



**NOTICE OF A VINEYARD
CITY COUNCIL MEETING
February 9, 2022, at 5:00 PM**

PUBLIC NOTICE is hereby given that the Vineyard City Council will hold a regularly scheduled meeting on Wednesday, February 9, 2022, at **5:00 PM** in the City Council Chambers at 125 South Main Street, Vineyard, Utah. This meeting can also be viewed on our [live stream page](#).

AGENDA

Presiding Mayor Julie Fullmer

1. CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE – *to be announced*.

2. WORK SESSION

2.1 WALKARA WAY

Community Development Director Morgan Brim will lead a discussion about the Walkara Way project. There will be no action taken at this time.

2.2 Utah Lake Restoration

Utah Lake Restoration Group will lead a discussion about lake solutions. There will be no action taken at this time.

2.3 SUMMER CELEBRATION

Development Services Technician Anna Nelson will lead a discussion about the Summer Celebration.

REGULAR SESSION

3. PUBLIC COMMENTS

(15 minutes)

“Public Comments” is defined as time set aside for citizens to express their views for items not on the agenda. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action **cannot** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.

Public comments can be submitted ahead of time to pams@vineyardutah.org.

4. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

(3 minutes each)

5.1 Interim City Manager George Reid

5.2 Planning Commission Chair Jeff Knighton

5.3 Orem Fire Chief Marc Sanderson – Quarterly Report

6. CONSENT ITEMS

6.1 [Approval of the January 26, 2022, City Council Meeting Minutes](#)

7. APPOINTMENTS

7.1 No items were submitted.

8. PRESENTATIONS/RECOGNITIONS/AWARDS

8.1 No items were submitted.

9. BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – Interim City Manager Position (Resolution 2022-02)

As the mayor and City Council have appointed a new city manager, they now desire to rescind the powers and duties of the Interim City Manager. The mayor and City Council will act to adopt (or deny) this request by resolution.

9.2 SWEARING-IN – New City Manager

City Recorder Pamela Spencer will swear in Ezra Nair as the newly appointed City Manager. Mr. Nair's appointment took place during a City Council meeting on January 26, 2022.

9.3 PUBLIC HEARING – Fiscal Year 2021-2022 Adjustment (Resolution 2022-03)

Finance Director David Mortensen will present recommended adjustments to the Fiscal Year 2021-2022 Budget. The mayor and City Council will act to adopt (or deny) this request by resolution.

9.4 DISCUSSION AND ACTION – Personnel Policies and Procedure Manual (Resolution 2022-04)

(15 minutes)

Albert Foster will present recommended changes to the Personnel Policies and Procedure Manual. The mayor and City Council will act to adopt (or deny) this request by resolution.

9.5 DISCUSSION AND ACTION – Voter Participation Area Amendment (Resolution 2022-05)

City Recorder Pamela Spencer will explain the amendment to the Voter Participation Areas. The mayor and City Council will act to adopt (or deny) this request by resolution.

10. CLOSED SESSION

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of (these are just a few of the items listed, see Utah Code 52-4-205 for the entire list):

- (a) discussion of the character, professional competence, or physical or mental health of an individual
- (b) strategy sessions to discuss collective bargaining
- (c) strategy sessions to discuss pending or reasonably imminent litigation
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares
- (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) the purpose of considering information that is designated as a trade secret, as defined in Section [13-24-2](#), if the public body's consideration of the information is necessary in order to properly conduct a procurement under [Title 63G, Chapter 6a, Utah Procurement Code](#);

11. ADJOURNMENT

The next meeting is on Wednesday, February 23, 2022.

This meeting may be held in a way that will allow a councilmember to participate electronically.

The Public is invited to participate in all City Council meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder at least 24 hours prior to the meeting by calling (801) 226-1929.

I the undersigned duly appointed Recorder for Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Salt Lake Tribune, posted at the Vineyard City Offices, the Vineyard website, the Utah Public Notice website, and delivered electronically to city staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON: February 8, 2022

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER

Summer Celebration

Summer Celerbation

Bounce House/ Interactive games option 2 Day Event

<u>Item</u>	<u>Cost</u>	<u>Date</u>	<u>Time Frame</u>	<u>Location</u>	<u>Notes</u>
Senior Cornhole Tournament				Grove by basketball hoops	Rec Ran
3V3 Adult Men's basketball tournament				Grove Park	Rec Ran
Heritage Race		6/4/2022		through out Vineyard	rec ran
Heritage days	3500	6/3/2022	12:00 - 6:00	Grove/Gammon	Ran by Heritage Commission
Movie in the Park	800	6/3/2022	9:30	Grove/gammon	
Interactive Activities	8858.36	6/4/2022	12:00 - 8:00 PM	Grove	10 - 12 interactive activities, bounce house, Mechanical swings
Touch a truck	0	6/4/2022	12:00 - 6:00	Grove detention area	Public Works, police and fire vehicles
Splash Pad Party	0	6/4/2022	8:00 - 9:00	Grove Splash Pad	Splash pad time is extended
City Council Ice Cream Social	200	6/4/2022	8:00-9:00	Grove Park Splash Pad	During Splash Pad party, .34 cents a ice-cream
DJ Ray Dance party	100	6/4/2022	9:00 - 10:00	Grove Park	Possibly Fee
Fire Works	12,000	6/4/2022	10:00	Grove Park	9 Minute Show, 1250 a minute
Food Trucks	-800	6/4/2022	12:00 - 10:00	Grove Park	Typical location, \$100 per food truck
Vendors?	-2000	6/4/2022	12:00 - 6:00	Grove park detention area	Near the touch a truck. Based on 20 vendors

22658.36

Summer Celebration

Bounce house/ Interactive games option - 1 Day Event

<u>Item</u>	<u>Cost</u>	<u>Date</u>	<u>Time Frame</u>	<u>Location</u>	<u>Notes</u>
Heritage Race		6/4/2022		through out Vineyard	rec ran
Senior Cornhole Tournament				Grove by basketball hoops	Rec Ran
3V3 Adult Men's basketball tournament				Grove Park	Rec Ran
Heritage days	3500	6/4/2022	12:00 - 6:00	Grove	Heritage portion ran by heritage commission, not sure if they would like to combine
Interactive Activities	8858.36	6/4/2022	12:00 - 8:00 PM	Grove	10 - 12 interactive activities, bounce house, Mechanical swings
Touch a truck	0	6/4/2022	12:00 - 6:00	Grove detention area	
Splash Pad Party	0	6/4/2022	8:00 - 9:00	Grove Splash Pad	Splash pad time is extended
City Council Ice Cream Social	200	6/4/2022	8:00-9:00	Grove Park Splash Pad	During Splash Pad party, .34 cents a ice-cream
DJ Ray Dance party	100	6/4/2022	9:00 - 10:00	Grove Park	Possibly Fee
Fire Works	12,000	6/4/2022	10:00	Grove Park	9 Minute Show, 1250 a minute
Food Trucks	-800	6/4/2022	12:00 - 10:00	Grove Park	Typical location, \$100 per food truck
Vendors?	-2000	6/4/2022	12:00 - 6:00	Grove park detention area	Near the car show. Based on 20 vendors

21858.36

Summer Celebration

Concert option - 1 Day event

<u>Item</u>	<u>Cost</u>	<u>Date</u>	<u>Time Frame</u>	<u>Location</u>	<u>Notes</u>
Senior Cornhole Tournament				Grove by basketball hoops	Rec Ran
3V3 Adult Men's basketball tournament				Grove Park	Rec Ran
Heritage Race		6/4/2022		through out Vineyard	Rec Ran
Heritage days	3500	6/4/2022	12:00 - 6:00	Grove	Ran by Heritage Commission
Car Show or touch a truck	0	6/4/2022	12:00 - 6:00	Grove detention area	Public Works, police and fire vehicles for touch a truck
Fire work spray	0	6/4/2022	6:30	down main street, Grove to city office.	Need to verify with Orem Fire if this is possible
Splash Pad Party	0	6/4/2022	7:00 - 9:00	Grove Splash Pad	Splash pad time is extended
City Council Ice Cream Social	200	6/4/2022	7:00-9:00	Grove Park Splash Pad	During Splash Pad party, .34 cents a ice-cream
DJ Ray Dance party	100	6/4/2022	9:00 - 10:00	Grove Park	Possibly Fee
Fire Works	12,000	6/4/2022	10:00	Grove Park	9 Minute Show, 1250 a minute
Food Trucks	-800	6/4/2022	12:00 - 10:00	Grove Park	Typical location, \$100 per food truck
stage	5,000	6/4/2022	7:30 - 9:30	Grove Park	
Band	4,000	6/4/2022	7:30 - 9:30	Grove Park	Rough Estimate. We spent 7500 on the Strike and 3000 on Jagertown

24000

**MINUTES OF A VINEYARD
CITY COUNCIL MEETING**

City Council Chambers
125 South Main Street, Vineyard, Utah
January 26, 2022, at 6:00 PM

Present

Councilmember Tyce Flake
Councilmember Amber Rasmussen
Councilmember Mardi Sifuentes
Councilmember Cristy Welsh

Absent

Mayor Julie Fullmer

Staff Present: Interim City Manager George Reid, City Attorney Jayme Blakesley, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, Finance Director David Mortensen, Water Manager Sullivan Love, City Recorder Pamela Spencer, newly appointed City Manager Ezra Nair, Planning Commission Chair Jeff Knighton, Planning Commission Vice-Chair Bryce Brady, Planning Commissioners Tim Blackburn and Christopher Bramwell

Others Speaking: Ryan Bybee with Cadence Homes

1. CALL TO ORDER AND ELECTION OF A MAYOR PRO TEMPORE

City Recorder Pamela Spencer called the meeting to order at 6:00 PM. She then called for a nomination for a Mayor Pro Tempore.

Nomination: COUNCILMEMBER SIFUENTES NOMINATED COUNCILMEMBER FLAKE FOR MAYOR PRO TEMPORE. COUNCILMEMBER WELSH SECONDED THE NOMINATION. ROLL CALL WENT AS FOLLOWS: COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

2. INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Flake led the Pledge of Allegiance and gave the invocation.

3. WORK SESSION

No items were submitted.

REGULAR SESSION

4. PUBLIC COMMENTS

Mayor Pro Tempore Flake called for public comments. Hearing none, he closed the public comment session.

5. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

No reports were given.

6. STAFF, COMMISSION, AND COMMITTEE REPORTS

6.1.  Interim City Manager George Reid reported that staff was tracking bills in the State Legislature that would impact the Redevelopment Agency. He asked council to let staff know if there were any bills that they needed to look at. He mentioned that an offer had been accepted for the City Manager position. Councilmember Sifuentes thanked Mr. Reid for his service.

6.2.  Planning Commission Chair Jeff Knighton – Chair Knighton was absent at this time. Vice-Chair Bryce Brady reported that a representative from the State Bicycle Commission had given a presentation to the Planning and Bicycle Commission in a joint meeting last week. He said that they also discussed plans for a future bike park.

 Councilmember Welsh said that there had been questions about the construction going on near the new FrontRunner Station and explained that they were building a temporary parking lot for the station. She reported that the Heritage Trail System should be completed this year and would connect to the Lindon Trail. She reported that most of the play structure at Gammon Park should be installed by Friday.

7. CONSENT ITEMS

7.1. Approval of the January 12, 2022, City Council Minutes

7.2. Approval of a Special Event Permit for Layne Thompson

 Mayor Pro Tempore Flake called for a motion.

 **Motion:** COUNCILMEMBER SIFUENTES MOVED TO APPROVE THE CONSENT ITEMS AS PRESENTED. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN, SIFUENTES, AND WELSH VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

8. APPOINTMENTS

No names were submitted.

9. PRESENTATIONS/RECOGNITIONS/AWARDS

No items were submitted.

97 **10. BUSINESS ITEMS**

98 **10.1 DISCUSSION AND ACTION – [City Administration \(Resolution 2022-01\)](#)**

99 In accordance with the Vineyard Municipal Code 2.08.010 (c) the mayor and City
100 Council will appoint a new city manager, “who shall be appointed on the basis of
101 experience, and administrative and executive abilities and qualifications.” This
102 appointment will be done by resolution.

