDepartment dDirectors, Finance Director, City Treasurer, City Recorder, City Engineer, City Attorney, and assistant or deputy chiefs within the police and fire departments and who have been approved under the City budget, as adopted by the South Ogden City Council.~~

Full-time employees

Full-time employees are those employees regularly scheduled to work the City's full-time schedule and who are not categorized as qualified part-time, part-time, ~~casual~~/seasonal, introductory or temporary employees. Full-time positions are identified and approved under the City budget, as adopted by the South Ogden City Council.

Qualified, part-time employees

Qualified part-time employees are those who are regularly scheduled to work an average of at least ~~32-30~~ hours, but less than 40 hours, per week, and who are not categorized as ~~casual~~/seasonal, introductory, or temporary. An employee will be presumed to be "regularly scheduled" as a qualified part-time employee if the employee has worked less than 40 hours but ~~over at least 32~~ 30 hours per week during the time period from November 1 of the previous year to October 31 of the following current year ~~at least ten (10) weeks within any quarter.~~

South Ogden City | Amendment 002 December 15, 2015
Amendment 002 June February 15, 2022

Commented [MD16]: Do we have these positions? How are they defined? Seems like seasonal should cover us.

Commented [DP17]: What is a casual employee? It's in the policy several places.

Commented [DG18R17]: I see is as another word for Seasonal. We could delete it

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Part-time employees

Part-time employees are those who are regularly scheduled to work less than an average of 29-30 hours per week. ~~*Per 2012 healthcare regulations, part time employees cannot work over 29 hours per week, to be non-benefitted.~~

Part-time Fire Fighter

Part-time firefighters are those employees of the fire department who have established a limited/part-time employment relationship with the City. This relationship is established by the fire fighters attending a specified number of weekly training sessions and responding to a specified percentage of general callback alarms. Part-time fire fighters may, if they choose, work a limited number of 12-hour part-time shifts to meet required staffing levels, as defined by the Chief. Based on the 96 (5 OT) hour, 12-day work period established for full-time fire suppression personnel, a part-time firefighter may work a maximum of 116 hours in a 28-day work period, and not over 29-30 hours per week. At least monthly, the Chief or designee will ~~advise-notify~~ the part-time fire fighters of the availability of part-time shifts. Part-time fire fighters may fill these hours voluntarily. Part-time fire fighters must fill at least one 24 hour shift a month to maintain the status of part-time fire fighters.

~~Casual or s~~ **Seasonal employees**

~~Casual or s~~ Seasonal employees are those who have established an employment relationship with the City, but who are assigned to work on an intermittent and/or unpredictable basis. Employees in this category may work for indefinite periods of time; however, such employment will not exceed ~~ten-six (106)~~ months in any calendar year.

Introductory employees

Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position with the City is appropriate. Employees who satisfactorily complete the introductory period will enter another applicable employment category.

Temporary employees

Temporary employees are those who are hired temporarily to supplement the work force or to assist completing a specific project, and whose employment is of limited duration. Temporary employment assignments will not exceed six (6) months. An additional six (6) month extension may be granted with the specific approval of the ~~Assistant~~ City Manager, or designee. (Any decision to approve such extension will consider the requirement for overtime pay and state retirement benefits which may accrue by such extension.) Unless an extension is granted, no person may be appointed as a temporary employee if it would cause over six (6) months of service in that position within any calendar year.



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Employment as a temporary employee beyond the above periods, or beyond any initially stated period, does not imply a change in employment status. Temporary employees retain that status unless notified of a change. Temporary employees may be scheduled to work differing hours each week. Schedules for temporary employees may vary and can even be up to 40 hours or more hours each week.

02.080 Employment Status

To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, regarding to eligibility for overtime payment. They shall be defined as:

- A. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
- B. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

02.085 Reinstatement Rights

Subject to position availability, and the terms and conditions of this policy, the City allows certain former, eligible employees to return to their same class, position or rank within two (2) years from the date of last separation and with credit for former service with the City. Reinstatement rights must be approved by the City Manager.

Eligible former employees are those who were, at the time of separation, full-time merit and full-time classified employees.

Employees reinstated to their former jobs and departments will receive full credit for prior employment with the City to determine compensation within a range, grade and class, and to determine their rate of accrual or vacation and sick leave benefits. Employees reinstated to their former jobs will have their appointment service date amended to be the same date as that of their former job to assure credit for prior employment. Employees involuntarily separated due to the City's layoff policy and subsequently who apply and are rehired by the City within two (2) years of the layoff, will qualify for reinstatement rights upon rehire, provided they shall have no preference in the hiring decision. Employees who are rehired by the City in a department, a field of work, or a position, that differs from their former employment with the City will not be entitled to any consideration or benefits under this Reinstatement policy.



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02.090 Reassignment

Except when due to a demotion or a disciplinary action, an employee reassigned shall be paid at ~~least~~ least the same salary received prior to the assignment.

02.095 Reclassification

- A. If a position is reclassified due to market adjustments, the City Manager, or designee shall adjust the incumbent's salary to at least the minimum of the updated market value and may give a salary increase, based upon increased responsibility. If an incumbent's salary exceeds the maximum of the market, the incumbent will not be eligible to receive a salary increase until the market salary increases.
- B. A reclassification increase is subject to the availability of funds.

02.100 Transfers

Transferred employees, who have moved from one department to another, retain the benefits commensurate with both their seniority and their work status in the new position. These employees will begin a new introductory period for the new position as it relates to work performance only. If a transferred employee is unsuccessful in the position, he/she may be placed back in the previous position held immediately prior to the transfer or to another position, subject to availability, and the employee's qualifications. Pay for a transferred employee will be determined by the market range established for the position, and based upon the employee's longevity and other considerations at time of transfer.

Transfers will occur with the recommendation(s) of the department director(s) involved and the approval of the City Manager.

It is the policy of the City to prohibit from consideration any application for a transfer by an employee who is the subject of any current disciplinary action. Department ~~directors~~ Directors will consider the severity of any prior disciplinary actions and of any ongoing disciplinary review in determining whether to consider transferring any City employee.

If a transfer decision and placement is set aside due to City error, the involved employee may return to his/her former job with no prejudice to the employee, or his/ her compensation or benefits, so long as the former position, or one similar to it, is available. In cases of error by the City, the City will make all reasonable effort and accommodation to place the employee back in their previous job or similar position so long as an undue hardship to the City is not created. An undue hardship exists when, in the judgment of management, significant difficulty or expense would be incurred by the City, which would interfere with the operations and/or ability to provide for the



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safety/services/protection owed to the public.

If an employee in the full-time merit or classified service cannot be returned to his/her former or similar position, he/she will be placed on the reinstatement list and shall be subject to all reinstatement rights and privileges as discussed elsewhere in these policies. See Reinstatement Rights above.

An employee wishing to file a complaint or request a review of a decision involving transferring an employee must file such a complaint or request directly to his/her ~~department~~ Department ~~director~~ Director and provide a copy to the ~~Director of Administrative Services~~ Assistant City Manager within fourteen (14) days of the effective date of the transfer. Failure to file within fourteen (14) days will cause forfeiture of any and all rights of grievance, appeal or review under this or any other policy provision of the City.

See Police Policies for the inter-jurisdictional lateral transfer for the police department.

02.105 ~~Measurement Method Policy to Determine Full-time Employee Status under Employer Shared Responsibility~~

South Ogden City is a large employer under Employer Shared Responsibility provisions of the Affordable Care Act (ACA). South Ogden City offers health benefits to full-time employees that is affordable and meets minimum value. A full-time employee is defined as one who works an average of at least 30 hours per week or 130 hours per month.

The ACA requires large employers to select a measurement method to determine:

- The full-time status of employees
- If the employer must offer coverage to an employee
- For which months the employer must offer coverage
- For which employees an employer may be subject to potential penalties for not offering coverage.

This policy specifies the Measurement Methods South Ogden City has selected the categories of employees to which the selections apply, the length of the Look-back Measurement Method periods, and the treatment of employees upon return from paid or unpaid leave.

South Ogden City | Amendment 002 ~~December 15, 2015~~ Amendment 002 ~~June~~ February 15, 2022

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Section 1: Categories of Employees to Whom the Monthly Measurement Method or Look-Back Measurement Method Applies

The measurement method selected for a category of employees applies to all employees *in that category*, whether they work full-time, part-time, have variable hours or are seasonal employees.

1. A. The General Rule

~~Starting January 1, 2015, South Ogden City will use the Look Back Measurement Method for ALL~~ categories of employees.

1. B. The Exception to the General Rule: ~~Newly Hired~~ Newly Hired Employees Reasonably Expected to Work Full-time

~~For new-hires who are reasonably expected at date of hire to be full-time employees, South Ogden City will temporarily track hours using the Monthly Measurement Method (even though the Look-Back Measurement Method would otherwise apply), and will offer them health coverage no later than the first day of the month following their start date.~~

South Ogden City will continue to track hours of the new employee (who is reasonably expected to work full time) on a monthly basis until the new employee becomes an “ongoing” employee. On the first day of the first STANDARD Measurement period after hire, the employee’s hours will also be tracked using the Standard Look Back Measurement method. Specifically,

- On first day of work, employee’s hours will be tracked using the Monthly Measurement Method.
- On first day of the first Standard Measurement Period after date of hire, an employee’s hours will also be tracked using the (Standard) Look Back Measurement Method
- The employee’s hours will continue to be tracked using both the Monthly Measurement Method and the Look Back Measurement Method until the last day of the first Standard Measurement Period after hire.
- On the last day of the first Standard Measurement Period after hire, the new employee becomes an “ongoing” employee.
- When the new employee becomes an “ongoing” employee, the employee’s hours will be tracked using only the Look Back Measurement Method. The Monthly Measurement Method will no longer be used for this employee.

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1. C. Seasonal Employees

A seasonal employee for purposes of this policy is defined as one in a position for which the customary annual employment is six months or less. "Customary" means an employee who typically works each calendar year in approximately the same part of the year, such as summer or winter.

If South Ogden City hires an employee who falls within the definition of a Seasonal employee, the employee, whether or not expected to work full time at the time of hire, will be treated differently from other newly hired employees reasonably expected to work full time. When newly hired, the seasonal employee will have his or her hours tracked using the Measurement Method South Ogden City elected under section 1 A.

1. D. Employer Discretion to Change Measurement Method and Period Elections for Future Years

For future years, South Ogden City may change the categories of employees for whom it will apply the Monthly Measurement Method or the Look Back Measurement Method, or may elect to use a Look Back Measurement Period, Administrative Period or Stability Period of a different length or with a different start date than indicated above. However, that election to change methods will be effective only as of the first day of a Standard Measurement Period, and not in the middle of a measurement cycle.

SECTION 2: Monthly Measurement Method

2. A. The measurement period for the Monthly Measurement method will be the calendar month. This method applies (temporarily) to new-hires who at the time of hire are reasonably expected to be full time. South Ogden City will track hours each calendar month under the Monthly Measurement Method by counting "hours of service" (hours actually worked and hours for which the employees is paid even though not actively at work) from first of the month through the last day of the month.

An employee who at the time of hire is reasonably expected to be full time will be eligible for coverage effective no later than the first day of the month following start date (pursuant to Section 1B). If thereafter, an employee continues to work at least 130 hours of service within each month, the employee will remain eligible for coverage through the Monthly Measurement Method.

An employee who is enrolled in the employer's group health plan, but who works fewer than 130 hours per month for four consecutive calendar months may cease to be eligible as of the first day of the next calendar month.

Section 3: Look-Back Measurement Method



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3. A. General Definitions Applicable to Look-Back Measurement Method:

- **Measurement Period** - A period of 12 months wherein employee hours are tracked in order to identify the average hours worked.
- **Administrative Period** - A period of time, usually between the Measurement Period and Stability period, to calculate employee hours tracked during the Measurement Period, identify full-time employees, communicate with eligible employees, and process enrollments/terminations. The STANDARD administrative period will be 2 months and the INITIAL administrative period will be 1 and a partial month).
- **Stability Period** - A period of 12 months during which employees who were identified as averaging at least 130 hours per month during the Measurement Period are eligible for coverage.
- **Standard Measurement/Administrative/Stability Periods** - used for ongoing employees
- **Initial Measurement/Administrative/Stability Periods** - used for newly hired employees unless the employee at the time of hire is reasonably expected to work full time, as explained in section 1 B.

3. B. i Ongoing Employees

South Ogden City has made the following elections regarding the Measurement, Administrative and Stability Periods in the STANDARD Look-Back Measurement Method for ONGOING employees:

- South Ogden City has opted to use a 12 month **Standard Measurement** Period starting on November 1, 2013 and ending on October 31, 2014. This will repeat each year.
- South Ogden City has opted to use a 2 month **Standard Administrative** Period starting on November 1, 2014 and ending on December 31, 2014. This will repeat each year.
- South Ogden City has opted to use a 12 month **Standard Stability** Period starting on January 1, 2015) and ending on December 31, 2015. This will repeat each year.

The Standard Measurement/Administrative/Stability periods will continuously repeat. For example, when the Standard Measurement Period starting November 1, 2014 ends on October 31, 2015, a new Standard Measurement Period will start November 1, 2015.

3. C. New Hires

1) New Hires Who Are Reasonably Expected to Work Full-time:

As described in Section 1.B., until a newly hired full-time employee who is reasonably expected at date of hire to work full-time becomes an ongoing employee, the Look Back Measurement Method will not be used. South Ogden City will temporarily track these employee hours using the Monthly Measurement Method even though the Look-Back Measurement Method would otherwise apply, and will offer coverage on the first day of the month following the start date. South Ogden City will continue to track hours on a



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Monthly basis using the Monthly Measurement Method until the new employee becomes an “ongoing” employee as described in section 1B

2) All Other New Hires, NOT Reasonably Expected to Work Full-time:

South Ogden City has made the following elections regarding the Measurement, Administrative and Stability Periods for the INITIAL Look-Back Measurement Method for NEWLY HIRED employees who at the time of hire are not reasonably expected to work full-time including those who meet the seasonal employee definition under section 1C.

- **Initial Measurement Period:** South Ogden City has opted to use a 12 month) **Initial Measurement** Period which will begin the first day the newly hired employee starts working.
- **Initial Administrative Period (split):** South Ogden City has opted to use a 1 month (plus a partial month) **Initial Administrative** Period which will be split into two parts. Part 1 is a partial month beginning on date of hire and ending on the last day of the month, the day before the Initial Measurement Period begins (e.g. if employee starts working March 10, Part 1 of the Initial Administrative Period would be March 10 to March 31). Part 2 is the full month immediately after the last day of Initial *Measurement* Period but before the Initial *Stability* Period begins.
- **Initial Stability Period:** South Ogden City has opted to use a 12 month Initial Stability Period which will start immediately after the associated Initial Administrative Period ends. Health coverage will be offered to employees whose hours averaged 130 hours or more per month during the associated Initial Measurement Period. Coverage will be effective on the first day of the Initial Stability Period.

The combined passage of time between a newly hired employee’s start date and the date the newly hired employee is offered health coverage (if eligible) will not exceed more than 13 months, plus an additional partial month. In other words, the Initial Measurement Period and the Initial Administrative Period combined will not exceed 13 months, plus an additional partial month.

In addition to tracking hours through the Initial Measurement Period, new hires will also have their hours tracked through the first Standard Measurement Period that starts after the date of hire, i.e. for a limited period of months, both the Initial Look Back and the Standard Look Back Measurement Methods will be used at the same time. After one full Initial Measurement/Administrative/Stability period is complete, a newly hired employee becomes an ongoing employee. South Ogden City will stop using the Initial

South Ogden City | ~~Amendment 002~~ December 15,
~~2015~~ Amendment 002 ~~June~~ February 15, 2022



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Measurement period and continue tracking hours using only the Standard Measurement Period.

Section 4: Treatment of Employees Who Leave and then Return to Work under Both the Monthly Measurement Method and Look-Back Measurement Method

4. A. Employees Returning from Paid Leave

When using the Look Back Measurement Method and/or the Monthly Measurement Method to track employee hours, an employee's "hours of service" will include hours of paid leave (e.g. sick or vacation time) used by an employee during a Month or during a Look Back Measurement Period even though the employee did not actual work those hours

4. B. Employees Returning from Regular Unpaid Leave

This section explains how, under the Measurement Methods, South Ogden City will determine whether employees returning from unpaid leave are identified as "ongoing employees" or "newly- hired employees."

4. B.i. Determining Employee Status upon Return from Regular Unpaid Leave

- South Ogden City is using The 13 Weeks Rule to determine whether the returning employee is still an "ongoing" employee or whether the employer should be identified as a "newly hired" employee.
 - For employees whose hours are currently measured using the Look-Back Measurement Method
 - An employee who returns from unpaid leave of 13 consecutive weeks or less will be considered an ongoing employee upon return and he or she will be placed back in the Standard Measurement/Stability Period he/she was in before the break. See section 3Bi OR section 3Bii. Note: If the employee left during an Initial Measurement/Stability Period, the employee would finish that cycle.
 - An employee who returns from unpaid leave of more than 13 consecutive weeks will be considered a newly hired employee upon return to work and will be measured under the Initial Measurement Method (and not the Standard Measurement Method) upon return.



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- EXCEPTION: See Section 1.B. for special temporary treatment of a newly hired employee reasonably expected to work full time upon return to work.
- For newly hired full time employees whose hours are currently measured using the Monthly Measurement Method pursuant to section 1.B but will thereafter have hours tracked using the Look Back Measurement Method:
 - An employee who returns from unpaid leave of 13 consecutive weeks or less will be considered an ongoing employee upon return. However, for the period wherein hours will be tracked using the Monthly Measurement Method, no prior service hours will be credited unless an employee returns within the same month the employer left.
 - An employee who returns from unpaid leave of more than 13 consecutive weeks will be considered a newly hired employee upon return and hours for that employee will be tracked using the Monthly Measurement Method

13 Weeks Rule

Length of Unpaid Leave	Treatment Upon Return
More than 13 weeks	Treat as a new hire, count only hours of service after return from leave
Up to 13 weeks	Treat as an ongoing employee, and count hours of service before and after the leave

4. B.ii Determining Timing of Benefits upon Return from Regular Unpaid Leave

- **For Those Identified as an Ongoing Employee** – If determined under 4.B.i to be an ongoing employee upon return, hours will be measured using the appropriate Measurement Method he/she was in before the break as described above



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- If an employee returns to work and he/she is identified as a full-time employee (after calculating the average monthly hours worked during the appropriate Measurement Method), the employee will be offered coverage immediately (as soon as administratively feasible, and no later than the first day of the next month—there is no waiting period) and will be treated as a full-time employee through the end of the Standard Stability Period (if using the Look Back Measurement Method) or through the end of the month (if using the Monthly Measurement Method)
- If an employee returns to work and he/she is identified as a part-time employee (after calculating the average monthly hours worked during the appropriate Measurement Method), the employee need not be offered coverage immediately. Instead, the employer would continue to track hours and will calculate again at the end of the current measurement period to determine eligibility.
- **For Those Identified as a Newly-Hired Employee** – If determined under 4.B.i to be a newly hired employee upon return, no prior hours of service will be credited. Hours will be measured using the appropriate Measurement Method for newly hired employees as described in Section 1 beginning on the date the employee had at least one paid hour of work after returning from the break.

4. C Employees Returning from Special Unpaid Leave

- **FMLA or other “Special” Leave:** An employee returning from “special unpaid leave” due to FMLA, military duty or jury duty will be considered an ongoing employee upon return, regardless of the amount of weeks absent, and the employee will be placed back in the applicable measurement method.
- Hours of service accumulated prior to the absence will be credited, and hours of service during the absence will also be credited, as if the employee had not been absent, based on average hours actually worked prior to absence. *Note: It is only under “special unpaid leave” that an employee will be credited for hours of service for which the employee was not paid and was not at work. Employees on other types of unpaid leave will not receive credit for hours absent.*
- After calculating the average monthly hours worked during the appropriate measurement method, when an employee returns to work, if he/she is identified as a full-time employee,



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the employee will be offered coverage immediately (as soon as administratively feasible, and no later than the first day of the next month) and will be treated as a full-time employee through the end of the Standard Stability Period (if hours are being tracked under the Look Back Measurement Method) or through the end of the month (if hours are tracked under the Monthly Measurement Method).



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SECTION 3: COMPENSATION

03.005 General Policy

~~This~~ The compensation philosophy of South Ogden City is to provide employees with a total compensation package that is both fair and competitive in the local government market. The City recognizes the value of its employees and will strive to offer a work environment that promotes collaboration and professional growth.

03.010 Compensation Philosophy

I. Intent - South Ogden City recognizes and believes in the importance of recruiting, hiring and retaining qualified, educated, service-oriented and loyal employees. The City understands it is important to competitively compensate its employees for the work they perform. The compensation package provided to South Ogden employees includes salaries, benefits, flexible work schedules, etc. This document establishes the City's compensation philosophy and methodology of how it will strive to maintain a competitive compensation plan. Benefits, work schedules and other important factors in an overall compensation package are not addressed in this section, but can be found in the Benefits section of the City's Personnel Policy Manual.

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II. Compensation Philosophy - Regarding employee compensation, the City has established the following Strategic Directive:

- To recruit, develop and retain quality employees by maintaining market-competitive pay rates and demonstrating a commitment to the growth and development of our staff.

In an effort to accomplish this Strategic Directive, the City considers both internal and external equity. The City's objective is to remain competitive by comparing salary data with other municipalities and service districts. When necessary, salary ranges are also adjusted annually by using Consumer Price Index (CPI) data. The City's desire to accomplish this is balanced with the City's budgetary and financial constraints.

Internal equity means that jobs of equivalent value to the City are similarly paid, regardless of the department. Additionally, internal equity means that men and women are given equal pay for equal work. The salary for each position is based on the responsibilities and duties listed in the job description. For this reason, accurate



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job descriptions are essential. The job description serves as the primary document when completing a job valuation survey. The job valuation survey is a tool which assigns a weighted numerical value to four different focus areas for each job. The four job valuation areas of focus are: 1) job knowledge, 2) job responsibility, 3) job difficulty and 4) work environment. The total job value is an aggregate of the value derived from each focus area. Supervisors should update job descriptions when job duties change significantly and should review them at least annually in conjunction with performance appraisals. If there is a significant difference between the job description and current duties, the supervisor and the employee should update the job description and submit it for review and approval by the Assistant City Manager. A rewritten job description does not mean that the assigned job value and corresponding salary will change, only that it will be reviewed. For each rewritten job description, a job valuation survey will be completed by the Assistant City Manager to determine whether there is a change in the job value. All salary range adjustments for positions within the City must be approved by the City Manager.

External equity means employees are compensated fairly when compared to employees in other organizations doing comparable work in the local job market. In an effort to be competitive in the job market, the City compares the starting salary of jobs within South Ogden with the average starting salary paid for corresponding jobs within the market.

III. Methodology - South Ogden recognizes that salary ranges must be analyzed annually and appropriate adjustments must be made to stay competitive. A good compensation plan emphasizes the City's desire to pay competitive rates and ensures an internally equitable salary structure for all employees. The process must be clearly defined so it can be uniformly applied.

In an effort to ensure that jobs remain competitive, city salaries will be adjusted annually using the Consumer Price Index (CPI), West Region, Mountain Division. The CPI index will be gathered from the United States Department of Labor (<https://www.bls.gov>). The January index number will be used as the CPI index for the upcoming fiscal year.

i. External Market - The external market used for comparison of salaries is a mixture of most large and small cities and select special districts across the State of Riverdale, Utah. The salaries for each position are determined using current market data as well as a regression analysis. The regression analysis is based on



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the job value for the City Manager position and its relationship with the job value for each position within the city.

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Commented [DG24R23]: yes

ii. **Market Analysis** - Every three years, external comparison data will be analyzed position by position and salary adjustments will be made as necessary to keep salaries within the market. To facilitate the comparison, the Assistant City Manager will compare external market data from Technology Net's Compensation Survey System (www.comp-survey.com) or other data source(s) determined to contain accurate and reliable compensation data.

iii. **Salary Ranges** - Salary ranges have been established utilizing market data to show the minimum and maximum for a specific job. South Ogden salary ranges are determined by using the average market starting pay as the base pay. The maximum rate of pay for each position is 160% of the average market starting pay. The minimum and maximum rates of pay are distributed over a 15-step scale for sworn public safety positions and an 18-step scale for all other positions.

Commented [DP25]: I suggest we use 5% above the average starting pay. Average is middle by math and can be skewed by outliers. Going with +5% will possibly help in recruiting.

The 18-step scale, illustrated below, starts at a 3.6% increase on step 2 and each step decreases by a tenth of a percent until it ends with a 2.1% increase at step 17 and 18.

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South Ogden Employee Salary Range																	
*Does not include sworn Police and Fire																	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Min	-	-	-	-	-	-	-	Mid	-	-	-	-	-	-	-	-	Max
	3.6	3.5	3.4	3.3	3.2	3.1	3	2.9	2.8	2.7	2.6	2.5	2.4	2.3	2.2	2.1	2.1

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The 15-step scale has a 4% increase for steps 2-8. Steps 9-14 have a 3% increase. Step 15 is a 1.8% increase from the previous step.

The chart below illustrates the 15-step pay scale. The percentage listed is the difference between that step and the previous step.

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Sworn Public Safety Pay Range- Fire and Police pay range														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Min	-	-	-	-	-	-	Mid	-	-	-	-	-	-	Max
	4%	4%	4%	4%	4%	4%	4%	3%	3%	3%	3%	3%	3%	1.80%

The 18 step scale, illustrated below, starts at a 3.6% increase on step 2 and each step decreases by a tenth of a percent until it ends with a 2.1% increase at step 17 and 18.

IV. **Pay-for-Performance** - Pay-for-Performance or Merit pay systems are based on the philosophy that individuals should be paid according to their contributions to the organization. Pay increases are based on the employee's performance rather than seniority, equality or need. Each year, employees are eligible for an increase up to the value of a one-step increase until they reach the top of the scale for their position. It is customary that employees receive a one-step increase for positive performance each year. If, however, the ~~d~~Department headDirector determines the value of a full step is not warranted because of performance issues, the ~~d~~Department headDirector may withhold the step increase or give a partial increase for that year. If an employee does not receive an increase, that employee is not eligible for a merit increase until the following year. If the employee receives less than a one-step increase in a given year, in future years that employee is only eligible for an increase equal to the percentage difference between the current step and the next step as defined by the pay scale. When this occurs, the employee will lag in pay commensurate with the scale step until the employee is topped out or gets promoted. Employees who do not receive the full step increase are still eligible for a CPI index adjustment.

V. **Promotions** - When an employee is promoted to a new position, that employee will be moved to the pay scale associated with that position. The step the employee is placed at will vary according to the current pay of the employee being promoted. The standard increase will be a step that is 10% above the current pay of the employee. The percentage increase may be more or less with the approval of the City Manager. Under no circumstances will the employee be placed at a step that is below the minimum pay for the new position.



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VI. Special Considerations - During years where budget constraints do not allow for a CPI index adjustment and a merit increase for eligible employees, the City will implement a CPI index adjustment or a portion thereof to keep the scales as competitive as possible within the market. All increases are subject to budget availability.

VII. Health Insurance Premium Offset – In an effort to increase employee benefits, effective January 1, 2020, eligible South Ogden City employees will be required to pay ten (10) percent of the health insurance premium each month. To offset this cost, South Ogden City will contribute an additional \$160.00 per month in additional pay to each full-time employee. As health insurance premiums increase or decrease, the HIPO contribution shall be indexed according to the annual percentage change to the health insurance premiums. The index shall be capped at eight (8) percent. Any increase above eight (8) percent shall be paid by the employee. For example, if the health insurance premium increased by 5%, the HIPO contribution would be increased by 5%, resulting in an offset contribution of \$168.00 per month. If health insurance premiums increased by 10%, the monthly HIPO contribution would be increased 8% (the cap) to \$172.80 and the additional 2% would be the responsibility of the employee. If the health insurance premium decreased 5%, the monthly HIPO contribution would be decreased by 5% to \$152.00 and if the health insurance premium decreased 10%, the new monthly HIPO would be decreased 8% (the cap) to \$147.20.

VIII. Council Compensation- Increases in Council Compensation will be linked to the Consumer Price Index (CPI), West Region, Mountain Division. The CPI will be gathered from the United States Department of Labor (<https://www.bls.gov>). The January index number will be used as the CPI for the upcoming fiscal year.

Conclusion - South Ogden City understands that its ability to provide the quality public services that the residents of the City want, need, and desire depends largely on the quality of the work force it is able to recruit, hire and retain. A competitive, well-managed, compensation plan plays an important part in helping the City achieve this goal. The guidelines contained in this policy document exist to assist management by providing a clear and understandable approach to the city's compensation philosophy and administrative guidelines. ~~ompSouth Ogden City desires to provide and maintain competitive compensation rates for its many job classifications. The City's~~

South Ogden City | ~~Amendment 002~~ December 15,
~~2015~~ Amendment 002 ~~June~~ February 15, 2020

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objective is to utilize market data to compare and maintain competitive salary range within the market. The City's desire to accomplish this is based on budgetary constraints and financial limitations. To accomplish this, the city has established the following compensation plan goals:

1. To compete for and retain qualified staff in a competitive environment
2. To compensate employees equitably and fairly
3. To provide compensation program transparency
4. To be fiscally responsible

To accomplish the compensation plan goals, the city will consider both external fairness (based on market data) and internal fairness factors.

03.015 Pay for Performance

Pay for performance or Merit pay systems are based on the philosophy that individuals should be paid according to their contributions. Pay increases are based on the employee's performance rather than seniority, equality, or need. Pay for performance pay researchers suggest that to have a successful merit pay system the following components must exist: 1) performance must clearly be defined, 2) rewards must be communicated to employees, 3) rewards must be made contingent upon desired performance, 4) opportunities to improve performance must exist, and 5) perceived relationship between rewards and performance should be viewed as important as the actual relationship.

See the Performance Evaluation Section 7 for more information.

03.020 Compensation upon Promotion

Upon promotion to a higher job market classification within a job family, an employee shall be placed within the new pay range to a position which results in not more than a 10% salary increase. Exceptions may be made only with the express permission of the City Manager.

03.025 Compensation upon Demotion

An employee demoted to a job market classification within with a lower compensation range will be subject to a salary reduction of not less than 5% nor more than 10%.

03.030 Compensation upon Transfer

An employee who is the subject of a job transfer from one position to another will be compensated at the same level of compensation the employee was receiving immediately prior to the transfer.



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03.035 Compensation upon Upward Classification

An employee, who is the subject of a job market reclassification which moves his/her job class at least one classification higher in the Compensation Plan will be compensated at not less than 5% nor 10% higher than the previous position, except that the salary increase must bring compensation at least to the entry level salary of the new job family. Under no circumstances would an employee start at a salary under the minimum salary for that position.

03.040 Compensation upon Downward Classification

An employee, who is the subject of a job reclassification which moves his/her position at least one market classification lower in the Compensation Plan, may be subject to a salary reduction.

03.045 Career Ladder & Classification Advancement

In conformity with the City's policy to hire, train and promote employees based on qualifications and merit, the City has established a Career Ladder for some departments and certain positions within those departments. The established Classification Plan of the City reflects certain advancement opportunities that may exist regarding positions within City employment and departments.

Career Ladder – Supervisory Authority

The Career Ladder reflects the increasing levels of supervision within departments, and the increasing levels of experience, training and knowledge required to advance to certain positions within City departments. Not all positions fit within a career ladder, and not all jobs in the City's Career Ladder reflect increasing supervisory authority. Some jobs advance within a Career Ladder based solely on the increasing level, or degree, of experience, training and knowledge.

There are three levels of increasing supervisory authority within departments that may be used within Career Ladders. These are:

- A. Direct Supervision: This is the first level of supervisory authority over two or more employees.
- B. General Supervision: This is the next level of supervision, usually filled by a division supervisor or manager.
- C. Administrative Supervision: This is the higher level of supervision expressed through the authority of the Mayor, the City Manager, or the department director.

A traditional form of a Career Ladder in the City grants to an employee compensation increases within the compensation plan whenever the employee acquires specific training, experience, skills and certification recognized by the City for the position the employee holds. This type of Career



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Ladder allows the employee more direct control regarding the compensation he/she receives in the position, as compared to the more competitive process within a Career Path.

A Career Path is a form of a Career Ladder by which an employee's compensation increases within the compensation plan whenever the employee acquires a position of advancement within the employee's area of service and expertise through open competition with others who apply for the same position. A vacancy must exist for the position for the employee to be eligible to apply. The employee must qualify for promotional consideration based on experience, training, knowledge and demonstrated skills. If the employee qualifies, then he/she competes with other qualified applicants for the position, based on interviews and other selection criteria.

Employees are encouraged to contact their department director or the City Manager for more information about their own, or other jobs, and any Career Ladder information.

03.050 Acting Positions – Qualifications

Subject to the terms and conditions of this policy, the City intends to provide a framework and guideline within which eligible employees may be appointed to acting positions. This policy applies only to merit service and classified employees being appointed to acting positions. When the acting position is within the classified service, the appointment shall follow the rules and procedures of the Civil Service Commission in filling acting positions.

The decision to place an employee in an acting position of another person or position will be made by the ~~department~~ Department director/Director, except where the acting position is subject to appointment by the City Manager or the Mayor. An employee is appointed temporarily (due to a vacancy or the temporary absence of an incumbent) to an acting position of higher compensation and authority, only when he/she assumes all the functions and authority of the higher position. Appointments shall be approved in writing by the City Manager.

Subject to the terms and conditions of this policy, an employee performing work and service within the scope and role of an acting position, shall enjoy the benefit of additional compensation for such work and service. When the employee has performed at least thirty (30) consecutive days of service, or one full work shift for an acting position in the classified service, the employee shall be compensated a 5% higher than their current position in the pay range. Any service in an acting position of less than thirty (30) consecutive days, or, in the classified service any number of hours less than one full work shift, will be provided no additional compensation.

It is the policy of the City to prohibit any employee, who is the subject of any current disciplinary action, from serving in any acting role, position or capacity. Department ~~directors~~ Directors will consider the severity of any open disciplinary investigation, review or action, or prior disciplinary



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preceding any consideration for the acting position.

Maximum time any employee may perform work and service in an acting position or capacity is twelve (12) consecutive months. Should the position still be open at the end of twelve (12) consecutive months, the ~~department~~ Department ~~director~~ Director, the City Manager or the Mayor will act to either fill the position or eliminate the position.

03.055 Overtime and Hours of Work

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may cause disciplinary action, up to and including possible termination of employment.

Overtime compensation is paid to all nonexempt employees under federal and state wage and hour restrictions. The Fair Labor Standards Act (FLSA) sets forth certain conditions and procedures under which overtime is determined. However, certain positions as defined by FLSA may not require the payment of overtime, even if the employees in these positions work over 40 hours in a week. Classification under FLSA must be approved by the City Manager.

All work and service activity performed for the City under the direction and with approval of supervisory staff shall be compensable hours of work to perform overtime calculations and overtime calculations, as determined and controlled by applicable policy of the City. Overtime will be paid at a rate of time and one-half the equivalent hourly, base wage rate.

Overtime pay is based on actual hours worked. Paid time off, such as sick leave, vacation leave, holidays, or any other leave of absence will not be considered hours worked to perform overtime calculations. Additional compensation, such as call-back duty pay or holiday pay that does not reflect actual hours worked, or additional compensation for special duty that already reflects overtime compensation shall not be used to calculate additional overtime pay. Notwithstanding the above, the following time may be used in the calculation of hours worked for overtime:

- A. Employees subject to call-back and call-out requirements in their job shall be allowed to include reasonable travel time directly associated with travel to perform emergency or additional duties in the computation of hours worked.