103
104 Mayor Pro Tempore Flake had Mr. Nair introduce himself. He then called for a motion.

105
106  **Motion:** COUNCILMEMBER WELSH MOVED TO APPROVE THE APPOINTMENT
107 OF EZRA NAIR AS THE CITY MANAGER AND ALLOW THE MAYOR TO SIGN THE
108 EMPLOYMENT AGREEMENT, RESOLUTION 2022-01. COUNCILMEMBER SIFUENTES
109 SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR PRO TEMPORE
110 FLAKE, COUNCILMEMBERS RASMUSSEN, SIFUENTES, AND WELSH VOTED AYE.
111 MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

112
113 **10.2 DISCUSSION AND ACTION – [Holdaway Farms Development \(Ordinances](#)
114 [2022-01, 02, and 03\)](#)**

115 *(A public hearing was held on this item during the December 8, 2021, City Council*
116 *meeting.) (This item was continued from the January 12, 2022, City Council meeting)*
117 Community Development Director Morgan Brim will present a General Plan Land Use
118 Map Amendment (Ordinance 2022-01), Zoning Text Amendment (Ordinance 2022-
119 02), Zoning Map Amendment (Ordinance 2022-03), and Neighborhood Plan
120 Applications for the site known as Clegg Farm, located west of the current 400 South
121 Main Street termination, Parcel Numbers 18:021:0009 and 18:015:0163. The mayor
122 and City Council will act to adopt (or deny) the proposed amendments by Ordinance.

123
124  Councilmember Welsh commented that she had enjoyed the discussions and the
125 community’s engagement. She reviewed the items she liked about the plan:

- 126 • Parks and integrated trail system
- 127 • Traffic and connections
- 128 • Mitigation on accessory dwelling units and the parking plan
- 129 • Multi-generational housing
- 130 • They were good builders and produced good homes
- 131 • Community connectiveness

132 She stated her thoughts on the Neighborhood Plan. She said that the easy vote would be no, but
133 the hard, right vote, would be to approve it.

134
135  Councilmember Sifuentes said that she struggled with the density change to the General
136 Plan. She felt that this was not the right place for high density housing. She stated that she was
137 not going to vote this through today because felt this was not what was best for the city.

138
139  Councilmember Rasmussen stated that she was in line with Councilmember Welsh. She felt
140 that Vineyard was ahead of other cities and that the city had diversity. She felt that this fell in
141 line with a progressive city.

142
143  Mayor Pro Tempore Flake felt that there was no perfect plan. He said that the council had
144 been chosen to represent the needs of the city. He said that they had to recognize the needs of the
145 developer, the landowner, the citizens, and the overarching needs of the city. He felt that this

development was not high density. He now realized that this job required long, hard bargaining to come up a compromise. He said that he was going to accept the development.

 Mr. Brim reviewed the changes to the development. He mentioned that the motion included conditions and reviewed those conditions.

 There was a discussion about the trails, bulb-outs, and interior setbacks. The determination was to add another condition to the motion: The total between both interior side yards shall not be less than 12 feet with no one side yard not being less than 5 feet for the estate lots.

 Councilmember Welsh mentioned that several residents reached out to her with concerns that if this were approved that the developer would sell the property to someone else. Ryan Bybee with Candence Homes stated, for the record, that he would not sell the property. City Attorney Jayme Blakesley stated that an assignment clause could be added to the development agreement to allow for city approval.

 There was a discussion about the connection of the connection of Main Street and 400 South and the phasing. Mr. Bybee asked that they be allowed to install the connection within the first two phases. The phasing discussion continued. Mayor Pro Tempore Flake suggested that they insert an agreement between the builder and the city engineer as to the road phase.

 Councilmember Rasmussen asked if the homes would be prepared for solar. Mr. Bybee replied that they any buyer could add solar to their home. He also mentioned that there was an option to add chargers in the garages.

 The additional conditions are as follows:

- 10 - The total combined width of the setbacks for adjacent interior Estate lots shall not be less than 12 feet with no single setback of less than 5 feet.
- 11- The development agreement shall include an assignment clause requiring city approval before the development agreement may be assigned to another developer, with the understanding that city approval may not be withheld, unreasonably.
- 5 – add: The developer and City Engineer shall agree to the timing of the 400 South and Main Street roadway improvement.
- 12 – The phasing plan shall be updated to show infrastructure phasing.

 Mayor Pro Tempore Flake called for further discussion. Hearing none, he called for a motion.

 **Motion:** COUNCILMEMBER WELSH MOVED TO ADOPT ORDINANCES 2022-01, 02, AND 03 AND THE HOLDAWAY FARMS NEIGHBORHOOD PLAN WITH THE CONDITIONS AS PRESENTED:

1. ADEQUATE PARKING SHALL BE ADDED TO THE ENTRANCE PARK.
2. ADDITIONAL PARKING SHALL BE ADDED TO ACCOMMODATE SITE VISITORS AND CLUB HOUSE USERS.
3. AN ACCESS PLAN SHALL BE PROVIDED FOR APPROVAL BY THE CITY ENGINEER TO ELIMINATE POSSIBLE TRAFFIC CUT THROUGHES FROM THE HOLDAWAY FARMS DEVELOPMENT INTO THE ELMS NEIGHBORHOOD.
4. THE PHASING PLAN SHALL BE UPDATED TO ENSURE PARK SPACE AND AMENITIES ARE PROVIDED TOWARD THE BEGINNING OR MIDDLE STAGES OF THE DEVELOPMENT.

- 196 5. THE PHASING PLAN SHALL PRIORITIZE THE INSTALLATION OF 400
197 SOUTH AND MAIN STREET WITHIN PHASE ONE OF THE DEVELOPMENT.
198 THE DEVELOPER AND CITY ENGINEER SHALL AGREE TO THE TIMING OF
199 THE 400 SOUTH AND MAIN STREET ROADWAY IMPROVEMENT.
200 6. THE PRELIMINARY TRANSPORTATION NETWORK AND STREET PLAN
201 SHALL CLARIFY THE LOCATION AND LANDSCAPE DETAILS OF THE
202 STREET MEDIAN FOR TRAIL CROSSINGS.
203 7. ALL PLANS WITHIN THE NEIGHBORHOOD PLAN SHALL BE CONSISTENT
204 IN TERMS OF LAYOUT AND LOT NUMBER.
205 8. AT MINIMUM A THREE-CAR GARAGE SHALL BE PROVIDED FOR EACH
206 ESTATE LOT.
207 9. CONDITIONS 1-8 SHALL BE ESTABLISHED AND DETAILED THROUGH THE
208 FORTHCOMING DEVELOPMENT AGREEMENT.
209 10. THE TOTAL COMBINED WIDTH OF THE SETBACKS FOR ADJACENT
210 INTERIOR ESTATE LOTS SHALL NOT BE LESS THAN 12 FEET WITH NO
211 SINGLE SETBACK OF LESS THAN 5 FEET.
212 11. THE DEVELOPMENT AGREEMENT SHALL INCLUDE AN ASSIGNMENT
213 CLAUSE REQUIRING CITY APPROVAL BEFORE THE DEVELOPMENT
214 AGREEMENT MAY BE ASSIGNED TO ANOTHER DEVELOPER, WITH THE
215 UNDERSTANDING THAT CITY APPROVAL MAY NOT BE WITHHELD
216 UNREASONABLY.
217 12. THE PHASING PLAN SHALL BE UPDATED TO SHOW INFRASTRUCTURE
218 PHASING.

219
220 COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. ROLL CALL WENT AS
221 FOLLOWS: MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND
222 WELSH VOTED AYE. COUNCILMEMBER SIFUENTES VOTED NAY. MAYOR
223 FULLMER WAS ABSENT. THE MOTION CARRIED WITH THREE AYES, ONE NAY,
224 AND ONE ABSENT.

225 226 227 **11. CLOSED SESSION**

228 No closed session was held.
229

230 231 **12. ADJOURNMENT**



232 Mayor Pro Tempore Flake called for a motion to adjourn the meeting.
233

234 **Motion:** COUNCILMEMBER WELSH MOVED TO ADJOURN THE MEETING AT 6:56
235 PM. MAYOR PRO TEMPORE FLAKE SECONDED THE MOTION. MAYOR PRO
236 TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN, SIFUENTES, AND WELSH
237 VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE
238 ABSENT.

239
240
241 MINUTES APPROVED BY CITY COUNCIL ON: _____

242
243 CERTIFIED CORRECT BY: /s/ Pamela Spencer _____

244 PAMELA SPENCER, CITY RECORDER

VINEYARD RESOLUTION 2022-02
Superseding 2021-19

**A RESOLUTION OF THE VINEYARD CITY COUNCIL THANKING
GEORGE REID FOR HIS SERVICE AS INTERIM CITY MANAGER AND
RESCINDING THE POSITION OF INTERIM CITY MANAGER.**

WHEREAS, the Vineyard City Council under the authority of Utah Code 10-3b-403 created the city manager position and provided for the powers and duties of that position; and

WHEREAS, the Vineyard City Council during the transition of the position of the City Manager, created an Interim City Manager position, and provided for the powers and duties of that position until a new City Manager could be hired.

WHEREAS, George Reid has been serving as Interim City Manager.

WHEREAS, the City Council has now hired and appointed a new City Manager and desires to rescind the powers and duties of the Interim City Manager position.

WHEREAS, the City Council wishes to thank George Reid for serving as Interim City Manager, and to acknowledge his accomplishments as such.

**NOW THEREFORE, BE IT RESOLVED BY THE VINEYARD CITY COUNCIL
AS FOLLOWS:**

1. The City Council hereby relieves George Reid of his duties as Interim City Manager, formally thanks Mr. Reid for his service as Interim City Manager and expresses appreciation for his accomplishments as such.
2. The position of Interim City Manager is hereby rescinded.
3. This resolution shall take effect upon passing.

Passed and dated this 9th day of February 2022.

Mayor Julie Fullmer

Attest:

City Recorder Pamela Spencer



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: February 9, 2022

Agenda Item: 9.3 Fiscal Year 2021 – 2022 Budget Amendment #1

Department: Finance

Presenter: David Mortensen, Finance Director

Background/Discussion:

Utah Code Section 10-6-128 allows for the amendment of the City's budget up until the last day of the fiscal year for which the budget applies. City Staff recommends the amendment of the Vineyard Fiscal Year 2021 – 2022 Budget for various items as outlined in the attached detail worksheet.

Fiscal Impact:

General Fund - \$94,700 (covered by sales tax revenues above original budget)
Impact Fee Fund - \$350,000 (Fiscal Year 2020 – 2021 Budget unspent)
Capital Projects Fund - \$268,734 (Fiscal year 2020 – 2021 Budget unspent)
Water Fund - \$5,300
Sewer Fund - \$27,800
Storm Water Fund - \$1,900
Transportation Fund - \$36,420
Internal Services Fund - \$7,000

Recommendation:

Approval of the resolution.

Sample Motion:

I move to approve the Vineyard City Fiscal Year 2021 – 2022 Budget Amendment #1, Resolution 2022-03, as presented by Staff.

Attachments:

Resolution 2022-03
Vineyard City Fiscal Year 2021 – 2022 Budget Amendment #1 detail

RESOLUTION NO. 2022-03

A RESOLUTION AMENDING THE VINEYARD CITY BUDGET FOR THE 2021-2022 FISCAL YEAR.

WHEREAS, the city of Vineyard has previously adopted a budget for the 2021-2022 fiscal year in accordance with the Utah Fiscal Procedures Act for cities; and

WHEREAS, the city needs to now amend that adopted budget; and

WHEREAS, a public hearing was duly noticed and was held on the 9th day of February, 2022, on the proposed amendments to the 2021-2022 fiscal year budget for the city of Vineyard.

NOW THEREFORE BE IT RESOLVED BY THE VINEYARD CITY COUNCIL AS FOLLOWS:

1. The attached exhibit A shows the amendments to the Fiscal Year 2021-2022 budget for the city of Vineyard.
2. This resolution shall take effect upon passing.

Passed and dated this 9th day of February 2022.