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- B. When an employee uses compensatory time during the work week, those hours will **not** count as actual hours worked for calculating overtime pay.

Sworn fire officers (i.e., those employees hired to provide direct fire suppression and emergency relief services) and emergency services personnel will be paid overtime based on FLSA guidelines for those hours over 96 (5 OT) actually worked in a 12-day work period. Overtime for these employees will be paid on the first regularly scheduled pay day falling at least one week after the end of the 12-day work period in which the overtime occurred.

Sworn police officers are paid overtime based on FLSA guidelines for those hours over 86 worked in a 14-day work period depending on adopted work schedule of the entire department. (See [Compensatory Time Section 03.060](#) for the compensatory time accrued for “Gap-Time.”)

Other non-exempt employees (except sworn fire officers and emergency services personnel and sworn police officers) are paid overtime based on those hours over 40 worked in a 7-day work period.

The normal work schedule for most employees is eight hours a day, five days a week. Employees are scheduled to begin work at 8:00 a.m. and end work at 5:00 p.m., Monday through Friday. However, these hours or days may vary, depending upon work requirements and departmental functions. Work schedules, which vary from the above general rule, may be established by the ~~department~~ Department ~~director~~ Director or supervisor. Examples of differing work schedules would commonly involve shift work, such as in public safety or public works, or could involve Flexible Scheduling/Time off Plans policies.

The City’s pay period for all employees is based on two (2) consecutive weekly periods each which begins at 12:01 a.m. on Saturday and ends on the next Friday at 12:00 p.m. (midnight). Due to operating requirements and work demands, each employee’s own work period may vary from the City’s defined pay period.

Except for sworn fire fighters working shifts, the work period for all employees is based on a 7-day period, with no more than 40 hours regularly scheduled within such 7-day period. Unless an alternative 7-day work period has been established, an employee’s work period under conditions governed by the federal Fair Labor Standards Act (FLSA) begins at 12:01 a.m. on Saturday and ends at midnight on the following Friday.

A ~~department~~ Department ~~director~~ Director may establish a different beginning and ending date and time for such 7-day period. Department ~~directors~~ Directors shall inform the City Manager, in writing, of the beginning and ending day and time for any such 7-day work period that varies from



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the general rule above. Information regarding the establishment of alternative work periods will be maintained in each employee's personnel file.

The work period for all sworn full-time firefighters is 96 (5 OT) hours in a 12 day period. Nonexempt firefighters working in excess of 96 hours in a 12-day period will be compensated at time and one half. The Fire Chief will designate the beginning and end of the 12-day work period. Part-time fire fighters will work 12 hours shifts and cannot work over 116 hours in any 14-day work period.

Supervisors shall inform employees of their work schedules and applicable work period. Employees are expected to be at work and ready to commence work at the start of their shift or established work schedule, and to remain working until either an approved break, or the end of their scheduled work day or shift. Employees wishing to leave at other times must check with and obtain approval of their supervisor.

03.060 Compensatory Time

Subject to the terms, conditions and limitations of this policy, the City provides compensatory time off in lieu of actual pay for merit and classified employees. The City places restrictions on both the accrual of compensatory time (sometimes referred to as, "comp time"), and payment for such. All eligible employees must sign a form annually designating their preference for compensatory time or overtime payment. The City, at its discretion, retains the right to pay overtime.

Commented [DP26]: I understand this is no longer the case.

Commented [DG27R26]: not true

Subject to appropriate management discretion, it is the City's intent to allow compensatory time for designated employees, as approved by the ~~department~~ Department ~~director~~ Director as an alternative to payment of compensation for overtime hours worked. No compensatory time is allowed except in compliance with this policy. Compensatory time, as allowed by this policy, is another management tool available to departments to help direct and control the work force. Compensatory time off cannot be granted in advance of it being earned.

Compensatory Time Defined

Compensatory time is defined as the accrued time credits after having worked 40 hours in any week to an employee which the employee may take off work (excluding vacation leave, sick leave, and holiday leave), subject to department and City policy, at the employee's normal, regular base pay rate.

Eligible Employees

Compensatory time off is only allowed for the following City employees:

- Full-time classified

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~~2015~~ Amendment 002 June February 15, 2022



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- Full-time merit
- Part-time employees – for work over scheduled budget hours

A cap on compensatory time for eligible employees may be set by ~~department~~ Department ~~directors~~ Directors.

Classified Sworn Police Officers

Compensatory time off is only accrued in one-half hour increments at the employee's normal, regular base pay rate for hours worked from 40 to 43 (three hours maximum) in a 7-day work period, or 86 hours worked in a 14-day period.. (This 3 hour period is known in the City as "gap-time", which comprises the first three hours that a sworn police officer works above the regularly scheduled 40 hour work schedule. All hours worked over 43 hours in a 7-day work period will be paid to the employee at a rate of one and one-half times the employee's normal, regular base pay rate in the payroll period in which it was earned.

Commented [DP28]: Inseert, 'or 86 hours worked in a 14-day period'.

03.065 On Call Pay

Employees of the City in the Public Works and Police Departments required to serve in an "on-call" status and be available for a call back to work for up to a week during otherwise unscheduled, off duty hours. On-call employees are expected to comply with the City's Fitness for Duty policy during this on-call period.

Commented [SL29]: Jon needs to provide current practice

It is the policy of the City to pay employees designated as on-call employees a minimum of 11 hours of overtime for each week in which they serve in a paid on-call, or call-back status. If the employee serves less than one full work week in this status, the number of hours of applicable overtime will be pro-rated. When and if an employee in the Public Works Department performs actual work and service because of being called back to work, they will be paid any additional overtime for hours worked, with a minimum of one hour pay. When and if a police officer performs actual work and service because of being called back to work, they will be paid any additional overtime for hours worked, with a minimum of two hours pay. When and if a sworn police officer is designated as on-call employee, that officer shall receive a minimum of 5 hours of overtime for each week in which they serve in a paid on-call, or call-back status. If the officer performs actual work and service because of being called back to work, they will be paid any additional overtime for hours worked over 86 hours for the pay period, with a minimum of two hour's pay.

03.070 Other Compensation Considerations

Employees eligible for overtime compensation may be required to perform additional work and service outside their regular job duties that relate to the functions of their primary job duties and the needs of the department.



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Additional work and service outside regular job duties may be approved and assigned through established authority and performed while at work and/or during scheduled work times. Such additional work or service shall be compensated as part of the employee's regular pay or compensation and is subject to overtime based on the employee's regular, base pay rate. While not all inclusive, examples of additional duties and services are: training or instruction (on a formal or informal basis); assisting another employee in completion of his/her own duties; or, temporary work performed outside the normal duties and functions within an employee's job description. A special consideration is given to police officers who train, handle and board a member of the City's Canine Corps on their own time and at their own residence. (See Police Policies for the Canine Corps Pay policy.)

03.075 Appointment

- A. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the City Manager may approve hires up to the range of midpoint, as warranted by job qualifications and experience subject to the availability of funds.
- B. The City Manager shall not authorize hiring above the midpoint of a pay range except in unusual circumstances.

03.080 Merit Increase

- ~~A. The City Manager, upon approval of the Governing Body, shall adopt salary administrative guidelines effective July 1 of each fiscal year subject to funding in the approved budget.~~
- ~~B. Full time and part time employees are eligible to receive a merit increase.~~
- ~~C. Employees at or above the pay range maximum and employees whose performance is rated less than successful, shall not be eligible to receive a merit increase.~~
- ~~D. A part time employee is eligible to receive a merit increase for the same elapsed calendar time on the job as a full time employee.~~
- ~~E. The department head must complete an employee's performance evaluation at minimum annually preceding the effective date of a merit increase.~~
- ~~F. A merit increase shall not exceed the maximum market range assigned to a position level.~~



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03.085 Flexible Scheduling/Time off Plans

It is the policy of the City to provide work-scheduling tools to supervisors and ~~department~~ Department ~~directors~~ Directors to help adequately manage their work force and direct the scheduling of work in their respective departments. The City encourages using Flexible Scheduling and Time off Plans by supervisors and ~~department~~ Department ~~directors~~ Directors to meet ~~work-load~~ workload demands and fulfill work requirement given the limitations of funds, staff and other resources available to their respective departments.

As stated in the Compensatory Time policy in this handbook, Time off Plans are a tool available to supervisors and ~~department~~ Department ~~directors~~ Directors to direct and control the flow of work and work scheduling to comply with budgetary restraints and still meet work demands.

As allowed under the Fair Labor Standards Act (FLSA), South Ogden City's policy allows the supervisor of a nonexempt employee to schedule the employee to work a differing number of hours during a work period. This means the employee works more hours during one portion of a work period, and less hours during another portion of the same work period. Times off Plans are designed to control or limit the accumulation, accrual or payment of earned compensatory time and/or overtime by employees. Employees benefit with reduced work periods while still earning their full-time compensation. ([See Compensatory Time Policy Section 03.060](#))

Department ~~directors~~ Directors can implement Time off Plans for one or more of their respective employees as a tool to better manage the time, staff, money, and other resources available to their department.

03.090 Flexible Scheduling

Flexible Scheduling allows supervisors and ~~department~~ Department ~~directors~~ Directors to schedule one or more employees to come to, or leave, work earlier or later during the normal work week hours.

Examples of Flexible Scheduling are:

- A. Example A: An employee has worked 40 hours in 3 days, and is normally scheduled to work another 2 days in the remaining portion of the ~~work-z-week~~ workweek. The employee is directed to leave work and not report for those days remaining in the workweek.
- B. Example B: A single parent arranges with his/her supervisor to arrive at work at 8:30 a.m. and leave at 5:30 p.m. to facilitate the delivery and pick up of a child from day care.



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03.095 Attendance

Employees shall be in attendance at their work stations during normal working hours, as defined by their Department Director, or designee.

03.100 Breaks and Lunch Periods

Each workday, most full-time nonexempt employees are provided with up to two break periods. Sometimes, workload or emergencies may preclude two rest periods. In such cases, employees may be allowed to have beverages and snacks at their desk(s) or place of work throughout the work period. Supervisors will advise employees of the regular break period length and schedule. To the extent possible, break periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted break period time.

All full-time regular employees are provided with one meal period of 30-60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Unless designated as part of scheduled work time, employees will be relieved of all active responsibilities and restrictions during meal periods. When employees are relieved of all active responsibilities, they will not be compensated for that time.

03.105 Trading Work Shifts

The City allows Sworn Police and Fire Personnel to trade their scheduled hours or shifts of work under certain limited, qualifying conditions. These employees must request and obtain approval from their immediate supervisor and their ~~department~~ Department ~~director~~ Director in to trade a scheduled shift or work duty with another.

Since overtime must be paid by the City, trading shifts or schedule of work will not be permitted when any consequential overtime might occur. The department director is responsible to keep accurate and current records on all trading time.

At no time will the City approve of any trading of scheduled work or duty when either:

- A. Proper approval has not been obtained.
- B. The safety and protection of the public would direct otherwise, given the mission and duty of the department in which the trading of time would otherwise occur.

Commented [DP30]: 'and Police'

Commented [SL31]: Does this not basically eliminate shift trading?

Commented [DG32R31]: Not necessarily



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SECTION 4: BENEFITS

04.005 General Policy

South Ogden City offers a comprehensive benefit plan for all fulltime employees. The benefits summary is listed below. Please see the ~~Director of Administrative Services~~ Assistant City Manager for complete details.

04.010 Medical Health Insurance

Subject to the terms and conditions of the group health insurance plan offered by the City and as provided by an approved Plan Provider, the City offers coverage for medical health insurance benefits for employees in eligible employment classifications. Eligible employment classifications are:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, Special employees
- Introductory employees in the above classifications

Eligible employees may elect to participate in a group health insurance plan during annual open enrollment, or during the following life events:

1. Marriage, divorce or separation (marital status change)
2. Birth, death or adoption of a child (dependent status change)
3. Death of an employee or spouse
4. Spouse begins or terminates employment, affecting benefit coverage
5. Spouse loses health insurance coverage through his/her employer
6. Employment status change of an employee (i.e., moving into an eligible employment classification)

The City sponsors group medical health insurance plans, which are organized and administered through the terms and conditions of each Plan Provider. Employees granted coverage under any terms or agreement must also meet the conditions of eligibility as established by the Plan Provider. Information about each available plan (benefits, costs, etc.) is provided to eligible employees during open enrollment, upon hire, or through the ~~Director of Administrative Services~~ Assistant City Manager.

Group medical health insurance coverage begins on the first day of the month following the hire date which establishes an eligible employment classification, and enrollment is established through



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the proper and timely completion of certain written forms and records. If no selection is made by the employee upon entering an eligible classification or during “open enrollment” periods in the calendar year, the City will provide at least minimum core coverage through a specific group Plan. Once notified, employees who fail to turn in their plan enrollment form when due will be eligible only for minimum core coverage until the next available qualifying enrollment period.

Under the terms and conditions of the group medical plan coverage and benefits, certain medical services and costs may not be covered or provided for in a Plan or through a Plan Provider, depending upon the type of plan the employee selects. The specific plan provisions, including premium costs, co-payment amounts, deductibles and other factors related to plan coverage, are subject to change depending upon any Plan Provider which the City approves and selects.

Employees hired before February 18, 1997, who meet the conditions for retirement as determined by the South Ogden City-sponsored retirement plan may elect to continue their health insurance coverage upon retirement. In such case, those retirees shall have their full premium paid for by the city for insurance group coverage for a period of five (5) years for themselves and their dependents or until the June 30th following the retiree’s 65th birthday. If the employee becomes ineligible for health insurance the June 30th after their 65th birthday, but his/her spouse has not turned 65 and is therefore not eligible for Medicare, the City will continue to carry and pay for individual health insurance until either five years after the employee’s retirement date or until the June 30th after the spouse has turned 65. The first 18 months will be handled under COBRA provisions and any remaining time under a conversion policy. Under no circumstances, however, will the City pay for health insurance either for the retiree or a spouse longer than five years from the date of the employee’s retirement.

~~After five (5) years, qualifying retirees may elect to continue their health insurance coverage under the terms and conditions of the group health insurance plan sponsored by the City for retirees. The retirees shall be required to pay a monthly premium amount as determined and charged by the insurance Plan Provider of the City. Employees hired after February 18, 1997, are not eligible for this special retirement benefit, but are eligible for retirement through the appropriate State retirement program. (See also Retirement Benefits Continuation—COBRA policy.)~~

~~Any full-time employee who retires from South Ogden City employment may elect to continue with the City’s health insurance program until he/she reaches an age eligible for Medicare benefits. Such employees will be required to pay 100% of the premium costs plus a 2% administration fee.~~

Where an employee of the City: 1) is eligible for participation in the City's health and dental care plan, and, 2) provides proof on at least an annual basis he/she is covered by another health care



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program, that employee may elect to: 1) avoid participation in the City's health and dental care program and, 2) may receive an annual contribution of ~~\$10500~~ for health opt out and ~~\$1000-500~~ for dental opt out supplement to that employee's base salary, which supplement must then be used by the employee on the "cafeteria" benefit of their choosing including, but not limited to: ~~Unreimbursed medical expenses~~ Flexible Spending Account (FSA), ~~Dependent Care~~ Child Care, and where not otherwise prohibited by law or regulation, 401(k) or related retirement programs. Retired employees who are eligible for insurance coverage may also opt out of insurance coverage. The decision to opt out of insurance coverage for a retiree is irrevocable.

Commented [SL33]: Is this not \$1,500?

Commented [DG34R33]: Yes good catch

Commented [DP35]: FSA?

Commented [DG36R35]: Flexible Spending Account

When the employee elects to participate in the City's health and dental care program, and said employee is otherwise eligible to participate or, when the employee can no longer provide the annual proof of continuing coverage under an alternative source health care program, the employee shall no longer receive the annual supplement and shall otherwise be treated as and included with all other employees to receive benefits.

The City Manager, or his designee, may, without a further resolution of the Authority, execute any and all agreements and / or related documents or amendments which may, from time to time, be necessary or appropriate to enacted and effectuate the benefits created and continued, or to adopt or maintain the City's benefits in compliance with applicable federal, state and local law.

~~Employees may, whether opting out of the City's health and dental insurance plan or not, also designate a maximum of \$2500 to be withdrawn, pre-tax, from their pay each payday and those funds must then be used by the employee on the "cafeteria" benefit of their choosing; either Unreimbursed medical expenses or Child Care (the Child Care maximum participation rate is \$2500), where not otherwise prohibited by law or regulation and as may follow the IRS guidelines then applicable to the City's "cafeteria" benefit plan.~~

04.015 Dental Insurance

Subject to the terms and conditions of any approved insurance plan, the City sponsors dental insurance coverage and services through dental insurance plans. Employees in eligible classifications may select the dental insurance coverage they wish.

Eligible employees are:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, Special employees



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- Introductory employees in the above classifications

Eligible employees may elect to participate in a dental insurance plan during annual open enrollment, or during the following life events:

1. Marriage, divorce or separation (marital status change)
2. Birth, death or adoption of a child (dependent status change)
3. Death of an employee or spouse
4. Spouse begins or terminates employment, effecting benefit coverage
5. Spouse loses health insurance coverage through his/her employment
6. Employment status change of an employee (e.g., moving into an eligible employment classification.)

The City sponsors one or more group dental insurance plans, which are organized and administered through the terms and conditions of each Plan. Information about each available plan (benefits, costs, etc.) is provided by the ~~Director of Administrative Services~~ Assistant City Manager.

Group dental insurance coverage begins on the first day of the month following the hire date which establishes an eligible employment classification, and enrollment is established through the proper and timely completion of certain written forms and records. Employees granted coverage under any terms or agreement must also meet the conditions of eligibility as established by the Plan Provider.

Under the terms and conditions of the group medical plan coverage and benefits, certain dental services and costs may not be covered or provided for in a plan or through a Plan Provider, depending upon the type of plan the employee selects. Certain costs related to dental services, prosthesis and products are borne directly by the employee. The employee is responsible for certain amounts or portions of fees charged such as deductible amounts and co-payment amounts. The specific plan provisions, including premium costs, co-payment amounts, deductibles and other factors related to plan coverage, are subject to change depending upon any Plan Provider which the City approves and selects.

Retirees hired before February 18, 1997, who meet the conditions for retirement as determined by the South Ogden City-sponsored retirement plan may elect to continue their dental insurance coverage upon retirement. In such case, those retirees shall have their full premium paid for by the city for insurance group coverage for a period of five (5) years for themselves but not for their dependents. Qualifying retired employees desiring continued dental coverage for their dependents may elect to continue dependent dental insurance coverage under the terms and conditions of the group dental insurance plan sponsored by the City for retirees. The retirees shall be required to pay

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a monthly premium amount as determined and charged by the insurance Plan Provider of the City plus a 2% administrative fee. **Employees hired after February 18, 1997, are not eligible for either the 10% of gross salary benefit or City payment of health and dental insurance premiums.**

04.020 Life Insurance

The City sponsors a life insurance policy for all sworn police officers. The life insurance coverage provides a \$50,000 lump sum benefit if an employee's death occurs.

The City also provides a \$25,000 Life and a \$25,000 Accidental Death and Dismemberment Insurance policy on all qualifying employees. Employees may at their discretion cover their spouse and dependents as well, but the employee will be required to pay the price as established by the insurance company.

All city employees are eligible for a death benefit by their participation in the State retirement programs. Amount of the benefit varies among the retirement programs. Additional information can be obtained from the State Retirement Office at ~~1 (800) 688-8772~~ www.urs.org.

04.025 Long Term Disability

Subject to the terms and conditions established and controlled by the plan provider and/or other Disability Plan Provider(s), the City sponsors long-term disability insurance coverage for employees in eligible classifications to provide income protection against the loss of an employee's ability to work and earn income for periods of time exceeding 90 days.

Eligible employment classifications are:

- Full-time employees
- Non-merit, Special employees
- Introductory employees in full-time positions in the above classifications

Other eligible employee classifications, which might be provided long-term disability insurance coverage, are those for whom contributions are made by the City into the Utah State Retirement System.

Under the long-term disability insurance plan, there is a waiting period of 90 days before benefits begin. The City pays for the premium cost(s) associated with the respective long term disability insurance plan and policy provisions for covered employees. More information about respective

Commented [DP37]: The LTD the city pays for has a catch. If the employee who becomes disabled is eligible to retire, the policy does not cover them. The City is paying for a policy through PEHP which those employees will never be covered by.

Commented [DG38R37]: there would be no reason to pay disability on an employee who is eligible for retirement.



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coverage or plan participation may be obtained through the ~~Director of Administrative Services~~ Assistant City Manager.

04.030 Unemployment Insurance

Under state law, the City provides an unemployment insurance program. Employees separated from employment with the City may be eligible for unemployment insurance benefits. The unemployment insurance program assists employees temporarily out of work through no fault of their own.

Established as part of a nationwide effort, the unemployment insurance system has as its main purpose the economic stabilization of businesses and communities in times of unexpected or high unemployment. Employees who voluntarily quit without good cause, or who are discharged for misconduct under certain "for cause" reasons, do not qualify for unemployment. The sole authority in determining a worker's eligibility for unemployment benefits rests with the state unemployment insurance agency. Claims may be filed and benefits determined and coordinated through the local Job Service Office ~~at 480 27th Street~~.

04.035 Workers Compensation

A. All employees are covered by worker's ~~compensation~~ which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers compensation payments. For exact compensation coverage, check the workers compensation contract on file with the City Manager, or designee.

B. Employees may use accrued vacation or sick leave to make up the difference between workers compensation benefits and their base pay.

C. The employee must turn over to the city any money received by the workers compensation carrier. The finance director will reimburse the employee's leave account according to the amount of the compensation provided by the workers compensation carrier.

~~B.~~

~~C.~~ D. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention ~~from the approved Worker's Compensation medical facility of their choice~~. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).

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Commented [DP39]: Do we want to change this to seeking attention from the workman's comp medical facility unless emergency medical condition exists?

Commented [DG40R39]: yes



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~~D.E.~~ Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported by filling out a first report of injury form and submitting it to the Assistant City Manager or designee immediately. After Form 122 is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of injury.

~~E.F.~~ Reporting while off the Job. While on leave because of a bone fide, on the job injury or illness, an employee must contact their supervisor or the Mayor to report on their condition. Failure to provide the required medical status reports may cause revocation of the leave and/or immediate termination.

~~F.G.~~ Return to Service. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee can resume normal duties will be required before returning to work. Failure to return to work when directed may cause immediate termination. An employee able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.

~~G.~~ At the time of final release or settlement of a worker's compensation claim, if no vacancy exists; and, if reasonable efforts, which have proven to be unsuccessful, have been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.

04.040 FMLA

Please refer to Chapter 11, [Leaves of Absence for FMLA policies](#).

04.045 Retirement Plans & Social Security Coverage

All full time South Ogden City employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law. (This is in addition to their Social Security coverage).

The City offers three (3) types of retirement programs to employees in eligible employment classifications funded in part by the City, and in part by those eligible employees. Eligible employment classifications are specific to each type program, subject to the terms and conditions as described in this policy.



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Social Security

- All employees are covered under the federal Social Security program. Social Security is designed to provide supplemental income to workers who retire. Social Security was not designated to provide retirement income, which will maintain a recipient at a lifestyle attained during working years.

Utah State Retirement

Subject to the terms, conditions and limitations as defined and regulated by the Utah State Retirement Board, the City provides coverage for employees in eligible employment classifications in the Utah State Retirement System. Eligible employment classifications are:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, ~~Special~~ employees
- Introductory employees in the above classifications

The following positions that are possibly eligible to exempt from retirement in accordance with Title 49:

- Mayor
- City Council member
- City Manager
- Assistant City Manager
- City Attorney
- Public Works Director
- Finance Director
- Police Chief
- Police Lieutenant
- Fire Chief
- ~~Administrative Battalion~~ Deputy Fire Chief

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Tier 1 and Tier 2 Public Employees Retirement Systems

Membership Eligibility Requirements

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Employees qualify for membership and must be certified eligible, if they meet **one** of the following:

- Their employment, contemplated to continue during a fiscal, school or calendar year, normally requires an average of 20 hours or more per week **and** they receive at least one of the benefits approved by the Retirement Board. These benefits consist of any leave benefits, employer contributions to a savings plan or insurance premiums given to the employee or paid for by the employer on the employee's behalf (this excludes payments mandated by state or federal law).
- They are Tier 1 elected officials or appointive officers (excluding elected or appointive State of Utah judges) who earn the minimum salary required by law beginning with their first full month in office and continuing throughout their term of office. The minimum salary is increased yearly based on the consumer price index.
- They are Tier 2 elected officials or appointive officers whose positions have been declared full time by their employers.
- They are in a probationary status and meet eligibility requirements (Probationary employees who meet eligibility requirements must be certified immediately).
- They perform services through an employee leasing or similar arrangement but qualify as employees under IRS guidelines and they meet eligibility requirements.

Appointive officers are employees appointed to a position for a definite and fixed term of office by a participating employer's official and duly recorded action, which is recorded in the employer's charter, creation document, or similar document. Appointive officers include justice court judges.

Tier 1 appointive officer eligibility requirements are not determined by the number of hours worked or the benefits provided, but rather by the minimum earnings requirement each month during the term of office.

Tier 1 appointive officers of a city, town, county, or other political subdivision who meet the minimum earnings requirement for membership, and are not entitled to merit protection, may be certified online as either eligible for, or exempt from, retirement coverage.

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Appointive officers, whose positions are full time positions, as certified and documented by the participating employer in a defined process, and who initially began employment on or after July 1, 2011, will be placed in the Tier 2 pension plan. All Tier 2 participants must make an election to participate in either the Tier 2 Hybrid pension plan or the Tier 2 Defined Contribution (DC) Plan within the first 12 months of employment. For the first 12 months of employment, regardless of the employees' election, employers must report contributions into the Tier 2 Hybrid pension plan. At the end of 12 months, URS will transfer funds for all employees who have chosen to participate in the Tier 2 DC Plan and will notify employers to update reporting information.

Like appointed officials, Tier 1 elected officials' eligibility requirements are not determined by the number of hours worked or the benefits provided, but rather by the minimum earnings requirement each month during the term of office. Tier 1 elected officials working for a city, town, county, or other political subdivision, who meet the minimum earnings requirement for membership and are not entitled to merit protection, may be certified online as either eligible for, or exempt from retirement coverage.

Elected officials whose position is a full time position, as certified and documented by the participating employer in a defined process, and who initially began employment on or after July 1, 2011, will be placed in the Tier 2 Defined Contribution plan. (Elected officials are only eligible to participate in the Tier 2 Defined Contribution (DC) Plan) Part-time elected officials may have employer contributions and employee deferrals directed to a savings plan, like other employees ineligible for pension coverage, however participation is not required by Title 49.

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~~The rate and manner of contributions into the state retirement system vary depending upon the type of program under which the employee is covered.~~

~~The rate of compensation required for elected or appointed officials to qualify for retirement coverage is determined by the Utah State Retirement Board and will change annually based upon the Consumer Price Index, and as determined and administered by the Utah State Retirement Board.~~



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Information about coverage, contributions, benefits and programs may be obtained through the Utah State Retirement Office in Salt Lake City, Utah.

South Ogden City Retirement Benefits

For employees of South Ogden hired **prior** to February 18, 1997:

Public Safety Employees

Twenty Years: Public safety employees who have been employed for not less than twenty (20) years as public safety employees of South Ogden City shall, at the time of their retirement from City employment and upon their participation in the State Public Safety Retirement Program, have the option of receiving their choice of EITHER (i) a retirement benefit payment equal to ten (10) percent of the employee's highest annual base salary for the last five (5) years of City employment to be paid to the employee annually for five (5) years after retirement from City employment; OR, (ii) payment by the City of health and dental insurance for the retiree as set out in the "Dental Insurance" section above, for five (5) years, as described in the Medical Health Insurance section of this policy.

Twenty Five Years: Public Safety Employees who have (i) been employed by the City for not less than twenty (20) years as public safety employees, and (ii) have at least twenty-five (25) years of service under the State Public Safety Retirement Program, shall be eligible to receive BOTH (i) a retirement benefit payment equal to ten (10) percent of the employee's highest annual base salary for the last five (5) years of City employment to be paid to the employee annually for five (5) years after retirement from City employment; ~~OR AND, (ii) payment by the City of health and dental insurance for the retiree as set out in the "Dental Insurance" section above, for five (5) years, as described in the Medical Health Insurance section of this policy.~~

~~a retirement benefit payment equal to ten (10) percent of the employee's last annual base salary to be paid to the employee annually for five (5) years after their retirement from City employment.~~

Public Employees

Twenty Five Years: Public employees (all non-public safety employees of the City) who have been employed for not less than twenty five (25) years as employees of South Ogden City shall, at the time of their retirement from City employment and upon their participation in the State Public Employee Retirement Program, (or its lawful successor, if any), if they exercise their rights under the State Public Employee Retirement Program to "buy" additional retirement credit to qualify for a thirty (30) year retirement under the State Program, be eligible to receive BOTH a retirement benefit payment equal to ten (10) percent of the employee's last annual base salary to be paid to



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the employee annually for five (5) years after their retirement from City employment; and payment by the City of health and dental insurance for the retiree as set out in the “Dental Insurance” section above, for five (5) years.

In the event of the employee’s death, the remaining annual stipend will be paid out in a lump sum to the estate or person listed as a beneficiary.

The City will also pay to all employees retiring under the Utah State Retirement System a lump sum payment ~~or monthly payments for~~ all accrued vacation and for accrued sick leave up to ~~480~~ hours.

04.050 Qualified Savings Plan

As a benefit to employees, and to help plan for employee’s retirement and long-term financial security, the City offers qualified savings plans through the State Retirement System. Information on the options available can be secured from the Utah State Retirement System.

The City encourages all employees to save for their future, to meet personal goals and to plan for solid financial health. As will any financial investment, risks exist of which employees should be aware. The qualified savings plans sponsored by the City can be excellent tools for employees to maintain their own financial health and success. Employees are strongly encouraged to consider and participate in these qualified savings plans.

04.055 Insurance upon Retirement (Health and Dental)

As stated in the Benefits Continuation (COBRA) policy in this handbook, retirees of South Ogden City may elect to continue group health and dental insurance plan benefits and coverage for a period of up to eighteen (18) months under the same coverage, terms and conditions they had immediately prior to retiring. Under COBRA, retirees of the City are responsible for the monthly premium costs of applicable health and dental insurance plan coverage, including a 2% administrative fee, and are required to timely pay monthly premiums.

After 18 months under COBRA extended group health and dental insurance plan benefit coverage, South Ogden City retirees may elect, at their own expense, to extend the insurance benefits available through the City sponsored group plan and under the same conditions offered to other employees. The exact cost of the premium amount is determined annually through negotiated agreement by the City with the plan provider.

04.060 Clothing Allowance

It is the policy of the City to assist employees with applicable costs of uniforms and clothing

Commented [DP41]: This conflicts with 011.035 on sick leave payout upon retiring.

Commented [DG42R41]: Its not a conflict, it is just expressed differently. We can standardize it

Commented [SL43]: This is different for fire fighters - but also addressed in another area of the policy. Does it need to be here?

Commented [DG44R43]: We probably ought to at least reference the difference.



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accessories mandated by the City. This assistance is in the way of financial assistance or allowance to ensure employees maintain clean, neat and proper uniform and appearance in their role(s) of representing the City and its reputation and interests, or in the provision of actual clothing items or safety gear.

The clothing and accessories allowance covers the acquisition, repair, cleaning, upkeep and replacement of required and appropriate uniforms, safety equipment and clothing accessories as directed and controlled through employee's respective departments and ~~department~~ Department ~~directors~~ Directors.

The financial assistance provided through and under this clothing allowance policy shall be treated and considered a separate and distinct matter apart from any other compensation pay plan, compensation, wage adjustment, benefit overtime considerations or other forms of compensation and are processed for payment monthly.

If financial assistance is provided to the employee for uniform, it may be considered income under the state and federal law and is subject to social security taxes and may not be deductible on the employee's personal taxes. It is the employee's responsibility to check with their own accountant or other sources to obtain information on income and tax law that might affect their personal circumstances.

Notwithstanding the foregoing, Departments for and on behalf of its employees, and at the discretion of the Department ~~Head~~ Director, and subject to the City Manager approval, may choose and establish an alternative form of uniform compensation to include, but not limited to the establishment of a full uniform replacement and cleaning program as approved and budgeted each year. This means then that since the current practice in some departments is based on the alternative form of uniform compensation the option for returning to the prior uniform allowance program, or modification of such, is still available to the Department without further action by the City Council.

Public Works

Each Parks and Public Works Employee, who is determined by their ~~department~~ Department ~~director~~ Director to be involved in work that requires or warrants protective clothing, will be provided by the City clean coveralls on a biweekly basis. The following safety gear will be provided by the City annually if needed:

1. Safety Glasses (OSHA-ANSI Standards)
2. Safety Goggles (OSHA-ANSI Standards)
3. Hard Hat (OSHA-ANSI Standards)
4. Safety Vest (OSHA-ANSI Standards)



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5. Back Brace (OSHA-ANSI Standards)

All the above required safety equipment will be the responsibility of the employee to keep in good condition. Employees will be subject to safety gear inspection periodically. Employees not having the required safety gear will be given a written warning and one (1) working day to acquire the lacking safety gear. If the employee does not show visual proof to his or her supervisor the equipment has been obtained, the employee will be suspended without pay until the employee has in his or her possession the required safety gear.

04.065 Tool Allowance

It is the policy of the City that employees hired as mechanics are expected to provide their own hand tools and will be compensated annually at a rate of \$20.00 per month for the use, repair and /or replacement of those tools they use on the job.

The financial assistance provided through and under this tool allowance policy will be treated and considered a separate and distinct matter apart from any other compensation pay plan, compensation, wage adjustment, benefit or overtime considerations or other forms of compensation otherwise due a covered employee.

04.070 Educational Assistance

The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The City's educational assistance program encourages personal development through formal education

The City may provide educational assistance up to fifty percent (50%) of the cost of tuition and fees to all eligible employees. The total assistance granted any employee shall not exceed \$1,500.00 per fiscal year. Eligible employees are:

- Full-time employees
- Non-merit, Special employees

To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

The City has the sole discretion to determine approval for any education assistance requested. The employee must receive approval before enrolling in the program or class. Approval must occur first through the ~~department~~ Department ~~director~~ Director and next through the City Manager prior



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to enrollment in the course, training or class offering. The City's Finance Director must verify availability of education assistance funds prior to requesting approval by the City Manager.

While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

The City retains the right, at the City Manager's discretion, to refuse educational assistance if, based upon the availability of funds as appropriated by the City Council, there are insufficient financial resources to adequately provide for a request for educational assistance. Requests for approved educational financial assistance under this policy shall be handled on a "first-come, first-served" basis, however, those individuals that may be in the middle of a program may have precedence over a first-time requestor, and funds shall not be reserved for anticipated, future courses.

Receipt of funding support under this policy shall be on a "Secondary ~~Payer~~ Payer" basis only. That is, if an employee has obtained funding, whether from grants, loans, or other sources that pay the cost of approved tuition, City funds will not be authorized when such payment would create a "double dipping" or "unjust enrichment" reimbursement to the employee in an amount greater than the cost of the approved tuition or to repay amounts paid from other sources.