Mayor Julie Fullmer

Attest:

Pamela Spencer, City Recorder

Vineyard City

Fiscal Year 2021 - 2022 Budget Amendment #1

General Fund

Account #	Account	Original Budget	Adjusted Budget	Change	Notes
10-3130	Sales Tax Revenue	\$ 2,320,000	\$ 2,414,700	\$ 94,700	
	Total Revenue Adjustment			\$ 94,700	
10-4311	Admin Salaries & Wages	\$ 513,000	\$ 517,000	\$ 4,000	Various Staff Advancements/Salary Adjustments
10-5311	Building Salaries & Wages	436,000	437,000	1,000	Various Staff Advancements/Salary Adjustments
10-6011	Public Works Salaries & Wages	111,000	114,300	3,300	Various Staff Advancements/Salary Adjustments
10-7211	Parks Salaries & Wages	238,200	240,200	2,000	Various Staff Advancements/Salary Adjustments
10-8211	Recreation Salaries & Wages	92,600	100,300	7,700	Various Staff Advancements/Salary Adjustments
10-4321	Admin Books/Subscriptions/Memberships	14,500	19,500	5,000	Chamber of Commerce Membership
10-4323	Admin Travel	17,800	34,700	16,900	Various Staff Training/Networking Opportunities
10-4328	Administrative Costs	44,000	62,100	18,100	Recruiting/Hiring, Council A/V Upgrades, Economic Dev
10-4333	Admin Education & Training	9,700	22,500	12,800	Tuition Reimb, Various Staff Training/Networking Opportunities
10-6024	Public Works Education & Training	10,300	13,600	3,300	Engineering Memberships, Subscriptions, and Training Materials
10-6025	Public Works Equipment, Supplies & Maintenance	21,800	22,400	600	Engineering Staff Clothing/Equipment
10-6031	Public Works Prof & Technical Services	51,000	71,000	20,000	Traffic Sign Studies
	Total Expenditure Adjustment			\$ 94,700	
	Total General Fund			\$ -	

Impact Fee Fund

Account #	Account	Original Budget	Adjusted Budget	Change	Notes
23-4061	Roadway Facilities	\$ -	\$ 350,000	\$ 350,000	Center Street Overpass Barrier Project
	Total Impact Fee Fund			\$ 350,000	

Vineyard City

Fiscal Year 2021 - 2022 Budget Amendment #1

Capital Projects Fund

Account #	Account	Original Budget	Adjusted Budget	Change	Notes
49-4032	Construction	\$ 735,500	\$ 1,004,234	\$ 268,734	Public Works Building
Total Capital Projects Fund				<u><u>\$ 268,734</u></u>	

Water Fund

Account #	Account	Original Budget	Adjusted Budget	Change	Notes
51-4011	Water Salaries & Wages	\$ 335,100	\$ 340,400	\$ 5,300	Various Staff Advancements/Salary Adjustments
Total Water Fund				<u><u>\$ 5,300</u></u>	

Sewer Fund

Account #	Account	Original Budget	Adjusted Budget	Change	Notes
52-4011	Sewer Salaries & Wages	\$ 259,700	\$ 287,500	\$ 27,800	Various Staff Advancements/Salary Adjustments
Total Sewer Fund				<u><u>\$ 27,800</u></u>	

Storm Water Fund

Account #	Account	Original Budget	Adjusted Budget	Change	Notes
53-4011	Storm Water Salaries & Wages	\$ 101,700	\$ 103,600	\$ 1,900	Various Staff Advancements/Salary Adjustments
Total Storm Water Fund				<u><u>\$ 1,900</u></u>	

Vineyard City

Fiscal Year 2021 - 2022 Budget Amendment #1

Transportation Fund

Account #	Account		Original Budget	Adjusted Budget	Change	Notes
54-4011	Transportation Salaries & Wages	\$	113,200	\$ 117,800	\$ 4,600	Various Staff Advancements/Salary Adjustments
54-4031	Professional & Technical Services		432,500	464,320	31,820	Trailside Reduced Speed School Zone, HAWK Invoice
Total Transportation Fund					<u>\$ 36,420</u>	

Internal Services Fund

Account #	Account		Original Budget	Adjusted Budget	Change	Notes
61-4726	Vehicle Repair	\$	3,000	\$ 10,000	\$ 7,000	Large Unanticipated Repairs (Backhoe, Truck)
Total Internal Services Fund					<u>\$ 7,000</u>	



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: February 9, 2022

Agenda Item: 9.4 Personnel Manual

Department: Human Resources

Presenter: Albert Foster

Background/Discussion: The personnel manual continues to evolve to fit the needs of our growing city. In this revision we are addressing grammatical corrections, additions to policy such as veterans' preference in hiring (required by state code), identification/city apparel when acting on behalf of the city outside of the city office, observation of Juneteenth, and increasing the annual rollover of vacation leave. The current policy allows employees to roll 80 vacation hours into the next calendar year. This is far lower than any other city or government entity in the state. The new version allows employees to roll forward 2x their annual accrual to the new year.

Fiscal Impact: Net neutral. Accrued liabilities have the potential to increase.

Recommendation:

Sample Motion:

I move to approve the updated policy manual with the new language and changes, Resolution 2022-04, as presented.

Attachments:

Resolution 2022-04

Personnel Policies and Procedures Manual

RESOLUTION NO. 2022-04

A RESOLUTION AMENDING THE PREVIOUSLY ADOPTED PERSONNEL POLICIES
AND PROCEDURES MANUAL FOR VINEYARD, UTAH

WHEREAS, the Vineyard City Council desires to have consistent policies for its employees and to promote a workplace that is safe and professional; and

WHEREAS, the Vineyard City Council desires to amend the previously adopted Personnel Policies and Procedures Manual,

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF VINEYARD
AS FOLLOWS:

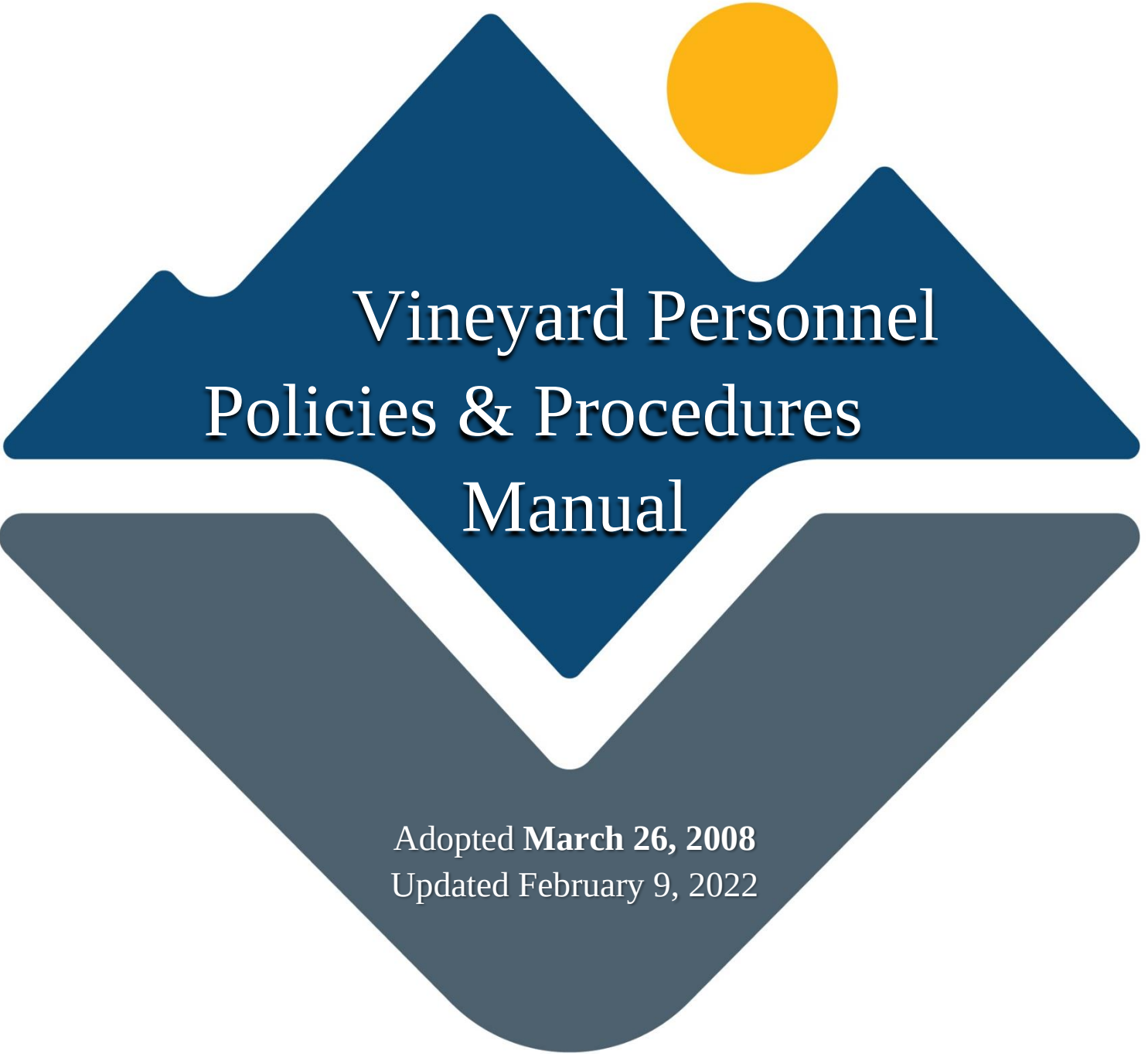
1. The Vineyard Policies and Procedure Manual will be amended as shown in Exhibit A.
2. This resolution shall take effect upon passing.

Passed and dated this 9th day of February, 2022.

Julie Fullmer, Mayor

Attest:

Pamela Spencer, City Recorder



Vineyard Personnel Policies & Procedures Manual

Adopted **March 26, 2008**
Updated February 9, 2022

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

PREFACE

It is the policy of Vineyard 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 Vineyard and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY VINEYARD 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 VINEYARD.

It is also the policy of Vineyard to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to federal and state protected classes, such as race, color, religion, sex, national origin, age, or disability. To this end, Vineyard will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, disability, age, or veteran status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.

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

Vineyard reserves the right to change any of its policies and/or procedures at any time in the future for any reason. Therefore, if you have suggestions or comments concerning the content of this manual, please submit them, in writing, to your immediate supervisor or department head for review. Thank you.

INTRODUCTION

Welcome,

Vineyard's Personnel Policies and Procedures Manual is simply a written guide for management and staff. This manual not only outlines Vineyard's policy on the various phases of the employer-employee relationship, it also indicates how the policy is to be administered. Consequently, each employee is able to use this Manual as a guide when policy needs to be applied to a given situation. As an employee of Vineyard, you are expected to read, understand, and follow the policies and procedures contained in this manual.

Please be advised that it is the obligation of each employee of Vineyard to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to federal and state protected classes such as race, color, religion, sex, sexual orientation, national origin, age, or disability. (Title VII of the Civil Rights Act and the Americans with Disabilities Act (ADA)).

Finally, no employee, officer, agent, or other representative of Vineyard has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual.