The City, under this policy, will reimburse not more than 50% upon successful completion of approved class or course work. Where a grade is given, the employee is required to successfully complete course work with a grade of "C", its equivalent (e.g., a grade point of 2.0 within a 4.0 scale), or better. If the course is taken on a "pass/fail" basis, the employee must pass the course to qualify for reimbursement. If the employee does not successfully complete the course, there will be no reimbursement made. NO payments from or under this program will be made to employees who do not receive authorization to participate under this policy BEFORE committing to any financial obligation.

Within thirty (30) days of the successful completion of any approved course, the City requires the employee to submit a completed request for reimbursement, with documentation of successful completion of the course to the City Manager on proper form(s) available from the Finance Director.

If an employee voluntarily separates from the City's employment within one year after completion of any course, the educational financial assistance for that course(s) will be only a loan. The City-paid portion of the educational costs will be deducted from the employee's last paycheck. Exceptions to this repayment requirement may be made at the discretion of the City Manager, and



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will be limited to compelling circumstance(s) beyond the immediate control of the employee and for which a reasonable accommodation is requested.

If a course is changed, modified or deleted as a curriculum offering after the employee has obtained approval for reimbursement, the employee must notify the ~~Director of Administrative Services~~ Assistant City Manager and his/her ~~department~~ Department ~~director~~ Director of the change immediately upon first knowledge of the change, modification or deletion. New, changed, or modified course(s) must receive written approval to receive reimbursement.

The City may, at its discretion, pay 100% of the education costs for certain when their occupation area is such that ongoing education is necessary to maintain a certification or continuing education required by the State or City (e.g., continuing legal education).

Employees should contact the Finance Director for more information or questions about educational assistance.

04.075 Catastrophic Sick Leave Bank

The Catastrophic Sick Leave Bank (the "Bank") has been set up to provide employee financial support during times of severe illness. These guidelines will govern the operation of the Bank

- 1) The available Bank value shall be capped at \$10,000. The finance director shall monitor and maintain the available hours in, or value of, the bank.
- 2) Only extended illness and catastrophic medical issues, as documented by a licensed medical provider, will be considered for leave withdrawals from the Bank.
- 3) Only full-time employees approved for FMLA leave and who have depleted their sick, vacation and comp time balances shall be eligible to draw assistance from the Bank.
- 4) Catastrophic sick leave assistance can only be drawn for the illness of the employee, spouse, dependent child, or one standing in loco-parentis.
- 5) All requests for assistance must be in writing and submitted to ~~Human Resources~~ Assistant City Manager.
- 6) Requests must outline the number of hours already used for the illness and the specific number of hours being requested.
- 7) Withdrawals from the Bank shall not exceed 240 hours per employee during any 12 month period or up to fifty (50) percent of the then available Bank resources, whichever is less. After the initial hours granted have been used, the employee may petition the committee for more hours and, upon showing of good cause, the committee may, at its sole discretion, grant additional hours.
- 8) Any employee applying for catastrophic sick leave must have used at least 120 hours of leave for the same illness before catastrophic sick leave may be granted. If the employee

Commented [DP45]: I understood this was done away with.

Commented [DG46R45]: No it still exists. We talked about it, but it is still there.



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does not have paid leave time available, leave without pay may be used to satisfy the 120 hour requirement.

- 9) Catastrophic sick leave granted will only be used for the duration of the illness or condition which qualified the employee for the assistance. Upon cessation or termination of the qualifying illness or condition, the employee's right to assistance ends. Any catastrophic sick leave granted but not used will be returned to the Bank.
- 10) A committee comprised of peer employees from each department within the city will meet as needed to consider catastrophic sick leave requests. Requests for leave are granted only by a majority vote of committee members then present
- 11) The committee may investigate leave abuse. If the committee finds abuse, it may deny some or all requested catastrophic sick leave.
- 12) The decision of the committee will be provided to the employee in writing.
- 13) The employee may appeal the decision of the committee in writing to the City Manager within 5 working days of the committee's decision.
- 14) The City Manager shall have 10 working days from the appeal to respond. The City Manager can either sustain or overturn the decision. The decision of the City Manager is final and cannot be appealed.

~~The catastrophic sick leave bank provides employees additional support in times of severe illness concerning themselves or an immediate family member. See the Administrative Services Director for additional information.~~

04.080 Severance Pay

The following at will employees will be eligible for severance pay from South Ogden City equal to one month's salary for each full-time year of service up to a maximum of six month's severance pay if they lose their position because of an election.

- City Attorney
- Police Chief
- Police Lieutenants
- Fire Chief
- ~~Deputy Fire Chief~~ Deputy Fire Chief
- Director of Public Works
- Assistance Public Works Director
- ~~Director of Administrative Services~~ Assistant City Manager
- ~~Director of Parks and Recreation~~
- ~~Director of Finance~~ Director
- City Treasurer
- City Recorder

Commented [SL47]: I think in other policies this was changed to Finance Director.

Commented [DG48R47]: OK we can change it here as well



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Employees in these positions who lose their jobs because of an election are not eligible, if they request, and are granted reinstatement to a previous merit position ([See Reinstatement Section 02-085](#)).

04.085 South Ogden City Service Awards

The City intends to recognize those employees whose loyalty and dedication to public service are reflected in their length of service to the City. The City expresses this recognition and attempts to show a measure of its appreciation through an Employee Service Awards Program.

As part of the Employee Service Awards Program, the City presents eligible employees with awards based upon the number on continuous, uninterrupted years of service. Eligible employees are:

- Full-time employees
- ~~Qualified, p~~ Part-time employees

Years of Service	Award
5 years	Coin, \$240 logo item, \$30 gift certificate
10 Years	Coin, \$25 <u>50</u> logo item, \$50 gift certificate
15 Years	Coin, \$30 <u>60</u> logo item, \$70 gift certificate
20 Years	Coin, \$35 <u>70</u> logo item, \$90 gift certificate
25 Years	Coin, \$75 <u>100</u> logo item, \$100 gift certificate
30 Years	Coin, \$100 logo item, \$150 gift certificate
35 Years	Coin, \$100 logo item, \$250 gift certificate

All service awards will bear the South Ogden City logo.

Commented [SL49]: What does 'qualified' mean?

Commented [DG50R49]: ?? not sure

04.090 Holiday Pay

Employees working shift work, other than sworn fire personnel, receive additional compensation as holiday pay. (Designating holidays and the definition of eligibility are in the Holiday Policy of the Leave Section).

For this policy, “employees working shift work” are employees assigned to work holidays, as part of their regular work assignment to provide required City services. “Employees working shift work” include, but are not limited to, classified service full-time sworn police personnel, and Public Works employees responding to emergencies.



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Additional compensation for holidays is provided to all eligible employees immediately upon assignment to an eligible employment classification. Additional compensation is calculated based on the employee's base pay rate at the time of the holiday and includes no special forms of compensation, such as incentives, commissions, or bonuses.

Although paid time off may be provided on an observed rather than an actual holiday, holiday pay will be based on the actual holiday for "employees working shift work," as defined herein.

Except for "employees working shift work", if an eligible employee must work on an observed holiday, hours worked are paid at a straight time rate and he/she will receive eight (8) hours of holiday pay. If such an employee must work on an actual holiday that falls on the employee's regularly scheduled day off, hours worked are paid at a rate of one and one-half (1.5) times their straight time, base pay rate plus eight (8) hours of holiday pay.

Sworn Police officers working shifts (except duty lieutenants) are compensated for holidays falling within their regular work period by receiving their straight-time base pay rate and are provided an equal number of hours off selected by the officer and approved by his/her supervisor. If an employee works on a holiday for which the employee was not regularly scheduled to work, those hours worked are paid their straight-time base pay rate, plus eight (8) hours of holiday pay. Only those hours worked on a holiday will be considered hours worked to calculate overtime.

If a shift work employee works a shift that spans a two-day period, one of which is a holiday, any holiday pay shall be limited to the hours falling within the 24 hours constituting the holiday.

Sworn fire personnel working 24- hour shifts are compensated for working holidays at their regular rate of pay, as if the day were not a holiday. These employees receive additional paid time off for holidays as provided in the holiday policy found in the leave policy.

Exempt employees are paid on the basis of set compensation and are compensated for all holidays based on that compensation. If an exempt employee works on a holiday, they are not compensated additionally for such work.

For implementation and clarification of the above policies, a department policy may be established, if it is not in conflict with this policy and is approved in writing by the City Manager.



SECTION 5: EMPLOYEE CONDUCT

05.005 General Policy

South Ogden City was incorporated in 1936. Its history and traditions serve as the foundation of strength, integrity and professionalism for all our employees. It is from this background and setting the City strives to provide continued excellence in public service to our patrons and the community.

The City has a strong desire to recognize people as individuals who have individual needs and desires. This recognition is best observed when employees treat each other and the public with respect and interact with one another in a spirit of good faith and cooperation.

The City believes that employees function in a more efficient and effective manner when they have defined guidelines within which to work, and appropriate objectives and standards to achieve to perform their duties.

Employees represent the City both on and off duty through their behaviors and interactions with the public. As stated elsewhere in these policies, there are certain standards regarding off-duty conduct which employees are expected to uphold.

The City intends to encourage employees' involvement in community and civic affairs and encourages you to be an active, successful part of our community. The City expects all employees to meet its standards of professional work and service in a manner, which reflects integrity, honesty, and openness.

Employees are not to perform volunteer work for the City in such a manner that would deprive them of otherwise legitimate compensation. The City desires to reward and compensate all employees based on the City's pay plan and under federal and State laws governing the proper and timely payment of compensation and overtime earned within their employment.

The City encourages employees to make inquiry, raise concerns and voice their needs and opinions in an open, direct and respectful manner with appropriate supervisors. In this manner, we can work together for the common good of the City to meet the high standards of professional excellence and competence, which will have real impact on our progress now and in the future.

05.010 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. Violations of the City's rules of conduct may cause in disciplinary action, up to



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and including termination of employment.

Many of these rules of conduct are outlined in other sections of policy. The following are examples of violation of rules of conduct:

- (1) Any behavior, event or condition, which violates the conditions of employment with the City, as described in any policy.
- (2) Any behavior or event which is a conflict of interest, or divulges confidential information for which a policy exists prohibiting such releases or publication. See the City's Conflict of Interest and Non-Disclosure Policy [Section 05.065](#).
- (3) Unauthorized or unacceptable use of City equipment or property as described in the City's Personal Use of Vehicles, Use of Equipment and Vehicles and Use of Electronic Communications and Mail System policies.
- (4) Violating the City's safety standards as discussed in the Safety policy.
- (5) Violating the City's Overtime policy rules and standards.
- (6) Violating the Work Schedules policy when a change in a work schedule or work activity is unauthorized and unapproved, irrespective of whether the employee benefits from such violation.
- (7) Violating the City's Sexual Harassment or Other Unlawful Discrimination or Harassment Policies or any State or federal law prohibiting discrimination against individuals in protected groups or classes.
- (8) Working under the influence of alcohol or illegal drugs or while abusing legal drugs.
- (9) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned vehicles and equipment.
- (10) Unexcused or excessive absenteeism or any absence without notice, or excessive or unexcused tardiness.
- (11) Violations of the City's Fitness for Duty policy.

Besides these policies, the following behavior or conduct may cause disciplinary action, up to and



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including termination of employment:

- ~~(12)~~ (13) Actions which violate City ordinances or other local, state or federal laws including statements or comments which serve as proof or an admission of proof that the employee violated such laws, whether or not a conviction occurred regarding such violation.
- ~~(2)~~ (13) Actions which violate Administrative Orders.
- ~~(3)~~ (14) Violations of applicable departmental rules and procedures.
- ~~(4)~~ (15) Violations of personnel policies.
- ~~(5)~~ (16) Theft or inappropriate removal or possession of property.
- ~~(6)~~ (17) Falsification of any City records, including personnel records, time-keeping records, employee expense reimbursement requests, etc.
- ~~(7)~~ (18) Behavior or activity which reflects intent to be dishonest or untruthful.
- ~~(8)~~ (19) Insubordination or disrespectful conduct or language toward members of the public, managers, or other employees.
- ~~(9)~~ (20) Actions which discredit the name, reputation, or public mission, or interest of the City.
- ~~(10)~~ (21) Negligence or improper conduct leading to bodily injury or damage of City-owned property or the property of third parties.
- ~~(11)~~ (22) Boisterous or disruptive activity in the workplace; behavior or activity which creates disharmony or a disorderly environment.
- ~~(12)~~ (23) Fighting or threatening violence in the workplace.
- ~~(13)~~ (24) Smoking in prohibited areas.
- ~~(14)~~ (25) Possession of dangerous weapons or materials, such as firearms or explosives, except as required or authorized within the employee's scope of employment.

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Commented [SL51]: What about chewing tobacco?

Commented [DG52R51]: The law says tobacco products, but does not address chewing tobacco. It seems the spirit of the law is to address 2nd hand smoke. this may be a Bradshaw question .

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~~(15)~~(26) Violation of safety or health rules establish by the City or its departments or divisions, or safety or health rules regulations as governed by applicable code or competent authority.

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~~(16)~~(27) Unauthorized use of City-owned telephones, electronic communications or mail systems, computers and software, or other City-owned equipment or property.

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~~(17)~~(28) Unsatisfactory performance or conduct.

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~~(18)~~(29) Unauthorized absence from workstation during the workday.

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It is the policy of the City to seek reasonable and consistent treatment of all employees and to encourage positive and cooperative relationships among all employees and between employees and supervisors. The City recognizes that from time to time disputes may arise over actions or discipline as the result of enforcement or interpretation of the policies and procedures of the City. Severe or serious disciplinary action may cause suspension, demotion or termination of employees within the scope of the City's policies and procedures.

05.015 Professionalism

South Ogden City is a professional association whose purpose, among others, provides professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees must carry out efficiently the work items assigned at their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other member employees and officials.

05.020 Alcohol and Drug Free Workplace

It is the City's intent to provide a drug-free, healthful, and safe workplace. To promote this goal, employees must report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

Commented [SL53]: What if an employee has a prescription for medical marijuana?

Commented [DG54R53]: That would fall under the legal use of prescribed drugs

While on the City premises and while conducting City related activities off City premises, all employees must be fit for duty and no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs or non-prescription drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and/or does not endanger other individuals in the workplace.

It is the policy of the City to enforce a drug-free, safe work place through specific procedures

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detailed and contained within its Fitness for Duty Program and related drug and alcohol policies. Violations of this program or these policies may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have other legal consequences.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Unpaid leave may be granted, if such leave does not cause the City any undue hardship, if the employee agrees to abstain from the problem substance and abides by all the City policies, rules, and prohibitions relating to conduct in the workplace from that point forward.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the City of a criminal conviction for drug-related activity in the workplace. The report must be made within five (5) days of the conviction.

Employees required to drive in performing their jobs and are involved in any alcohol or drug related traffic violation or criminal charge stemming from that work-related driving must report such information to their ~~department~~ Department ~~director~~ Director prior to returning to duty.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the ~~Administrative Services Director~~ Assistant City Manager and no reprisal will be allowed in questioning or discussing the issues with such employees if no violation of the notification requirements outlined above occurs.

Employees are solely responsible and expected to inform their supervisor of any prescription drugs they are taking which may alter their ability to perform their jobs. Supervisors have the responsibility to deny an employee access to city provided vehicles and equipment if the effects of prescription drugs will render the employee unsafe in the operation of the vehicle or equipment.

Employees taking prescription medication or that have a medical condition effecting ability to perform tasks required in the job description, or that may require first aid, should notify their immediate supervisor. Examples of medical conditions that may require first aid could include but not limited to:

- Asthma
- Allergies (severe bee/wasp, food, etc.)
- Diabetes
- Taking blood thinners

Commented [SL55]: perhaps this is where the marijuana question is addressed if necessary

Commented [DG56R55]: see above



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If a medical condition is treated by prescription aids, such as epinephrine for bee stings, a supervisor should be notified of where this medication is kept in case assistance is needed.

“CDL” Special Issues and Considerations

Consistent with City’s desire to provide a drug-free, healthful, and safe workplace, and recognizing the special responsibilities placed on those who operate City equipment requiring a Commercial Driver License (CDL), the following additional standards and requirements apply to all City personnel required to have a CDL as a condition of their employment with the City.

Requirements to Drive a Commercial Motor Vehicle

A person may not drive a commercial motor vehicle for the City, unless the person has been issued and is in immediate possession of a valid CDL for the commercial motor vehicle being driven, or a valid CDL Instructional permit and is accompanied by the a person holding a valid CDL for the commercial motor vehicle being driven.

A person may not drive a commercial motor vehicle for the City if his privilege to drive a commercial motor vehicle is suspended, revoked, or canceled, or is subject to disqualification or an out-of-service order.

CDL Disqualification or Suspension – Grounds and Duration – Procedure

A person who holds or must hold a CDL is disqualified from driving a commercial motor vehicle for the City for the terms and under the conditions set out by UCA 53-3-414, which standards are adopted as if fully set forth in this policy. Any inconsistencies between or within this policy and UCA 53-3-414, or any successor or amended section(s), shall be resolved in favor of said Utah Code section, except where there may be a conflict with the Drug-Free Workplace Act, in which case said inconsistencies shall be reserved in favor of said Act.

DRUG TESTING

General Policy

Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, all post-offer applicants, as a condition of employment, and continuing employees, under suspension or sanctions under this policy as set out below, may be asked to provide body substance samples (such as urine and/or blood) to determine the abuse of, illicit or illegal use of drugs and/or alcohol. Refusal to submit to drug testing may cause disciplinary action, up to including termination of employment.

The City will endeavor to provide assistance to its employees in obtaining confidential counseling



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and referral services through available community resources with such problems as drug and/or alcohol abuse or addition. It is the employee's responsibility to seek assistance from available community resources prior to reaching a point where his or her judgment, performance, or behavior threatens or endangers the maintenance of a safe, efficient, and productive work environment for all employees or leads to imminent disciplinary action. The City reserves the right to take and continue any and all disciplinary action before the employee admitted the existence of a problem.

When Tests are required

In keeping with the City's commitment to provide a safe and productive work environment for all employees and to protect the public, drug and alcohol testing may be conducted within the guidelines established by this policy. The City will attempt to protect the confidentiality of all drug test results to the degree practicable. Drug tests may be conducted under the following situations or conditions:

- A. POST-OFFER – As a pre-qualification to assuming any position, prospective employees must provide a body substance sample for drug and alcohol testing.
- B. POST-ACCIDENT – Any employee involved in an work related accident or accident while on duty, whether on or off the City's premises, involving damages to any City property, where the damages have a reasonably apparent value over \$100 or results in any personal injury, shall be asked to provide a body substance sample to test for drugs and/or alcohol.
- C. FITNESS FOR DUTY – This test may be required if significant and observable changes in employee performance, appearance, behavior, speech, etc. provide reasonable suspicion of the influence of drugs and/or alcohol. A fitness for duty evaluation may include testing one or more body substance sample(s). See Fitness For Duty – Procedures and Testing Policy below.
- D. RANDOM TESTING – Under federal law, and as enforced by the U.S. Department of Transportation or other federal or state requirement, any employee in a position requiring a valid Commercial Driver License (CDL) as a requisite or qualification for his/her job shall be subject to random testing for drugs and/or alcohol. Random Testing requires that one-half of the employees in CDL-required positions, as determined by a random selection, be tested at least once a year. The actual selection of the individual employees to be tested is made in a random manner and method as prescribed by the U.S. Department of Transportation. See Fitness For Duty – Procedures and Testing below.

Contract Employees and Volunteers

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Contract employees and volunteers providing goods or services for and on behalf of the City shall also be subject to the terms and conditions of all policies and procedures involving drug and alcohol testing, including the cancellation or refusal of continues services or work of said volunteer(s) or contract employee(s), found to violate these policies. Contract employees and volunteers shall be given notification of City policies and procedures involving drug and alcohol testing. This notification shall be given before work or services are provided to, for, or on behalf of the City. A properly signed acknowledgement of said notification shall be made part of the contract or file of contract workers or volunteers.

The City has provided guidelines for supervisors to use in determining when and under what circumstances employees may be called into question about their adequate performance or fitness for duty or when accident or injury occurs. Employees must notify supervisors whenever they witness or have information about accidents, injuries, or an employee's inability to adequately and safely perform his/her job duties.

DRUG TESTING PROCEDURES & FITNESS FOR DUTY

General Policy

Consistent with the City's policies on Drug & Alcohol Use, the City intends to enforce its policies and provide a framework of procedures and testing guidelines for all employees, contract employees, and volunteers.

The City requires its employees and volunteers to be "fit for duty" when performing work or service, or otherwise acting in a representative capacity for the City and/or its operations. Subject to the terms and conditions of this policy, other related City policies, and relevant state and federal law, the City will not allow or permit any employee or volunteer to perform work or service when there is a reasonable suspicion that the employee cannot do so safely and effectively.

Testing Procedures

Post-offer Applicants

It is a requirement of the City that a chemical test and a body substance test be performed to detect the presence in the body of controlled substances and/or alcohol upon or after an offer of employment is made to an applicant. Any applicant who tests positive will be denied employment, unless otherwise allowed elsewhere in these and related policies.

If a test result is positive for an applicant, the applicant may, upon written request to the ~~department~~ Department director ~~Director~~, within fourteen (14) days after receiving notice of a test result, have the test verified using a proven, reliable test method designated by the City. The applicant shall



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pay the costs of the verification test. If the verification test is negative, the City shall reimburse the applicant for the costs of the verification test.

If the applicant has made a timely request for verification of test results, and if the sample has become lost, stolen, contaminated, or has otherwise become unusable, unavailable, or unreliable, the applicant shall be allowed to provide another sample for testing at a time and place designated by the City.

Employees

If reasonable suspicion exists to believe an employee is using, consuming illegal drugs or is under the influence of alcohol or drugs (whether such are legal or illegal) while engaged in a work activity or a work-related purpose or event, the employee shall be required to immediately undergo a test for alcohol or drugs in the system at a medical or testing center authorized and designated by the City. The employee shall be taken to the collection site at the medical or testing center by the supervisor or a designee of the supervisor.

Missed Duty- Negative Test

An individual who misses duty solely because of drug testing will be paid for time away from scheduled work if the drug test results are negative.

Reasonable Suspicion

As defined under terms and definitions in this policy, reasonable suspicion includes an articulable belief and reasonable inference that an employee is under the influence of, or is impaired by, or is using, drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion include, but are not limited to, the observation or knowledge of:

- A. A pattern of abnormal or erratic behavior. Unclear thinking, as communicated by the employee when asked questions about what they are doing, could be part of a pattern of abnormal or erratic behavior. This may include the inability to list or follow consecutive events or directions in a predictable and/or logical manner
- B. A work-related incident or accident. This may include the observation and/or knowledge of behavior which violated known or expected safe work standards. An example might be an employee using a welding torch or a saw to threaten or tease another individual, even if such action does not result directly in immediate harm.
- C. Direct observation of drug or alcohol use. If any employee observes the presence, sale, distribution, use or possession of alcoholic beverages, illegal drugs or drug paraphernalia by any other employee on the City's time or premises, the observing employee must notify



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his supervisor immediately.

- D. The presence of physical symptoms of drug or alcohol use. An example of physical symptoms present might be the burnt, sweet, acrid odor of marijuana “joint”; the clear odor of alcohol on a person’s breath; slurred speech, unsteady walk, uncontrolled shaking or small tremors in the hands, arms, legs, etc.; poor coordination and/or reflexes; and glossy or bloodshot eyes.

Notwithstanding any other terms or examples in this policy, an employee shall be required to undergo medical examination and/or chemical testing for alcohol or drugs, if the employee has been principally or directly involved in any behavior and/or action which served as the cause of contributed to the reason for any accident resulting in either property damage, which reasonably appears to be over \$100.00, or a physical injury. Except where determined by existing evidence or competent authority, the City requires two (2) confirming opinions by supervisors and/or ~~department~~ Department ~~directors~~ Directors to determine the value of any property damage.

Test Refusal

A refusal to submit to or undergo an examination or test referred to in this and related policy directives shall be interpreted as violating these policies and, besides to being treated as a positive test result, may include interpreting insubordination depending upon the involved employee’s actions and behaviors in the circumstances. In either case, the employee shall be subject to disciplinary action up to and including termination.

No employee will be forced to submit to a fitness for duty examination or chemical test. However, the City is intent on enforcing its own policies regarding a safe and drug-free work environment, and employees who refuse to comply with or cooperate in examination or testing procedures shall be subject to disciplinary review as noted above and throughout this policy.

Dilute specimen

A dilute specimen, by definition, is a urine specimen that has a creatinine of less than 20 g/dl and a specific gravity of 1.003 or less. If the urine sample is determined to be negative and diluted, the donor will be required, at the employer’s request, to not drink excessive amounts of fluids and provide, with minimum possible advance notice, another specimen to be tested. If the second test is also negative – dilute, the employer must accept that result and cannot continue re-collections. The second test is the test of Record. An applicant/employee’s refusal to submit to a re-collection for a negative-dilute result will be considered a test refusal.

Positive Test Results & Verification Procedures

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A test result is determined to be positive to enforce this and related policies if the result is at, or over, the level specified by the City (in the Appendix at the back of this policy). A positive test of .04 grams or greater concentration of alcohol in the blood or breath shall be deemed to cause impairment and would be a positive test. If a test result is positive, those results shall be verified (confirmed) using a proven, reliable test method designated by the City.

An employee who tests positive (i.e. a positive test occurred from testing their body samples), and whose test results are confirmed shall be subject to disciplinary action which can include termination. The employee may be referred to counseling, care or rehabilitation besides any disciplinary action. In no case will any treatment, counseling, care or rehabilitation, which is allowed or permitted by the City, abrogate or set aside the City's right to take disciplinary action it deems appropriate in its sole discretion.

Verification

Verification tests shall be performed on the same sample from which the initial test was completed. All verification tests results shall be interpreted by a qualified medical professional of physician selected by the City.

Control of Samples

The sample will remain with, and be under the custodianship of, the medical or testing center designated by the City for at least sixty (60) days following the initial testing.

Positive Test – Program Referral – Follow up Testing

An employee who tests positive for drugs or alcohol and who successfully completes rehabilitation will be subject to unscheduled testing for up to a twelve – month period following return to work. Besides unscheduled testing, an employee who has tested positive for drugs or alcohol and has been allowed to return to work shall have a written Return To Work Plan (the “Plan”) completed by his/her ~~department~~ Department ~~director~~ Director, in concert with the employee, upon the employee's return to work. The Plan shall set forth specific conditions of performance and work conduct of the employee that shall be satisfied during the twelve – month duration of the Plan. The Plan shall be tailored to the circumstances involved in enforcing this policy or any other related City policy on work performance, employee conduct and drug and alcohol testing and shall be subject to acceptance and approval by the ~~department~~ Department ~~director~~ Director and the City Manager.

Medical Release

Whenever a positive test result has occurred, a supervisor shall require that the affected employee obtain a medical release from the medical facility or testing center authorized by the City indicating the employee's fitness for duty as a condition of both returning to work and continued employment.



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Such medical release shall permit, but not require, the employee to be restored to duty with the City.

Identification of Unfit Conditions

In order to properly provide for safe and adequate working conditions for employees and the public, both employees and supervisors must fulfill certain responsibilities under this policy dealing with proper identification of employees who may be unfit for duty.

Duty of Employees

Employees must report to their supervisor any behavior or situation which appears to have the potential to negatively impact the health or safety of the public or other employees or the public's perception of the City. This latter condition may occur regarding behavior or situations which could occur in a social setting connected to the work roles or representations of an employee of the City. Employees must keep confidential their information and reports of information about any other employee and to tell only appropriate supervisors.

Employees who act in good faith to appropriately identify behavior to their supervisor which may indicate another employee may not be fit for duty will be defended, indemnified and held harmless by the City for any and all damages claimed or sustained if litigation occurs.

Employees must advise their immediate supervisors and ~~department—~~ Department directors Directors, prior to working, whenever they are using prescription or non-prescription drugs which might otherwise impact or impair their ability to perform job tasks assigned them, including – and especially – the operation of equipment or vehicle. The City may require the employee to provide medical information about such prescribed drug and/or the employee's condition or ability to perform the required functions of his/her job assignment to ensure a safe and adequate work environment for the employee and others including members of the public.

Question concerning this policy or its administration should be directed to the Assistant City Manager ~~Director of Administrative Services~~ through the employee's ~~department—~~ Department director Director.

Duty of Supervisors

Certain procedures shall be followed by supervisors whenever an employee's behavior(s), interactions or communication(s) discloses a reasonable suspicion to question the employee's ability to perform tasks required of the job or to question the employee's ability to perform adequately within the scope of the job. Supervisors must follow through and act properly and in a timely manner upon first knowledge or report of a possible impaired worker or unfit condition. Supervisors shall investigate all claims, issues and situations related to enforcement of this policy.

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Such investigation shall include the confidential identification of all witnesses to the conduct, performance, or behaviors of any impaired worker. Such investigation shall include the confidential identification of all witnesses to the conduct, performance, or behaviors of the impaired worker. Such investigation shall also include providing notification to the ~~Director of Administrative Services~~ Assistant City Manager of any impaired employee, with the results of the Supervisor's investigation.

Supervisors shall hold confidential all information about a reported concern or issue related to enforcement of this and related policies and share such confidential information only with the appropriate "chain of command" superiors who require such information to enforce this and related policies.

Supervisors must consult with the ~~Director of Administrative Services~~ Assistant City Manager, contact the police department, and arrange for confiscation of illegal materials, for drug or alcohol testing, transportation to testing sites and other activities necessary to enforce the City's policy against drugs and alcohol in the workplace.

Police Notification

The City's procedures require that supervisors notify the police or other appropriate law enforcement official(s) whenever they believe or suspect an employee is in possession of, selling or transferring illegal or controlled substances.

Investigation Procedures – Employee Status

Pending determining an employee's fitness for duty, the employee may be suspended, with pay, from any work activity or duty. This suspension is an important safety valve and should be used whenever possible and practicable. Employees on suspension may not return to the job until and unless the suspension has been lifted. Employees must be notified by the supervisor on duty of the initial suspension. Determinations whether or not a suspension will be lifted shall be made after the conclusion of other procedures described in this and related policies and will be communicated through the ~~department~~ Department ~~director~~ Director or supervisor to the suspended employee.

Suspended employees reasonably perceived to be potentially unfit for duty shall not be allowed to leave the place of work unless accompanied by a supervisor or his/her designee. Management has the responsibility to ensure safe transportation for the employee from the job site. If the employee refuses to let the supervisor or his/her designee transports him/her, the supervisor must notify the appropriate law enforcement authorities.

During a suspension under this policy, a fair and thorough investigation shall occur ensuring adequate and thorough compilation of all facts, records and evidence (including test results)

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pertaining to the reason(s) and cause(s) for the suspension of the employee. Applicable city policies and any Civil Service Rules and Regulations related to procedures and steps regarding suspensions, their time frames and/or limitations, and the employee's return to work shall apply.

Documentation

It is an essential element of this policy and its enforcement that the supervisor and any other management member involved in evaluating the employee make a detailed record of all actions, observations, statements and other pertinent facts related to their basis of reasonable suspicion and their perception that a worker was impaired or unfit for duty.

The documentation shall include specific facts related to the date, time, location and observations made or other information known to exist when a reasonable suspicion was first formed, or believed to exist, that the employee was potentially unfit for duty.

~~A form for this purpose shall be available from the Office of the City Manager for supervisors to use as a guideline on which to base proper documentation.~~ Any witnesses who also were involved should be identified, and their statements taken when possible.

Administrative Hearing Procedures

An employee who tested positive on a chemical test or examination, or who refused to take the test when requested to do so under this policy shall have a right to request an administrative hearing before the City Manager. The request for an administrative hearing shall be in writing and shall be filed with the City Manager within fourteen (14) calendar days from either the date of receipt by the employee of the verification (or confirmation) of test results or from the date of disciplinary action (suspension) resulting from the employee's refusal to be tested.

Time of Hearing

A hearing shall be held within thirty (30) calendar days from receipt by the City Manager of the written request for such hearing. A record shall be made of the hearing, and both parties – the City and the employee- shall be interested parties to the hearing.

Scope of Hearing

The hearing will be informally structured. Interested parties will present evidence, information, witness(es), records and reason(s) or rationale why a test was requested, accepted or refused. The process and procedure of the test, its administration, results and interpretation shall be subject to review and discussion at the hearing. At such hearing, all information, records and reports pertinent to any issue(s) related to the legal or illegal control or use(s) of any substance, behaviors and



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interactions regarding the effect and impact on work, task, and/or service for the City and proper compliance with law, and/or intended controls through prescriptions, regarding the possession, distribution, sale or use of any substance, as related to this or any other involved policies of the City, shall be subject to review and discussion.

Representation

Since any hearing under this part is informal and administrative and structure, there is no requirement for either party to be represented by someone outside the employment of the City. Either party may be represented by a non-employee or an attorney. The costs of representation shall be borne by the party having such representation.

Time and Scope of Hearing Decision

The City Manager shall, within thirty (30) calendar days following the conclusion of a hearing, issue written findings of fact, conclusions based on those facts, and a decision or order supporting those conclusions. The City Manager shall have full authority, subject to the terms and conditions of this policy and procedure and under any other existing rules, regulations and/or policies of the city, to affirm any disciplinary action taken or proposed, invoke other disciplinary action apart or in combination with that already taken or proposed, and/or set aside any disciplinary action taken or proposed. Subject to the terms and conditions of this policy and procedure, the Manager shall have authority to reinstate an employee with or without compensation retroactive to any prior suspension or other lost time directly attributable to action(s) taken regarding this and related City policies.

It is the intent of the City this administrative hearing procedure and process provide an avenue of timely, effective and inexpensive, review and enforcement of any disciplinary action or testing requested or performed under the terms and conditions of the City's drug-free workplace policy and the standards and procedures of enforcement in this and other related policies. Other appeals or grievances regarding and related to the enforcement of this policy shall be governed by applicable grievance and appeal rights and procedures as found under other policies of the City.

Private and Confidential Records

In all cases involving testing for substances as detailed and provided for in this and other applicable policies, test results and records related to specific testing methods, steps and procedures shall be released to the City. Such results, records and other material related to the testing and results are and shall remain the property of the City. Testing information and results shall be shared by the City only with interested parties and only on a need-to-know basis. Such need-to-know basis shall exist regarding sharing confidential records with ~~department~~ Department ~~directors~~ Directors or immediate supervisors who shall be entrusted with disciplinary action, evaluation procedures and other direct responsibility over the employee. This release of such information occurs only when

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it is reasonably necessary to insure the employee is performing the assigned job and otherwise comporting their behavior to any ongoing requirements of the City.

Specific test results and specific records related to the test method(s), procedure(s), and related medical process shall be kept in separate and confidential records apart from the employee's file. Reference to the existence of such results and records shall be made in the employee's file regarding any record of disciplinary action taken or terms and conditions of continuing employment stemming from, or arising out of, a testing procedure, request, or outcome. The only exception to such reference shall occur regarding the restoration of an employee to duty whenever a hearing decision and order provides for such restoration and directs the expunging of such record or reference.

Responsibility for Expenses

The expense of any fitness for duty evaluations, examination or testing requested or required by the City under this and related policies shall be paid by the City. The expenses for any treatment or rehabilitation, volunteered or mandatory, shall be the responsibility of the employee.

Right to Change or Terminate Policy

This policy describes the City's testing procedures, protocols for review, and applicable steps involved with upholding, supporting and enforcing its policies on Fitness for Duty, Drugs & Alcohol in the workplace and Drug & Alcohol Testing. The City intends to also uphold and enforce other applicable policies which deal with the conditions and terms of employment with the City, including, but not limited to, the City's policies and practices related to disciplinary action for violations of its employment conditions, terms and standards.

As stated elsewhere in this and other policies of the City, nothing in this or any other policy shall constitute a contract of employment. Nothing in this or any other policy constitutes a term of contract of employment. Nothing in this or any other policy constitutes a term of contract nor is there any express term or condition of employment to be inferred from this or any other policy.

The City reserves the right to amend, replace, and/or terminate this policy and without the consultation with, or approval of, any employee(s).

Federal Law

Nothing in this policy should violate or supersede the intent or provisions of the federal Drug-Free Workplace Act, which, among other provisions, compels self-publication of conviction(s) based on the illegal activity or use associated with illegal drugs or alcohol. Any inconsistencies between or within this policy or the Drug-Free Workplace Act shall be resolved in favor of said Act.



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Test Standards and Results

It is the policy of the City to test for alcohol and drugs. Except regarding Random Testing as determined and controlled through the Department of Transportation or other applicable authority of law, the City may test for alcohol and the standardized nine (9) other chemical substances. These nine generalized substances are listed below. The levels, or results, obtained in each test for each substance shall be under standardized accepted cut off levels, established by current medical and State standards.

1. Amphetamines
2. Marijuana
3. Cocaine
4. Opiates (heroin, morphine, codeine)
5. Phencyclidine (PCP, "angel dust")
6. Barbiturates
7. Benzodiazepines
8. Methadone
9. Propoxyphene
10. Tests performed may be analyzed for alcohol and the following generalized chemical substances their salts, isomers, esters, ethers and metabolites as described in UCA, Utah Controlled Substances Act; 58-37-4, schedule; 1-5.

Positive test results as described in this policy shall be the basis of taking appropriate action under other applicable City standards and policies relating to job performance, safety, equipment and vehicle use, employee conduct and behavior, drug and alcohol testing and procedures, and fitness for duty requirements.

Terms and Definitions

A. Abuse of alcohol and/or drugs

1. Reporting to work or working/performing service(s) while under the influence of, or while impaired by, alcohol or any other drug(s); or,
2. Chemical dependence on alcohol or other drugs where job performance or people's safety is adversely affected; or,
3. Using illegal drugs.

B. Alcohol



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Ethyl alcohol or ethanol

- C. Chief Administrative Officer
City Manager

- D. Employee(s)
Any individual engaged to perform work or services for the City. This includes all employment categories and volunteers ~~to enforce this policy.~~

- E. Fit For Duty
The condition of any employee, when he/she is able to perform work or service in a safe and effective manner; can safely and adequately perform the essential functions of assigned tasks, with or without reasonable accommodation, and is otherwise unimpaired by any substance.

- F. Illegal Drugs
Includes, but is not limited to, marijuana, cocaine, heroin and similar drugs where possession, use and consumption are prohibited, or controlled under state or federal law; UCA, UCSA, 58-37-4 and includes prescription drugs unless validly prescribed by a licensed medical practitioner and properly used by the employee.

- G. Impaired
Any negative effect on the employee's ability to safely and adequately perform assigned tasks, which occur from the use/ingestion in the body of any quantity of alcohol and/or drugs or other substances.

- H. Misuse of legal drugs
Improper use of a validly prescribed medication or using a non-prescription drug or other substance (e.g. glue) not intended for human consumption or ingestion.

- I. Facilities (or Premises)
All buildings, property, parking lots with their traffic areas and servicing corridors and access ways, including above and below ground areas such as ventilation, sewer or water ducts or access ways; also includes equipment and vehicles used in the conduct of work and service for the City, whether owned privately or by the City.

- J. Positive Test
The results of any medical examination or medical testing procedure which measures or determines a discernible level of alcohol, illegal drugs, or improper level of legal drugs or



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other substances in an individual's body.

K. CDL – Random Testing

The random selection of an employee, from the pool of all employees holding positions requiring a Commercial Driver License, to perform chemical tests for drugs or alcohol under the Federal Department of Transportation, state, or other applicable government authority.

L. Reasonable Suspicion

An articulate belief, based on specific facts and reasonable inference drawn from those facts, that an employee is under the influence of, is impaired by, or is abusing alcohol, drugs or other substance.

M. Sample

Body substance or fluid drawn and/or used to conduct medical examination or medical testing procedures (s). Includes, but not limited to, urine, blood, breath, saliva and/or hair.

N. Under the influence

This term means the same as "Impaired" or unable to safely or appropriately perform the essential duties of their job.

O. Use/Consumption of alcohol

The use and ingestion of alcohol, beer and liquor.

05.025 Privileged Information

South Ogden City employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any South Ogden City plan or activity, this situation must be reported to the City Manager immediately. Each employee is charged with the responsibility of ensuring only information that should be provided to the general public is released as defined in the Government Records Access and ~~management~~ Management Act

05.030 Confidentiality

Fellow employees have an unquestionable right to expect all personal information about themselves, their illness, their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others not authorized to receive it, ~~either inside or outside the office.~~



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05.035 Acceptance of Gifts

The Utah Municipal Officers and Employees Ethics Act (10-3-1301) prohibits the acceptance of most gifts by employees. Under these provisions, no employee shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself/herself or for another person, if the gift or loan influences the employee in the discharge of his or her official duties.

There are exceptions under these laws, including:

- A. An occasional nonpecuniary gift having a value of less than fifty dollars (\$50.00);
- B. An award publicly presented;
- C. Any bona fide loan made in the ordinary course of business; or
- D. Political campaign contributions used in a political campaign.

Violation of these laws and/or ordinances may subject an employee to termination and/or criminal charges. Employees desiring more information about these provisions may contact the City Manager or the City Attorney's Office.

05.040 Attendance and Punctuality

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. On those occasions when employees cannot avoid being late to work or cannot work as scheduled, employees should notify their supervisor when possible.

Employees must report all absences. Department ~~directors~~ Directors and their designees have the right to inquire of an employee as to any reason(s) for repeated, excessive or unexcused absenteeism or tardiness. Poor attendance and repeated tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

In the case of incarceration and an inability to report for work when scheduled, employees must notify their immediate supervisor or their ~~department~~ Department ~~director~~ Director immediately.

05.045 Personal Appearance and Dress Code

South Ogden City reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be



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accomplished.

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and can affect the business and professional image the City presents to patrons and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return in proper attire. Under such circumstances, employees will not be compensated for the time away from work unless accrued vacation or compensatory time is used, ~~and will not be eligible to use or apply other paid time off.~~

Consult the supervisor or ~~department~~ Department ~~director~~ Director if there are questions what constitutes appropriate attire.

05.050 Personal Use of South Ogden City Equipment

A. Computer Equipment.

- (1) Personal use of South Ogden City owned computer systems is permitted only when all of the following criteria are met:
 - a. The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
 - b. The employee is not compensated for the work performed, unless the employee has received prior written approval by the City Manager, or designee.
 - c. The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).
 - d. The employee uses the computer system after hours, or on the employee's personal time.
 - e. The employee does not use the computer system for permanent storage of data.
 - f. Use does not conflict with the employee's South Ogden City responsibilities or normal South Ogden City business.
 - g. The use has been approved by the City Manager, or designee.



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- h. All data stored on, and software developed on, South Ogden City owned computer equipment is the property of South Ogden City and may be viewed/reviewed by the City Manager, or designee. .
 - i. No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on South Ogden City owned computer equipment.
- B. Painting of any City building, inside or out, must have prior approval from the City Manager.
- C. Postage Meters. No employee shall be allowed to use South Ogden City owned postage metering machines for posting and mailing of any personal material.
- D. FAX and Copying Machines. Any employee desiring to use South Ogden City owned FAX or copying machines for personal items may do so after paying for such use at the employee rate in effect at the time of use.
- E. Telephone calls.
 - (1) Employees are expressly prohibited from making personal long distance telephone calls on South Ogden City owned telephones.
 - (2) All employees will use South Ogden City owned telephones for local personal calls judiciously. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.
- F. City Vehicles. Subject to the terms and conditions of various City vehicle policies, employees may only operate City vehicles: on City business when authorized or directed to do so; between home and work when authorized; for minor, infrequent personal use during working hours, if permitted by department policy; or for other circumstances as permitted by specific department policy. The City provides use of city vehicles for personal use, such as between home and work, at its sole discretion and solely as a privilege to its employees.

The City will accept no claims of liability should its equipment or vehicle(s) be used in a manner contrary to its intended purpose, or outside the scope and controls of this policy. The only individuals allowed in and around city operating equipment or city vehicles are those who, because of necessity, must be present to perform the functions of the employee's normal duties. The City prohibits any other individuals from being transported



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or provided transportation in city vehicles, including for personal use of city equipment or vehicles, unless approved by the Department Director and City Manager.

It is the responsibility of each employee who uses his/her personal vehicle in conjunction with City duties, to exercise proper caution, care and safety, regarding the use of the vehicle. Employees have a duty and obligation to act in a manner consistent with good citizenship, respect and courtesy while using their personal vehicles for a business use or business-related activity of the City.

The City will reimburse employees for use of their personal vehicles for City business at the rate allowed under Internal Revenue Service regulations.

The City will routinely monitor the driving records of all employees. Employees showing serious driving infractions on their records (e.g., DUI, reckless driving, or multiple speeding tickets) will be subjected to disciplinary action ranging from referral to counseling, suspension, and/or termination, depending on the severity and/or repetition of infractions. Disciplinary action may be taken regardless of whether infractions occur during duty or off duty hours.

05.055 Purchasing

When procurement involves the expenditure of federal assistance funds, South Ogden City shall comply with all federal laws and regulations, state laws, and city ordinances and resolutions.

For further information please see the purchasing policy adopted by the City Council.

05.060 Credit Cards

South Ogden City credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.

05.065 Conflicts of Interest

South Ogden City employees shall not use South Ogden City owned property to support outside interests and activities when such use would compromise the integrity of South Ogden City or interfere with the employee's duties. An employee involved in an outside activity such as a civic organization, church organization, committee unrelated to South Ogden City business, public office, or service club, shall:

- A. Pursue the outside activity on the employee's own time.



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- B. Pursue the outside activity away from South Ogden City offices.
- C. Discourage any phone, mail or visitor contact related to the outside interest at South Ogden City offices.
- D. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.
- E. Except as outlined above, not use data processing equipment, postage metering machines, copiers, other South Ogden City owned equipment or supplies for the outside interest.

The officers and employees of the City (and persons serving on City boards, committees, commissions, or agencies) are subject to the Utah Municipal Officers' and Employees' Ethics Act (10-3-1301).

The law has prohibitions regarding the employee's position for personal benefit by prohibiting:

- A. The improper use of private, controlled, or protected information;
- B. The securing of special privileges or exemptions;
- C. The use or attempted use of the employee's official position to secure special privileges for the employee or others;
- D. The acceptance or solicitation of gifts or loans if the gift or loan influences the employee in the discharge of his or her duties. (Exemptions for certain gifts are referred to in the Acceptance of Gifts policy.)

Beyond these prohibitions the law imposes certain disclosure and filing requirements for relationships of the employee which involve:

- A. The receipt of compensation for assisting in a transaction involving the City;
- B. Having an interest in a business entity regulated by the City;
- C. Having an interest in a business entity doing business with the City;
- D. Having a personal interest or investment, which creates a conflict between the employee's personal interests and his or her public duties.



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(Note: The above interests can include interests held by spouses or minor children, or may arise through ownership or the holding of certain positions in the entity.)

Employees should also know a prohibition against conflict of interest activities exists under the City's contracting and purchasing ordinances. No purchase order or contract of the City may be approved in which a City employee is financially interested, including interests of spouses and children.

Conduct found in violation of these provisions may subject the employee to termination and/or criminal charges. Employees desiring more information about state law or the City ordinances, or who have questions about conflicts of interest, may request further information from the City Manager or the City Attorney's Office.

All elected officials, board members, and employees will be required to fill out a financial disclosure statement ~~annually~~.

05.070 Political Activity

Except as otherwise provided by law or by rules and regulations promulgated under the authority of the South Ogden City Council, for federally aided programs, South Ogden City employees may voluntarily participate in political activity subject to the following provisions:

- A. No person shall be denied the opportunity to become an applicant for a position under the merit system in any covered department by political opinion or affiliation.
- B. No person employed by South Ogden City under its employee policies may be dismissed from service because of political opinion or affiliation.
- C. A person employed by South Ogden City under its employee policies as an employee may not contribute funds to support political groups or candidates for elective offices in South Ogden City or actively campaign for any candidate for any South Ogden City elective office. Neither may employees become candidates for elective public office in South Ogden City while still employed by South Ogden City.
- D. No South Ogden City officer or employee, whether elected or appointed, may directly or indirectly coerce, command, or advise any officer or employee covered under the city's employment system to pay, lend, or contribute part of his or her salary compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No South Ogden City officer or employee, whether elected or appointed, may



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attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.

- E. No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from South Ogden City employees during hours of employment. Nothing in this section shall preclude voluntary contribution by a South Ogden City employee to the party or candidate of the employee's choice outside of South Ogden City.
- F. Nothing in this policy shall be construed to permit partisan political activity of any South Ogden City employee prevented or restricted from engaging in such political activity by the federal Hatch Act.

05.075 Secondary Employment

- A. South Ogden City employment is primary.

- (1) Fulltime Employment with South Ogden City shall be the employee's primary employment. South Ogden City employees may engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably establish criticism or suspicion of conflicting interests or duties.

- (2) Employees must provide written notification to the City Manager, or designee, ~~using the Employee's Notice of Secondary Employment~~ before starting any secondary or outside employment. This notification should include the following information:

- a. The employer's name, business name, and business address.
 - b. A general overview of the type of business engaged in by the secondary employer.
 - c. The specific duties engaged in by the employee at their secondary employment.

- B. South Ogden City's approval process.

- (1) The City Manager, or designee, shall review the information in the Employee's Notice of Secondary Employment and determine whether the employee's secondary



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employment is approved or denied. Factors to consider include, but are not limited to:

- a. That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with South Ogden City. That the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.
 - b. That the secondary employment could invoke a conflict of interest with their employment with South Ogden City.
 - c. That the secondary employment is immoral or unethical.
- C. This decision shall be communicated in writing to the employee, ~~using the same Employee's Notice of Secondary Employment.~~ The employee:
- (1) Shall abide by that decision.
 - ~~(2) May appeal the decision to the City Council, whose decision shall be final.~~
 - ~~(3)~~ (2) May voluntarily resign their employment with South Ogden City.

05.080 Position Certification and Licensing Requirements

It is the policy of the City that employees may work only in positions for which they are qualified and otherwise meet the minimum qualifications and requisites for which they are employed.

An employee is required to immediately report to their ~~department~~ Department ~~director~~ Director losing certification or license necessary or required to perform their job or fulfill the functions of their position. Losing any certification or license that is a necessary requisite to perform a job or fulfill the function of a position in the City may cause discharge from service with the City. Losing certification to perform a job may include, but not be limited to:

- A. Suspension or revocation of a required professional license or certification
- B. A limitation or revocation of a required driver's license
- C. Suspension of a required license or certification to work

Employees required to drive as part of their assigned duties or job tasks must report to their supervisor or ~~department~~ Department ~~director~~ Director when their license has been suspended,

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revoked or modified. Employees may not drive vehicles for which they do not have the appropriate license or have not been properly trained. These responsibilities are a condition of continued employment for any employee required to drive for the City as part of their job.

05.085 Use of Electronic Communication and Mail Systems

~~The City owns and uses a variety of electronic communications equipment. Besides the telephone system, the City has a network of facsimile machines, computers and support equipment (including printers, scanners, software, and cell phones). Employees are advised that electronic messages sent to one another on the City systems can be monitored, and depending upon the circumstances, may even be recorded. The telecommunications equipment the City owns is provided for business and should be used for that purpose. Occasional use of City equipment may be permitted, depending on department policy.~~

~~Employees abusing the privilege of the City's phone and electronic communications equipment and the City's time shall have the privilege withheld and will be subject to disciplinary action up to and including termination.~~

~~**General E-Mail Standards.** Email should be treated like any other form of written communication and, as such what is normally regarded as unacceptable in a letter or memorandum is equally unacceptable in an email communication. Using email for either personal or City purposes to send or forward messages or attachments in any way defamatory, obscene, or otherwise inappropriate will be treated as misconduct under the appropriate disciplinary procedure. In serious cases this could be gross misconduct and could lead to dismissal.~~

~~**Unacceptable Email Use.** Users must not engage in the following actions:~~

- ~~A. **Junk email.** Mail's that has been send unsolicited and is not wanted by the recipient. It includes adverts, political, and religious tracts.~~
- ~~B. **Chain email.** Email that exhorts you to pass it to other people. They often contain warnings of dire consequences if you don't pass on the message.~~
- ~~C. **Spamming.** Sending junk email to many recipients, usually mailing lists of addresses found on the internet.~~
- ~~D. **Pornography and inappropriate language.** Any email that contains explicit content, and/or language that will offend an individual. Refer to the acceptable use policy for more information.~~
- ~~E. **Forging.** Pretending to be another person by altering email headers or by using other users logged in account.~~



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F. **Harassment.** Email messages that are derogatory, or contain threats against another person or groups of persons. These acts may also be criminal and will be prosecuted.

Email monitoring. When South Ogden City has reasonable grounds to suspect misuse of email in either scale of use, content, or nature or messages, it reserves the right to monitor the destination, source, and content of email to and from a particular address. When reasonable grounds suspect an instance of misuse, the employee's direct supervisor, and the City Manager may grant permission for the Information Technology Director to monitor the use of email. The monitoring process will include department staff, under the direction of the Director of Information Technology. These staff are observe the strictest confidentiality and will record or monitor only to the extent necessary to establish the facts of the case. Reports will be made directly to the City Manager and the Department Head, who will determine the necessary actions.

Emergency Access. South Ogden City reserves the right to access an employee's email account if an unexpected or prolonged absence (occurs i.e. due to sickness) to allow continuity of City Services, with the permission of the City Manager. In normal circumstances the employee concerned will be informed prior to this access.

05.090 Conditions of South Ogden City IT Access

South Ogden City places a high value on privacy and recognizes its critical importance. Sometimes, following carefully prescribed processes, South Ogden City may determine that certain broad concerns outweigh the value of a User's expectation of privacy and warrant City access to IT Systems without the consent of the Users. Those circumstances are discussed below, with the procedural safeguards established to ensure access is gained only when appropriate.

A. **Conditions.** Under state and federal law, South Ogden City may access all aspects of IT Systems, without the consent of the User, in the following circumstances:

- (1) When necessary to identify or diagnose systems or security vulnerabilities and problems, or otherwise to preserve the integrity of the IT Systems; or
- (2) When required by federal, state, or local law or administrative rules; or
- (3) When reasonable grounds exist to believe that a violation of law or a significant breach of City policy may have taken place an access and inspection or monitoring may produce evidence related to the misconduct; or
- (4) When such access to IT Systems is required to carry out essential business functions of the City; or



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~~(5) When required to preserve public health and safety.~~

- B. **Process.** Consistent with the privacy interests of Users, City access without the consent of the User will occur only with the approval of the I.T. Director, The Director of Administrative Services, and the appropriate direct supervisor, except when an emergency entry is necessary to preserve the integrity of facilities or to preserve public health and safety. South Ogden City, through the Systems Administrators, will log all instances of access without consent. Systems Administrators will also log any emergency entry within their control for subsequent review by the Mayor, City Manager, I.T. Director, and The Director of Administrative Services. A User will be notified of City access to IT Systems without consent depending on the circumstances, such notification will occur, before, during, or after the access, at the City's discretion.
- C. **User access deactivations.** Besides accessing the IT Systems, South Ogden City, through the appropriate Systems Administrator, may deactivate a User's IT privileges, whether or not the User is suspected of any violation of this Policy, when necessary to preserve the integrity of facilities, user services, or data. The Systems Administrator will attempt to notify the User of any such action.
- D. **Use of security scanning systems.** By attaching privately owned personal computers or other IT resources to South Ogden City's network, Users consent to City use of scanning programs for security on these resources while attached to the network.
- E. **Logs.** Most IT systems routinely log user actions to facilitate recovery from systems malfunctions and for other management purposes.
- F. **Encrypted Material.** Encrypted files, documents, and messages may be accessed by the City under the above guidelines.

05.095 Enforcement Procedures

- A. **Complaints of Alleged Violations.** An individual who believes he or she has been harmed by an alleged violation of this Policy may file a complaint under established South Ogden City Grievance Procedures. The individual is also encouraged to report the alleged violation to the System Administrator overseeing the City Network. The South Ogden City Information Technology Department will investigate the allegation and (if appropriate) refer the matter to City disciplinary and/or law enforcement authorities.



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~~B. **Reporting Observer Violations.** If an individual has observed or otherwise knows of a violation of this Policy, but has not been harmed by the alleged violation, he or she may report any evidence to the System Administrator. The Information Technology Department, under the direction of the City Manager or Department Head will investigate the allegation and (if appropriate) refer the matter to City disciplinary and/or law enforcement authorities.~~

~~C. **Disciplinary Procedures.** Alleged violations of this Policy will be pursued under the appropriate disciplinary procedures for South Ogden City staff. System Administrators may participate in the disciplinary proceedings as deemed appropriate by the relevant disciplinary authority. At the direction of the appropriate disciplinary authority, System Administrators may investigate alleged violations.~~

~~D. **Penalties.** Individuals found to have violated this Policy may be subject to penalties provided for in other South Ogden City policies dealing with the underlying conduct. Violators may also face IT-specific penalties, including temporary or permanent reduction or elimination of some or all IT privileges. The appropriate penalties shall be determined by the applicable disciplinary authority in consultation with the System Administrators.~~

~~E. **Legal Liability for Unlawful Use.** Besides South Ogden City discipline, Users may be subject to criminal prosecution, civil liability, or both for unlawful use of any IT System.~~

~~F. **Appeals.** Users found in violation of the Policy may appeal or request reconsideration of any imposed disciplinary action under the appeals provisions of the relevant disciplinary procedures.~~

~~05.100 Password Standards~~

~~**General Password Standards.** All supervisor-level passwords (i.e. root, enable, Windows administration, and privileged accounts) should be changed regularly or, at minimum every 45 days, or, when someone with administrative privileges or a possible knowledge of those passwords leaves the organization, or is no longer performing duties that require supervisor-level permissions.~~

~~A. When possible, all user-level passwords should be changed at least every 90 days.~~

~~B. Employees no longer employed or on contract must be removed from all systems and their user ID and password changed, revoked, or eliminated, when possible.~~



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- ~~C. Screen savers with passwords should be used on all computers (servers, laptops, workstations) and activated after no more than 15 minutes of activity.~~
- ~~D. Employees should password lock their screens when leaving workstations unattended.~~
- ~~E. All user accounts that have system level privileges granted through group memberships should use passwords unique from all other accounts held by that user.~~
- ~~F. All passwords must be strong and possess at least 8 alphanumeric characters.~~
- ~~G. Passwords should never be stored in unsecured places, such as written down on a post-it, or saved unprotected on line.~~
- ~~H. User ID's and passwords should never be shared with anyone, including administrative assistants, coworkers, family members, or supervisors.~~
- ~~I. All passwords should be treated as sensitive, confidential South Ogden City information.~~

05.105 Access Card

~~This policy applies to all South Ogden City employees with an Information Technology Department issued access key card.~~

- ~~A. South Ogden City secure access cards should be used only by the individual that the card is issued to. Do not loan the access card to an individual that should not be granted access.~~
- ~~B. All access cards/automatic gate openers are property of South Ogden City, and will be surrendered upon termination of employment.~~
- ~~C. Access cards are issued in the strict trust that proper measures will be taken to ensure their safekeeping. Loss of access cards can cause an unnecessary risk to South Ogden City employees, property, and City records. If an individual loses an access card or it is stolen, the individual must immediately report this to the I.T. support tech.~~
- ~~D. Intervention will be taken if an employee has a constant request for a replacement card due to misuse. The employee's supervisor will be notified of the problem.~~



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05.110 Residency & Commuting Requirements

While the City provides equal opportunity to all individuals applying for employment, it also requires as a condition of employment that employees in certain identified jobs or positions reside within a required commuting time from their place of employment. The City's job descriptions identify those employees subject to commuting time requirements.

Positions requiring the employee's place of residence to be within a designated commuting time or distance from their place of employment will be those positions for which it has been determined that job functions, duties or tasks create urgent or emergency demands for service.

~~For this policy, department directors may establish the time or distance requirements, which will provide adequate work response times. Some department directors may also establish reasonable time limits for new employees in appropriately identified positions in those departments to comply with this policy. Employees who do not meet these requirements are subject to termination.~~

05.115 Responding to Citizen Complaints

It is the policy of the City to hear and respond in reasonable, courteous and open manner to all complaints from its citizens about service and functions of the City, and treatment received from City employees. When an employee of the City receives a complaint from a citizen, the employee is expected to assist in a positive and appropriate resolution of the complaint and/or correction of the problem to the degree the complaint or problem falls within the scope and functions of the employee's job with the City. If a complaint cannot be resolved to the satisfaction of the affected citizen, the citizen should be advised of the steps taken to resolve it, and be referred to the employee's supervisor.

Regardless of their resolution, all complaints reported to employees must be communicated to that employee's supervisor. Serious complaints should be communicated on the same day they are first received if at all possible, and not later than the next working day. Each department and division has responsibility for maintaining a record of citizen complaints or grievances. Complaints that remain unresolved by the supervisor will be forwarded to the ~~department~~ Department ~~director~~ Director, division manager, or to the City Manager, as may be appropriate. To the extent practicable, the ~~department~~ Department ~~director~~ Director, or the City Manager should inform all involved individuals of the final resolution of a complaint.

05.120 Solicitation

To assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace unrelated to City services.



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The City recognizes that employees may have interests in events and organizations outside the workplace and in order to assist our employees, on a “not-to-interfere basis”, they may, on a strictly non-compulsory basis, periodically solicit or distribute literature concerning these activities or interests. However, employees may not solicit or distribute literature concerning these activities during work time. (Work time does not include lunch periods, work breaks, or any other periods during which employees are not on duty.)

Examples of impermissible forms of solicitation include:

- A. The collection of money, goods, or gifts for religious groups
- B. The collection of money, goods, or gifts for political groups
- C. The sale of goods, services, or subscriptions outside the scope of official business by non-employees.
- D. The circulation of petitions
- E. Distributing literature not approved by the City
- F. The solicitation of memberships, fees, of dues
- G. Posting written solicitations on City bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:
 - (1) Internal Memoranda
 - (2) Job openings
 - (3) Organization announcements
 - (4) Workers compensation information
 - (5) State unemployment insurance information
 - (6) Safety information/programs/meetings
 - (7) Educational and training information



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(8) Employee announcements

If employees have a message of interest to the workplace, they may submit it to the City Manager or their ~~department~~ Department ~~director~~ Director for approval.

05.125 Media Policy

South Ogden City seeks to keep residents, businesses, and visitors informed by engaging in a proactive communications program. South Ogden City recognizes that one of the most effective ways to communicate policies and activities to citizens is by working in partnership with the news media. The City Manager or designee is the designated spokesperson for all City related business.



SECTION 6: SEXUAL HARASSMENT

06.005 General Policy

It is the policy of South Ogden City that:

- A. The giving or withholding of tangible job benefits based on granting sexual favors (Quid Pro Quo) and any behavior or conduct of a sexual/gender based nature which is demeaning, ridiculing or derisive and results in a hostile abusive or unwelcome work environment constitutes sexual harassment.
- B. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
- C. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
- D. False or bad faith claims regarding sexual or gender harassment shall cause disciplinary action, up to and including termination, against the accuser.
- E. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.
- F. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.
- G. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievance procedures during orientation and in-service training.

06.010 Prohibited Conduct

- A. Any deliberate, unwanted, or unwelcome behavior of a sex/gender based nature, whether verbal, non-verbal, or physical is prohibited.
- B. Two major categories of sexual/gender harassment are:



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- (1) Quid Pro Quo, or the granting or conditioning of tangible job benefits or granting sexual favors.
- (2) Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:
 - a. Level One: Sex role stereotyping.
 1. Assignments made or denied solely on the traditional historic perceptions regarding the jobs that specific gender may/should perform.
 2. Comments or written material reinforcing traditional historic perceptions regarding gender.
 - b. Level Two: Gender harassment/discrimination.
 1. Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.
 2. Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.
 - c. Level Three: Targeted or individual harassment.
 1. Intentional behavior predicated on gender or expressing sexuality directed at a specific group or individual.
 2. Offensive conduct may be verbal, visual, or physical, including unwanted touching of a non-criminal nature.
 - d. Level Four: Criminal touching.
 1. The intentional unwanted touching of the breasts, buttocks, or genitals of another.
 2. Forcible sexual abuse.

06.015 Types of Corrective Action

Any employee being sexually harassed or who has personal knowledge of offensive conduct may

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address the issue either through the formal or informal processes described below:

A. Informal Action.

- (1) Employees experiencing an unwelcome or hostile work environment at Level One, Level Two, or Level Three as described above may, if they so desire, address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior of the behavior that is objectionable, that the conduct/behavior is unwelcome, and that future similar behavior will cause a formal complaint. Employees experiencing sexual harassment at this level are not required to use the informal process and may file a formal complaint if they so desire.
- (2) This notification may be:
 - a. Verbally, in person.
 - b. In writing, signed or unsigned.
 - c. Through a supervisor, verbally or in writing. The victim may:
 1. Ask the supervisor for assistance in determining what to say and how to approach the offending employee.
 2. Request the supervisor to accompany the victim when the victim gives the offending employee notice.
 3. Ask the supervisor to give notice to the offending employee, accompanied by the victim.
 4. Ask the supervisor alone to provide notice to the offending employee.

B. Formal Action.

- (1) Employees experiencing an unwelcome or hostile work environment clearly offensive or at Level Four, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.
- (2) Formal complaints should be in writing and specify:



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- a. The identity of the victim.
 - b. The identity of the offending employee.
 - c. The offensive behavior that the employee engaged in.
 - d. The frequency of the offensive behavior.
 - e. Damage the victim suffered because of the offensive behavior.
 - f. How the victim would like the matter settled, or what the victim would like to see happen.
- (3) The victim will be allowed reasonable time during work to prepare a formal complaint.
- (4) The victim should submit formal written complaints to their immediate supervisor. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to the next highest supervisor, the ~~department~~ Department head Director, the City Manager, or designee.
- (5) If the employee cannot follow the chain of command in reporting, they may file their formal complaint with the City Recorder.

06.020 Disciplinary Action

Employees found guilty of sexual harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case, and the offending employee's work history.

06.025 Maintaining Complaint Files

- A. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential sexual harassment complaint file. This information shall not be placed or maintained in an employee's personnel file.
- B. Information in the sexual harassment complaint files shall be released only with the written authorization of the victim and the City Manager, or designee.
- C. Participants in any sexual/gender harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.



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06.030 Victim Protection

- A. Individual complaints, either verbal or written, are confidential.
- B. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.
- C. The accused shall not contact the victim regarding the alleged harassment.
- D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.
 - (1) Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.
 - (2) Retaliation is an additional and separate disciplinary offense.
 - (3) Retaliation may comprise, but is not limited to:
 - a. Open hostility.
 - b. Exclusion or ostracism.
 - c. Special or more closely monitored attention to work performance.
 - d. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

06.035 Other Unlawful Discrimination or Harassment

The City will provide a work environment free of discrimination and any unlawful harassment. Employment actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, handicap, disability, or any other legally protected characteristic will not be tolerated.

It is the policy of the City to prohibit any unlawful discrimination and harassment. It is against both federal and State law, and City policy, for any employment decisions to be based on race, creed, religion, color, national origin, or gender. Any illegal discrimination or harassment shall also be treated as a serious violation of the City's policy and work standards.



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Illegal discrimination or harassment can take many forms. Refusal to promote an employee based on his/her race, making fun of a coworker based on his/her mental physical limitations, or denying an impaired employee access to work areas/services which others enjoy, are examples of possible illegal discrimination or harassment.

06.040 Investigation of Alleged Illegal Discrimination or Harassment

Any employee, who believes he/she has been the victim of any illegal discrimination or harassment or wants to report an incident of illegal discrimination, should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the City Attorney, City Manager, or ~~department~~ Department ~~director~~ Director. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who learns of possible illegal discrimination or any type of harassment should promptly advise the City Manager or any member of management who will report the concern to the Equal Employment Opportunity (EEO) Officer of the City. The City Manager is the EEO Officer for the City. The City Manager will conduct a timely and confidential investigation of all claims or reports of sexual harassment. The City Manager may delegate a representative or agent to conduct fact finding on his/her behalf. As part of the investigation, the City Manager or his/her designee will meet with the employee bringing the complaint to determine the nature of the harassment, make inquiry about what remedy the employee is seeking, and otherwise determine the focus of the investigation. The employee may report their concern to the City Recorder, if they are not comfortable with the established chain of command.

Should the investigation disclose that evidence exists on which to determine that illegal discrimination or sexual harassment has occurred, the individual(s) found engaging in such prohibited activity will be subject to disciplinary action, up to and including termination of employment. Consideration will be given to the nature, the severity and the circumstances of the illegal discrimination or harassment. During an investigation the ~~department~~ Department ~~director~~ Director, with the approval of the City Manager, will have the authority to temporarily restructure work assignments, change work conditions, and separate involved and interested parties in the interests of maintaining a work environment free from any potential threat, hostility or intimidation. While all materials, records and notes about the investigation shall remain confidential, any disciplinary action taken as the result of such investigation shall be made a matter of record in the involved employee's personnel file.

Investigations will include interviews with individuals involved in, or who have knowledge of the events, circumstances or conditions surrounding any complaint of discrimination or sexual harassment. Investigations shall be conducted and concluded within reasonable time frames, not



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to exceed 30 days. Investigations will report and record findings of fact, conclusions based upon those facts, including reasonable beliefs supported by evidence and record, and will outline actions to be taken.

The City Manager will, upon completing an investigation, act within thirty (30) days on the investigation's findings of fact, conclusions and recommendations to determine what, if any, disciplinary action should be taken. The City Manager will review the investigation with the City Attorney and review what action is contemplated. Besides disciplinary action, the City Manager has the right to direct an appropriate and reasonable remedy to work conditions, or to direct a change in procedures, and otherwise act to correct, modify or change work environments to enforce this policy.

The City Manager will communicate the conclusion(s) of the investigation and action to the employee bringing the complaint, and the employee accused of the discrimination or harassment.



SECTION 7: PERFORMANCE EVALUATIONS

07.005 General Policy

Performance evaluations will consist of a review between the supervisor and the employee using South Ogden City's Performance Evaluation Form, or department form approved by the City Manager. It is the policy of South Ogden City that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance.

Goal setting is critical to develop performance plans and standards. Goals define in broad terms the underlying purpose of an activity or set of activities. Objectives specify what should be achieved during an employee's employment with South Ogden City.

Certain fundamental principles govern the establishment of goals, objectives, and performance standards.