TABLE OF CONTENTS

PREFACE	1
INTRODUCTION	2
TABLE OF CONTENTS.....	3
SECTION I: EQUAL EMPLOYMENT OPPORTUNITY (EEO).....	8
1. General Policy.....	8
2. Supervisor Responsibilities.....	8
3. Employee Responsibilities.....	8
SECTION II: PROTECTION FROM CONTRACTOR CAUSED LOSSES/LIABILITIES	9
1. General Policy.....	9
2. Supervisor Responsibilities.....	9
SECTION III: RECRUITMENT & SELECTION	10
1. General Policy.....	10
2. Hiring Procedures	10
3. Internal Applicants.....	11
4. Anti-Nepotism.....	11
5. Elected Officials.....	12
6. Immigration Law Compliance	12
7. Volunteers	12
8. Internships.....	13
SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE.....	15
1. General Policy.....	15
2. Employee Responsibilities.....	15
3. Disciplinary Action.....	16
SECTION V: DRUG TESTING.....	17
1. General Statement.....	17
2. Policy	18
3. Testing.....	18
SECTION VI: SEXUAL/GENDER AND OTHER HARASSMENT	27
1. General Policy.....	27
2. Prohibited Conduct	28
3. Disciplinary Action.....	30

4. Complaint Process and Complaint Files	30
5. Investigation of Complaints.....	32
6. Victim Protection	32
SECTION VII: EMPLOYEE CODE OF CONDUCT	33
1. Professionalism	33
2. Privileged Information	33
3. Confidentiality	33
4. Gifts and Gratuities	33
5. Attendance	33
6. Appearance	34
7. Smoking	34
8. Use of Electronic Communications and Mail Systems.....	34
9. Purchasing.....	37
10. Credit Cards.....	37
11. Outside Activities	37
12. Prohibited Acts	37
13. Political Activity	38
14. Secondary Employment	38
15. Disclosure of Conflict of Interest	38
16. Personal Use of Public Property.....	38
SECTION VIII: DISCIPLINARY ACTION.....	40
1. General Policy.....	40
2. Conducting an Investigation	40
3. Imposing Disciplinary Action.....	40
4. Appeal Procedures	41
SECTION IX: GRIEVANCE PROCEDURES	43
1. General Policy.....	43
2. Confidentiality	44
3. Filing.....	44
SECTION X: TERMINATION OF EMPLOYMENT	45
1. Types of Termination.....	45
2. Required Notice Prior to Termination	45
3. Termination Procedures	46
4. Cobra.....	48

SECTION XI: RECORD KEEPING	50
1. General Policy.....	50
2. Confidentiality	50
3. Personnel File Requirements	50
4. Other Files Requirements	52
5. Salary/Wage Requirements.....	52
6. Other Requirements	53
SECTION XII: PERFORMANCE EVALUATIONS	54
1. General Policy.....	54
2. Employee Work Plan	54
3. Performance Standards	55
6. Performance Periods	56
7. Confidentiality	56
SECTION XIII: EMPLOYMENT CLASSIFICATIONS/COMPENSATION.....	57
1. General Policy.....	57
2. Employment Classifications	57
3. Employment Status	57
4. Merit/Non-merit.....	58
5. Work Week	58
6. Workdays	58
7. Work Hours.....	58
8. Attendance	58
9. Breaks and Lunch Periods	59
10. Compensatory Time Off.....	59
11. Overtime Pay.....	60
12. On-call Policy	61
13. Time Sheets	62
SECTION XIV: SALARY PLANNING	64
1. General Policy.....	64
2. Use of Annual Performance Evaluation	64
3. Criteria for Annual Pay Increase.....	64
4. Annual Pay Increases Not Automatic	64
5. Pay Range Adjustments	64
SECTION XV: PAYROLL ADMINISTRATION.....	65

1. Pay Periods.....	65
2. Pay Days	65
3. Minimum Wage/Salary	65
4. Pay Deductions	65
SECTION XVI: REIMBURSABLE EXPENSES.....	66
1. General Policy.....	66
2. Training and Conferences	66
3. Travel Policy	66
SECTION XVII: BENEFITS	68
1. Worker’s Compensation	68
2. Insurance	69
3. State and Federal Unemployment.....	70
4. Continuing Training.....	70
5. Retirement System	71
SECTION XVIII: FAMILY AND MEDICAL LEAVE ACT (FMLA).....	72
1. General Policy.....	72
2. Eligibility	72
3. Leave Options	73
4. Notice and Medical Certification Requirements.....	73
5. Benefits and Employment Status	73
SECTION XIX: LEAVES OF ABSENCE.....	74
1. Absent Without Leave	74
2. Annual Vacation Leave.....	74
3. Holiday Leave.....	75
4. Sick Leave.....	76
5. Parental Leave.....	77
6. Injury Leave	77
7. Military Leave.....	78
8. Jury Leave	78
9. Funeral Leave.....	78
10. Administrative Leave with Pay	78
11. Leave Without Pay	78
12. Documentation of Leave	79
SECTION XX: GENERAL SAFETY	80

1. General Policy.....	80
2. Proper Use of Vineyard Equipment and Tools	81
SECTION XXI: UTAH OSHA REQUIREMENTS	82
1. General Policy.....	82
2. Posting UOSHA Notices.....	82
3. Inspection Procedures	82
4. Accident Reporting Procedures	83
SECTION XXII: CONFINED SPACE ENTRY	85
1. General Policy.....	85
2. Requirements	85
3. Training.....	85
SECTION XXIII: DISASTER RESPONSE PLANNING	86
1. General Policy.....	86
2. Employee Disaster Notification.....	86
3. Disaster Response Plan	86
4. Suspicious Person or Activity.....	86
5. Reporting Suspicious Persons or Activities.....	87
6. Suspicious Activity, Person or Assailant Threats	87
7. Suspicious Packages or Objects.....	88
8. Telephone Bomb Threats	88

SECTION I: EQUAL EMPLOYMENT OPPORTUNITY (EEO)

1. General Policy

It is the policy of Vineyard 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, sexual orientation, age, physical or mental disability, national origin, or veteran status. Considerations for all phases of personnel administration will be based on education, skills, experience, personality, and fit and potential for job performance and learning.

2. Supervisor Responsibilities

The mayor, or designee, will ensure that Vineyard is in compliance with all of the personnel policies and procedures in this manual, including all EEO standards. Additionally, the Human Resource Manager, or department head, 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” (*form #1*) stating receipt of the manual. The Human Resource Manager will then file the signed and dated “Policy Statement and Acknowledgment Form” in the employee's personnel file.

3. Employee Responsibilities

Employees are responsible for informing themselves about the policies, practices, and benefits set forth in Vineyard's Personnel Policy and Procedures Manual by reading them and, if necessary, asking a supervisor to explain them. Additionally, all employees are required to sign and date a “Policy Statement and Acknowledgment Form” (*form #1*) stating receipt of this manual.

SECTION II: PROTECTION FROM CONTRACTOR CAUSED LOSSES/LIABILITIES

1. General Policy

Vineyard will take all necessary precautions and steps in written contracts to prevent loss and liability arising from entering relationships with independent contractors using the “Hold Harmless Agreement” (*form #2*), which is a part of the “Indemnity Provision Contract”, or the entire “Indemnity Provision Contract” (*form #3*).

2. Supervisor Responsibilities

- A. Ensure that no work is performed by any private contractor until:
 - 1. A written contract between Vineyard and the contractor has been entered into and signed by both parties.
 - 2. The signed written contract has been attested by the city recorder.
- B. Each contract with a private contractor should contain indemnity/hold harmless clauses, which provide that:
 - 1. The contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.
 - 2. The contractor must provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract.
 - 3. Vineyard and its officials, employees, agents, and volunteers must be named as additional insured on the liability insurance policy.
- C. Each contract with a private contractor should contain provisions that ensure the contractor is carrying workers compensation insurance coverage.
 - 1. Vineyard should require evidence of Workers Compensation insurance (or evidence of qualified self-insurance) from all contractors.
 - 2. Vineyard shall have the contractor show evidence of the contractor’s Workers Compensation coverage to Vineyard.

SECTION III: RECRUITMENT & SELECTION

1. General Policy

It is Vineyard's goal to provide meaningful services to its population in a cost-effective and professional manner. This requires that Vineyard attract, retain, and motivate the most skilled and customer-service-oriented employees available.

2. Hiring Procedures

The Human Resources Manager shall develop and administer a process for the recruitment and selection of all city employees.

- A. When a position opens in a department or a need arises to create a new position, the department head shall submit a request to the Human Resource Manager with an updated job description for the position. The department head and Human Resource Manager shall meet to discuss the needs of the department and develop a framework for the job description and profile of ideal candidate.
- B. The job description shall be approved by the Human Resource Manager prior to initiating the job posting and recruitment process.
- C. The Human Resources Manager shall prepare and distribute a job announcement which shall be distributed according to the market area for the position.
- D. All applicants will submit a cover letter, resume, application, and other required material to the Human Resource department by the closing date as set forth in the job announcement. The applicants selected may be screened through additional testing as approved by the Human Resources Manager.
- E. All prospective city employees and volunteers shall be required to provide the City with a certified copy of their own criminal history record or authorize the City, in writing, to conduct a criminal background check prior to appointment. Failure to provide or authorize a criminal history record will preclude employment or appointment. Applicants who have not lived in the State of Utah for the three years immediately preceding their application may be required to provide the city with a certified copy of their criminal history record from their last state of residence. Any expenses associated with obtaining out of state criminal history records shall be the responsibility of the applicant.
- F. In accordance with the City's Drug and Alcohol-Free Workplace Policy, final candidates for all positions shall be required to pass a drug test as a prerequisite to employment
- G. All prospective city employees and volunteers who may be assigned to drive are required to submit to a pre-employment driving record evaluation which shall be conducted with the written consent of the person being evaluated. An evaluation of

the applicant's driving record will be a factor in determining eligibility for employment. Driving record evaluations shall be completed annually for employees assigned to drive a vehicle or are provided a vehicle stipend by the city.

- H. Any employee who is required to maintain a CDL as part of his/her essential job functions is also required to have a current DOT medical card.
- I. Supervisors shall schedule a new employee orientation with the Human Resources Manager as soon as possible after the employee starts work.
- J. Unless otherwise provided in a written contract signed by the mayor, employment with the City is at-will, so that either party may terminate the relationship at any time and for any legally permissible reason.
- K. The process of hiring a department head will include at least one round of panel interviews with no less than 2 members of the city council invited to serve as part of the panel. The number of panel rounds will allow for all council members to attend if the interest arises. If no members of the city council are able or interested in serving as part of the panel, interviews will be conducted at the discretion of the city manager. Before the city manager moves to fire a department head, the city manager will meet with the council in a closed session to discuss. Final determination for firing falls to the city manager.
- L. Veterans Preference - Honorably discharged veterans who have served in the armed forces of the United States as defined by Utah Code § 71-10-1, and any un-remarried surviving spouse of such honorably discharged veterans shall be preferred for employment, either directly or by contract, if they possess equal qualifications to other applicants for that employment and if they are a resident of the State of Utah as recorded in Utah Code § 71-10-2, and § 71-10-3.

3. Internal Applicants

- A. Current employees with a satisfactory employment status may apply for internal job openings. The consensus of the employee's supervisor and the HR department may be necessary for employees with less than one year of service with Vineyard.
- B. All applicants for a posted vacancy will be considered based on their qualifications and the ability to perform the job successfully. Internal candidates who are not selected will be notified by the HR department.

4. Anti-Nepotism

- A. It shall be the policy of Vineyard to comply with the anti-nepotism provisions of Section 52-3-1, Utah Code Annotated (1953, as amended) regarding the employment, appointment, or direct supervision of relatives.
- B. No Vineyard employee may hire, appoint, or directly supervise his or her relative except as permitted by State Law. Anti-nepotism requirements apply not only when

hiring a new employee, but also when assigning, transferring, or promoting an employee.

- C. A relative includes a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, grandparent, grandchild, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

5. Elected Officials

- A. No City employee shall serve as an elected official for the City simultaneously with their term of employment. A City employee who desires to be elected to a municipal office for Vineyard City must resign employment when they declare their candidacy.
- B. An elected official for the city who desires to apply for a position as an employee for the city must resign their office prior to applying for the position.

6. Immigration Law Compliance

Although Vineyard does not discriminate on the basis of citizenship or national origin, it is committed to employing only United States citizens and aliens who are authorized to work in the United States. In compliance with the Immigration Reform and Control Act of 1986, each new employee—as a condition of employment—must complete the “Employment Verification Form I-9” and present documentation establishing identity and employment eligibility. Failure to present the requisite documentation within three (3) working days from the date of hire may result in termination of employment. Former employees who are rehired must complete an “Employment Verification Form I-9”.

7. Volunteers

Vineyard regularly sponsors community events and, beyond a need for additional help, there is a great mutual benefit in having residents volunteer to help in successfully planning and executing these events. There are also many opportunities for Vineyard’s citizens to serve on various committees and in other groups that provide a benefit to the community. This policy is intended to formalize the volunteer sign-up process and outline the City’s duty to train and vet volunteers.