- A. Participatory Goal Setting. In setting goals and objectives of employees, the supervisors should seek to involve employees.
- B. Outline Results to be achieved. There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when must be completed, and what resources will be required.
- C. Relate to Organizational Objectives and Goals. In the process of initially formulating performance plans, each employee should be provided with the larger picture and how their work contributes to the organization. This is the responsibility of each supervisor.
- D. Define Objectives. Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on resources to be provided, periodic reviews and other related control activities.
- E. Give Support. Employees should understand they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards.

07.010 Performance Plans

- A. Performance planning is a continuing and collaborative process in which employees and their supervisors:



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- (1) Jointly identify objectives for the next performance evaluation period.
 - (2) Define priorities and performance standards for the next performance period.
 - (3) Compare progress against expectations and revise the plan, when necessary.
- B. The performance plan shall include goals and objectives, mutually acceptable performance standards, and a prioritization of goals and objectives.
- C. Both employees and their supervisor shall sign the performance plan. The employee shall receive a copy from their supervisor who shall retain a copy.

07.015 Performance Standards

- A. Performance standards and expectations shall be established for each employee. Employees shall participate in the establishment of performance standards and expectations relevant to their jobs.
- B. Employees shall be advised of how they are performing in relation to established standards.
- C. Performance evaluations are an ongoing process which requires that supervisor and subordinates meet periodically to discuss achievements, review performance and mutually agree on strategies to eliminate performance deficiencies.
- D. Employees shall be made aware of the time frames and actions to be taken to improve performance and to increase the value of service.
- E. Employees shall know what role their supervisors shall play in providing them with assistance toward improved performance.
- F. Under no circumstances should employees be allowed to prepare their own performance evaluation. It is the responsibility of the employee's supervisor to prepare performance evaluations.
- G. Employees shall have the right to prepare relevant comments to accompany their evaluations.

07.020 Performance Ratings

Employee evaluations shall provide an overall performance rating which can be equated to:

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- **Consistently Exceeds Expectations** - *Reserved* for those that consistently meets and exceeds all relevant performance standards. Provides leadership, fosters teamwork, is highly productive, innovative, and responsive, and generates outstanding top quality work. ~~Must be supported by written approval of the City Manager.~~
- **Meets or Exceeds Expectations** - Consistently meets and sometimes exceeds all relevant performance standards. Shows initiative and versatility, works collaboratively, has strong technical and interpersonal skills, or has achieved significant improvement in these areas.
- **Fails to Meet Expectations** - Sometimes meets the performance standards. Seldom exceeds and often falls short of desired results. Performance has declined significantly, or employee has not sustained adequate improvement as required since the last performance review.
- **Significantly Deficient** - Consistently falls short of performance standards.

07.025 Performance Periods

A. Introductory employees

- (1) Employees shall have performance evaluations following the end of their introductory period.
- (2) The performance evaluations may provide information to both the employee and management regarding the employee's performance.
- (3) Introductory employees should understand their performance evaluations and the results of such evaluations shall not obligate South Ogden City to a particular course of action relative to introductory employees, nor shall it create any property/due process rights for introductory employees relative to their jobs/positions.

B. Full-time and Part-time Employees

- (1) Performance evaluations ~~will~~ should be completed, ~~at least,~~ annually.
- (2) Although a salary adjustment never automatically follows a performance evaluation, the performance evaluation will be included as a component of any future compensation increase.



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07.030 Performance Evaluations

The formal evaluation form is available from the Administrative Office. The evaluation form shall be signed by the employee, his/her immediate supervisor, and the ~~department~~ Department ~~director~~ Director. The completed, signed evaluation form must accompany a completed Personnel Action form, when returned to the Administrative Office to put into effect any recommended increase in compensation.

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial introductory period in any new position. This introductory period allows the supervisor and the employee to discuss job responsibilities, standards, and performance requirements of the position.

Department ~~directors~~ Directors may, upon their own initiative, conduct other formal, written, or informal performance evaluations with their employees outside the requirements of an initial or annual evaluation process. It is the policy of the City to encourage ~~department~~ Department ~~directors~~ Directors to communicate with their employees on an ongoing to recognize achievement and accomplishment and to acknowledge excellent performance in writing where warranted and appropriate. Additional formal performance evaluations may be conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive purposeful approaches for meeting goals.

As discussed elsewhere in these policies, performance evaluations are linked to wage reviews and adjustments. Employees, whose work performance is unsatisfactory, or whose behaviors and interactions regarding job performance standards are unacceptable, are not entitled to a wage adjustment. In such cases, the employee will be denied a wage adjustment.

Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file.

Performance evaluations may be used in decisions concerning advancement, future training needs; performance related salary adjustments and contested disciplinary actions.

07.035 Promotions

Promotions will be made by the ~~department~~ Department ~~director~~ Director (s). Promoted employees will begin a new introductory period for the new position related to work performance only. The promotion will not affect the employee's benefit status. If a promoted employee is unsuccessful in the new position within the introductory period, he/she may be placed back in the position held



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immediately prior to the promotion, or to another position, subject to availability and the employee's qualifications.

Promoted employees receive any commensurate pay increase established for the position commencing with the effective date of the promotion, and within the range and placement within the range based upon longevity and other considerations.

It is the policy of the City to prohibit from consideration or application for any promotion any employee who is the subject of any current disciplinary action. Department ~~directors~~ Directors will consider the severity of any prior disciplinary actions and of any ongoing disciplinary review in determining whether to consider promoting any City employee.

It is the policy of South Ogden City to promote from within the ranks by filling vacancies with qualified city employees, unless it is determined by the ~~department~~ Department ~~director~~ Director to be in the best interests of the City to hire from outside the organization. Specific procedures exist within City policy to fill vacancies in the classified and merit service.

If a promotion decision and placement is set aside during the introductory period, the involved employee may return to his/her former job with no prejudice to the employee, at the same compensation and benefit level associated with the former job, or to another position, subject to availability and the employee's qualifications. In cases of error by the City, the City shall make all reasonable effort and accommodation to place the employee back in their previous job or similar position, so long as an undue hardship to the City is not created.

If the employee in the full-time merit or full-time classified service cannot be returned to his/her former or similar position, they shall be placed on the Reinstatement list and shall be subject to all reinstatement rights and privileges. [See Reinstatement Rights Section 02.085.](#)

An employee wishing to file a complaint or request a review of a decision involving the promotion of another employee must file a complaint or request for review directly with his/her ~~department~~ Department ~~director~~ Director and provide a copy to the ~~Director of Administrative Services~~ Assistant City Manager within five (5) days of the effective date of the promotion, or he/she shall forfeit any and all rights of grievance, appeal or review under this or any other policy provision of the City.

07.040 Employee Recognition and Performance Incentive Program

Annually based on budget availability and approval of the city council, the city may allocate a sum of money to fund an employee recognition and performance incentive program to reward staff behavior on a more frequent or instant basis. These funds are based on availability of the budget,

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and should only be used to incentivize behavior that goes above and beyond an employee's regular and routine call of duty. The Department Director will submit documentation to the Assistant City Manager for approval of this incentive. This incentive can be given any time of year, and is not linked to the annual performance evaluation. ~~At the discretion of the City Manager, a recognition or incentive can be given as a one-time monetary bonus or as percentage increase in salary.~~ Rewards may include in-kind gift cards, tickets to an event, sky miles, etc.



SECTION 8: RECORD KEEPING

08.005 General Policy

Federal law requires employers to keep detailed data about their employees.

08.010 Non-Disclosure of Confidential Information

Employee records are maintained in compliance with the law.

- A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
- B. South Ogden City's policy is only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
- C. Employees have the opportunity to review their own files in the presence of the [Assistant](#) City Manager, or designee, on South Ogden City premises during regular business hours.

08.015 Personnel Files Requirements

A. General.

- (1) Personnel files are maintained on each employee and kept by the [Assistant](#) City Manager, or designee. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
- (2) No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the [Assistant](#) City Manager, or designee.
- (3) Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at South Ogden City. When a Supervisor requires access to the personnel file of an employee under their supervision for handling personnel matters, the supervisor must obtain authorization from the [Assistant](#) City Manager, or designee.

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~~(1) An employment record; including the employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate (Form W-4), etc.~~

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(1) An employment record; including the employee's job application, resume,

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(2) A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee occupies.

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~~(3) Election form to disclose or keep confidential, the employee's home address and home telephone number.~~

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(4)(3) All personnel action forms, including:

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a. Performance evaluations.

b. Promotions or transfers.

c. Salary rate changes.

d. Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form; the City Manager, or designee, will so state.

~~(5)(4)~~ Any information the employee wants included in response to the above actions.

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~~(6)(5)~~ Records of citations for excellence or awards for good performance.

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~~(7) Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and of leave usage are kept for employees by the department head City Manager, or designee. Leave balances are on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the Finance Director of Administrative Services or designee, to obtain information regarding their current leave usage.~~

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~~(8)(6)~~ Record of any other pertinent information affecting the employee's status.

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C. Employee Information/Change of Employee Status. Employees should ensure that personal employee information in their personnel files is current and accurate. Employee information (~~any change in number of dependents~~, marital status, ~~address~~, email address, telephone number, etc.) should be updated by notifying the Finance Director or Assistant City Manager ~~completing an Employee Information/Change of Status Form and giving it to the City Manager, or designee, to file in their personnel file.~~

Commented [SL57]: Maybe add email address to this list as well

Commented [DG58R57]: Why would we want to track email address updates?



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D. Giving References. South Ogden City limits information in a reference to the following:

- a. Verification that the employee worked, full-time or part-time, for South Ogden City during a stated period.
- b. A description of the position held.
- c. Verification that the employee achieved a given salary range.
- d. Eligibility for re-hire.

Personnel files are the property of the City, and access to the information is restricted. Only supervisors and management personnel of the City who have a legitimate reason to review information in a file may do so. As with other City records and controls, access to personnel files and information is affected by guidelines established by the Government Records Access and Management Act under Chapter 2, Title 63, or other applicable provision of law.

To the extent permitted by law, copies of an employee's personnel file may be provided to the employee upon approval by the Assistant City Manager and advance notice. ~~Employees requesting such copies will be required to initial those documents to be copied, and otherwise sign any appropriate records acknowledging receipt of such copies.~~

Medical information and ongoing investigative files and information are not kept as part of any personnel file. ~~A personnel file will reflect the existence of a medical or investigative file or record.~~

Required confidential records shall be under the direction and supervision of the ~~department~~ Department ~~director~~ Director and the Assistant City Manager.

08.020 Other Files Requirements

Records related to the items listed below should be kept for a period of at least one (1) year, or as otherwise required by records retention laws or regulations. Records should be examined annually to keep the files current and to save those records that management feels should be kept longer.

- A. Job applications.
- B. Test papers completed by job applicants or candidates for any position.
- C. Results of any pre-employment physical exam and mobility exams should be kept for a period of least four (4) years.



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- D. Any advertisements or notices relating to job openings or, promotions, ~~training programs,~~
~~or opportunities for overtime work.~~
- E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. ~~These should also be signed by the employee.~~

08.025 Wage/Salary Requirements

The Federal Labor Standards Act (FLSA) requires South Ogden City to keep all of the following data on all employees for a period of at least three (3) years.

- A. Employee's sex.
- B. Time and day work week begins.
- C. Hours worked each day and total hours worked each week.
- D. Total daily or weekly straight-time earnings.
- E. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions
- F. Date of payment and pay period covered.
- G. Total overtime above regular compensation for ~~work week~~ workweek.

08.030 Other Requirements

There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

- A. Occupational Safety and Health Act (OSHA) record of injuries.
- B. Employee Retirement Income Security Act (ERISA) record of pensions.
- C. ~~The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to~~ I-9 forms should be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.



SECTION 9: PAYROLL ADMINISTRATION

09.005 General Policy

It is the policy of the City to act within accordance of all Federal and State laws regarding all payroll administrative tasks.

09.010 Pay Periods

The Fair Labor Standards Act 7k exemption requires wages be calculated on a work period basis. A work period may be from seven (7) consecutive days to -comprising twenty eight (28) consecutiveconsecutive days for employees working in public safety activities, such as Law Enforcement and Firefighters, and o-weekly forty (40) hours- for employees not working in public safety activities, unless an exception is granted by the Department of Labor.

Commented [SL59]: What does this mean? 'Requires - 28 days'

Commented [DG60R59]: It is the 7K exemption in the FLSA

09.015 Pay Days

South Ogden City's pay-dayspaydays are bi-weekly.

09.020 Minimum Wage/Salary

The Fair Labor Standards Act requires that South Ogden City pay an employee at least the minimum wage, as a gross wage/salary, minus the legally required pay deductions.

09.025 Pay Deductions and Garnishments

The law requires that the City make certain deductions from every employee's compensation. Among these are federal and state income taxes. The City also must deduct Social Security taxes on employee's earnings up to a specified limit called the Social Security "wage base". The City matches the Social Security taxes paid by the employee.

Voluntary pay deductions, such as health insurance, life insurance and other benefits, are made at the written direction of the employee. Voluntary deductions can have restrictions placed on the effective date and/or amount of the deduction. Such restrictions are determined and controlled by the terms and conditions of the applicable plans, benefits/policies for which the deductions are made.

Garnishments are court-ordered pay deductions taken by the City and forwarded to another party authorized to receive them.



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If you have questions concerning why deductions were made from your paycheck or how deductions were calculated, contact your supervisor or the ~~City~~ Finance Director.

09.030 Timesheets

All employees of South Ogden City must maintain an accurate and legible record of all their hours worked for South Ogden City on time cards. Time cards will be signed and dated by the employee, and forwarded to the City Finance Director, as directed for review and payment.

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the City to keep an accurate record of time worked to calculate employee pay and benefits. Time worked is all the time spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, and 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. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or one employee recording his/her time on another employee's time record may cause disciplinary action, up to and including termination of employment.

Nonexempt employees should report to work in sufficient time to be at work and work-ready when scheduled. Nonexempt employees may not stay after their scheduled stop time without expressed prior authorization from their supervisor.

It is the employee's responsibility to record his or her time to verify the accuracy of all time recorded. The supervisor will review and then initial 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 time record.

09.035 Pay Advances

The City does not provide pay advances on unearned wages to employees.

09.040 Administrative Pay Corrections

The City tries to ensure that employees receive the correct pay each paycheck and employees are paid promptly on the scheduled payday.



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In the unlikely event there is an error in the amount of pay, the employee shall promptly bring the discrepancy to the attention of the Finance Director so corrections can be made ~~as quickly~~. To the extent the law allows, the City reserves the right, upon discovery, to correct errors in pay and benefits by offsets in payroll or through civil action(s).

Commented [SL61]: Grammar

Commented [DG62R61]: we can remove as

09.045 Compensation upon Separation

It is City policy to comply with all laws regarding issuance of final paychecks. If an employee voluntarily resigns, the final paycheck will be issued on the regular payday. If an employee is terminated, or involuntarily resigns, then the final paycheck is due within 24 hours.



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SECTION 10: TRAVEL AND TRAINING

010.005 General Policy

The City recognizes job specific training is useful in gaining knowledge, skills and abilities. ~~To City recognizes training when it is beneficial to the City to pay for such training. Upon approval, The City will pay for training when it is job related or mandatory.~~

010.010 Training and Conferences

If required to attend training seminars, conferences, briefings, or gather information; an employee will be compensated, ~~besides paying any tuition or fees,~~ at the rate of one and one-half (1/2) times their regular ~~work day~~ pay if hours worked exceed forty (40) hours in that week.

010.015 Travel Policy

- A. ~~Mode of travel selected will be that which is least costly to the City. If an employee elects to take a more expensive mode of travel, the employee will be reimbursed only for the least expensive mode. The employee will be expected to pay the difference.~~
- B. Mileage reimbursement will be provided for privately owned vehicles for City purposes. The reimbursement rate will be what is allowed under IRS regulations.
- C. If the employee lives within 10 miles of South Ogden City, the following round trip mileage will be reimbursed to these specific cities.

City	Mileage
St. George	676
Moab	546
Cedar City	570
Salt Lake	70
Park City	132
Provo	160
Logan	92
Spanish Fork	184



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- (1) If the travel destination is not listed on the chart above, employees will use Google Maps or MapQuest to determine that travel distance. The start point will be South Ogden City Hall.
- (2) Employees will be allowed up to 20 miles additional reimbursed miles per day (or prorated portion for a part day) if they are not staying at the site of the conference.
- (3) If a City-owned vehicle is taken to a conference, the employee will be reimbursed for actual gasoline expense, and will not receive mileage.
- (4) City owned vehicles will not be driven over 50 miles from the conference site without prior approval.
- (5) City owned vehicles will not be driven across State lines except under the following circumstances:
 - a. The conference site is in a different state; and
 - b. Driving a City-owned vehicle is the ~~least-expensive~~ preferred mode of transportation; and,
 - c. Driving a City-owned vehicle is approved by the ~~department-Director~~ Department Director and the City Manager.
- (6) When airline travel is required, employees will ensure reservations are made at least 21 days in advance of the anticipated departure date to ensure the least expensive airfare unless specifically approved by the City Manager.
- ~~(7) Employees will not be required to stay in the destination City an extra weekend day to obtain a cheaper air fare. Employees may stay over an extra weekend day if it is more cost effective to pay the employee for eight hours of work than the higher airfare. Cost effectiveness will be determined by the City Manager.~~
- (7) Per Diem will be determined by using the U.S. General Services Administration website www.gsa.gov ~~under then current GSA National Per Diem Rates~~.
 - a. ~~a-~~ Per Diem amounts for full days, first and last days of travel can be garnered from the applicable charts on the GSA website.

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- (8) b. If the destination city is not specifically identified by the GSA, the standard rate is used. For example, in Utah the cities of Moab, Park City, Provo and Salt Lake City are specifically identified and St. George is not. Therefore, anybody traveling to St George will use the standard rate.
- (8) No per diem will be issued for one day training except possibly for lunch at the discretion of the dDepartment headDirector. Please refer to the chart below for overnight or extended training.
- (9) When a dDepartment headDirector or other approved employee attends a professional luncheon meeting such as UCMA, Fire/Police Chiefs or Recorder or other meetings, the employee will be allowed the equivalent of a lunch per diem amount. Lunch Per Diem amounts may be exceeded at the discretion of the Department HeadDirector or City Manager.

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010.020 Reimbursable Expenses

With prior approval, legitimate expenses will be reimbursed by South Ogden City to the employee. Receipts ~~should be~~ required to reimburse the employee. Reimbursement may be in petty cash, ~~an addition to a paycheck,~~ or a separate check. ~~Records must be kept reflecting the reimbursement each employee has received.~~

010.025 Overnight and Extended Training

Description	Effect on Per Diem
Employee leaves for training after 2:00 PM	Per Diem Reduced by 1/2
Employee leaves for training before 2:00 PM	Full Per Diem will be issued
Employee returns from training before 2:00 PM	Per Diem Reduced by 1/2
Employee returns from training after 2:00 PM	Full Per Diem will be issued

NOTE: Per diem amounts are prescribed in Section 7(a) and (b) above. While an employee is at the training site, they will receive a full day's per diem at the discretion of the ~~department~~ Department headDirector.

Commented [SL63]: I think this should be Section 7

Commented [DG64R63]: Good Catch



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- A. Per Diem will be provided only for the days of the conference and the travel time. Employees electing to arrive earlier or later at the destination than is required for City purposes will not receive per Diem for the extra time.
- B. The City will pay single occupancy hotel rates. Additional charges incurred because of the accompaniment of a spouse will be paid by the employee.
- C. Employees arriving at a conference earlier or leaving later than is required for City purposes will pay any additional hotel costs incurred.
- ~~D. The City will pay for one additional hotel night if an employee cannot depart from the conference at its conclusion and arrive home by 8:00 PM.~~
- ~~E.~~ D. Employees will pay all additional costs associated with the accompaniment of a spouse on a City business trip.
- ~~F.~~ E. When several employees attend a conference, they are encouraged to car pool.
- ~~G.~~ F. Department ~~directors~~ Directors must provide authorization for all travel and training within their department.
- ~~H.~~ G. ~~All~~ Elected officials may attend any conference sponsored by the National League of Cities and Towns and the Utah League of Cities and Towns.
- ~~I.~~ H. If any elected official agrees to attend a conference for which costs are incurred in advance, and then does not attend the conference, the elected official will reimburse the City for all ~~costs incurred~~ unreimbursed expenses. Exceptions are: (a) serious illness of the individual; or, (b) serious illness or death in immediate family; or, (c) costs are refunded; or, (d) another elected official attends the conference in his/her place. If none of these criteria ~~are~~ is met, the City Manager is instructed to place the issue on a City Council agenda for discussion and a decision.
- ~~J.~~ I. Elected officials will not be reimbursed for any travel expenses resulting from travel after an election in which the official either was defeated or did not run for reelection.
- ~~K.~~ J. Elected officials will provide a verbal briefing in Council meeting of any conferences attended.



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~~L.K.~~ Lodging will not be provided for training or conferences located within 30 miles of South Ogden.

~~M. FLSA covered employees will be compensated for travel under the then applicable FLSA travel standards. This means the employee will be compensated for travel only if it is within their normal working hours and scheduled work day. Overnight training will be compensated on normal work hours on both regular non-scheduled and scheduled work days. Employees meeting these conditions will be compensated as outlined unless exception is given by the Department Head. These provisions are subject to change if and as amended by duly adopted FLSA rule changes. Time spent traveling is considered work time if it occurs during the employee's regular shift. Overtime will not be paid for traveling unless the conditions for work time are met in accordance with Title 29 Part 785 Hours Worked of the Portal to Portal Act of 1947.~~

~~N.L. Any additional costs (registration, meals, transportation, etc.) incurred because of accompaniment of a spouse will be borne by the employee. Employees will be given up to 4521 days after returning from approved travel to submit requests for reimbursement for acceptable expenses.~~

Commented [SL65]: I think this is way too long, I suggest 2 weeks.

Commented [DG66R65]: 45 days seems long to me as well, but 2 weeks seems too short.



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SECTION 11: LEAVES OF ABSENCE

011.005 General Policy

There are many types of leaves of absence from the workplace. The City encourages all employees to wisely use their leave accruals.

011.010 Vacation

The length of eligible service to determine the vacation rate of accrual is calculated on the basis of a 12-month period that begins on the date of hire for the eligible classification. Any unpaid leave of absence will not count toward the 12-month period except for a Military Leave of absence. Military Leave does not affect this calculation.

To take vacation, employees must request approval ~~at least two weeks~~ in advance from the supervisor authorized to receive and review requests. Exceptions to this advance notice requirement can only be granted by the ~~department~~ Department ~~director~~ Director or his/her designee. Requests will be reviewed and either denied or approved based on several factors, including business needs and staffing requirements.

Employees exempt from the Fair Labor Standards Act are expected to work their assigned schedule each regular work day. Exempt employees who take time off work on a day in which some work was performed, will not have their vacation leave reduced. Otherwise, they have the same conditions and limitations applicable to the qualified and proper use of vacation leave.

Vacation time off is paid at the employee's base pay rate at the time of vacation. Base rate of pay does not include overtime or any special forms of compensation such as incentives, commissions, and bonuses. Paid vacation time shall be accounted for in minimum increments of ~~30~~ 15 minutes.

As a condition of utilizing Family & Medical Leave Act leave, Employees must use available sick and vacation leave for the care and support of themselves or another under conditions described in the Family & Medical Leave policy. Employees, supervisors and ~~department~~ Department ~~directors~~ Directors must notify the Assistant -City Manager whenever paid vacation leave is used for a serious health condition, ~~or a condition covered under the Family & Medical Leave policy.~~

011.015 Vacation Leave Benefits

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification (s) are eligible to earn and use vacation time as described in the Vacation Leave Policy:



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- Full-time employees
- Qualified, Part-time employees
- ~~Non-merit, Special employees~~
- Introductory employees in the above classifications

~~Except for certain Special Non-merit employees, t~~The paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule.

Vacation Accrual – Full-Time Employees

(Excluding sworn fire fighters and ~~department~~ Department ~~directors~~ Directors)

Years of Eligible Service	Vacation Hours Earned Biweekly	Annual Vacation Days
Upon hire	3.08	10
After 5 years	4.62	15
After 10 years	6.16	20
After 15 years	6.92	22.5
After 20 years	7.69	25

Vacation Accrual – Full-Time Sworn Fire Fighters

Years of Eligible Service	Vacation Hours Earned Biweekly	Annual Vacation Days
Upon hire	4.62	5 shifts (120.12)
After 3 years	5.54	6 shifts (144.04)
After 9 years	6.47	7 shifts (168.22)
After 14 years	8.31	9 shifts (216.06)

* **NOTE:** A vacation day for most employees is based upon a normally scheduled eight (8) hours shift of work. Sworn Fire Personnel earn vacation “shifts” based on a twenty-four (24) hour shift basis, since they work on a 24-hour shift basis.

Commented [SL67]: Should this be more than a 20 year department head receives?

Once employees enter an eligible employment classification, they earn paid vacation time according to the schedule. Vacation accrual rates for qualified, part-time employees are prorated based on the full-time schedule.

Besides the vacation accrual rates described above, employees may also accrue additional vacation

South Ogden City | ~~Amendment 002~~ December 15, 2015 ~~Amendment 002~~ June February 15, 2022



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pay in lieu of regular holiday time off (see Holiday Policy), or because of converting certain accrued sick leave to vacation leave.

Employees who would otherwise qualify for holiday pay also accrue one day of vacation time off annually as a preference day. Employees may schedule using this time under normal vacation procedures, once accrual of the additional time/day has occurred. Sworn Fire Personnel, and other employees designated as working shift work for the Holiday policy receive this time as described in the holiday pay policy.

Full-time ~~department~~ Department directors Directors are credited 160 hours of vacation pay annually on January 1 of each year. If the eligible employee is hired after January 1, the number of hours of vacation pay credited on the date of hire will be prorated based on the months remaining in the year. Full-time ~~department~~ Department directors Directors will be credited with 180 hours of vacation annually upon completion of 15 years of full-time employment and will be credited with 200 hours of vacation time annually upon completion of 20-15 years of full-time employment.

If available vacation is not used by the end of the calendar year, employees may carry unused vacation time forward to the next calendar year. However, if the unused, accrued or credited vacation time at the end of the ~~first last complete~~ pay period in January March has exceeded a "cap" of 240 hours for Full-time and Non-merit, Special employees, or 336 hours for Sworn Fire Personnel, the excess balance will be forfeited to the Employee Sick Leave Bank. If an employee is not allowed to use previously scheduled and approved vacation leave because of unforeseen needs of the City, the City Manager may in writing grant an extension up to 60 calendar days from the forfeiture date in which the employee may use his/ her vacation time. [Vacation balances for Department Directors and City Manager will be addressed accordingly at the same time.](#)

Commented [SL68]: Do we want to maybe change this to a specific date?

Commented [DG69R68]: I dont think so unless we change it to the end of January

011.020 Sick Leave

The City provides paid sick leave benefits to eligible employees to provide time off away from work to care for the medical needs of the employee and/or their dependents. ~~The method and rate of sick leave accrual are described in the Benefits handbook.~~ Employees are encouraged to accrue sick leave in amounts sufficient to provide them financial security and regular income during periods of extended sickness or injury, such as may be the case during surgery and post-surgical recovery periods.

Commented [SL70]: Do we still have a benefits handbook?

Commented [DG71R70]: No it is literally that section of the policy that describes it. We can delete that part.

Paid sick leave shall be accounted for in minimum increments of ~~one half (1/2) hour~~ 15 minutes. Exempt employees, who take time off on a day in which some work was performed shall not have their sick leave deducted for sick time taken. Otherwise, exempt employees have the same conditions and limitations applicable to the qualified and proper use of sick leave for illness, injury or bereavement.



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Subject to procedures established by ~~department~~ Department ~~directors~~ Directors, employees unable to report to work due to illness or injury should notify the immediate supervisor or other designated individual. The direct supervisor should also be contacted on each additional day of absence.

Except in case of emergency or unexpected illness, employees should request time off at least two weeks in advance of the beginning date of an extended period of sick leave. Verification may be requested for sick leave absences and may be required as a condition to receiving sick leave benefits. If an employee is absent for over 40 consecutive hours (or two consecutive shifts for Sworn Fire Personnel) due to illness or injury, a physician's statement will be required verifying the disability and its beginning and expected ending date. An employee may also be required to provide a physician's statement identifying whether he/she can return to work, and what, work restrictions or limitations exist. ([See Family & Medical Leave and Fitness for Duty policies Section 11.085](#))

Employees returning from sick leave of less than 40 consecutive hours (less than two consecutive shifts for Sworn Fire Personnel) may be required to provide a physician's statement upon their return to work.

Where an unusual pattern of sick leave use is present, or a question arises as to the legitimate use of accrued sick leave, ~~department~~ Department ~~directors~~ Directors have the right to investigate use of sick leave, make inquiry of the employee as to his/her ability to perform essential functions of the job, and otherwise request medical information be provided to the supervisor.

Employees, supervisors and ~~department~~ Department ~~directors~~ Directors must notify the Assistant City Manager whenever paid sick leave is used for a medical disability or serious health condition of the employee. A serious health condition means an illness, injury, impairment, or a physical or mental condition that involves an absence of five (5) days or longer under the care of a health care provider, inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

The City has developed a reporting form to be completed by the employee and submitted to ~~both the employee's department director and the~~ Assistant City Manager. This form is used to determine the effective date of any medical disability or serious health condition of the employee and the period of available leave (paid and unpaid) benefit for the employee.

If the proper form is not completed, the Assistant City Manager or his designee will determine the effective date of any serious health condition and the period of available leave (paid and unpaid), based on the first date the employee was granted any leave related to, and/or in connection with,



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the employee's medical disability or serious health condition.

011.025 Sick Leave Benefits

The City provides sick leave to eligible employees. Sick leave is accrued by pay period at a rate of 3.70 hours per period, for 12 days annually. Eligible employees include:

- ~~Special, Non-merit~~
- Full-time
- Qualified Part-time
- Introductory Employees in Full-time Positions in the Above Classifications

Qualified part-time employees accrue sick leave on a prorated basis.

011.030 Sick Leave Payment upon Death

It is the policy of the City that, upon the death of a full-time employee, regardless of the cause of death, the City will pay a lump sum benefit to the surviving heir(s) based on the employee's accrued, unused sick leave. Upon the employee's death, the 50% of the employee's accrued unused sick leave, with a maximum of 960 hours, will be paid to the lawful heir(s) of the deceased. If an employee is killed while performing duty for the City, the City will pay the lawful heirs an amount equal to 75% of unused accrued sick leave with a maximum payment of 1440 hours.

011.035 Sick Leave Conversions and Payment

The City allows employees to benefit from a certain amount of unused sick leave each year. After an employee accrues over 240 hours of sick leave (336 hours for Sworn Fire Personnel), that employee may elect to convert unused sick leave benefits, above that 240 hour threshold amount, to vacation leave each calendar year at the end of the ~~second~~first complete pay period in January. For example:

- An employee with 246 hours of sick leave may convert up to 6 hours to vacation leave.
- An employee with 264 hours or more of sick leave may convert up to 24 hours to vacation leave.
- A maximum annual conversion of not more than 24 hours will be allowed.

For employees retiring with State retirement benefits or other city approved retirement program benefits during a calendar year, conversion to vacation benefits will occur upon the effective date of retirement.

Commented [SL72]: This happens after use or lose - if the wording on that is changed

Commented [DG73R72]: I changed it to first payperiod



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Accrued sick leave benefits are intended solely to provide income protection if death occurs, illness or injury or conversion to vacation as allowed in this policy. Unused sick leave benefits will not be paid as direct compensation to employees while they are employed or upon termination of employment except as otherwise stated in this policy.

The City intends to provide some additional compensation for employees retiring from public service, by paying the employee for a portion of their accrued, unused sick leave. Subject to the terms, requirements and controls of any City-approved retirement system program, an employee retiring under an approved system may be paid the value of one-half his/her unused, accumulated sick leave (1,344 hours for Sworn Fire Personnel, and 960 hours for other eligible employees). Therefore, the maximum payment made to an employee retiring with retirement benefits would be 672 hours for Sworn Fire Personnel and 480 hours for other eligible employees. Such payment will be based on the hourly or equivalent base rate of pay in effect at the time of the employee's retirement.

011.040 Holiday

The City provides paid time off or additional compensation, as provided in the Holiday Pay Policy, to all eligible employees for holidays designated by the City. Employees in the following employment classification(s) are eligible for this benefit:

- Full-time employees
- Qualified, Part-time employees
- Non-merit, Special employees
- Introductory employees in the above classifications

The holidays designated by the City for this benefit are:

Holiday	Date of Leave
New Year's Day	January 1
Martin Luther King Jr., Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving	Fourth Thursday in November



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	Friday Following Thanksgiving
Christmas	December 25

For paid time off, a holiday that falls on a Saturday is observed on the preceding Friday and a holiday that falls on a Sunday is observed on the following Monday. (Notwithstanding the above, holiday pay will be based on the actual holiday for “employees working shift work.”

Paid time off or additional compensation for holidays is provided to all eligible employees immediately upon assignment to an eligible employment classification. For all eligible employees, except sworn fire personnel and qualified part-time employees, a holiday is equivalent to eight (8) hours of regularly scheduled work. For sworn fire personnel working a 24-hour shift, a holiday is equivalent to twelve (12) hours of regularly scheduled work. Holidays for qualified, part-time employees are prorated based on their regular work schedule.

Paid time off is calculated based on the employee’s base pay rate at the time of the holiday and includes no special forms of compensation, such as incentives, commissions, or bonuses. Whether holiday time is considered hours worked to calculate overtime will vary from department to department.

Sworn fire personnel working 24-hour shifts are compensated for working holidays at their regular rate of pay, as if the day were not a holiday. These employees will receive additional paid time off for holidays included within any regular work period assigned as an employee working a 24-hour shift, whether worked or not. If the employee is assigned to shift work during the entire calendar year, the paid time off amounts to an additional six (6) 24-hour shifts for holiday time, or 144 hours of holiday paid time off (which includes benefit for personal preference day). Such additional paid time off for holidays will be prorated to adjust for any changes during the year from, or to, shift work assignments.

If a designated holiday falls during an eligible employee’s paid absence (i.e., vacation or sick leave), holiday paid time off will still be granted for the holiday, rather than vacation or sick leave.

See Holiday pay for employees working shift work and other employees required to work on a holiday.

011.045 Personal Leave

The City may provide leaves of absence without pay, at its sole and complete discretion, to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:

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- Full-time employees
- Qualified, part-time employees
- Special, non-merit employees

When eligible employees learn of the need for a personal leave of absence, they should request a leave from their supervisor ~~on the City's Request for Time Off form.~~

Commented [SL74]: Does this exist?

Commented [DG75R74]: no

Personal leave may be granted for a period of up to 30 consecutive calendar days every one year. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 60 consecutive calendar days. An employee must take any applicable and available paid leave before the commencement of any personal leave. Requests for personal leave will be evaluated based on several factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the first thirty (30) days of the approved personal leave. Benefits accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. Seniority will not continue to accrue during any unpaid leave including personal leave.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the City cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

011.050 Administrative Leave

- While performing authorized duties. A qualified or introductory employee may be granted administrative leave with pay to perform authorized duties for South Ogden City business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of South Ogden City.
- Pending possible disciplinary action. A qualified or introductory employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

- Administration or pending review of employee performance or fit for duty as it relates to

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policy.

011.055 Military Leave

A military leave of absence will be granted to all employees, except those occupying temporary positions, to attend scheduled military training assignments, or if called to active duty with the U.S. Armed Services.

Employees will continue to receive full pay while on leave for scheduled military training assignments up to ten (10) working days (80 hours). The portion of any military leaves of absence over these ten (10) working days will be unpaid. However, employees may use any available paid time off such as compensatory time or vacation time for the absence.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the City up to the first ten (10) calendar days of the military leave of absence.

Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence of up to ten (10) calendar days. Thereafter, benefit accruals shall be suspended during longer military leaves of absence.

Employees on scheduled, annual, active duty training assignments must return to work for the first regularly scheduled shift after the end of the training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement under applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed to determine benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

011.060 Jury Duty

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

- Full-time employees
- Qualified part-time employees
- Introductory employees in full-time positions
- Non-merit, special employees



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Except for exempt employees, any fees paid by the court or other jurisdictional authority to an employee on a paid jury duty leave must be returned to the Finance Director within one (1) week of their receipt. Under the provisions and guidelines of the Fair Labor Standards Act, (FLSA) exempt employees shall not be required to return any such fees, if the length of the paid jury duty leave was less than one full work day in any single event.

Employees must show the jury duty summons to their supervisor when possible so the supervisor may accommodate their absence. Employees are expected to report for work whenever the court schedule permits. Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

The City will continue to pay its portion of the premium costs for health insurance benefits during jury duty absence. Vacation, sick leave, and holiday benefits, will continue to accrue.

011.065 Witness Duty

The City encourages employees to appear in court for witness duty when subpoenaed to do so, or when their jobs require them to do so. If on duty employees have been subpoenaed or otherwise required to testify as witnesses, they will receive their regular pay for the entire period of witness duty, but will be required to remit any witness fees received to the City. If an off duty is called, then they are entitled to keep the witness fee.

The subpoena should be shown to the employee's supervisor immediately after it is received so operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

011.070 Bereavement Leave

Employees who experience a death in their immediate family may, at the discretion of the ~~department~~ Department ~~director~~ Director and with approval of the City Manager, may request up to five days of bereavement leave.

Employees may apply for bereavement leave in the following manner:

- A. Up to five (5) days may be granted for bereavement leave for the death of an employee's spouse or child.
- B. Up to three (3) days may be granted for bereavement leave for the death of an employee's parent, spouse's parent, grandchildren, or sibling.

Commented [SL76]: CM needs to approve all bereavement leave?

Commented [SL77]: Duplicate - should be removed.

Commented [DG78R77]: done



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- C. One (1) day may be used for bereavement leave for the death of the employee's grandparents, brother-in-law, or sister-in-law.

011.075 Time Off to Vote

The City encourages employees to fulfill their civic responsibilities by participating in elections. Employees can find time to vote either before or after their regular work schedule. If employees cannot vote in an election during their non-working hours, their ~~department~~ Department ~~director~~ Director may grant a reasonable paid time off, up to two hours, for employees to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice and prior approval is required so the necessary time off can be scheduled to minimize disruption of work schedules and operations.

011.080 Workers Compensation - Leave of Absence

Under Utah State law, the City provides workers compensation insurance. Subject to applicable legal requirements, this program covers injury or illness sustained on the job. The purpose and a brief description of workers compensation and its benefits are found in the Workers Compensation policy.

Unless the employee is terminated or separated from the City, it is the policy of the City to provide an unpaid leave of absence to any employee unable to work as a consequence of a work-related injury, accident or illness. The length of time of this leave is determined by both the medical condition of the employee and the employee's ability to return to work in a capacity for which a medical practitioner has approved and provided a release to such duty. The length of this leave is discussed in the Medical Termination policy under the heading "Employment".

As with any other time off from scheduled work, employees must complete a Request for Time Off form and return it in to their supervisor. Employees requesting leave because of a work related illness or injury will be required to submit written documentation from a physician that the employee cannot perform their duties because of the work related illness of injury for the time for which leave is requested. Employees have an obligation to request the time off work, keep their supervisors informed of their whereabouts, and otherwise keep the City apprised of their intentions and availability to return to work.

During the leave period, worker's compensation payments are paid under applicable law, and paid as a specific amount based on the employee's earnings and eligibility. Employees may qualify for Family & Medical Leave as part of workers compensation leave, or as a separate leave altogether. See also Family & Medical Leave policy Section 11.085.

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If an employee is on an approved workers compensation leave and is receiving a worker's compensation disability benefit, they may use any available vacation or sick leave to supplement the workers compensation amount up to 100% of the average net pay the employee was receiving during the last 13 weeks of service for the City immediately preceding the workers compensation injury.

The City has specific policies and procedures for handling workers compensation claims. Safety programs have been established to properly address safe working conditions and environments. Employees are responsible for obtaining information about, and adhering to direction on, the City's safety programs.

If an employee fails to report to work promptly at the end of an approved leave related to workers compensation, the City will assume the employee has resigned. Employees may be terminated for work-related reasons even though they receive workers compensation.

011.082 Return to Work Program

Policy: South Ogden City is committed to providing a safe work environment to our employees. But if an employee becomes injured on the job, we will do everything we can to help the employee heal and return to work as quickly as possible. When employees are able to work and be a contributing team member, the injured employee heals faster, we are more productive, and the morale of our entire organization is lifted.

Workers Compensation Coordinator: The ~~Human Resource Specialist~~ Assistant City Manager is our Workers Compensation Coordinator (WCC). The Workers Compensation Coordinator will help injured employees and their supervisors achieve the goal of helping injured employees get healthy and back to being a contributing team member.

Medical Providers: If a life-threatening injury occurs, 911 should be called to access normal emergency care. Employees with routine, non-life-threatening injuries should be taken by their supervisor or designee to:

- IHC Workmed, 1355 W. Hinckley Drive, Ogden, Utah 84401, (801) 387-6150.
- If the Network Provider is not available (after hours, etc.), call the Workers Compensation Coordinator to arrange medical care.
- Employees must seek care from the provider designated by the WCC. Failure to do so may affect their workers compensation claim.

Injury Reporting: All injuries, no matter how minor, must be reported immediately to the

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employee's supervisor. Supervisors report these injuries to the Workers Compensation Coordinator, who begins a workers compensation claim and helps to arrange medical care. All injuries must be reported the day they occur. Failure to report injuries could jeopardize coverage of the injury.

Post Injury Procedures: After receiving medical treatment, these steps must be taken:

- Employee and his/her supervisor deliver all paper work from the medical provider to the Workers Compensation Coordinator.
- WCC and the injured employee's supervisor review any restrictions given by medical provider with the injured employee's job description and determine if the employee's normal job meets the restrictions. If not, a Restricted/Light/Transitional Duty job will be assigned to accommodate the restrictions.
- Injured employees must comply with the restrictions they are given. Failure to do so could slow their recovery or cause further injury.

Restricted/Light/Transitional Duty: South Ogden City will accommodate restricted duty jobs for workers injured on the job. The WCC will work with the supervisor to design a work strategy that meets the injured employee's restrictions and accomplishes South Ogden City's goals.

Follow Up: Injured employee's supervisor and the Workers Compensation Coordinator will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending their medical appointments, complying with their restrictions, and that any restricted duty assignments are helping the employee move closer to their regular job duties.

Interaction with Adjusters: One of the best ways to help an employee get healthy and return to work quickly is to communicate with adjusters who manage the workers compensation injury claim. Adjusters have access to resources and have a vast knowledge in how to help injured employees get better. Utah Local Governments Trust has partnered with Constitution State Services (CSS) to adjust claims. They can be reached at 800-243-2490.

011.085 Family and Medical Leave

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the January 28, 2008, Military Family Leave Provisions, South Ogden City's Family and Medical Leave Policy allows eligible employees to take up to twelve (12) work weeks of unpaid leave for various family and medical reasons and up to 26 weeks for qualifying events connected to the Military Caregiver

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provisions of the law.

An “eligible employee” is defined as an employee employed by South Ogden City for at least 12 months (not necessarily consecutive) and who has worked at least 1,250 hours during the 12 months preceding the leave.

Family and Medical Leave will be granted to eligible employees for the following reasons:

- A. Family Leave of up to 12 weeks for the birth of the employee’s child;
- B. Family Leave of up to 12 weeks to place a child with the employee for adoption or foster care;
- C. Medical Leave of up to 12 weeks to care for a spouse, child, or parent with a serious health condition; or
- D. Medical Leave of up to 12 weeks due to the employee’s own serious health condition that makes it impossible for the employee to perform the functions of his or her own job;
- E. Military Exigency Leave of up to 12 weeks to deal with exigencies resulting from a Federal Contingency Act;
- F. Military Caregiver Leave of up to 26 weeks to care for a covered military family member injured in the line of duty.

If an employee’s spouse, son, daughter or parent of a military service member is on active duty, or on notice of an impending call to active duty, the Company will grant up to 12-weeks of unpaid leave in a 12 month period based on “any qualifying exigency”.

If an employee’s spouse, son, daughter, parent or “next of kin” of a military service member is injured in the line of duty, the City will grant up to 26-weeks of unpaid leave in a rolling 12 month period to care for the injured family member.

To qualify for leave under the new amendments, an employee still must comply with other provisions of the FMLA Note, also, that if an employee requests FMLA leave to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26-week leave period will be reduced by the leave previously taken.

Amount and Timing of Leave

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An eligible employee is entitled to 12/26 weeks of unpaid FMLA leave within a 12- month period for one or more of the six reasons listed above. However, if a husband and wife are both employed by South Ogden City, they are entitled to a combined total of 12 weeks of unpaid FMLA leave for the same reason (e.g., the birth of a child, placing a child for adoption or foster care, or to care for a parent). South Ogden City calculates FMLA entitlement on a “rolling 12-month” basis. The 12-month period begins on the first day of a FMLA leave.

Notice and Procedures for Requesting a Leave

Employees should make requests for medical leave by submitting a completed **Form WH-381** to ~~their supervisor~~ the Assistant City Manager at least 30 days in advance of foreseeable events and when possible for unforeseen events. Additional unprotected leave extending beyond the 12/26-weeks will only be granted upon further review and approval from management.

Certification for Medical Leaves

An employee requesting FMLA leave to care for a spouse, child or parent or due to his or her own serious health condition must provide South Ogden City with a medical certification completed by a health care provider verifying the need for medical leave and the probable duration of the leave. The medical certification form may be obtained from ~~Human Resources~~ the Assistant City Manager. South Ogden City will not determine if a leave falls under the FMLA guidelines until the medical certification form is received. South Ogden City may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.

Use of Paid Leave

Employees may substitute accrued paid vacation, personal time or sick time-off for any type of family or medical leave. The time during which paid leave is substituted for unpaid leave **will be counted against the 12/26-week FMLA entitlement**. After using any paid time off for the FMLA leave, the balance of the FMLA leave will be provided without compensation. Workers’ Compensation, Short-Term Disability, and Long-Term Disability time off will be counted against the employee’s 12-week FMLA entitlement.

Health Care Coverage

An employee may elect to continue coverage under South Ogden City’s group health and dental plans for the duration of the FMLA leave at the same level and under the same terms and conditions as if he or she were not on leave. An employee who elects coverage must continue to pay his/her portion of the monthly premium. Payment arrangements can be made with ~~Human Resources~~ the Assistant City Manager to maintain health and dental insurance benefits while the employee is on leave. Failure to make premium payments when they are due may cause a loss of coverage. Whether or not the employee elects to continue medical coverage during the FMLA leave, when



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the employee returns to employment, he or she will be reinstated to the same coverage as he or she had before the leave.

Reinstatement

Upon returning from FMLA leave, an employee will be restored to his or her original position or be placed in an equivalent position with equivalent employment benefits and pay. If an employee takes FMLA leave due to his or her own serious health condition, the employee must present South Ogden City with a fitness-for-duty certification completed by the employee's health care provider prior to returning to work. If it is discovered the employee worked for another Company while on FMLA leave, South Ogden City maintains the right to terminate employment with the employee.

Employees are encouraged to talk with their supervisors ~~or department,~~ or to contact the [Assistant City Manager](#) and make inquiry, raise concerns and seek information about the Family & Medical Leave Act, or their working conditions related to taking such leave, without fear of retaliation.

011.090 Leave without Pay

Other than under conditions specified within these policies, taking leave without pay is discouraged. For the City to obtain its goals and provide service to the public, employees must routinely come to work. Excessive leave use results in employees going into a leave without pay status, which is often symptomatic of leave abuse. All leave without pay must be approved by a ~~department~~ [Department Director](#). Employees requesting leave without pay for illness may, at the ~~department~~ [Department Director's](#) discretion, be required to exhaust all vacation leave before going on a leave without pay status. Employees unable to justify continued leave without pay will be subject to disciplinary action [up to and including termination](#).

- A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, ~~by the City Manager or designee.~~
- B. Any employee absent for three (3) or more consecutive work days without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found by the [Assistant City Manager](#), or designee, a subsequent grant of leave with or without pay as the circumstances dictate.
- C. Leave without pay ~~shall~~ [may](#) be granted ~~for special exceptions as approved by the Department Head~~ [Director and City Manager](#).

~~(1) For education purposes when the employee's course of study will be of direct benefit to South Ogden City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period.~~



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~~(2) To attend funerals not covered by the funeral leave policy.~~

~~(3) To attend to an ill or injured member of the employee's immediate family when the absence is not covered by sick leave.~~

~~(4)~~ 1. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so the City Manager, or designee, may decide where the leave without pay is warranted.

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011.095 Emergency Closings

Emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt government operations. In extreme cases, these circumstances may require closing a work facility. In the event that such an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When the decision to close a work facility is made, employees will receive official notification from a supervisor. When an emergency occurs, under the authority of City Manager, ~~department~~ Department directors-Directors and supervisors will determine how time missed away from work will be handled. Under these circumstances, missed time away from work may be completed at another time during the work period, or administrative leave may be granted, at the discretion of the City Manager.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay, and if other employees have been granted administrative leave, will receive compensatory time off. Where applicable, overtime pay or compensatory time will apply.

011.100 Leave Documentation

Some absences must be supported by a copy of the official paperwork ~~causing~~ documenting the need for the absence. Such paperwork must be submitted to the City Manager, or their designated representative, when possible. Where official paperwork is not available, the City Manager, or their designated representative, may request that the employee supply additional information in writing to support the absence.

Commented [SL79]: What is this referring to other than sick leave previously addressed?

Commented [DG80R79]: I added some wording and deleted most of it.



SECTION 12: GENERAL SAFETY

012.005 General Policy

The City recognizes that each department within the City, and all employees, have certain responsibilities to uphold the integrity and value of the safety program for the City. These responsibilities are designed to enable everyone to better understand and enforce the procedures of the safety program. The City provides information to employees about workplace safety and health issues regular through internal communication channels such supervisor-employee meetings, bulletin board postings, memos, or other written communications.

012.010 Safety Committee

The City has established a safety committee to support and grow a safety-oriented culture throughout the City and to review the effectiveness of the safety program. The safety committee reviews all work-related accidents, reviews and makes recommendations for safety-related policies and procedures, oversees and /or performs safety audits, and discusses the overall safety needs of the City's departments. Areas of the building and work procedures are reviewed to determine potential liabilities to the city. ~~Committee members take safety-related information and findings back to the department head.~~

012.015 Safety

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. This training may comprise on-the-job training, equipment and hazards training, first aid and CPR training, and may also include formal classroom training, either on or off the job.

Supervisors shall assume the responsibility of thoroughly instructing their personnel safe practices to be observed in their work situations. They will consistently enforce safety standards and requirements, set the example of good safety practices and act positively to eliminate any potential hazards within the activities under their jurisdiction. Safety records will be measured with other phases of supervisor performance. In discharging their responsibilities for safety, supervisors shall:

- A. Enforce all safety regulations in effect and make employees aware that violations of safety rules may be cause for disciplinary action.
- B. Ensure all injuries and/or accidents are reported promptly.



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- C. After consultation with the City Manager and City Attorney, conduct thorough investigations of all accidents and prevent reoccurrence by implementing proper employee safety education, changes in operating procedures, and/or appropriate modification of equipment.
- D. Before work begins, provide employees with adequate and appropriate safety instructions regarding their duties, obligations and functions.
- E. Before placing new or relocated equipment into operational service, conduct careful examination and safety checks of the equipment and the area of service.
- F. Ensure equipment is properly stored when not in use, and properly maintained and serviceable when in use.
- G. On a regular and frequent basis inspect for unsafe practices and/or conditions of work in progress and the work environment, and take appropriate corrective action to ensure safe work practices and safe work environments.
- H. Maintain high standards of cleanliness and orderliness within the work force and the work environment in all areas of operations under his/her supervision.
- I. Ensure proper and safe equipment and protective devices for each job or work duty are available and in use.
- J. Conduct safety briefings at organizational meetings and encourage employee implementation of safety suggestions.
- K. Provide full and active support to all safety procedures, activities and programs within his/her area of supervision and influence.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their supervisor or to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment. Examples of employees' responsibilities to uphold safe work standards include, but are not limited to:

- A. Proper use of safety equipment provided for work activity and completing work assignments.



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- B. Where necessary or required, wear uniforms and safety gear properly.
- C. Use or operate tools, equipment and machinery only when adequately trained and proper orientation has been received for their safe use.
- D. Report defective or hazardous equipment or maintenance problems immediately to a supervisor. Assist where appropriate and directed to properly tag or secure such items until proper repair or replacement procedures have been completed.
- E. Refrain from the use or operation of unsafe tools, equipment or vehicles until they have been properly replaced or repaired and placed back into service by the employee's division manager or ~~department~~ Department ~~director~~ Director through established procedures.
- F. Warn coworkers and others of unsafe conditions or practices in which they may be engaged.
- G. Report dangerous, hazardous or unsafe work environment or physical conditions that exist throughout the work place or the City. Such conditions may include, but not be limited to defective sidewalks, obstructed traffic signs, broken curbs, hanging limbs in public access areas, open manholes, and missing or damaged pedestrian, school, or traffic signs.
- H. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their appropriate supervisor. Such reports are necessary to comply with various laws, City policies, and initiate workers compensation claims.
- I. Protect the public and coworkers from unsafe or hazardous conditions resulting from City work or work in progress.
- J. Use all tools (either hand or power-driven) in a safe for the purpose for which the tool was made.

012.020 Modified Duty Work Assignments

It is the policy of the City that employees may work only in positions for which they are qualified and in which they can perform the job duties, tasks and essential functions in a safe and proper manner.

When employees have been off work due to an injury, illness or disease, it is the City's policy to provide and encourage a speedy return to work to the extent appropriate and practicable. It is the experience of the City that employees able to return to work quickly, even on a limited basis,

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regain their full health, physical functioning and abilities quicker and more completely than if they remain inactive and off work for longer periods of time.

For medical reasons, a physician may indicate an employee cannot immediately return to full duty work assignments, and may release the employee to work with limited or modified duty restrictions until the employee can completely and safely fulfill all essential work duties and functions. Notwithstanding a medical report allowing modified duty work, the City reserves the right to allow or deny modified duty work assignments in its discretion, consistent with applicable Americans with Disabilities Act (ADA) provisions.

Any modified work assignments longer than one week in duration must be documented by a letter from a physician indicating the beginning date of modified duty work assignments, and another letter indicating an ending date of modified duty work assignment. Under no circumstances are modified duty assignments to be permanent or to extend beyond a reasonable period of time, unless such modification is subject to the protections and conditions of the ADA. ([See Chapter 15.015 Medical Termination](#))

Examples of modified duty work assignments include temporary assignments within the employee's department, temporary assignments in other City departments, and community service work with outside agencies. The employee's appointing department will remain financially accountable for wages for modified work assignments.

012.025 Disabled Workers

The City will consider a reasonable accommodation where appropriate and necessary for an employee who has presented medical records, which set forth a specific and documented disability for which, an accommodation is requested. Such reasonable accommodation may include changes in the physical or functional work methods, or the work conditions or environment, so long as the employee can perform the essential functions of the job.

Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Managers, supervisors and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Any employee inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

012.030 Use of Equipment and Vehicles - Reporting Problems/Accidents

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

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The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, and excessive or preventable accidents or violations, can cause disciplinary action, up to and including termination of employment.

Accidents, mishaps (including "near misses"), injuries and traffic violations occurring while on duty in City vehicles are to be reported immediately to the appropriate supervisor and the City Manager or his designee. Department ~~directors~~ **Directors** and supervisors, and involved employees, are responsible for the timely and accurate reporting of accidents, mishaps, injuries, and traffic violations.

Employees who witness or discover an accident or injury regarding work activity related to the City, may be asked to assist in completing an accident or investigation report by law enforcement authorities or other appropriate management staff. Employees will provide a clear and detailed factual report. Employees should not admit, or give opinions about, fault, blame or liability. The investigation must be based on factual information, not opinion or speculation.

The City intends to provide for prompt and appropriate investigation, review and other proper action(s) regarding determining the cause of any accident or other event, which may involve an issue of safety for employees, or the public. The City takes seriously any accident or event involving actual or potential harm, or threat of harm, to any person(s) or their property.

Employees can be held personally liable for any loss or damage to person(s) or property resulting from willful, wanton, and/or reckless negligence. This liability can extend to the employee irrespective of any insurance coverage or liability of the City.

The City will take reasonable precautions to avoid accidents or injury, and will act in a manner consistent with safe work practice to help ensure prompt and appropriate attention to correct work conditions or related problems so unsafe conditions are dealt with properly.

012.035 Accident Review

It is City policy to investigate, review and analyze all accidents involving South Ogden City motor vehicles. All motorized equipment capable of self-propulsion involved in an accident are within the scope of this policy, while used for a work-related City activity. This includes both City-owned and personal vehicles. A motor vehicle accident is any event that results in personal injury or property damage that can be attributed to the motion of a vehicle or its load. Any employee involved in a motor vehicle accident must report the accident to his/her supervisor or ~~department~~ **Department** ~~director~~ **Director** when possible after the accident, and always within 24 hours of

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occurrence. Involvement includes a physical observation of an accident, a direct influence in an accident, or participatory action in which an individual was directly affected in an accident, whether or not injury occurred. Reportable property ~~damage under \$1000~~ may not be subject to the review board if approved by the City Manager.

012.040 Investigations and Reporting

Unless exigent circumstances warrant otherwise, any employee involved in a motor vehicle accident must remain on the scene of the accident until proper legal authorities have arrived, have obtained the employee's statement, and have either released the employee or detained the employee under custody. Any employee involved in a motor vehicle accident is to provide his/her name, driver's license, and employment data to the driver of any other vehicle involved. Any other information is provided only to proper investigating authorities.

The employee's ~~department~~ Department ~~director~~ Director shall have the employee's supervisor or other designated management member investigate the accident and review available information and records to obtain factual evidence related to the reason(s), conditions and preventability of the accident. Within two (2) working days of the accident the department investigator shall complete the Supervisor's Investigation Report form and forward the report to the Assistant City Manager or his designee.

Whenever serious physical injury occurs in, or stems from, a motor vehicle accident, the supervisor or ~~department~~ Department ~~director~~ Director shall report this information immediately to the City Manager or his designee.

When any motor vehicle accident results in damage to a South Ogden City vehicle, a ~~Vehicle Damage Incident~~ Report form must be completed by the employee and supervisor within two (2) days and forwarded to the Assistant City Manager or his designee.

012.045 Review and Action

All motor vehicle accidents and attending reports shall be reviewed by the City. The Safety Committee ~~City Manager or his designee~~ will review all available records, documents and other evidence pertaining to any motor vehicle accident to determine the preventability of the accident. Preventable accidents are subject to disciplinary action, up to and including discharge, as deemed appropriate by the employee's ~~department~~ Department ~~D~~irector.

Records, evidence and testimony regarding accidents are confidential. Discussions about and pertaining to any on-going investigation are confidential, and information will be provided to other management members of the City who legitimately need to know.

Commented [SL81]: Should this be removed?

Commented [DG82R81]: I would say no because we dont want minor property damage accidents (ie. a broken shovel handle).



012.047 Driver Qualification Program

All employees or volunteers operating South Ogden City owned vehicles, or who may operate any vehicle while conducting business for or on behalf of South Ogden City must be authorized drivers. The authorization process requires an analysis by the Fleet Manager of the employee's driving record to ensure compliance with the driver qualification standard as identified in this policy. ~~The Human Resource Specialist~~ Assistant City Manager is the Fleet Manager for the purposes of this policy.

As part of the driver qualification process, all driver's or potential driver's Motor Vehicle Record (MVR) will be screened and monitored on an ongoing basis to ensure the standard is met and maintained. Drivers will be qualified as "Acceptable," "Unacceptable," or "Borderline." Drivers qualified as "Borderline" may be authorized to drive on a probationary basis as determined by the Fleet Manager. Drivers whose record does not meet the driver qualification standard will not be allowed to operate any vehicle while engaged in our business.

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

"Acceptable" or "Borderline" qualification will be determined using the following criteria. Any number of violations or accident in excess of the "Borderline" criteria constitutes a failure to meet the driver qualification standard resulting in revocation of driver authorization. (Note – DUI and DWI are not evaluated as a standard violation.)

Acceptable

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

Borderline

- Three violations recorded on the MVR or,
- Two at-fault, work-related accidents in the last three years, or
- DUI or DWI with in the last five years, or



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- Any violation for Careless, Reckless, or Distracted driving

Unacceptable

- No valid driver license,
- Recent DUI conviction, (within the last twelve months)
- Four violations recorded on the MVR

A single major violation recorded on the MVR, or resulting from a work-related incident, *may* result in revocation of the drivers' qualification and driver authorization. Major violations include, but are not limited to:

- DUI or DWI in the previous 24 months
- Failure to stop/report an accident
- Making a false accident report
- Attempting to elude a law enforcement
- Others as determined by the Fleet Manager

012.050 Life-Threatening Illnesses in the Workplace

Employees with life-threatening illnesses such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees can meet acceptable performance standards. As in other disabilities, upon request the City will make reasonable accommodations under all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Employees with questions about life-threatening illnesses are encouraged to contact the [Assistant City Manager](#) for information and referral to appropriate services and resources.

012.055 ~~No Smoking Policy~~ (Utah Indoor Clean Air Act)

In keeping with the Utah Indoor Clean Air Act and to promote a safe and healthy work environment, it is City policy that smoking is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices. No smoking signs shall be conspicuously posted on all entrances or in a position visible on entry into any public area or building. As City vehicles are considered places of employment, it is City policy that smoking is also prohibited in all City vehicles.

Outdoor smoking is permitted only in designated smoking areas at least 25 feet from any public access entry or exit; and at least 25 feet from any open window where others are working.

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Commented [SL83]: Chewing tobacco??



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This policy applies equally to all employees and members of the public. Any employee who observes someone violating this policy must bring the matter to the attention of his/her immediate supervisor or ~~department~~ Department ~~director~~ Director. Supervisors and ~~department~~ Department ~~directors~~ Directors have the responsibility for enforcing the smoking policy of the City.

012.060 Security Inspections

The City wishes to maintain a work environment free of illegal drug, alcohol, firearms, explosives, or other improper materials. The City also believes that the health and safety interests of the public mandate policies and procedures be in place to protect those interests. The City prohibits the possession, transfer, sale, or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy. The City likewise wishes to discourage theft or unauthorized possession of the property of employees, the City, visitors, and customers.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the City.

GENERAL POLICY. The following general safety rules will apply in all agency work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

- A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
- B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
- C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
- D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor/manager.
- E. Defective equipment will be reported immediately to the supervisor or Department ~~Head~~ Director.
- F. Employees will not operate equipment or use tools for which licensing and training has not been received.



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- G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.
- H. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:
- (1) Road repair.
 - (2) Construction areas.
 - (3) Vehicle maintenance areas.
 - (4) Splash pad
 - (5) Animal control.
 - (6) Power plants.
 - (7) Sewers.

012.065 Proper Use of South Ogden City Equipment and Tools

Using of South Ogden City equipment or tools for private purposes is strictly prohibited. However, reasonable use of South Ogden City tools and equipment to protect property and preserve life is authorized.

- A. Employees shall be required to attend training provided by South Ogden City; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by South Ogden City.
- B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. This license is required under the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver's license at four (4) year intervals.
- C. Operators and passengers in a business-use vehicle equipped with seat belts must wear

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them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.

- D. Employees shall keep the agency vehicles used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

012.070 Cell Phone While Driving

Employees are required to be familiar with and comply with local laws before using a wireless device while operating a motor vehicle for city purposes. Safe operation of any vehicle in the performance of city business is the responsibility of the driver and must be given appropriate attention at all times. In every situation, do not use a wireless device while the vehicle is in motion if doing so distracts attention from driving. Additionally, all employees are prohibited from using data services on their wireless devices, such as texting or accessing the mobile web or other distracting activities, while driving a city vehicle.

Commented [SL84]: Shouldn't this whole paragraph just say "no cell phone while driving"?

Commented [DG85R84]: what if they have bluetooth?



SECTION 13: DISCIPLINARY ACTION

013.005 General Policy

- A. It is the policy of the South Ogden City that management will inform its employees about what is expected at work, what constitutes employee misconduct, and what the employee's rights are, if disciplined.
- B. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of South Ogden City government. Administrative procedures have been established for handling disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
- C. Disciplinary action, up to and including termination, may be imposed for misconduct.
- D. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

013.010 Types of Disciplinary Action

- A. Verbal Warning.
 - (1) Whenever grounds for disciplinary action exist, and the Department ~~Head~~ Director or designee, determines more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
 - (2) Whenever possible, sufficient time for improvement should precede additional disciplinary action.
- B. Letter of Caution
 - (1) A non-punitive letter of caution is a mild letter of reprimand. The recipient is not being punished for the actions they engaged in, but they are being notified what they did was wrong and that they will be closely watched in the future. A non-punitive letter of caution is a step down in severity from a written reprimand.
- C. Written Reprimand.
 - (1) The Department ~~Head~~ Director or designee may reprimand an employee. The



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Department ~~Head~~ Director, or designee, shall furnish the employee with a written reprimand notification setting forth the reason(s).

- (2) A copy of the written reprimand notification, signed by the Department Director and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form the City Manager, or designee, will so state.

D. Suspension.

- (1) The Department Director, with approval of the City Manager, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
- (2) When suspending an employee, the City Manager, or designee, shall follow the due process proceedings set forth in this section.
- (3) By the effective date of the suspension, the City Manager, or designee, shall furnish the employee with a written suspension notification setting forth the reason(s) for suspension.
- (4) A copy of the suspension notification, signed by the City Manager, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager, or designee, will so state.
- (5) An employee on suspension shall make full employee contributions to their employee medical insurance benefits.

E. Demotion.

- (1) The Department Director, with approval of the City Manager, or designee, may demote, or reduce pay and employee for cause or provide for reasonable accommodation in appropriate circumstances.
- (2) When demoting an employee, the Department Director or designee, shall follow the due process proceedings hereinafter set forth in this section.
- (3) On or before the effective date of the demotion, the Department Director or designee shall furnish the employee with a written demotion notification setting forth the reason(s) for demotion.



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- (4) A copy of the demotion notification, signed by the City Manager, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form the City Manager, or designee, will so state.

F. Transfer.

- (1) The Department Director, with approval of the City Manager, or designee, may transfer an employee (except for an introductory employee) by furnishing the employee with a written transfer notification.
- (2) Notification of the transfer, signed by the Department Director and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the Department Director or designee, will so state.

G. Termination.

- (1) The Department Director with approval of the City Manager, or designee, may terminate an employee for cause.
- (2) When terminating an employee for cause, the Department Director, or designee, shall follow the due process proceedings set forth in this section.
- (3) By the effective date of the termination for cause, the Department Director, or designee, shall furnish the employee with a written termination notification setting forth the reason(s) for termination.
- (4) A copy of the termination notification, signed by the Department Director or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form the Department Director, or designee, will so state.

013.015 Causes for Disciplinary Action

Causes for disciplinary action, up to and including termination, may include, but are not limited to:

- A. Violation of the laws of Utah or the United States, other than minor traffic offenses.
- B. Violation of the code of personal conduct.
- C. Unjustified interference with work of other South Ogden City employees.



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- D. Misconduct.
- E. Malfeasance.



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- F. Mifeasance.
- G. Nonfeasance.
- H. Incompetence.
- I. Negligence.
- J. Insubordination.
- K. Failure to maintain skills.
- L. Inadequate performance of duties.
- M. Unauthorized absence or tardiness.
- N. Falsification or unauthorized alteration of records.
- O. Violation of South Ogden City policies.
- P. Falsification of employment application.
- Q. Discrimination in hiring, assignment, or promotion.
- R. Sexual harassment.
- S. Violation of the Personnel Policies and Procedures.
- T. Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
- U. Falsifying South Ogden City Records.
- V. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
- W. Unauthorized possession of firearms, weapons, or explosives on South Ogden City owned property, with the obvious exception of police officers.
- X. Carelessness which affects the safety of personnel.
- Y. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the



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public.

- Z. Theft or removal of any South Ogden City property or the property of any employee from the work area premises without proper authorization.
- AA. Gambling or engaging in a lottery at any South Ogden City work area.
- BB. Misusing, destroying, or damaging any South Ogden City property or the property of any employee.
- CC. Deliberately restricting work output of themselves or others.
- DD. Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday.
- EE. Sleeping during working hours, with the obvious exception of firefighter employees.
- FF. Fighting (verbal or physical) on South Ogden City premises, or while on city business, or in a city uniform.
- GG. Any act which might endanger the safety or lives of others.

013.020 Conducting an Investigation

- A. The Department Director, or designee, may conduct an investigation into the allegations which form the grounds for disciplinary action.
- B. All investigations will be conducted in a fair and consistent manner.
- C. During an investigation to determine the facts upon which disciplinary action may be imposed, the Department Director, or designee, may place an employee on administrative leave.
- D. The investigation shall include an opportunity for the employee to respond to the allegations.
- E. Each employee shall be afforded prior access to South Ogden City's rules, policies, and procedures.
- F. In determining the type and severity of the disciplinary action, the Department Director or



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designee, may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on South Ogden City operations; and/or the potential of the misconduct to harm person(s) or property.

G. For disciplinary action on a written reprimand, the Department Director, or designee, shall notify the employee, in writing, of the findings of the investigation. The written statement shall include:

- (1) The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.
- (2) Any prior disciplinary action imposed.
- (3) The disciplinary action to be imposed.
- (4) The effective date and duration of the disciplinary action.
- (5) The corrective action necessary for the employee to avoid further disciplinary action.
- (6) Suspension, demotion, transfer, or termination of an employee shall require the approval of the City Manager.
- (7) The Department Director, or designee, may note the disciplinary action on their personal notes when the disciplinary action is imposed and/or on the employee's performance evaluation form.

013.025 Predetermination Hearing

Subject to the terms and conditions of this and other applicable policies, the City intends to provide employees in eligible employment classifications with a Predetermination Hearing to review with the employee certain actions, which may be taken against the employee. Eligible employment classifications are all employees, except Non-merit Service employees.

Eligible employees shall be informed of the purpose of any Predetermination Hearing and shall be provided written information about the hearing procedures. The City provides a Predetermination Hearing be held by the ~~department~~ Department ~~director~~ Director or the ~~department~~ Department ~~director's~~ Director's designee for employees in eligible employment classifications for the following actions;



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- A. Serious disciplinary action which could cause a suspension from work without pay for over two (2) work days.
- B. Demotion in job classification or pay range.
- C. Discharge proceedings , including termination for cause, lay-off, reduction in force, or for any other reason

Prior to a Predetermination Hearing, the ~~department~~ Department ~~director~~ Director, at his/her sole discretion, may take action to reassign, restructure or otherwise change the conditions and function of the employee job or duties, subject to City policies governing such changes.