- A. The city will follow the following guidelines
 - 1. The city will publish volunteer opportunities, and a volunteer application, on the city website.
 - 2. Residents desiring to volunteer will fill out and submit the volunteer application to the city manager, or to an appropriate party designated by the city manager and identified in the volunteer opportunity listing.
- B. Upon receipt of a volunteer application, the city will evaluate the application by:
 - 1. ensuring that the applicant is qualified to perform the duties related to the volunteer position applied for; and
 - 2. checking the applicant against the database of registered sex offenders.
- C. The city will generally approve volunteers for service unless;
 - 1. the desired volunteer position is filled;

2. the desired volunteer position requires certain qualifications that the applicant does not possess; or
 3. the applicant is a registered sex offender.
- D. Volunteers will not be compensated, nor will they be given preferential treatment by the city, its departments, employees, or officers.

8. Internships

As a rapidly growing city located near two major universities, Vineyard is well positioned to offer challenging and rewarding internship opportunities to students seeking training and experience in city government and operations. The purpose of this policy is to outline the City's procedure for accepting and placing interns and to state the City's expectations with respect to interns and internships, as well as describe what potential interns should expect from the City before, during, and after their internship.

- A. The internships will follow the general guidelines outlined below
1. Potential interns must be a current student or recent graduate of an accredited university
 2. participate in an internship program sponsored by their university
- The city will:
3. assign a mentor to each intern; and
 4. provide interns with a valuable learning experience and relevant training.
 5. Interns are not and will not be considered "employees" for purposes of the FLSA.
 6. The city will ensure that internships are primarily for the academic benefit of the interns by:
 7. requiring interns to be closely supervised in their work;
 8. conducting regular reviews of each intern's work and progress;
 9. holding entrance and exit interviews;
 10. ensuring that the work given to each intern aligns, as closely as possible, to his or her academic objectives;
 11. giving priority to academic commitments by adjusting each intern's work schedule as appropriate and necessary; and
 12. not seeking or requiring any immediate advantage from the internship.
 13. Entrance interviews will be conducted by the supervisor assigned to each intern. At a minimum, the supervisor will review this policy, discuss mutual expectations, and outline the projects and work to be accomplished during the internship.
 14. Exit interviews will be conducted by the city manager. At a minimum, the city manager will discuss the results of the internship, review the intern's performance, and receive feedback about the academic value of the internship.
- B. Potential interns will submit an application consisting of, at a minimum:
1. a resume;
 2. a cover letter stating their academic objectives for the internship; and
 3. a proposed schedule and timeline for the internship.

4. After receiving an application, the city manager will be responsible for reviewing the application and conducting an interview, if desired.
 5. Notwithstanding an intern's (or potential intern's) "non-employee" status, all applicable laws (e.g., equal opportunity, anti-discrimination, etc.) will apply during the application, onboarding, and internship processes.
- C. The city will not derive a benefit from an internship such that the internship:
1. displaces a current employee; or
 2. postpones the hiring of needed additional employees.
 3. The city will not make any guarantee of paid employment following an internship, and interns will not expect any entitlement to paid employment following an internship.
 4. Interns desiring paid employment with the city will be required to follow the City's standard application process, and will not, as a result of their internship, be given any preference in the hiring process.

SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

1. General Policy

The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

2. Employee Responsibilities.

- A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
- B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the department head within five days after the conviction.
- C. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
 - 1. Any employee who is called back to work during non-scheduled work hours and has recently consumed alcohol or drugs which impair his/her ability to safely perform his/her duties shall notify the supervisor of the impairment and shall not report to work.
- E. No employee shall represent Vineyard in an official capacity while impaired by alcohol, illegal drugs, or medication.
- F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for Vineyard.
- G. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.
 - 1. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking the prescription or nonprescription legal drugs.
- H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify their supervisor or department head.

3. Disciplinary Action

Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary action will be taken, up to and including termination.

SECTION V: DRUG TESTING

1. General Statement

It is the policy of Vineyard that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or the distribution, dispensation, possession, or use of alcohol in the workplace is expressly prohibited.

- A. Alcohol. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized, or found, except for approved medical or first aid measures.
- B. Controlled Substances. Amphetamines* (e.g., methamphetamine, speed), Barbiturates (e.g., Amobarbital, Butobarbital, Phenobarbital, Secobarbital), Benzodiazepines, Cocaine*, Methadone, Opiates* (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone), Phencyclidine* (PCP), Propoxyphene, THC* (Marijuana), LSD, or other substances, which may only be legally obtained and used pursuant to a physician's prescription.
- C. On Duty Accident. Any accident causing injury to person or damage to property, involving the loss of life, or the issuance of a moving traffic citation to the employee.
- D. Positive Test. Any test result showing a blood alcohol content (BAC) of 0.02 or greater or the presence of any controlled substance in the test subject.
- E. Refusal to Submit to Testing. Failure to provide an adequate breath or urine sample without a valid and verified medical explanation after the employee has received notice that they are being tested and a breath or urine sample is required or engages in conduct that clearly obstructs the testing process.
- F. Reasonable Suspicion. Knowledge sufficient to induce an ordinarily prudent and cautious individual under the circumstances to believe that a prohibited activity is occurring. Circumstances which may constitute a basis for determining a reasonable suspicion include but are not limited to: a pattern of abnormal or erratic behavior (i.e. a significant change in absenteeism); the direct observation of the employee or volunteer using drugs, possession of drugs at the work site, or the noticeable presence of physical symptoms of drug use (i.e. dilated or pinpoint pupils, unusual changes in speech pattern, restlessness, rapid mood swings, bloodshot eyes, odor of alcohol, unusual euphoria, "nodding off", needle marks, unusual aggressive or bizarre acts, or hallucinations).
- G. Safety Sensitive Duties. Any duties requiring a Commercial Driver License (CDL), Firefighter Duties (as per job description), Law Enforcement Duties (as per job description), any other duties or positions deemed safety sensitive. This includes all supervisory and management personnel in those particular job positions.

2. Policy

In order to achieve a drug-free workplace, employees shall be required to participate in all of the following alcohol and controlled substances testing, which shall be performed by a qualified expert designated by the City:

- A. When an applicant has been extended a conditional offer of employment but before beginning work.
- B. When there is a reasonable suspicion to believe that the employee is in an impaired state.
- C. When the employee has been involved in an on-duty accident or unsafe work practice.
- D. As a condition for return to duty after testing positive for controlled substances or alcohol.
- E. As part of follow-up procedures to employment related drug or alcohol violations.
- F. On a random basis as allowed by law).

3. Testing

- A. Testing Notice.
 - 1. Before performing any alcohol or drug test authorized by this policy Vineyard, through its designated representative shall notify the employee being tested, verbally or in writing, whether the test being administered is required by the Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this policy.
 - 2. Vineyard employees who, under Vineyard requirements, hold CDLs are required under rules established by the Federal Highway Administration to be subjected to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing.
 - A. When conducting any of the above noted tests on CDL employees, Vineyard shall provide the employee with the following notice:
 - a. The drug and/or alcohol test you are being required to take is required under rules established by the Federal Highway Administration pursuant to the Omnibus Transportation Employee Testing Act of 1991.
 - b. If you refuse to submit to the required testing, you may be subject to disciplinary action, up to and including termination.

3. Vineyard employees who are not required by Vineyard to hold a CDL, but who are employed in safety sensitive positions, while not subject to testing under federal statute, are subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing under this policy.
 - A. When conducting any of the above noted tests on non-CDL safety sensitive employees, Vineyard shall provide the employee with the following notice:
 - a. The drug and/or alcohol test you are being required to take is required by the policies and procedures of Vineyard.
 - b. If you refuse to submit to the required testing, you may be subject to disciplinary action, up to and including termination.
- B. Pre-Employment Testing. Vineyard requires a final applicant selected for a position with Vineyard to undergo an alcohol and drug screen test to detect the presence of alcohol and illegal drugs or controlled substances in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for controlled substances or whose test detects a BAC of .04 or higher may be denied employment with Vineyard.
 1. Drug and alcohol testing shall be conducted after the selected applicant has been extended a conditional offer of employment but before beginning work.
 2. The city manager, or designee, shall provide an individual who has been offered a conditional offer of employment, information on whom to contact to provide a sample to be tested for alcohol and controlled substances in accordance with these policies and procedures.
 3. All of Vineyard's job announcements and conditional offers of employment shall contain the following notice:
 - A. A positive test result or failure to submit to the required testing shall result in a withdrawal of any conditional offer of employment with Vineyard.
 4. If the final applicant tests positive for drugs or alcohol or refuses to submit to testing as defined by this policy, the conditional offer of employment shall be withdrawn in writing and the applicant shall not be employed by Vineyard.
- C. Prohibited Conduct.
 1. Employees shall not use, be under the influence of (.02 BAC), or be in possession of alcohol while on duty, on Vineyard premises or while in Vineyard vehicles. Vineyard premises include buildings, parking lots, grounds, and vehicles owned by Vineyard, personal vehicles being used for Vineyard

business.

2. Employees shall not use, be under the influence of, be in possession of, or be in such a condition as to test positive for alcohol or controlled substances while on duty, on Vineyard premises or while in Vineyard vehicles. Vineyard premises includes buildings, parking lots, grounds and vehicles owned by Vineyard or personal vehicles being used for Vineyard business.
3. Employees using, possessing, distributing, dispersing, or being at the workplace under the influence of alcohol or illegal or illegally obtained/used controlled substances shall be subject to questioning and disciplinary action.
4. Any employee violating this policy may be subject to immediate termination.

D. Reasonable Suspicion Testing.

1. When a designated supervisor determines that there is reasonable suspicion to believe that an employee performing or assigned to safety sensitive positions is using, is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.
 - A.** The supervisor making the determination that reasonable suspicion exists shall submit written documentation to the Human Resources Officer, setting forth the specific, concurrent articulable observations concerning the appearance, behavior, speech, or body odors, which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of controlled substances, or the observation drug or alcohol use, or the presence of drug paraphernalia.
 - a. The required observations underlying reasonable suspicion testing must be made by a supervisor or Vineyard official who has received at least two (2) hours of training on the physical, behavioral, speech, and performance indicators of alcohol and drug use.
 - b. Observations underlying the reasonable suspicion testing must be documented in writing and signed by the supervisor or Vineyard designated official within twenty-four (24) hours or before the results of the test are announced, whichever is later.
 - B.** Reasonable suspicion testing may not be conducted by the same supervisor who makes the reasonable suspicion determination.
2. Special requirements associated with reasonable suspicion alcohol testing.
 - A.** Alcohol testing is authorized only if the observations set forth above are made during, just proceeding, or just after the performance of safety

sensitive functions.

- B.** If an alcohol test is not administered within two (2) hours following the identification of reasonable suspicion, the supervisor shall prepare and maintain documentation stating why the test was not administered within two (2) hours.
 - C.** If an alcohol test is not administered within eight (8) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer an alcohol test and shall prepare and maintain documentation stating why the test was not administered within eight (8) hours.
 - 3. Special requirements associated with reasonable suspicion drug testing. If a drug test is not administered within thirty-two (32) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer a controlled substance test and shall prepare and maintain documentation stating why the test was not administered within thirty-two (32) hours.
 - 4. Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any Vineyard equipment or engage in any employment related duties, which their supervisor deems dangerous to themselves or others until the results of the tests are received, and the employee is released back to work by the department head.
 - 5. An employee undergoing reasonable suspicion testing should be driven to the testing and then driven home and should not be kept on the job.
- E. Random Testing.**
- 1. Employees assigned to, or performing, safety sensitive duties are subject to random drug/alcohol tests.
 - 2. Random tests shall be both of the following:
 - A.** Unannounced.
 - B.** Reasonably spread throughout the year.
 - 3. Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.
 - 4. Random Testing for CDL Drivers.
 - A.** CDL drivers may be subjected to random alcohol testing only while performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing

safety sensitive functions.

- B.** Drug tests may be performed at any time the driver is on duty.
- 5. Random Testing for Non-CDL Safety Sensitive Employees. Non-CDL safety sensitive employees may be subjected to random alcohol and drug tests any time the employee is on duty.
- 6. Pool Testing - Consortiums.
 - A.** Vineyard may join a consortium with testing pools large enough so that Vineyard's CDL drivers are always subject to random testing and the required annual testing rate shall be met by tests conducted of all drivers within the pool.
 - B.** If and when Vineyard chooses to join a drug/alcohol testing consortium, Vineyard shall designate a liaison to coordinate with the testing consortium and obtain and maintain all of the following records and information:
 - a. How the random selection pool was assembled.
 - b. The method of selection and notification of drivers.
 - c. The location of collection sites.
 - d. Methods of reporting the test results on each driver.
 - e. Summary reports on the consortiums program showing that the consortium tested at the prescribed minimum annual rates for alcohol and/or controlled substances.
- F. Post-Accident Testing. Any personnel involved in an accident causing personal injury which requires medical attention or causing property damage in excess of \$2,500.00 shall be subject to alcohol and controlled substances testing, as soon after the accident as possible, preferably within two (2) hours.
- G. An employee is subject to testing following an accident or unsafe work practice affecting the safety of that employee or others, including the general public. Such employee shall not engage in the operation of any city equipment or engage in any employment related duties, which the department director deems dangerous to the employee or to others, until the results of the test(s) are received and the employee is released back to work by the city manager or designated representative, or surviving employee in a safety sensitive position involved in an accident involving the loss of human life, shall be tested as soon as practical for alcohol and controlled drugs.
 - 1. An employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.

2. The results of tests conducted by Federal, State, or Local law enforcement officers having independent authority to conduct tests to detect alcohol or controlled substances may be used by the employer to meet post-accident testing requirements.
 3. Time frames for testing and consequences of failure to test.
 - A. Alcohol.
 - a. If the test is not administered within two (2) hours following the accident, the supervisor shall prepare and submit documentation stating why the test was not administered within two (2) hours.
 - b. If the test is not administered within eight (8) hours following the accident, the supervisor shall cease attempts to administer an alcohol test and shall prepare and submit documentation stating why the test was not administered within eight (8) hours.
 - B. Controlled Substances.
 - a. If the test is not administered within thirty-two (32) hours following the accident, the supervisor shall cease attempts to administer a controlled substance test and shall prepare and submit documentation stating why the test was not administered within thirty-two (32) hours.
 4. An employee may volunteer to take a drug screening test, at the City's expense, for his/her own or for the City's legal protection no matter the results of the accident. The presence of drugs or other metabolites discovered in the drug screening test, or the employee's refusal to submit to the drug screening test, shall result in appropriate disciplinary action.
 5. Upon required testing due to an accident or reasonable cause, the employee tested shall not engage in the operation of any Vineyard equipment or engage in any employment related duties, which his supervisor deems dangerous to himself or others until the results of the tests are received, and the employee is released back to work by the City Manager or department head.
- H. Consequences of Positive Drug/Alcohol Test.
1. Alcohol.
 - A. If any alcohol test result shows a blood alcohol content of 0.04 or greater, the employee shall be removed from, and cannot return to, a safety sensitive function until, at a minimum, all of the following are met:
 - a. The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation.

- b. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
 - c. The employee undergoes a return-to-duty test with a result of less than 0.02 BAC.
 - B.** If an employee's test results show an alcohol concentration of greater than 0.02, but less than 0.04, the employee shall not be permitted to perform any safety sensitive functions for at least twenty-four (24) hours.
- 2. Drug/Controlled Substance.
 - A.** If a drug test result shows that the employee has misused a controlled substance the employee shall be removed from, and cannot be returned to, a safety sensitive position until, at a minimum, all of the following are met:
 - a. The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation.
 - b. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
 - c. The employee undergoes a return-to-duty test with a verified negative test result for controlled substances.

I. Treatment.

- 1. If through any of these detection methods or on his initiative, an employee tests positive or seeks rehabilitation treatment, Vineyard will pay for an initial substance abuse evaluation. Participation in any rehabilitation treatment is confidential.
- 2. Vineyard encourages employees to enroll in a counseling or rehabilitation program. An employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits:
 - A.** Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued compensatory time, annual vacation leave, and then sick leave until all leave is expended. Vineyard will pay the employee's benefit package during the allotted treatment time, but not wage supplements during this time. Each incident will be reviewed on a case-by-case basis.
 - B.** If a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to his former position upon successful completion of the substance abuse rehabilitation. Each

incident will be reviewed on a case-by-case basis.

3. Before any rehabilitation in lieu of or in addition to disciplinary action is undertaken, a written memorandum of understanding or agreement should be signed by the City Manager, department head, and the employee.
 - A. The memorandum should set out the expectations which the employee must satisfy, including successful completion of a rehabilitation program; appropriate waiver of confidentiality to permit communication between supervisors and rehabilitation service providers, as needed; periodic rehabilitation drug testing as determined appropriate; an acknowledgment that failure to successfully complete rehabilitation will lead to appropriate disciplinary action; and such further conditions as may be necessary and appropriate.
- J. Follow-up Testing. Employees who have violated this policy and continue to work for Vineyard shall be subject to follow up drug/alcohol testing for a period of not less than one (1) year and not to exceed sixty (60) months.
 1. Employees subject to follow up testing will be tested a minimum of six (6) times in the first (1st) twelve (12) months following their return to duty.
 2. Follow-up testing beyond one (1) year shall be based on a need assessment provided by a substance abuse professional.
- K. General.
 1. Vineyard maintains the right to conduct unannounced inspections of Vineyard owned property, workstations, equipment, desks, cabinets, etc.
 2. Vineyard maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
 3. Failure to cooperate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.
 4. Employees may direct any questions regarding this policy to their supervisor or department head.
 5. In all drug testing and sample collection procedures, any transmittal or reporting of test results shall be conducted with due respect for confidentiality.
 - A. Drug test activities and result reports may be made available only to supervisors and management personnel with an immediate need to know about those procedures and results.
 - B. Testing procedures and results may be made available and communicated

as needed for the purposes of any disciplinary action or criminal investigation or prosecution.

- C. Records regarding test results are generally considered protected documents under the provisions of the Government Records Access and Management Act (63-2-304 (9) Utah Code Ann., 1953, as amended).

6. Any violations of law will be referred to law enforcement officials.

- A. Testing by law enforcement personnel under the reasonable suspicion standard may not be used for law enforcement or criminal justice purposes. This does not include post-accident testing done by a law enforcement agency as part of a criminal investigation.

SECTION VI: SEXUAL/GENDER AND OTHER HARASSMENT

1. General Policy

The city will not tolerate harassment of any kind. Harassment for any discriminatory reason, such as age, color, disability, genetic status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran or disabled veteran status or other basis protected by federal, state and/or local laws, may subject the City and/or the individual harasser to liability.

- A. The giving or withholding of tangible job benefits based on the granting of 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.
 - 1. Unlawful discrimination/harassment of employees of any type, on or off duty, based on gender, race, religion, ethnic origin, or sexual orientation, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
- B. 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.
- C. False or bad faith claims regarding harassment shall result in disciplinary action, up to and including termination, against the accuser.
- D. Employees accused of sexual or other 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.
- E. Records and proceedings of harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.
- F. All employees, supervisors and management personnel shall receive training on the harassment policy and grievance procedures during orientation and annual training.
- G. In addition to prohibiting harassment by its employees, the city will not tolerate harassment toward its employees by its citizens, contractors and/or vendors, etc. This policy applies to everyone working on behalf of the City, including not only elected officials, executives, supervisors, managers, employees, and volunteers, but also citizens, vendors, contractors, and visitors who come into contact with an employee conducting their job duties. This policy also covers persons doing business with the City via electronic or other communication media.

2. Prohibited Conduct

Employees should work in environments free from physical attack, threats, and menacing or harassing behaviors. Physical attacks, threats, harassment, and property damage are always prohibited. Employees may not possess or use a weapon illegally while at work. “Weapon” may consist of firearms, knives, bombs, bats, clubs, stun guns, or tools used in a violent or threatening manner. As used in this policy, violence is defined to including the following:

- A. Physical Attack is an unwanted or hostile contact, such as, but not limited to hitting, fighting, pushing, shoving, or throwing objects.
- B. Threat is stating a present or future intention to cause physical or mental harm. Any expression of intent to cause physical or mental harm is considered to be a threat.
- C. Harassment is behavior or communication designed or intended to intimidate, menace, or frighten another person.
- D. Property Damage is behavior or acts that contribute to the destruction or damage of property.
- E. Sexual Harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex-based nature where:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or the granting of tangible job benefits (Quid Pro Quo).
 - 2. An employment decision is based on an individual's acceptance or rejection of such conduct.
 - 3. Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
- F. Other Forms of Harassment include, but are not limited to:
 - 1. Insults, practical jokes, innuendoes, hazing, teasing, derogatory remarks, unwelcome or inappropriate nicknames, and similar conduct, which is based on race, gender, age, disability, etc. or is degrading and offensive.
 - 2. Gender role stereotyping which results in assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific genders may/should perform, comments or written material reinforcing traditional historic perceptions regarding gender, behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive, or creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.
- G. Prohibited acts of harassment can take a variety of forms ranging from subtle

pressure for sexual activity to physical assault. Harassment includes, but is not limited to:

1. Physical Assaults of a sexual nature, such as: rape, sexual battery, molestation or attempts to commit these assaults.
 2. Intentional physical conduct which is sexual in nature, such as: touching, hugging, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
 3. Unwanted sexual advances, propositions, or other sexual comments, such as: sexually-oriented gestures, noises, remarks, jokes, or comments about a person, a person's sexuality, or sexual experience.
 4. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
 5. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's gender.
 6. Displaying, possessing, bringing, reading, or viewing, pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic on city property or while performing city functions.
 - a. A picture will be presumed to be sexually suggestive if it depicts a person of either gender who is not fully clothed or in clothes that are not suited to, or ordinarily accepted for, the accomplishment of routine work in and around the office/shop and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
 - b. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic.
 - c. Displaying signs or other materials purporting to segregate an employee by gender in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms)
 7. This harassment policy applies not only to the workplace during normal hours of operation but also to organizational travel and all work-related social functions, even if such activities are held off-site.
- H. 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. Retaliation for harassment complaints includes, but is not limited to;

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation.
2. Engaging in any conduct that would tend to discourage others from making a complaint of harassment or is intended to punish a person who made a complaint. This includes such behavior as ostracizing or being continually rude towards a person who has complained.
3. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover-up conduct such as that described in any item above.
4. Retaliation is prohibited regardless of whether or not the original complaint made by the victim or alleged victim of retaliation had any merit.
5. Special or more closely monitored attention to work performance, or the assignment of duties not otherwise performed during the regular course of the employee's duties.

3. Disciplinary Action

- A. Employees found guilty of harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case.
- B. False claims regarding harassment shall result in disciplinary action, up to and including termination, against the accuser.
- C. Complaints made under this policy will not result in any adverse action against the person making the complaint, and no other person who participates with an investigation will be treated adversely because of that participation. However, individuals who knowingly provide false information, either through a complaint or an investigation, will be subject to disciplinary action, up to and including termination.

4. Complaint Process and Complaint Files

- A. Complaint Process.
 1. Employees who are experiencing an unwelcome or hostile work environment, which is clearly offensive, or are subjected to harassment, should address that unwelcome behavior/conduct through this formal remedial process rather than the general grievance process.
 2. If subjected to harassment, employees are encouraged to firmly and promptly

notify the offender that his/her behavior is unwelcome. The city recognizes that it may be difficult to initiate such a discussion.