A Predetermination Hearing shall be conducted after advance notice to the employee of the reason for, and date and time of the hearing. The hearing officer will be the ~~department~~ Department ~~director~~ Director, or his/her designee, unless the person for whom the hearing is being held reports directly to the ~~department~~ Department ~~director~~ Director. When the person for whom the hearing is being held reports directly to the ~~department~~ Department ~~director~~ Director, the City Manager will be the hearing officer.

The hearing officer shall allow each party to state his/her point of view, and shall provide the affected employee with the reason(s) for the contemplated action and a review of the records which support the action. Likewise, the employee shall present his/her point of view, and any records or witness(es) which support his/her point of view. The employee may provide rebuttal to any allegations or charges and be granted an open and direct opportunity to understand and respond to all allegations and reasons for the contemplated. A record shall be made and kept of the procedures, process, and factual content of the Predetermination Hearing.

The hearing officer has the authority to initiate, withhold, set aside, or modify the contemplated action, based on information available, including but not limited to, the discussion and exchange of information in the Predetermination Hearing. A decision about any contemplated action may be made at the Predetermination Hearing, or within fifteen (15) calendar days after the Predetermination Hearing. The decision will include written notification to the employee of his/her rights to file a grievance or appeal request.

Suspensions resulting from a Predetermination Hearing may be with or without pay, at the discretion of the hearing officer, depending upon the seriousness of the problem(s) or issue(s). Any suspension without pay, which is later over turned, modified, or set aside, shall be subject to retroactive pay for the time, or an applicable portion of time, during which the employee was without pay. Suspension without pay pending an investigation and decision will occur only under



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serious and compelling circumstances.

Certain eligible employees, who disagree with the action of their supervisor, or the decision of the ~~department~~ Department ~~director~~ Director, have further rights of review and appeal as described under other review and appeals policies. The ~~department~~ Department ~~director~~ Director will inform the employee of his/her appeal rights in writing.

013.030 Appeal Procedures

Subject to the terms and conditions described in this policy, and consistent with the terms of UCA 10-3-1106, the City intends to provide a review to employees in eligible employment classifications, who are the subject of serious disciplinary actions involving suspensions, demotions and discharge. Eligible employees may request a review to grieve appointments and/or promotions, which directly affect them.

Eligible employees must file a written request for the appeal with the City Recorder within specific time limits from final action by their Department Director. The time limit is within ten (10) calendar days.

- A. Introductory employees have no appeal rights.
- B. ~~Department Heads~~ Non Merit Service Employees have no appeal rights.
- C. Employees have no verbal warning appeal rights.
- D. Employees have no letter of caution appeal rights.
- E. Employees have no written reprimand appeal rights.
- F. Appealing to a Hearing Officer. Upon written receipt of an Employee Demotion, Transfer, or Termination Notice, some employees have the right to first appeal the disciplinary process and action imposed by the Department Director, or designee, to a Hearing Officer (exceptions include Introductory Employees and Department ~~Heads~~ Directors):

013.035 Hearing Officer

The Hearing Officer shall have jurisdiction, under UCA Section 10-3-105 and Section 10-3-1106 UCA over employees in eligible employment classifications involving any action regarding an eligible employee's job regarding a demotion, a transfer to a position with less remuneration, or discharge from service.



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The Hearing Officer and its jurisdiction shall follow Section 10-3-1106 UCA as amended. The City intends to comply with all legally mandated provisions and limitations regarding the make-up and jurisdiction of the Hearing Officer.

An employee must file an appeal with the City Recorder within 10 days of the termination, transfer, or demotion. The City Recorder will refer a copy to the Hearing Officer. The Hearing Officer will begin an investigation, take evidence and fully hear the matter and decide within 15 days of transmittal of the appeal to the Hearing Officer. The employee may attend the Hearing Officer meetings, be represented by Counsel, and attempt to refute or rebut any information provided to the Hearing Officer.

If the Hearing Officer upholds the transfer, discharge, or demotion, the employee has 10 days to appeal the decision to the Court of Appeals. The deliberations of the Court of Appeals will be based on the record from the Hearing Officer. If the Court of Appeals does not uphold the transfer, discharge or demotion, the matter will be closed and no further proceedings will take place.

- A. An employee must submit their written notice of appeal to South Ogden City's Recorder within thirty (30) days or an employee will be deemed to have waived all appeal rights.
- B. Decisions of the Court of Appeals
 - (1) If the Court of Appeals overturns the Employee Disciplinary Action:
 - ~~a-b.~~ The City Manager or designee shall remove the record of the disciplinary action from the employee's personnel file.
 - (2) If the Court of Appeals upholds the Employee Disciplinary Action, the decision shall be final and the employee has no appeal rights.

013.040 Conflict Resolution

The City intends to develop and encourage consistent and clear policies that reflect the standards of work and expected conduct applicable to each employee's position and job requirements. Issues and conflicts can arise in applying and enforcing City policies and procedures. It is the policy of the City that, where issues and conflicts within the work setting and environment be resolved at the lowest possible level in an informal manner that appropriately reflects respect and good faith between individuals.

When employees are concerned about issues or events pertaining to their work conditions, work



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environment or their own jobs, they are expected and encouraged to openly and frankly discuss their concerns directly with their immediate supervisor.

If any employee believes it would not be appropriate to discuss a concern with his/her immediate supervisor, the employee is encouraged to discuss the concern with the next level of supervision in his/her department. If the employee does not believe it would be appropriate to discuss the concern with any supervisor, then the ~~department~~ Department ~~director~~ Director should be contacted and a meeting requested.

In cases involving the Drug and Alcohol policy Section 05.020, or the Sexual Harassment Section 6 or Discrimination policy Section 01.020, or that concern the City's Equal Employment Opportunity policy Section 1, the employee can report his/her concerns directly to the City Manager, if he/she believes it would be inappropriate to discuss a concern with their ~~department~~ Department ~~director~~ Director.

Work review and evaluation of an employee's job performance are among many important factors in determining an employee's success in any job. Supervisors and ~~department~~ Department ~~directors~~ Directors are expected to communicate work performance standards and provide feedback to employees on an ongoing basis. Likewise, employees are expected to communicate directly and openly with supervisors and ~~department~~ Department ~~directors~~ Directors on an ongoing and regular basis to seek feedback and to assess whether they are meeting work goals, job requirements, and achieving the results expected of them by their supervisor and ~~department~~ Department ~~director~~ Director.

It is the experience of the city that when communications are open and direct, the work environment and atmosphere can be pleasant and productive. Eligible employees have certain appeal rights available to them to ensure reasonable and consistent standards are applied. These other measures are covered by applicable City policy. See also Predetermination Hearing Section 13.025 and Appeals Procedures policies Section 13.030.



SECTION 14: GRIEVANCE PROCEDURES

014.005 General Policy

- A. Employees who perceive they have a grievance against South Ogden City should exhaust the administrative procedure in the body of this policy before addressing their grievance through any other forum. An employee may file a grievance about any perceived work related injustice or oppression resulting from an act occurrence, omission, condition, or unfair labor practice. Issues addressable throughout the grievance process include, but are not limited to:
- (1) Employee-supervisor relationships.
 - (2) Duty assignments not affecting job classification.
 - (3) Shift and job location assignments.
 - (4) Working conditions.
 - (5) Practices affecting granting of leave.
- B. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following information:
- (1) Name of the employee.
 - (2) Date the occurrence or action underlying the grievance occurred.
 - (3) Nature of the grievance.
 - (4) Historical information related to the grievance.
 - (5) Requested resolution.
 - (6) Signature of the employee filing the grievance and date filed.



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- C. Employees will be allowed reasonable time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event establishing the grievance, or within ten (10) days of when the employee acquires knowledge of the occurrence or event establishing the grievance.
- D. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.
- E. If an administrator cannot answer the grievance within the specified time period due to extenuating circumstances, the administrator may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is unacceptable, the employee may appeal the decision to the next level of appeal.
- F. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.
- G. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain of command, if applicable:
 - (1) Immediate Supervisor
 - (2) Department ~~Head~~ Director
 - (3) City Manager
 - (4) Hearing Officer
 - (5) or Court of Appeals
- H. The decision of the Court of Appeals constitutes the final level of appeal and cannot be appealed.

014.010 Confidentiality

Written Grievance's shall be private data under the government Records Access Management Act of the State of Utah. The City Manager or City Council may declare the grievance documents to be confidential and/or order the entire record, or any part, sealed.



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014.015 Filing

No document relating to a grievance shall be placed in the employee's personnel file. If any disciplinary action against an employee is rescinded because of the grievance process, the Assistant City Manager, or designee, shall remove the record of the disciplinary action from the employee's personnel file.

If any disciplinary action against an employee is modified because of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee's personnel file and the modified record of the disciplinary action shall be placed in the employee's personnel file



SECTION 15: TERMINATION OF EMPLOYMENT

015.005 General Policy

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two weeks written notice of resignation from employees and one month's notice from employees in non-merit, special positions.

Prior to the effective date of termination of employment, supervisors shall inform the ~~department~~ Department ~~director~~ Director of the impending resignation, so an exit interview can be conducted and information can be provided to the employee regarding any applicable benefits.

Failure to provide adequate advance notice may cause in an unfavorable recommendation for rehire.

015.010 Types of Termination

Any involuntary termination or termination of any employee allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's due process property rights are not violated.

- A. Retirement. Voluntary termination at the end of an employee's career.
- B. Voluntary Resignation. When an employee wishes to leave South Ogden City, they will submit a letter voluntarily resigning with last day worked and present it to the City Manager or designee.
- C. Resignation, in Lieu of an Involuntary Termination, Agreement. The City Manager or designee, may conclude that an employee should be involuntarily terminated for no reason (for introductory employees and Department ~~Heads~~ Directors) or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee suggests they would like to voluntarily resign, the City Manager may agree to a Resignation In Lieu Of an Involuntary Termination Agreement.
- D. Involuntary Termination. The City Manager or designee, may conclude that an employee should be involuntarily terminated for no reason (for introductory employees and Department ~~Heads~~ Directors) or for cause.
- E. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in South Ogden City because of lack of work or lack of funds, South Ogden City may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.

- F. Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by



an employer against an otherwise qualified individual with a disability. An employee should not be terminated for medical reasons without prior consultation with legal counsel.

- G. Death. If an employee of South Ogden City dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/or sick leave) as of the date of death.

Employees in the merit or classified service also have specific rights to a [Predetermination Hearing Section 13.025](#) to hear and answer charges and reasons brought against them by management regarding to covered actions that result in discharge.

All other employees can be terminated at will, with or without notice, consistent with applicable law. Likewise, employees have the right to terminate employment with the City, with or without notice.

Employee benefits are affected by employment termination in the following manner. All accrued, vested benefits that are due at termination will be paid under applicable policies and City ordinance, State or federal law. Some benefits may be continued at the employee's expense, if the employee chooses. The employee, spouse and any dependents will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. See also Benefits Continuation policy (COBRA). This policy and its provisions are not intended to interfere with, nor shall they be construed or interpreted to any extent to interfere with, the proper adherence to the procedures and protocols established in appeals and grievance policies. It is the employee's responsibility to notify the City of a qualifying event that will affect benefit coverage, such as when the employee divorces, or upon the birth or death of a family member, or when a covered dependent marries or attains an age and educational status that precludes continued insurance coverage.

015.015 Medical Termination

A question may arise about the medical ability of a merit or classified service employee to continue to fulfill and carry out the duties and essential functions of their job. Such a question can arise whenever evidence, information, or observation exists which forms a reasonable suspicion about whether the employee can perform his/her job duties.

Whenever a question arises about a merit or classified service employee's medical ability to meet the expected performance standards and/or qualifications required in his/her job, the City reserves the right to request a medical health examination be conducted by a licensed medical practitioner of the City's choosing and at the City's expense.

The employee shall be notified in writing of any question about the employee's medical health and the need for a medical examination. Medical examinations shall be scheduled within a reasonable period of time. The City-selected medical practitioner shall certify the results of the examination in writing and will file a written copy of those results with [Assistant City Manager](#), who will distribute copies to the employee and the employee's ~~department~~ [Department Director](#) ~~Director~~.



If the results of the examination affirm and support a conclusion that the medical health of the employee is not adequate to meet the requirements and qualifications of the job, the employee may be placed on a leave of absence. The terms and conditions of any leave will be subject to the Family and Medical Leave Policy of the City.

If an employee cannot perform the essential functions of the job due to a health condition or disability, the City will send a written notice to the employee. The notice shall inform the employee that, should the employee not be able to return to duty in the job with acceptable medical verification within 90 calendar days from the notice, medical termination from employment in the position will occur. The 90-day notice may be given at any time that the City believes the employee is not medically fit.

If the employee cannot return to full job duty, the employee may apply for any available job for which they are qualified and medically able (by written medical evidence), subject to the established hiring procedures and applicable policies of the City.

If the employee is dissatisfied with the medical determination obtained from the above procedures, the employee may file an appeal of the medical determination and his/her termination of employment through the applicable established appeals procedures of the City. The cost of any medical evaluations obtained by the employee shall be paid by the employee. See Appeals Procedures policy.

015.020 Termination Procedures

- A. A Notice of Voluntary Resignation, signed by the employee and the Department Director or designee, may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require South Ogden City to provide their terminating employees with written notification of due process. At-Will Involuntary Terminations (for introductory employees and ~~department~~ Department heads Directors) do not require South Ogden City to provide their terminating employees with written notification of due process.
- C. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the City Manager, or designee, may be utilized in negotiated terminations. A Resignation in Lieu of an Involuntary Termination Agreement does not require South Ogden City to provide their terminating employees with written notification of due process.
- D. The following steps should be taken for Voluntary Retirements:
 - (1) Employees who desire retirement should notify South Ogden City three (3) months in advance or as soon as practicable.

Commented [SL86]: How can this be enforced? ie, Dehart

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- (2) South Ogden City should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, South Ogden City should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
- (3) South Ogden City should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
- (4) South Ogden City should give the employee ample time to review the retirement plan.
- (5) South Ogden City should have the employee sign a release, or at least a declaration statement, to the effect they are electing retirement of their own free will.

E. The following steps should be taken for Reductions in Force/Layoffs:

- (1) Determine whether South Ogden City must follow statutory guidelines related to the reduction in force/layoff. If South Ogden City must follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.
- (2) If South Ogden City is facing a possible reduction in labor force, South Ogden City should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for South Ogden City.
- (3) In the selection of employees for South Ogden City's reduction in force/layoff, the following guidelines should be considered:
 - a. Selection should be based upon the employee's ability to perform the work assignments within the affected department.
 - b. Seniority should govern the selection when ability is equal.
 - c. Emergency, temporary, and introductory employees should be laid off first.
 - d. Full time employees should be the last to be laid off, when possible, in inverse order of their length of service.
 - e. Before any reduction in force/layoff, South Ogden City should determine whether it is subject to the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
 - f. South Ogden City should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
 - g. If South Ogden City cannot give advanced notice of a reduction in force/layoff to



the employee, two weeks' severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.

- F. Written reductions in force/layoffs notices should contain the following information:
- a. Statement that separation from employment is based on reduction in force/layoff.
 - b. Anticipated date of layoff.
 - c. Any options regarding employee placement in another position.

A. Outstanding Pay.

(1) Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable); or pay for vested sick leave (if applicable).

(2) Under Utah State law, the required timing of the final payment at termination is:

- a. A Voluntary Resignation. On the normally scheduled pay day occurring in that pay period.
- b. An Involuntary Termination/Separation for Cause. Within one (1) work day of last day worked.
- c. The terminating employee will return any supplies or equipment, which are the property of South Ogden City, to South Ogden City at termination.

- B. All terminating employees should complete an Exit Interview Form with the ~~Administrative Services Director~~ Assistant City Manager, or designee.

015.025 Lay-Off and Reduction-In-Force Procedures

In this policy the City has established specific procedures by which layoffs, or reductions-in-force, will occur. The City intends these procedures serve as guidelines that will be followed whenever a department, division or City-wide reduction in the employment work force may occur.

The City retains the right to modify these guidelines and procedures, and to establish others, in order to direct and control the work force to provide the best possible service to the public.

Only full-time merit and full-time classified employees are eligible for protection under this lay-off policy. Employees under disciplinary suspension or probation are not protected under this policy.



To interpret and enforce this policy, time in service shall be determined as beginning with the employee's appointment to a full-time position, and includes only such actual service time in the employee's present job family (e.g., clerical, maintenance worker). Service time includes all service time, including periods of approved leave.

A job family is defined as a group of jobs in different departments requiring similar skills. The most common example of a job family is the clerical job family. A person having the requisite skills to perform a clerical job in one department would be expected to learn and perform a clerical job in another department.

015.030 Cobra

Any employee, who is eligible for benefits, that is separated from South Ogden City is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA plan as stated in the South Ogden City's COBRA Notification.

- A. Federal Public Law 99-272 (which became effective July 1, 1986 and is known as COBRA) requires that all employers of twenty (20) or more full time employees offer a continuation of group insurance coverage to individuals who fall under one (1) of the following qualifying events:
 - (1) Termination of employment (other than for gross misconduct), for a maximum continuation period of eighteen (18) months.
 - (2) Reduction of work hours below eligibility requirement, for a maximum continuation period of eighteen (18) months.
 - (3) Dependent coverage terminated due to death of employee, for a maximum continuation period of thirty six (36) months.
 - (4) Divorce or legal separation from employee, for a maximum continuation period of thirty six (36) months.
 - (5) Spouse or dependent of Medicare eligible employee, for a maximum continuation period of thirty six (36) months.
 - (6) Dependent child who ceases to be a dependent under the applicable requirements of the group plan, for a maximum continuation period of thirty six (36) months.
- B. Under the Act, a qualifying individual is entitled to continued group insurance coverage identical to that which is provided to similarly situated beneficiaries to whom a qualifying event has not occurred. Individuals entitled to continued benefits under COBRA guidelines must pay the entire premium required under the policy during the entire period of the continued coverage. The premium a qualifying individual will be required to pay may not



exceed one hundred and two percent (102%) of the premium, for any period of continued coverage. Failure to pay the monthly premium will cause a cancellation of the insurance.

- C. The insurance benefits offered under the COBRA guidelines will be terminated if and when any of the following occur:
- (1) A qualifying individual fails to pay the premium when it is required.
 - (2) A qualifying individual becomes eligible for coverage under any other group insurance plan due to employment or remarriage.
 - (3) At the expiration of a qualifying individual's maximum continuation period.
- D. The offer of continued insurance coverage under COBRA is made independent of any other offer to continue insurance that may be required under any state law.
- E. A qualifying individual has sixty (60) days from the termination date of their current coverage to decide whether to continue their insurance coverage under this plan. If they for the continued coverage, all due and owing premiums must be paid before coverage will be granted. If they fail to apply for coverage within the sixty (60) days, they will have waived their rights to continuation of coverage under the COBRA guidelines. They are not required to apply for or accept coverage under COBRA.

015.035 Return of Property

Employees are responsible for City property issued to them by the City or in their possession or control, such as:

Credit cards	Insurance cards	Tools
Equipment	Keys	Uniforms
Employee handbook	Manuals	Vehicles
Gas cards	Protective equipment	*Written materials
Identification badges	Security passes	

*Written materials include those produced or developed as a consequence of work performed for, or otherwise directly for the City.

The above list is not intended to be all inclusive, and other City property, material(s) or equipment may also be issued to employees and/or within their control and possession.

Employees must return all City property immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's final paycheck the cost of any items not returned when required.

Employees sign an acknowledgement and agree to specific values for any City-owned equipment,



property, and accessories checked out to them and entrusted to them for conducting business. Upon request and when separation occurs, employees must return all City-owned equipment, property and accessories checked out to them and which they agree to return in good condition. The agreed-upon value of such items owned by the City not returned promptly when requested and will be deducted from any pay otherwise due the employee, to the extent agreed upon with the employee and allowed under applicable state and federal law.

The City reserves the right to protect its property and interests and take whatever action it deems necessary, including legal action, to protect its property and compel the return or payment for City-owned items not returned as agreed.

SECTION 16: INFORMATION SECURITY

16.005 Conditions of South Ogden City IT Access

South Ogden City places a high value on privacy and recognizes its critical importance. Sometimes, following carefully prescribed processes, South Ogden City may determine that certain broad concerns outweigh the value of a user's expectation of privacy and warrant City access to IT Systems without the consent of the users. Those circumstances are discussed below, with the procedural safeguards established to ensure access is gained only when appropriate.

A. **Conditions.** Under state and federal law, South Ogden City may access all aspects of IT Systems, without the consent of the user, in the following circumstances:

- 1) When necessary to identify or diagnose systems or security vulnerabilities and problems, or otherwise to preserve the integrity of the IT Systems; or
- 2) When required by federal, state, or local law or administrative rules; or
- 3) When reasonable grounds exist to believe that a violation of law or a significant breach of City policy may have taken place an access and inspection or monitoring may produce evidence related to the misconduct; or
- 4) When such access to IT Systems is required to carry out essential business functions of the City; or
- 5) When required to preserve public health and safety.

B. **Process.** Consistent with the privacy interests of users, City access without the consent of the user will occur only with the approval of the I.T. Director, City Manager, and the appropriate direct supervisor, except when an emergency entry is necessary to preserve the integrity of facilities or to preserve public health and safety. South Ogden City, through the Systems Administrators, will log all instances



of access without consent. Systems Administrators will also log any emergency entry within their control for subsequent review by the Mayor, City Manager, and I.T. Director. A user will be notified of City access to IT Systems without consent depending on the circumstances, such notification will occur, before, during, or after the access, at the City's discretion.

- C. **User access deactivations.** Besides accessing the IT Systems, South Ogden City, through the appropriate Systems Administrator, may deactivate a user's IT privileges, whether the user is suspected of any violation of this Policy, when necessary to preserve the integrity of facilities, user services, or data. The Systems Administrator will attempt to notify the user of any such action.
- D. **Use of security scanning systems.** By attaching privately owned personal computers or other IT resources to South Ogden City's network, users consent to City use of scanning programs for security on these resources while attached to the network.
- E. **Logs.** Most IT systems routinely log user actions to facilitate recovery from systems malfunctions and for other management purposes. Server logs shall be kept for a minimum time frame of 365 days.
- F. **Encrypted Material.** Encrypted files, documents, and messages may be accessed by the City under the above guidelines.
- G. **Unsecured systems with CJIS Access.** Any mobile computer that has access to Utah Criminal Bureau of Information System (UCJIS) must have full hard drive encryption installed.
- H. **Criminal Justice Information Services (CJIS) Security Policy.** South Ogden City recognizes the U.S. Department Federal Bureau of Investigations Criminal Justice Information Services (CJIS) Security Policy as the minimum policy to follow to secure access to all computer systems.
- I. **Criminal Justice Information Services (CJIS) Security Addendum.** All contractors that have access to City computer networks must agree to and sign the CJIS Security Addendum. Contractors with access to city networks must also agree to a required background check and sign the non-user agreement and security statement.
- J. **Installation of software/hardware on computer systems.** Employees shall not install any software or hardware that has not been approved by the Information Technology Department. Installation of such software and device shall be done in conjunction with the Information Technology Department.

16.010 Password Standards



General Password Standards. All supervisor-level passwords (i.e. root, enable, Windows administration, and privileged accounts) should be changed regularly or, at minimum every 45 days, or, when someone with administrative privileges or a possible knowledge of those passwords leaves the organization, or is no longer performing duties that require supervisor-level permissions.

- A. All user level passwords should be changed at least every 90 days.
- B. Employees no longer employed or on contract must be removed from all systems and their user ID and password changed, revoked, or eliminated, as soon as possible.
- C. Screen savers with passwords should be used on all computers (servers, laptops, workstations) and activated after no more than 15 minutes of activity.
- D. Employees should password lock their screens when leaving workstations unattended.
- E. All user accounts that have system-level privileges granted through group memberships should use passwords unique from all other accounts held by that user.
- F. All passwords must be strong and possess at least (8) alphanumeric characters. Passwords must have at least (1) upper case letter, (1) lower case letter, (1) number, and (1) special character.
- G. Passwords should not be words that can be found in a common dictionary.
- H. Passwords should never be stored in unsecured places, such a written down on a post-it, or saved unprotected on-line.
- I. User ID's and passwords should never be shared with anyone, including administrative assistants, coworkers, family members, or supervisors.
- J. All passwords should be treated as sensitive, confidential South Ogden City information.

16.015 Electronic Tablet, Smart Phones, and Internet of Things (IoT) Devices

South Ogden City recognizes the convenience of Electronic Tablets and Smart Phone use in the work place. This section covers the acceptable uses of such devices.

- A. All City owned Electronic Tablets and Smart Phones will have management software installed. This software will allow for troubleshooting, support, inventory, and loss prevention.



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- B. Electronic Tablets and Smart Phones assigned to an individual may be used for personal use with discretion. All use must follow the Acceptable Use policy found in Section 5 of this policy manual.
- C. Electronic Tablets and Smart Phones assigned exclusively to a department will be locked down with software and resources needed to complete the job they are intended for.
- D. All City owned Electronic Tablets and Smart Phone devices are owned by South Ogden City and are subject to inspection, as determined by the City Manager.
- E. If a device is lost or stolen, the user must notify his/her supervisor immediately upon learning of the loss. The supervisor and/or ~~d~~Department ~~head~~Director, upon learning of the lost or stolen item, shall immediately contact the Information Technology Department. The user of the device shall also report a stolen device to law enforcement with jurisdiction and cooperate with any criminal investigation.
- F. Any data stored on a City owned electronic device shall not be of a confidential nature.
- G. If it becomes necessary for a City owned device to store confidential information, the user of the device shall work with the Information Technology Department to be sure the information is securely stored on the device.
- H. The useful life of most Electronic Devices is approximately two years. Devices that are older than that should be considered for replacement.
- I. Electronic Tablets that are purchased for use by the City Council may be offered to them at the end of the Council Members' four-year term. The cost of the Electronic Tablet shall be determined by the remaining useful life and market value, as determined by the Information Technology Department and the City Manager, of the tablet at the time the City Council member completes his/her term of office.
- J. City employees may purchase their Smart Phone off the city's contract, for the cost that the city paid for the device.
- K. No City owned Electronic Tablet or Smart Phones will be used to access the Utah Criminal Justice Information System (UCJIS) unless the device has the security protection enabled as define in the Federal Bureau of Identification Criminal Justice Information Services Security Policy. This includes having a Mobile Device Management (MDM) software installed; and using a Virtual Private Network (VPN) connection while connecting to servers/services that use UCJIS data. Personally owned information system shall not be authorized to access, process, store or transmit Utah Criminal Justice Information System (UCJIS).



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L. All City owned Electronic Tablets and Smart Phones must be kept in an approved case. Case shall be approved by the Information Technology Department or the City Manager. If the device is not in an approved case and is damaged, it may be the individual's responsibility to pay for repairs or for replacement of the device.



16.020 Cyber Security Incident Response

Ensure the City is prepared to respond to cyber security incidents, to protect City systems and data, and prevent disruption of government services by providing the required controls for incident handling, reporting, and monitoring, as well as incident response training, testing, and assistance.

Information Services Division:

Provide incident response support resources that offer advice and assistance with handling and reporting of security incidents for users of ISD information systems. Incident response support resources may include, for example, the ISD Help Desk, a response team (described below), and access to forensics services.

Establish a Cyber Security Incident Response Team (CSIRT) to ensure appropriate response to cyber security incidents. The CSIRT shall consist of members of the State IT Security Council and key personnel from other agencies as required. CSIRT responsibilities shall be defined in the Cyber Security Incident Reporting Procedures.

Agency Management, Information Technology Organization:

Develop organization and system-level cyber security incident response procedures to ensure management and key personnel are notified of cyber security incidents as required.

Organizations that support information systems shall develop incident response plans and/or procedures that:

- Provides the organization with a roadmap for implementing its incident response capability
- Describes the structure and organization of the incident response capability
- Provides a high-level approach for how the incident response capability fits into the overall organization
- Meets the unique requirements of the organization, which relate to mission, size, structure, and functions
- Defines reportable incidents
- Provides metrics for measuring the incident response capability within the organization
- Defines the resources and management support needed to effectively maintain and mature an incident response capability
- Is reviewed and approved by designated officials within the organization Review incident response plans and procedures at least annually.

Revise the incident response plan/procedures to address system/organizational changes or problems encountered during implementation, execution, or testing. Distribute copies of the incident response plan/procedures to incident response personnel.

Communicate incident response plan/procedure changes to incident response personnel and other organizational elements as needed.

Provide incident response training to information system users consistent with assigned



roles and responsibilities before authorizing access to the information system or performing assigned duties, when required by information system changes; and annually thereafter.

Organizations shall test the incident response capability for the information systems they support at least annually. Use organization-defined tests and/or exercises to determine incident response effectiveness. Document the results.

Organizations that support information systems shall implement an incident handling capability for cyber security incidents that includes preparation, detection and analysis, containment, eradication, and recovery.

Coordinate incident handling activities with contingency planning activities.

Incorporate the lessons learned from prior and ongoing incident handling activities into incident response procedures, training, and testing/exercises.

Track and document information system security incidents. Retain and safeguard cyber security incident documentation as evidence for investigation, corrective actions, potential disciplinary actions, and/or prosecution.

Promptly report cyber security incident information to appropriate authorities in accordance with State and/or City incident reporting procedures.

Organizations that support information systems shall provide an incident response support resource integral to the organizational incident response capability that offers advice and assistance to users of the information system for the handling and reporting of security incidents.

Possible implementations of incident response support resources in an organization include a help desk or an assistance group and, when required, access to forensics services.

16.025 Cyber Security Incident Reporting

Ensure effective response to cyber security incidents, protect City data from loss, and prevent disruption of government operations.

PROCEDURES:

Incident Identification

A cyber security incident is an assessed occurrence having actual or potentially adverse effects on an information system. It's important to distinguish between problems that stem from mistakes or miscommunications and true cyber security incidents that involve either malicious intent or intent to circumvent security measures including policies, standards, and procedures. The first step in incident reporting is determining if the event is a cyber security incident.

In general, an incident is a violation of computer security policies, acceptable use policies, or standard computer security practices. Cyber security incidents may include, but are not limited to, the following events (regardless of platform or computing environment):

- Unauthorized access to a network, system, and/or data
- Repeated attempts at unauthorized access (from either internal or external sources)



- [System changes not authorized by or known to the system owner](#)
- [Denial of Service \(DoS\) attack or other disruptions to service](#)
- [Evidence of tampering with, removal of, or loss of data](#)
- [Web site defacement](#)
- [Social engineering incidents](#)
- [Theft of, or non-accidental physical damage to, information systems](#)
- [Malware attacks adversely affecting servers or workstations](#)
- [Evidence of inappropriate use or other noncompliance with policies or standards](#)
- [Other incidents that could compromise the integrity of the state's information systems](#)

[Report only incidents that have a real impact \(such as when damage is done, access is achieved by an attacker, loss occurs, web pages are defaced, malicious code is implanted, or policies violated\) or when detecting something noteworthy or unusual \(new traffic pattern, new type of malicious code, a source of persistent attacks, or evidence of inappropriate use\). Do not report routine events such as periodic probes, ping sweeps, port scans, or other common events.](#)

[The following tables, derived from National Institute of Standards and Technology \(NIST\) Special Publication 800-61: Computer Security Incident Handling Guide, list several common malicious actions that would be considered cyber security incidents and the possible indicators of such actions. User need to be familiar with these indicators.](#)

Table 1: Denial of Service Indicators

Malicious Action	Possible Indicators
Network-based DoS against a particular host	<ul style="list-style-type: none"> • User reports of system unavailability • Unexplained connection losses • Network intrusion detection alerts • Host intrusion detection alerts (until the host is overwhelmed) • Increased network bandwidth utilization • Large number of connections to a single host • Asymmetric network traffic pattern (large amount of traffic going to the host, little traffic coming from the host) • Firewall and router log entries • Packets with unusual source addresses
Network-based DoS against a network	<ul style="list-style-type: none"> • User reports of system and network unavailability • Unexplained connection losses • Network intrusion detection alerts • Increased network bandwidth utilization



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	<ul style="list-style-type: none"> • Asymmetric network traffic pattern (large amount of traffic entering the network, little traffic leaving the network) • Firewall and router log entries • Packets with nonexistent destination addresses
DoS against the operating system of a particular host	<ul style="list-style-type: none"> • User reports of system and application unavailability • Network and host intrusion detection alerts • Operating system log entries • Packets with unusual source addresses
DoS against an application on a particular host	<ul style="list-style-type: none"> • User reports of application unavailability • Network and host intrusion detection alerts • Application log entries • Packets with unusual source addresses

Table 2: Malicious Code Indicators

Malicious Action	Possible Indicators
A virus that spread through email infects a host	<ul style="list-style-type: none"> • Antivirus software alerts of infected files • Sudden increase in the amount of e-mail being sent and received • Changes to templates for word processing documents, spreadsheets, etc. • Deleted, corrupted, or inaccessible files • Unusual items on the screen, such as odd messages and graphics • Programs start slowly, run slowly, or do not run at all • System instability and crashes • If the virus achieves root-level access, see the indicators for "Root compromise of a host" listed below under Unauthorized Access Indicators
A worm that spreads through a vulnerable service infects a host	<ul style="list-style-type: none"> • Antivirus software alerts of infected files • Port scans and failed connection attempts targeted at the vulnerable service (e.g., open Windows shares, HTTP) • Increased network usage • Programs start slowly, run slowly, or do not run at all • System instability and crashes • If the worm achieves root-level access, see the indicators for "Root compromise of a host" listed below under Unauthorized Access Indicators
A Trojan horse is installed and running on a host	<ul style="list-style-type: none"> • Antivirus software alerts of Trojan horse versions of files • Network intrusion detection alerts of Trojan horse client-server communications • Firewall and router log entries for Trojan horse client-server communications • Network connections between the host and unknown remote systems • Unusual and unexpected ports open • Unknown processes running • High amounts of network traffic generated by the host, particularly if directed at external host(s) • Programs start slowly, run slowly, or do not run at all • System instability and crashes



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	<ul style="list-style-type: none"> • If the Trojan horse achieves root-level access, see the indicators for "Root compromise of a host" listed below under Unauthorized Access Indicators
Malicious mobile code on a Web site use to infect a host with a virus, worm, or Trojan horse	<ul style="list-style-type: none"> • Indications listed above for the pertinent type of malicious code • Unexpected dialog boxes, requesting permission to do something • Unusual graphics, such as overlapping or overlaid message boxes
Malicious mobile code on a Web site exploits vulnerabilities on a host	<ul style="list-style-type: none"> • Unexpected dialog boxes, requesting permission to do something • Unusual graphics, such as overlapping or overlaid message boxes • Sudden increase in the amount of e-mail being sent and received • Network connections between the host and unknown remote systems • If the mobile code achieves root-level access, see the indicators for "Root compromise of a host" listed below under Unauthorized Access Indicators
A user receives a virus hoax message	<ul style="list-style-type: none"> • Original source of the message is not an authoritative computer security group, but a government agency or an important official person • No links to outside sources • Tone and terminology attempt to invoke panic or a sense of urgency • Urges recipients to delete certain files and forward the message to others

Malicious Action	Possible Indicators
Root compromises of a host	<ul style="list-style-type: none"> • Existence of unauthorized security-related tools or exploits • Unusual traffic to and from the host (e.g., attacker may use the host to attack other systems) • System configuration changes, including: <ul style="list-style-type: none"> ◦ Process/service modifications or additions ◦ Unexpected open ports ◦ System status changes (restarts, shutdowns) ◦ Changes to log and audit policies and data ◦ Network interface card set to promiscuous mode (packet sniffing) ◦ New administrative-level user account or group • Modifications of critical files, timestamps and privileges, including executable programs, OS kernels, system libraries, and configuration and data files • Unexplained account usage (e.g., idle account in use, account in use from multiple locations at once, unexpected commands from a particular user, large number of locked-out accounts) • Significant changes in expected resource usage (e.g., CPU, network activity, full logs, or file systems) • User reports of system unavailability • Network and host intrusion detection alerts



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	<ul style="list-style-type: none"> • New files or directories with unusual names (e.g., binary characters, leading spaces, leading dots) • Highly unusual operating system and application log messages • Attacker contacts the organization to say that he or she has compromised a host
Unauthorized data modification (e.g., Web server defacement, FTP warez server)	<ul style="list-style-type: none"> • Network and host intrusion detection alerts • Increased resource utilization • User reports of the data modification (e.g., defaced Web site) • Modifications to critical files (e.g., Web pages) • New files or directories with unusual names (e.g., binary characters, leading spaces, leading dots) • Significant changes in expected resource usage (e.g., CPU, network activity, full logs or file systems)
Unauthorized usage of standard user account	<ul style="list-style-type: none"> • Access attempts to critical files (e.g., password files) • Unexplained account usage (e.g., idle account in use, account in use from multiple locations at once, commands that are unexpected from a particular user, large number of locked-out accounts) • Web proxy log entries showing the download of attacker tools
Physical intruder	<ul style="list-style-type: none"> • User reports of network or system unavailability • System status changes (restarts, shutdowns) • Hardware is completely or partially missing (i.e., a system was opened, and a particular component removed) • Unauthorized new hardware (e.g., attacker connects a packet sniffing laptop to a network or a modem to a host)
Unauthorized data access (e.g., database of customer information, password files)	<ul style="list-style-type: none"> • Intrusion detection alerts of attempts to gain access to the data through FTP, HTTP, and other protocols • Host-recorded access attempts to critical files

Table 4: Inappropriate Usage Indicators

Malicious Action	Possible Indicators
Unauthorized service usage	<ul style="list-style-type: none"> • Network intrusion detection and network behavior analysis software alerts • Unusual traffic to and from the host • New process/software installed and running on a host • New files or directories with unusual names • Increased resource utilization (e.g., CPU, file storage, network activity) • User reports • Application log entries (e.g., Web proxies, FTP servers, e-mail servers)
Access to inappropriate materials (e.g., downloading pornography, sending spam)	<ul style="list-style-type: none"> • Network intrusion detection alerts • User reports • Application log entries (e.g., Web proxies, FTP servers, e-mail servers) • Inappropriate files on workstations, servers, or removable media
Attack against external party	<ul style="list-style-type: none"> • Network intrusion detection alerts • Outside party reports • Network, host, and application log entries



Incident Response Assistance

Organizations that support information systems are required to provide an incident response support resource integral to the organizational incident response capability to offer information system users advice and assistance in handling and reporting security incidents.