3. If an employee believes that he/she, or another individual is/may be, subjected to objectionable conduct, you must report it immediately to your supervisor, manager, Department Head or Human Resources so a full investigation may be conducted. No one should allow an inappropriate situation to continue by not reporting it, regardless of who may be creating the situation.
4. Formal complaints should be submitted promptly, in writing or orally, and specify:
 1. The identity of the victim.
 2. The identity of the offending employee.
 3. The date and time of the offense.
 4. The offensive behavior that the employee engaged in.
 5. The frequency of the offensive behavior.
 6. The names of any witnesses.
 7. Damage the victim suffered as a result of the offensive behavior.
 8. How the victim would like the matter settled, or what the victim would like to see happen.
5. The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.
6. The victim should submit formal written complaints to Human Resources. If the Mayor or City Administrator is the employee engaging in the offensive behavior, the formal complaint should be submitted to the Council.
7. Employees are required to report violations of the harassment policy when they first feel they have been harassed or when they are aware of another employee being harassed.

B. Complaint Files.

1. Information related to any harassment complaint, proceeding, or resolution shall be maintained in separate and confidential harassment complaint file. This information shall not be placed or maintained in an employee's personnel file.
2. Information contained in the harassment complaint files shall be released only with the written authorization of the victim and the City Administrator

3. Participants in any harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

5. Investigation of Complaints

- A. Employees should not assume that the city is aware of an existing situation. The first step to correct a problem begins with the proper individuals in the city receiving information about any type of violence, harassment, or discrimination.
- B. The city and its agents are under a duty to investigate or to eradicate any form of violence, harassment, discrimination, or complaints about conduct in violation of this policy. All allegations of harassment will be quickly investigated.
 1. To the extent possible, the employee's confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure.
 2. The investigation may also include a thorough review of files and other tangible evidence.
 3. The investigators will make every reasonable attempt to rationally and objectively resolve any questions of credibility between the complaint and the accused employee.
 4. Employees accused of 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.
 5. When the investigation is completed, the employee who has been subjected to the alleged harassment will be informed of the outcome of that investigation and will be provided the opportunity to discuss the outcome with the City Manager.

6. Victim Protection

- A. Individual complaints, either verbal or written, are confidential.
- B. Victims of alleged 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.

SECTION VII: EMPLOYEE CODE OF CONDUCT

1. Professionalism

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

2. Privileged Information

Vineyard 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 Vineyard plan or activity, this situation must be reported to their immediate supervisor or department head immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and Management Act.

3. 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 who are not authorized to receive it, either inside or outside the office.

4. Gifts and Gratuities

Vineyard employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or item of monetary value from any person seeking to obtain business with Vineyard, or from any person within or outside Vineyard employment whose interests may be affected by the employees' performance or nonperformance of official duties. Vineyard employees will not accept gifts or gratuities except under circumstances allowed by the Utah Municipal Officers and Employee Ethics Act (Utah Code 10-3-13).

5. Attendance

Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify their supervisor prior to the scheduled work time. If the employee is ill or has an emergency, they should notify their supervisor as soon as possible on each day of absence. All employees with excessive tardiness may be subject to disciplinary action up to and including termination.

6. Appearance

Vineyard 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 accomplished.

7. Smoking

In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in Vineyard facilities. Vineyard also prohibits smoking in Vineyard owned vehicles.

8. Use of Electronic Communications and Mail Systems

EMPLOYEES HAVE NO PRIVACY RIGHTS WITH RESPECT TO ANYTHING ON THEIR PHONE SYSTEM, PC, LAPTOP OR THE CITY NETWORK, INCLUDING E-MAIL

- A. Telephones are provided for the conducting of City business. However, personal use by employees is permitted within the following guidelines:
 - 1. The use is of reasonable duration and frequency during approved breaks or lunch periods.
 - 2. The City incurs no added costs, such as long-distance charges.
 - 3. The use is not related to any illegal activity or the conduct of an outside business.
 - 4. The use does not interfere with the performance of City business, the employee's assigned duties, or the assigned duties of other employees and does not adversely affect the performance of the employee or the organization.
 - 5. The City reserves the right to limit the frequency and length of personal telephone calls. Personal calls that are excessive and/or unnecessary are not acceptable and may result in disciplinary action up to and including termination.
- B. Certain personnel are provided cell phones for the convenience of the city and employees in the performance of their official duties. Personal use of cell phones should be limited while on city time.
 - 1. Employee Eligibility. A cell phone will be issued to an eligible employee, or the city will provide reimbursement for use of a personal cell phone for city business when his/her job description requires the employee to be reachable immediately, be on call outside of normal business hours, or be away from a fixed workstation for a substantial portion of his/her workday.
 - 2. Determination of cell phone issuance or reimbursement is up to the department director and city manager. Employees that are issued a city-owned cell phone,

or paid a monthly reimbursement, must be reachable on their cell phones both during and after regular business hours.

3. Cell Phone Reimbursement Levels. The following levels are to be used by Department Directors in determining reimbursement to the employee for the use of a personal cell phone for work related purposes

Level 1: Minimal use of cell phone after hours or while away from a desk, generally does not require the issuance of a city-owned cell phone, but phone service can be reimbursed at \$10 per month.

Level 2: Some interaction with the public and other employees while away from a desk. Reimbursed at \$20 per month.

Level 3: Extensive interaction with the public and other employees while away from a desk. Reimbursed \$30 per month.

Level 4: Data plan and/or extensive communication with the public and other employees via phone, text, and email during and after regular business hours in order to be more effective in job performance. Reimbursed at \$50 per month.

Level 5: Data Plan as described in level 4 with wireless access point capability. To be used by employees that require internet service on other electronic devices. This level should not be used if the employee has a separate wireless card. Reimbursed at \$80 per month.

- C. The use of the city paid postage for personal correspondence is not permitted unless purchased in advance; abuse of this privilege may result in loss of privilege for all employees. In the interest of security and safety for all employees and members of the public, all mail and parcels are subject to search; they may be opened and inspected at any time. Therefore, employees should have no expectation of privacy with respect to any mail or parcel included with the City's mail or parcels.
- D. Any employee desiring to use Vineyard owned FAX or copying machines for items of a personal nature may do so after paying for such use at the employee rate, which is in effect at the time of use.
- E. As a user of the Vineyard's network and computer system, you may be authorized to access the Internet. Internet access is provided for business purposes. You should be aware that every Internet site you visit may be capable of determining who you are and whom you represent. Accordingly, access to the Internet should include the use of good judgment, common sense, and careful discretion.
 1. Visiting gaming or adult sites is prohibited. If employees access gaming or adult sites, even accidentally, such employees shall notify his/her supervisor as soon as possible.
 2. Because of the prevalence of viruses on the Internet, you should use great caution in downloading any programs, data, or other material, and should download only to your specific PC's hard drive, and not to the City's network drives.
 3. The City reserves the right to limit an employee's access to the Internet for any

reason.

4. An employee has no privacy rights with respect to anything on their PC, laptop, or the City network, including internet sites accessed.
- F. Employees desiring to establish social networking accounts in order to publish information as an official representative of the City shall obtain approval from the mayor or designee. Social networking accounts that represent the city in an official capacity may be established for use only by the mayor or designee.
1. Employees that have personal blogging or social networking accounts not approved by the mayor or designee who desire to post comments or information concerning the City must make it clear that the views and opinions they express about work-related matters are their own, have not been reviewed or approved by the City, and do not necessarily represent the views and opinions of the City.
 2. Employees engaging in online social networking and blogging activities are expected to remain respectful of the City, its employees, its services, its residents, and its contract agents. Material should not be posted that is obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive, hateful, or embarrassing to another person or entity. Further, employees should not engage in on-line activity that reflects or may reflect negatively on the City, its elected or appointed officials, affiliates, employees, clients, partners, vendors, and suppliers, or contains any content prohibited by the City's policies and procedures. Proper consideration should be given to avoid topics that could be inflammatory, such as religious or political views.
 3. Social networking sites should be used in a positive manner and should not be the medium typically used to respond to negative issues.
 4. Employees should not disclose private or confidential information, or information obtained in a setting for which the information was meant to be private.
 5. Employee's networking accounts representing the city should properly identify themselves somewhere within the website with their name (or department when relevant) and should not post information on behalf of the city as an anonymous masked "cover-name).
 6. Posts should be accurate with employees being mindful of spelling, punctuation, and grammar. If errors in posts are found, employees should be up front about the mistake and correct the error quickly by posting new messages that clearly indicate the error.
 7. Employees should ensure that online networking activities do not interfere with their daily job commitments and duties. Other adopted City policies regarding computer uses shall be adhered to. Privileges of using networking websites for

official City related matters may be revoked by the mayor or designee for any abuse of time and/or posting of inappropriate material or messages.

9. Purchasing

All purchases must follow the Vineyard Purchasing Policy. (This is a separate document).

10. Credit Cards

Vineyard credit cards shall be used for official business only and shall not be used for the personal convenience of an employee. Receipts for credit card purchases will be delivered to finance department by the end of the month the purchases are made, failure to provide receipts for credit card purchases may require employee reimbursement for undocumented purchases. Repeat offenders may lose access to credit cards.

11. Outside Activities

Vineyard employees shall not use City owned property in support of outside interests and activities when such use would compromise the integrity of Vineyard or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic organization, committee unrelated to Vineyard business, public office, or service club, shall:

1. Pursue the outside activity on the employee's own time.
2. Pursue the outside activity away from Vineyard offices.
3. Discourage any phone, mail or visitor contact related to the outside interest at Vineyard offices.
4. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.
5. Not use data processing equipment, postage metering machines, copiers, other Vineyard owned equipment or supplies for the outside interest.
6. Please be advised that Vineyard may from time to time delete e-mail messages.

12. Prohibited Acts

Expressly prohibited acts include:

- A. Attempts to read, copy, forge, modify, or delete e-mail messages of other users.
- B. Sending harassing, threatening, obscene, inappropriate, or other objectionable messages via e-mail.
- C. Sending unsolicited junk mail, for profit messages, or chain letters.

- D. Otherwise sending communications that are not in accordance with the standards expected from City employees, as determined by Vineyard.
- E. Similar acts to those listed above are also prohibited.

13. Political Activity

- A. An employee shall not coerce another employee to support a political activity, whether funds or time are involved.
- B. An employee shall not engage in political activity during work hours, unless on approved leave.
- C. An employee shall not use Vineyard owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) when engaged in political activity.
- D. An employee shall not use, discriminate in favor of or against, any person, or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.

14. Secondary Employment

Employment with Vineyard shall be the employee's primary employment. Employees entering into other employment are required to provide written notification to their immediate supervisor or department head, using the "Employee's Notice of Secondary Employment" (*form #22*) before starting any secondary or outside employment.

15. Disclosure of Conflict of Interest

Employee will sign a "Disclosure Statement" if there is a potential for a conflict of interest when they are involved with an outside organization or business (*form #23*).

16. Personal Use of Public Property

Vineyard employees are public servants. The City provides public property to its employees for the primary purpose of facilitating the public's business. The incidental personal use of public property furthers the public's business by promoting employee efficiency, good will, and morale at little or no cost to the City. Therefore, personal use of public property by City employees is authorized if such use is de minimus, incidental, and satisfies the following criteria

- A. Is authorized to use or possess property to fulfill the employee's official functions
- B. Public value of use or possession of property by employee outweighs any personal benefit to employee
- C. Does not interfere with employee's primary duties or City operations

- D. Does not interfere with the performance of any other employee's duties
- E. Does not compromise the integrity of City property, information, or software
- F. Does not involve conducting an outside business or private employment or other activities conducted for private financial gain
- G. Does not violate the law or City policy
- H. Does not create a risk of liability or harm to the City

17. Identification/City Apparel

Vineyard employees are encouraged to wear at least one of the following when operating on behalf of the city outside of the city offices:

- A. Shirt, vest, jacket, or other form of clothing with the city's logo clearly visible
- B. City issued photo ID with the city's logo clearly visible

The purpose of this is to help the general public know that they are meeting with a legitimate Vineyard City employee.

SECTION VIII: DISCIPLINARY ACTION

1. General Policy

- A. It is the policy of the Vineyard 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 Vineyard government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
- C. Disciplinary action, in the form of either a verbal warning, written reprimand (*form #24*), suspension (*form #25*), demotion (*form #26*), or termination of employment (*form #27*), may be imposed for misconduct depending on the seriousness of the misconduct.
- D. Misconduct for purposes of this policy includes inability to perform required job functions, acts of insubordination, violation of the employee's code of conduct contained in this policy, violation of any other portion of this policy or other clearly established policies, and any illegal or immoral conduct that significantly compromises the employee's ability to successfully work for the City.