Help Desk:

Help Desk personnel are the first line of defense for many types of incidents. Often, the first indication of an incident is a user reporting a problem to the help desk. The Help Desk is the primary point of contact for all suspected cyber security incidents.

Cyber Security Incident Response Team (CSIRT):

The primary purpose of the CSIRT is to enable the City to continue critical business functions while providing rapid response to cyber security incidents. CSIRT responsibilities include incident analysis, containment, eradication, recovery, and reporting.

CSIRT Membership:

Members of the City IT and other personnel as required, such as state and local, as well as 3rd party personnel, are subject to being called to serve on a CSIRT.

Information Security Officers:

The Local Agency Security Officer (LASO) normally serves as the City CSIRT Leader. The CSIRT Leader notifies the personnel needed to support incident response and coordinates response team communications and reporting.

Network Manager/System and Network Administrators:

System Administrators are in the best position to detect and deter cyber security incidents. Minor incidents, such as limited-impact malware infections, may be handled by the system administrator rather than activating the CSIRT.

Law Enforcement:

Law enforcement agencies may be able to provide assistance in cases of computer trespass, theft, threats, and other suspected criminal activities. In cases such as child pornography and other crimes against children, appropriate law enforcement agencies must be notified.



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Contact local law enforcement agencies before an incident occurs to get contact information and understand the types of incidents they can assist with and what their notification requirements are. They may also be able to help with local, state, and national requirements for handling evidence. Include this information in local incident response procedures.

Incident Response Assistance

Promptly report cyber security incident information to appropriate authorities in accordance with State or organization incident reporting procedures.

Initial Incident Reporting:

The single point of contact for all suspected cyber security incidents is the City Help Desk.

When notified of a suspected cyber security incident Help Desk personnel shall immediately notify the Local Agency Security Officer.

Persons reporting incidents should be prepared to provide the following information:

- Systems or sites involved
- Incident description
- Date, time, and method of incident discovery
- Category of potentially compromised data (public, internal, sensitive, or confidential)
- Actions already taken to secure or restore the system and/or data

CAUTION: Any action taken to secure or restore a system may also compromise important data that could be necessary for incident recovery and/or forensics.

On-going Communications Guidelines:

The City may suffer loss of business or reputation if public communication aspects of an incident are improperly handled, therefore, the CSIRT Leader will communicate with all parties that need to be made aware of a cyber security incident and its progress in accordance with City information dissemination policies.

It is essential that agencies establish and follow a single channel of communication. Multiple sources of information while the incident is underway creates confusion.



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interrupts the work of the response team, and increases vulnerability if an attacker is monitoring communications within the agency.

Determine what quantity and type of information you should communicate and whom you need to inform. Information dissemination procedures may include contacting users affected by an intrusion, security personnel, law enforcement agencies, vendors, and other business partners.

Contact managers and users affected by an incident, security personnel, law enforcement agencies, vendors, and other response teams external to the organization which may include:

United States Computer Emergency Readiness Team (US-CERT; <http://www.us-cert.gov/>). Reporting incidents to US-CERT is mandatory for federal agencies and for systems operating on behalf of the federal government.

Information Analysis Infrastructure Protection (IAIP). Because IAIP is part of the Department of Homeland Security (DHS), it is interested in any threats to critical U.S. infrastructures (e.g., IT and telecommunications, transportation systems, energy and utilities, agriculture, finance, healthcare, etc.). Organizations can report incidents to IAIP by contacting the National Infrastructure Coordinating Center (NICC) at nicc@dhs.gov or 202-282-9201.

CERT® Coordination Center (CERT®/CC; <http://www.cert.org/>). CERT®/CC is located at Carnegie Mellon University. This nongovernmental entity is interested in any computer security incidents involving the Internet.

Utah Statewide Information & Analysis Center (SIAC; <http://www.siac.utah.gov>). SIAC is a public safety partnership designed to collect, analyze, & disseminate intelligence to protect Utahans. SIAC can be reached at (801) 256-2360.

Communicating with Law Enforcement:

If it appears a crime may have been committed, the CSIRT Leader (or an individual designated by the leader) shall coordinate with senior management and legal counsel before contacting law enforcement. Only personnel designated by management will communicate with law enforcement personnel.

Protect Communications:



Share all information on a need-to-know basis and sanitize sensitive information, if required.

Be aware that communication may tip off an intruder. Communication can be overheard or picked up by an intruder so all communication relevant to an intrusion should be done in a secure manner.

Use communications that do not involve affected systems or networks such as phone and fax. Do not send e-mail over compromised systems or networks.

Communicate Upstream and Down:

Inform upstream and downstream sites of attacks and intrusions. Upstream sites are those that were involved in an intrusion prior to your system becoming involved. Downstream sites are those that were involved after your site experienced an intrusion.

In the process of analyzing an intrusion, information may be discovered about other systems that were:

- Used by an intruder to attack your systems
- Attacked by an intruder from your systems
- Used by an intruder to access your systems
- Accessed by an intruder from your systems

Such information is usually obtained from logs about connections attributed to an intruder or from remnant files left behind by an intruder. Remnant files may include scripts with the IP addresses of the attacked hosts or the output files of attack scripts an intruder neglected to delete.

Inform the administrators of all other organizations about the involvement of their systems so that they can take the necessary steps to respond to an intrusion. This includes any ISPs that may have been involved in transmitting and receiving intruder messages.

Keep accurate and detailed records of all contacts made and of the information exchanged.

Post-Incident Reporting:



Closure provides an opportunity to learn from the experience of responding to an incident. Every successful intrusion or other incident indicates potential weaknesses in systems, networks, operations, or staff preparedness. These weaknesses provide opportunities for improvement. Identify and implement lessons learned. Steps include:

- If further notification/communication is required execute this notification. Follow up with any agencies previously contacted.
- Revise security plans and procedures and conduct user and administrator training to prevent future incidents. Include any new, improved methods resulting from lessons learned.
- Determine whether or not to perform a new risk analysis based on the severity and impact of an intrusion or based on the extent of corrective action taken to restore or secure the system.
- Take a new inventory of system and network assets.
- Participate in investigation and prosecution, if applicable.

Post Mortem:

Hold a post mortem analysis and review meeting with all involved parties. Do this within three to five working days of completing the investigation of an incident. Make a monetary estimate of the costs associated with an incident to support the business case for the level of investment in security improvement. This should include the estimated value of information assets that may have been compromised.

Develop Report:

The CSIRT Leader shall prepare an after-action report no later than 10 days after the incident has been certified resolved and all pertinent documentation has been received. Reports shall be presented to senior management.

16.030 Cyber Security Incident Handling

Ensure effective response to cyber security incidents, protect City data from loss, and prevent disruption of government operations. These procedures implement the incident



reporting and incident response assistance requirements of City Policy 16.020: Cyber Security Incident Response. Use these procedures as a starting point for developing the incident handling capability required for specific systems or organizational need.

PROCEDURES:

The incident response process as defined in NIST Special Publication 800-61 (Revision 2): *Computer Security Incident Handling Guide* has four phases:

- Preparation
- Detection and Analysis
- Containment, Eradication and Recovery
- Post-Incident Activity

The recommended and required activities of each phase are described herein.

PREPARATION

This section provides basic advice on preparing to handle incidents and on preventing incidents.

Prevention:

The following text provides a brief overview of some of the main recommended practices for preventing incidents by securing networks, systems, and applications:
Risk Assessments. Periodic risk assessments of systems and applications should determine what risks are posed by combinations of threats and vulnerabilities. Each risk should be prioritized, and the risks can be mitigated, transferred, or accepted until a reasonable overall level of risk is reached. Another benefit of conducting risk assessments regularly is that critical resources are identified, allowing staff to emphasize monitoring and response activities for those resources.

Host Security. All hosts should be hardened appropriately. In addition to keeping each host properly patched, hosts should be configured to follow the principle of least privilege. Hosts should have auditing enabled and should log significant security-related events. The security of hosts and their configurations should be continuously monitored.

Network Security. The network perimeter should be configured to deny all activity that is not expressly permitted. This includes securing all connection points, such as virtual private networks (VPNs) and dedicated connections to other organizations.

Malware Prevention. Software to detect and stop malware should be deployed throughout the organization. Malware protection should be deployed at the host level



(e.g., server and workstation operating systems), the application server level (e.g., email server, web proxies), and the application client level (e.g., email clients, instant messaging clients).

User Awareness and Training. Users should be aware of policies and procedures regarding appropriate use of networks, systems, and applications. Applicable lessons learned from previous incidents should also be shared with users, so they can see how their actions could affect the organization. Improving user awareness regarding incidents should reduce the frequency of incidents. IT staff should be trained so that they can maintain their networks, systems, and applications in accordance with the organization's security standards.

Preparation:

Establish an incident response capability so that the organization is ready to respond to incidents.

The following tools and resources may be of value during incident handling:

- Contact information for team members and others within and outside the organization (primary and backup contacts), such as law enforcement and other incident response teams
- On-call information for other teams within the organization, including escalation information
- Incident reporting mechanisms, such as phone numbers, email addresses, online forms, and secure instant messaging systems that users can use to report suspected incidents
- Issue tracking system for tracking incident information, status, etc.
- Smartphones to be carried by response team members for off-hour support and on-site communications
- Encryption software to be used for communications among team members, within the organization and with external parties; software must use a FIPS-validated encryption algorithm
- War room for central communication and coordination



- Secure storage facility for securing evidence and other sensitive materials
- Digital forensic workstations and/or backup devices to create disk images, preserve log files, and save other relevant incident data
- Laptops for activities such as analyzing data, sniffing packets, and writing reports
- Spare workstations, servers, and networking equipment, or the virtualized equivalents, which may be used for many purposes, such as restoring backups and trying out malware
- Blank removable media
- Portable printer to print copies of log files and other evidence from non-networked systems
- Packet sniffers and protocol analyzers to capture and analyze network traffic
- Digital forensic software to analyze disk images
- Removable media with trusted versions of programs to be used to gather evidence from systems
- Evidence gathering accessories, including hard-bound notebooks, digital cameras, audio recorders, chain of custody forms, evidence storage bags and tags, and evidence tape, to preserve evidence for possible legal actions
- Port lists, including commonly used ports and Trojan horse ports
- Documentation for OSs, applications, protocols, and intrusion detection and antivirus products
- Network diagrams and lists of critical assets, such as database servers
- Current baselines of expected network, system and application activity
- Cryptographic hashes of critical files to speed incident analysis, verification, and eradication
- Access to images of clean OS and application installations for restoration and recovery purposes

INCIDENT DETECTION AND ANALYSIS



Incident Categories:

Organizations should prepare generally to handle any type of incident and more specifically to handle common incident types. The incident categories listed below represent common methods of attack:

- Attrition (a denial of service or brute-force attack)
- E-mail (messages with malicious attachments or links)
- External/Removable Media (an attack executed from removable media)
- Improper Usage (violation of acceptable use policies by an authorized user)
- Loss or theft of equipment
- Web (e.g., cross-site scripting, browser hijacking)
- Other (an attack that does not fit into any of the above categories)

Incident Precursors:

Many incidents, particularly attack-type incidents, can be detected through particular precursors and indicators. Precursors and indicators are identified using many different sources, the most common being computer security software alerts, logs, publicly available information, and people.

The following table lists possible precursors to various types of incidents and provides recommended response actions to minimize the impact of the incident or to potentially prevent a related incident from occurring.

Table 1: Incident Precursors

<u>Precursor</u>	<u>Response</u>
<u>Unauthorized access incidents are often preceded by reconnaissance activity to map hosts and services and to identify vulnerabilities. Activity may include port scans, host scans, vulnerability scans, pings, traceroutes, DNS zone transfers, OS fingerprinting, and banner grabbing. Such activity is detected primarily through IDS software, secondarily through log analysis.</u>	<u>Incident handlers should look for distinct changes in reconnaissance patterns—for example, a sudden interest in a particular port number or host. If this activity points out a vulnerability that could be exploited, the organization may have time to block future attacks by mitigating the vulnerability (e.g., patching a host, disabling an unused service, modifying firewall rules).</u>
<u>A new exploit for gaining unauthorized access is released publicly, and it poses a significant threat to the organization.</u>	<u>The organization should investigate the new exploit and, if possible, alter security controls to minimize the potential impact of the exploit for the organization.</u>



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Users report possible social engineering attempts—attackers trying to trick them into revealing sensitive information, such as passwords, or encouraging them to download or run programs and file attachments.	The incident response team should send a bulletin to users with guidance on handling the social engineering attempts. The team should determine what resources the attacker was interested in and look for corresponding log-based precursors because it is likely that the social engineering is only part of the reconnaissance.
A person or system may observe a failed physical access attempt (e.g., outsider attempting to open a locked wiring closet door, unknown individual using a cancelled ID badge).	The purpose of the activity should be determined, and it should be verified that the physical and computer security controls are strong enough to block the apparent threat. (An attacker who cannot gain physical access may perform remote computing-based attacks instead.) Physical and computer security controls should be strengthened if necessary. If possible, security should detain the person. Note: only trained security or law enforcement personnel should attempt to detain anyone.
An alert warns of new malicious code that targets software that the organization uses.	Research the new virus to determine whether it is real or a hoax. This can be done through antivirus vendor Web sites and virus hoax sites. If the malicious code is confirmed as authentic, ensure that antivirus software is updated with virus signatures for the new malicious code. If a virus signature is not yet available, and the threat is serious and imminent, the activity might be blocked through other means, such as configuring e-mail servers or clients to block e-mail matching characteristics of the new malicious code. The team might also want to notify antivirus vendors of the new virus.
Antivirus software detects and successfully disinfects or quarantines a newly received infected file.	Determine how the malicious code entered the system and what vulnerability or weakness it was attempting to exploit. If the malicious code might pose a significant risk to other users and hosts, mitigate the weaknesses that the malicious code used to reach the system and would have used to infect the target host.
DoS attacks are often preceded by reconnaissance activity—generally, a low volume of the traffic that will be used in the actual attack—to determine which attacks may be effective.	If handlers detect unusual activity that appears to be preparation for a DoS attack, the organization may be able to block the attack by quickly altering its security posture—for example, altering firewall rulesets to block a particular protocol from being used or protect a vulnerable host.
A newly released DoS tool could pose a significant threat to the organization.	Investigate the new tool and, if possible, alter security controls so that the tool should not be effective against the organization.

Incident Analysis:

The incident response team should work quickly to analyze and validate each incident, documenting each step taken. When the team believes that an incident has occurred, the team should rapidly perform an initial analysis to determine the incident's scope, such as which networks, systems, or applications are affected; who or what originated the incident; and how the incident is occurring (e.g., what tools or attack methods are



being used, what vulnerabilities are being exploited). The initial analysis should provide enough information for the team to prioritize subsequent activities, such as containment of the incident and deeper analysis of the effects of the incident.

Detection and analysis for most types of incidents follows a very similar process; the steps, derived from NIST Special Publication 800-61: *Computer Security Incident Handling Guide*, are outlined in table 2 below.

Table 2: General Incident Handling Checklist

Detection and Analysis	
1.	Determine whether an incident has occurred
1.1	Analyze the precursors and indicators
1.2	Look for correlating information
1.3	Perform research (e.g., search engines, knowledge base)
1.4	As soon as the handler believes an incident has occurred, begin documenting the investigation and gathering evidence
2.	Prioritize handling the incident based on the relevant factors (functional impact, information impact, recoverability effort, etc.)
3.	Report the incident to the appropriate internal personnel and external organizations
Containment, Eradication, and Recovery	
4.	Acquire, preserve, secure, and document evidence
5.	Contain the Incident
6.	Eradicate the incident
6.1	Identify and mitigate all vulnerabilities that were exploited
6.2	Remove malware, inappropriate materials, and other components
6.3	If more affected hosts are discovered, repeat the Detection & Analysis steps (1.1, 1.2) to identify all other affected hosts, then contain (5) and eradicate (6) the incident for them
7.	Recover from the incident
7.1	Return affected systems to an operationally ready state
7.2	Confirm that the affected systems are functioning normally
7.3	If necessary, implement additional monitoring to look for future related activity
Post-Incident Activity	
8.	Create a follow-up report
9.	Hold a "lessons learned" meeting

INCIDENT CONTAINMENT, ERADICATION AND RECOVERY

Incident containment, eradication, and recovery steps vary based on the incident type; however, the initial containment steps are very similar. In most cases, the affected system should be isolated from the rest of the network to prevent further contamination. To preserve evidence, leave the affected system powered on. Some evidence may be



lost if the system is powered off and restarted. Seek assistance as early as possible to determine the most appropriate initial incident response actions.

The remainder of this section presents containment, eradication, and recovery strategies for common incident categories.

Unauthorized Access Incidents:

Response time is critical when attempting to contain an unauthorized access incident. Extensive analysis may be required to determine exactly what has happened; and in the case of an active attack, the state of things may be changing rapidly. In most cases, it is advisable to perform an initial analysis of the incident, prioritize the incident, implement initial containment measures, and then perform further analysis to determine if the containment measures were sufficient. An appropriate combination of the following actions should be effective in the initial or final containment of an unauthorized access incident:

- Isolate the affected systems
- Disable the affected service
- Eliminate the attacker's route into the environment
- Disable user accounts that may have been used in the attack
- Enhance physical security measures

Table 3: Unauthorized access Incident Handling Checklist

<u>Containment, Eradication, and Recovery</u>	
1.	<u>Perform an initial containment of the incident</u>
2.	<u>Acquire, preserve, secure, and document evidence</u>
3.	<u>Confirm containment of the Incident</u>
3.1	<u>Further analyze the incident and determine if containment was sufficient</u>
3.2	<u>Check other systems for signs of intrusion</u>
3.3	<u>Implement additional containment measures if necessary</u>
4.	<u>Eradicate the incident</u>
4.1	<u>Identify and mitigate all vulnerabilities that were exploited</u>
4.2	<u>Remove components of the incident from systems</u>
5.	<u>Recover from the incident</u>
5.1	<u>Return affected systems to an operationally ready state</u>
5.2	<u>Confirm that the affected systems are functioning normally</u>



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5.3	If necessary, implement additional monitoring to look for future related activity
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Malicious Code Incidents:

The checklist in Table 4 (below) provides the major steps to be performed in handling a malicious code incident. The exact sequence of steps may vary based on the nature of individual incidents and the strategies chosen by the organization for containing them.

Table 4: Malicious Code Incident Handling Checklist

Containment, Eradication, and Recovery	
1.	Acquire, preserve, secure, and document evidence
2.	Contain the Incident
2.1	Identify infected systems
2.2	Disconnect infected systems from the network
2.3	Mitigate vulnerabilities that were exploited by the malicious code
2.4	If necessary, block the transmission mechanisms for the malicious code
3.	Eradicate the incident
3.1	Disinfect, quarantine, delete, and replace infected files
3.2	Mitigate the exploited vulnerabilities for other hosts within the organization
4.	Recover from the incident
4.1	Return affected systems to an operationally ready state
4.2	Confirm that the affected systems are functioning normally
4.3	If necessary, implement additional monitoring to look for future related activity

Denial of Service Incidents:

A denial of service (DoS) is an action that prevents or impairs the authorized use of networks, systems, or applications by exhausting resources such as central processing units (CPU), memory, bandwidth, or disk space. Common types of DoS attacks include reflector attacks, amplifier attacks, and floods. The exact sequence of steps may vary based on the nature of individual incidents and on the strategies chosen by the organization for halting DoS attacks that are in progress.

Table 5: Denial of Service Incident Handling Checklist

Containment, Eradication, and Recovery	
1.	Acquire, preserve, secure, and document evidence
2.	Contain the Incident—halt the Denial of Service if it has not already stopped
2.1	Identify and mitigate all vulnerabilities that were used
2.2	If not yet contained, implement filtering based on the characteristics of the attack, if feasible
2.3	If not yet contained, contact the ISP for assistance in filtering the attack
2.4	If not yet contained, relocate the target



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3.	<u>Eradicate the incident: identify and mitigate all vulnerabilities that were used.</u>
4.	<u>Recover from the incident</u>
4.1	<u>Return affected systems to an operationally ready state</u>
4.2	<u>Confirm that the affected systems are functioning normally</u>
4.3	<u>If necessary and feasible, implement additional monitoring to look for future related activity</u>

Improper Usage Incidents:

Improper usage is the use of computer or network resources in a manner that violates policies, standards, or the law. For most improper usage incidents, evidence acquisition is important. Evidence storage is also an important consideration; handling improper usage incident evidence requires discretion and confidentiality. Address the threat of having evidence altered or destroyed.

Table 6: Inappropriate Usage Incident Handling Checklist

<u>Containment, Eradication, and Recovery</u>	
1.	<u>Acquire, preserve, secure, and document evidence</u>
2.	<u>Assess the incident</u>
2.1	<u>Determine whether the activity seems criminal in nature, and if necessary notify law enforcement</u>
2.2	<u>Discuss incident indicators and possible actions with Assistant City Manager human resources personnel</u>
2.3	<u>Discuss liability issues with legal counsel</u>
2.4	<u>Keep the investigative team small and maintain strict confidentiality</u>
3.	<u>If necessary, contain and eradicate the incident (e.g., remove inappropriate materials)</u>
4.	<u>Recover from the incident</u>
4.1	<u>Return affected systems to an operationally ready state</u>
4.2	<u>Destroy investigative materials when directed by legal counsel or law enforcement</u>

Data Loss Incidents:

Data loss incidents may be hardware or software related, may be the result of hardware failure or destruction, software corruption, malware, human error, or theft, and may occur along with other incident types.

Table 7: Data Loss Incident Handling Checklist

<u>Containment, Eradication, and Recovery</u>	
1.	<u>Acquire, preserve, secure, and document evidence</u>
1.1	<u>Verify authenticity and origin of data loss</u>
1.2	<u>Identify the data that was inappropriately disclosed, used, or lost</u>



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1.3	Identify how the data was inappropriately disclosed, used, or lost
2.	Assess the potential damage caused by data loss
2.1	Identify the individuals potentially affected by the loss of personally identifiable information (PII)
2.2	Estimate the current and potential technical effect of the incident
2.3	Estimate the potential economic damage caused by the data loss
3.	Contain the incident
3.1	Identify data distribution and protection mechanisms
3.2	Verify that data distribution and protection mechanisms are functioning properly
4.	Eradicate the incident
4.1	Review and update detection schemes and data management processes
4.2	Review and update if necessary data protection policies and standards
4.3	Regularly check previously exploited vulnerabilities and systems
5.	Recover from the incident
5.1	Restore the data from trusted backup media
5.2	Confirm that data distribution and protection mechanisms are functioning properly
5.3	Implement additional monitoring to watch for future data loss

Uncategorized Incidents:

If the incident type does not fit any particular category, follow the generic incident handling checklist (Table 2).

Multiple Component Incident Handling:

Every incident that is detected could be a multiple component incident, but it is generally better to contain the initial incident and then search for signs of other components.

When an incident contains multiple component types, follow the containment, eradication, and recovery steps for each incident component and prioritize accordingly.

Evidence Gathering and Handling:

Before the analyst begins to collect any data, a decision should be made by the analyst or management (in accordance with the organization's policies and legal advisors) on the need to collect and preserve evidence in a way that supports its use in future legal or internal disciplinary proceedings. In such situations, a clearly defined chain of custody should be followed to avoid allegations of mishandling or tampering of evidence. This involves keeping a log of every person who had physical custody of the evidence, documenting the actions that they performed on the evidence and at what time, storing the evidence in a secure location when it is not being used, making a copy



of the evidence and performing examination and analysis using only the copied evidence, and verifying the integrity of the original and copied evidence. If it is unclear whether or not evidence needs to be preserved, by default it generally should be preserved.

Forensics:

There are many models for the forensic process. Organizations should choose the specific forensic model that is most appropriate for their needs. Regardless of the situation, the basic forensic process is comprised of the following four phases:

Collection:

The first phase in the process is to identify, label, record, and acquire data from the possible sources of relevant data (files, operating systems, network traffic, and applications). Collection must be performed in a timely manner because of the risk of losing dynamic data, but care must be taken to preserve the integrity of the data.

Examination:

Examinations involve forensically processing large amounts of collected data using a combination of automated and manual methods to assess and extract data of particular interest, while preserving the integrity of the data. Examine copies of files, not the original files.

Analysis:

Analyze the results of the examination, using legally justifiable methods and techniques, to derive useful information that addresses the questions that were the impetus for performing the collection and examination. Have a forensics toolkit for data examination and analysis.

Reporting:

The final phase is reporting the results of the analysis, which may include describing the actions used, explaining how tools and procedures were selected, determining what other actions need to be performed (e.g., forensic examination of additional data sources, securing identified vulnerabilities, improving existing security controls), and



providing recommendations for improvement to policies, procedures, tools, and other aspects of the incident response and forensic processes.

POST-INCIDENT ACTIVITY

Incident Records:

Before collecting any data, a decision shall be made by management and legal counsel on the need to collect and preserve evidence in a way that supports its use in future legal or internal disciplinary proceedings. In such situations, a clearly defined chain of custody shall be followed to avoid allegations of mishandling or tampering of evidence. This involves keeping a log of every person who had physical custody of the evidence, documenting the actions they performed on the evidence and at what time, storing the evidence in a secure location when it is not being used, making a copy of the evidence and performing examination and analysis using only the copied evidence, and verifying the integrity of the original and copied evidence. If it is unclear whether or not evidence needs to be preserved, by default it generally should be preserved.

Records pertaining to cyber security incidents are confidential and shall be protected in accordance with applicable State standards.

Cyber security incident handling, reporting and follow-up records may be destroyed three years after all necessary follow-up actions have been completed unless otherwise directed by legal counsel or law enforcement personnel.

Incident Data/Metrics:

Organizations should decide what incident data to collect (for reporting/metrics purposes) based on reporting requirements and on the expected return on investment from the data (e.g., identifying a new threat and mitigating the related vulnerabilities before they can be exploited.) Focus on collecting data that is actionable.

Possible metrics for incident-related data include:

South Ogden City | ~~Amendment 002~~ December 15,
~~2015~~ Amendment 002 June February 15, 2022Q



- [Number of incidents handled](#)
- [Time per incident](#)
- [Objective and subjective assessments of each incident](#)

Follow-up Report:

[Create a follow-up report for each incident. The report provides a reference that can be used to assist in handling similar incidents. Include a formal chronology of events with time-stamped information such as log data from systems \(important for legal reasons\).](#)
[Include a monetary estimate of the amount of damage the incident caused \(this estimate may become the basis for subsequent prosecution activity\).](#)

Lessons Learned:

[Lessons learned meetings are extremely helpful in improving security measures and the incident handling process itself. Reports from these meetings are good material for training new team members. Updating incident response policies and procedures is another important part of the lessons learned process. Post-mortem analysis of the way an incident was handled often provides impetus for change.](#)



16.035 Security Alerts

A designee from the IT division will be tasked with subscribing to United States Computer Emergency Readiness Team US-CERT emails and/or RSS feeds. US-CERT provides security alerts and advisories for known malicious software and exploits.

- A. A member of the IT department will subscribe to US-CERT related emails.
- B. Upon receiving emails, the IT department will determine which alert(s) or advisory(s) are related to the City infrastructure. Once determined, the recommended actions listed in the US-CERT related emails shall be implemented. If user level action is required, the IT department will notify all users through city email accounts.

16.040 Creation / Removal of Employee IT Access

Requests for the creation of new employee access must be made after either an offer or conditional offer of employment has been made. All request shall be made at the Cities helpdesk web site of <https://support.southogdencity.com>. The following information will be required when making the request:

- A. Name
- B. Department
- C. Access Rights

All users will be given least access privileges. This means that the employee with only be given network privileges that are sufficient enough to properly complete the tasks assigned to them.

Request for the removal of employee access must be given as soon as the department knows that the employee will be separating. Requests will be taken through the City's helpdesk web site of <https://support.southogdencity.com>. If an employee is being terminated by the City, the request should be filled out immediately.



16.045 Secure Information Areas

Secured areas are defined as areas that workers may at any time have sensitive material either on their computer screens or their desk. The locations that are considered secure are:

A. Municipal Building

- 1) City Administration 2nd floor
- 2) Court clerk area 1st floor (this does not include the hallway behind the court/council room).
- 3) All of the police department 1st and 2nd floor.

Entrance to a secure area requires that an individual be finger printed and a background check confirmed through Utah Bureau of Criminal Justice (UCJIS). Individuals that have not been cleared through UCJIS must be escorted in any area listed as secure.

Logs

Log books shall be kept at the front desk of the City Administration, Court Clerk, and Police Records. Log books shall keep the following record:

- A. Name and government issued ID verification and ID#
- B. Reason for Visit
- C. Time of Arrival
- D. Time of Departure

Any non-verified employee or non-employee must be signed in and given a red visitor badge that should be displayed prominently on their person. Persons with red visitor badges are must be escorted in secure areas.

Individuals that have been verified through UCJIS, such as contract employees, employees of other criminal justice agencies must be signed in and given a green visitor badge that should be displayed prominently on their person. Persons with green visitor badges are not required to be escorted in secure areas.



16.050 Access to Protected Information

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, South Ogden Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

808.4.1 PENALTIES FOR MISUSE OF RECORDS

Misuse of access to criminal history record information is a class B misdemeanor (Utah Code 53-10-108(11)(a)).

16.055 Release or Dissemination of Protected Information

Protected information may be released only to authorized recipients who have both a right to know and a need to know (Utah Code 53-10-108).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Department to ensure proper documentation of the release (see the Records Maintenance and Release).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.



16.060 Security of Protected Information

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

Members are restricted from storing criminal history information on portable electronic media, such as USB flash drives and CD-R's, etc.

Members will follow the CJIS Security Policy requirements as well as any state and local criminal history records system policies.

Media, digital media and printed documents containing protected information will be stored within secure locations or controlled areas. Only authorized employees will transport media, digital media and printed documents, when necessary.

Physical media, (printed documents, printed imagery, etc.), shall be securely disposed of when no longer required, by shredding or incineration, by personnel authorized to handle criminal justice information, (C.J.I.), data, or witnessed by authorized personnel.

Digital Media sanitization and disposal will be handled by authorized IT personnel. IT will ensure media is overwritten at least three times or degauss digital media prior to disposal or release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed, (cut up, shredded, etc.). IT personnel shall maintain written documentation of the steps taken to sanitize or destroy electronic media.



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16.065 Training

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

16.070 Voice Over Internet Protocol (VoIP)

Voice over Internet Protocol (VoIP) is a replacement for traditional PBX telephone systems. VoIP connects the city's telephone system to the computer network system.

- (a) VoIP connections between the phone handset and server shall be encrypted so that traffic may not be intercepted with programs such as Wireshark.
- (b) Quality of Service shall be implemented so that telephone data traffic shall have priority over regular network data. This ensures a positive call quality for users on both ends of the call.
- (c) All VoIP traffic shall utilize its own Virtual Local Area Network (VLAN) to segment out voice traffic.



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POLICY STATEMENT AND ACKNOWLEDGMENT FORM

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1. I have received my copy of the Personnel ~~Policies and Procedures~~ Manual which outlines the policies, practices and benefits of South Ogden City. I accept responsibility for informing myself about these policies by reading them and, by asking they be explained.
2. Since the information in this Personnel ~~Policies and Procedures~~ Manual is subject to change, the information I have received may be changed or replaced by other policies and procedures which South Ogden City may adopt in the future. I understand and acknowledge that no one has promised me that South Ogden City will not change these policies, and understand that South Ogden City has reserved the right to change these policies in the future.
3. For Introductory Employees and Department ~~Heads~~ Directors, I understand and agree that my employment with South Ogden City may be terminable at-will, meaning that either I or South Ogden City may terminate the employment relationship at any time for any reason. Neither I nor South Ogden City has any obligation to base a termination decision on anything other than intent not to continue the employment relationship. No one has promised me my employment will only be terminated for cause, or only for any reason, or will only be terminated through some particular process or procedure above, beyond, or besides such due process as required by Federal or State constitutional and statutory requirements.
4. I understand and agree that no one at South Ogden City has authority to offer me employment on terms different from what is stated in this manual, and I understand and agree that no one in South Ogden City is authorized by South Ogden City to promise in the future that my employment will be different from what is stated in this manual.

Employee (Print Name)

Employee Signature

Date

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