2. Conducting an Investigation

- A. The department head or City Administrator may conduct an investigation into the allegations, which form the grounds for any proposed disciplinary action.
- B. During an investigation to determine the facts upon which disciplinary action may be imposed the department head or City Administrator may place an employee on administrative leave.
- C. Disciplinary action shall not be imposed until an informal pre-disciplinary hearing, with appropriate written notice, has been completed by the department head or City Administrator. The investigation shall include an opportunity for the employee to respond to the allegations.

3. Imposing Disciplinary Action

- A. The department head or City Administrator shall conduct disciplinary action in a consistent manner.
- B. Each employee shall be afforded prior access to Vineyard's rules, policies, and procedures.
- C. The employee shall receive timely notice of the pre-disciplinary meeting, overview

of allegations, and potential disciplinary action.

- D. Prior to imposing the disciplinary action, the employee shall have the opportunity to review the disciplinary action with the department head or City Administrator. The employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's personnel file.
- E. In determining the type and severity of the disciplinary action, the department head, or City Administrator, 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 Vineyard operations; and/or the potential of the misconduct to harm person(s) or property.
- F. For disciplinary action other than a verbal reprimand the department head or City Administrator shall notify the employee, in writing, of the findings of the investigation/pre-disciplinary hearing. 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, if any, for the employee to avoid further disciplinary action.
- G. Suspension, demotion, transfer, or termination of an employee shall require the approval of the department head and City Administrator (*forms #25, #26, #27, #28*).
- H. The department head or City Administrator may note the disciplinary action on their personal notes at the time the disciplinary action is imposed and/or on the employee's "Employee Performance Review Form" (*form #50*).

4. **Appeal Procedures**

- A. "Non-merit employees" have no appeal rights.
- B. Employees have no "verbal warning" appeal rights.
- C. Employees have no "written reprimand" appeal rights.
- D. Appealing to Vineyard's Council. Upon written receipt of an Employee Suspension, Demotion, Transfer, or Termination Notice, some employees have the right to appeal

the disciplinary process and action imposed by the department head or City Administrator, to Vineyard's Council (exceptions include Probationary Employees, appointed officers including the Recorder, department heads and other employees as indicated as not being entitled to a due process hearing in Utah Code 10-3-1105):

1. An employee must submit a written notice of appeal to Vineyard's Recorder within ten (10) days or an employee will be deemed to have waived all appeal rights.
2. If Vineyard's Council overturns the Employee Disciplinary Action:
 - a. Vineyard's Council may reinstate any loss of pay associated with the Employee Disciplinary Action.
 - b. The Human Resource Manager shall remove the record of the disciplinary action from the employee's personnel file.
3. If Vineyard's Council upholds the Employee Disciplinary Action an employee has the right to appeal the decision to the Utah Court of Appeals pursuant to Utah Code 10-3-1106.

SECTION IX: GRIEVANCE PROCEDURES

1. General Policy

Employees who perceive that they have a grievance against Vineyard or any Vineyard Employee, other than a grievance that is covered by the sexual and other harassment section of this policy, shall exhaust the administrative procedure set forth 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 other than termination, suspension or demotion which must be addressed through the disciplinary appeal process. 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.
- A. Grievances should be resolved at the lowest administrative level possible. Employees and the department head 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 Form" (*form #31*).
 - B. Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event giving rise to the grievance or within ten (10) days of when the employee acquires knowledge of the occurrence or event giving rise to the grievance.
 - C. 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.
 - D. If an administrator is unable to 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 considered unacceptable, the employee may appeal the decision to the next level of appeal.
 - E. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.

- F. 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. Department Head.
 - 2. City Manager.
 - 3. Human Resources
 - 4. Council.
- G. The decision of the Council constitutes the final level of appeal and is final and non-appealable.

2. Confidentiality

Written Grievance Forms shall be private data under the Government Records Access Management Act of the State of Utah. The Mayor or Council may declare the grievance documents to be confidential and/or order the entire record, or any part of it, sealed.

3. Filing

- A. No document relating to a grievance shall be placed in the employee's personnel file.
- B. If any disciplinary action against an employee is rescinded as a result of the grievance process, the Human Resource Manager shall remove the record of the disciplinary action from the employee's personnel file.
- C. If any disciplinary action against an employee is modified as a result 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 X: TERMINATION OF EMPLOYMENT

1. Types of Termination

Any involuntary termination or termination of any employee who is 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 employees "due process" 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 Vineyard, they will complete a "Notice of Voluntary Resignation Form" (*from # 29*) and present it to their immediate supervisor or department head.
- C. Resignation, in Lieu of an Involuntary Termination, Agreement. The mayor or designee may conclude that an employee should be involuntarily terminated for no Involuntary Termination proceedings have begun, but have not been completed, and an employee suggests that they would like to voluntarily resign, the mayor or designee may agree to a "Resignation In Lieu Of An Involuntary Termination Agreement" (*form # 30*).
- D. Involuntary Termination. The department head or City Administrator may conclude that an employee should be involuntarily terminated for no reason (for non-merit employees and department heads) or for cause (*form #27*).
- E. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in Vineyard because of lack of work or lack of funds, Vineyard may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas (*form #28*).
- F. Medical. The Americans with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an otherwise qualified individual with a disability. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.
- G. Death. If an employee of Vineyard dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time and vacation leave) as of the date of death.

2. Required Notice Prior to Termination

- A. All employees, including at-will employees, must notify Vineyard at least two (2) weeks before retiring or voluntarily resigning to be eligible:
 - 1. To receive pay for unused, accrued vacation leave (if applicable).
 - 2. For rehire.

- B. Vineyard does not have a requirement to give any prior notice to an employee before terminating their employment with Vineyard.
- C. Unused, accrued vacation leave will always be paid for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, and Deaths.

3. Termination Procedures

- A. A “Notice of Voluntary Resignation Form” (*form #31*), signed by the employee and the department head or City Administrator, may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require Vineyard to provide their terminating employees with written notification of due process (*form #27*). At-Will Involuntary Terminations (for Non-merit employees and department heads) do not require Vineyard to provide their terminating employees with written notification of due process.
- C. A “Resignation in Lieu of an Involuntary Termination Agreement” (*form #30*), signed by the employee and the department head or City Administrator, may be utilized in negotiated terminations. A “Resignation In Lieu of an Involuntary Termination Agreement” does not require Vineyard 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 Vineyard three (3) months in advance.
 - 2. Vineyard should communicate the status of each employee’s retirement benefits. Upon request for retirement benefits, Vineyard should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
 - 3. Vineyard should carefully explain to the employee what the options are [such as Cobra; (see #4 in Section X) and Retirement Plan Options].
 - 4. Vineyard should give the employee ample time to review the retirement plan.
 - 5. Vineyard should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.
- E. The following steps should be taken for Reductions in Force/Layoffs:
 - 1. Determine whether Vineyard is required to follow statutory guidelines related to the reduction in force/layoff. If Vineyard is required to follow statutory guidelines, policy, procedure, and actual practice must comply with said guidelines.

2. If Vineyard is facing a possible reduction in labor force, Vineyard should explain the situation to its employees, advising them of the possibility that reductions in force/layoffs may become an economic necessity for Vineyard.
 3. In the selection of employees for Vineyard'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 non-merit employees should be laid off first.
 - d. Merit 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, Vineyard should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
 - f. Vineyard should carefully explain to the employee what the options are such as Cobra (see #4 of Section X) and Retirement Plan Options.
 - g. If Vineyard 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.
 4. Written reductions in force/layoff 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.
- F. 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).
 2. Under Utah State law, the required timing of the final payment at termination is:
 - a. A Voluntary Resignation. Within one (1) workday of effective resignation date.

- b. An Involuntary Termination/Separation for Cause. Within one (1) workday of last day worked.
- G. The terminating employee will return any supplies or equipment, which are the property of Vineyard, to Vineyard at termination.
- H. All terminating employees should complete an “Exit Interview Form” (*from # 32*) with the department head. The Exit Interview Form should be signed by the employee and the department head.

4. Cobra

Any employee, who is eligible for benefits, that is separated from Vineyard is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) plan as stated in the Vineyard’s “COBRA Notification” (*form #33*).

- 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 generally 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 who are entitled to continued benefits under COBRA guidelines are required to 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 applicable premium, for any period of continued coverage.

Failure to pay the monthly premium will result in 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 at the time 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 applicable 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 decide to apply 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.

SECTION XI: RECORD KEEPING

1. General Policy

Federal law requires employers to keep detailed data about their employees (*see retention schedule*).

2. Confidentiality

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. Vineyard's policy is that 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 Human Resource Manager, on Vineyard premises during regular business hours.

3. Personnel File Requirements

A. General.

- 1. Personnel files are maintained on each employee and kept by the Human Resource Manager. 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 Human Resource Manager
- 3. Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Vineyard. When a supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the department head or Human Resource Manager

B. Contents.

- 1. An employment record; including the employee's "Job Application" (*form #7*), resume, cover letter, interview forms (*forms #8, #9, #10, #11, #12, #13*), "Employment Eligibility Verification" (*form #18*), "Employee's Withholding Allowance Certificate" (*form #34*), "Job Offer Letter" (*form #14*), etc.

2. A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual (*form #1*); and the performance standard for the position the employee currently occupies.
 3. A copy of the "Orientation Form" (*form #35*) and the "New Hire Check Sheet" (*from #36*).
 4. Election form to disclose or keep confidential, the employee's home address, and home telephone number (*form #37*).
 5. Certificates, college degrees/diplomas pertinent to their job requirements
 6. All personnel action forms, including:
 - a. Performance evaluations (*form #50*).
 - b. Promotions or transfers (*form #28*).
 - c. Salary rate changes.
 - d. Disciplinary action taken. The employee will be asked to sign the disciplinary action form (*form #24, #25, #26, #27, or #28, #30*). If the employee refuses to sign this form the department head or City Administrator, will so state.
 7. Any information the employee wants included in response to any of the above actions.
 8. Records of citations for excellence or awards for good performance.
 9. Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and leave usage are kept for employees by the finance department. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the finance department, to obtain information regarding their current leave usage.
 10. Record of any other pertinent information having a bearing on the employee's status.
- C. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an "Employee Information/Change of Status Form" (*form #39*) and giving it to the Human Resource Manager, to update their personnel file.
- D. Giving References. Vineyard limits information given in a reference to the following:

1. Verification that the employee worked, full-time or part-time, for Vineyard during a stated period.
2. A description of the position held.
3. Verification that the employee achieved a given salary range.

4. Other Files Requirements

Records related to the items listed below should be kept according to approved retention schedule. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.

- A. Test papers completed by job applicants or candidates for any position.
- B. Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years.
- C. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
- D. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.

5. Salary/Wage Requirements

The Federal Labor Standards Act (FLSA) requires Vineyard to keep all of the following data on all employees for a period of at least seven (7) years.

- A. Employee's sex.
- B. Time and day work schedule.
- 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 workweek.

6. 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 be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

SECTION XII: PERFORMANCE EVALUATIONS

1. General Policy

- A. Performance evaluations will consist of a review between the supervisor and the employee using Vineyard's Performance Evaluation Form (form#50)
- B. It is the policy of Vineyard that employee evaluations be conducted in a manner, which will ensure fair treatment and an objective evaluation of employee performance.
- C. Goal setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities.
- D. Objectives specify what should be achieved during an employee's employment with Vineyard.
- E. There are certain fundamental principles, which govern the establishment of goals, objectives, and performance standards.
 - 1. Participatory Goal Setting. In setting goals and objectives of employees, the supervisors should seek to involve employees in the process.
 - 2. Outline Results to be Achieved. There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when it needs to be completed, and what resources will be required.
 - 3. 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.
 - 4. Define Objectives. Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on resources to be made available, periodic reviews and other related control activities.
 - 5. Give Support. Employees should understand that they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards.

2. Employee Work Plan

- A. As part of the review process the supervisor and employee will establish an Employee Work Plan to set goals for the coming year. The purpose of the Employee Work Plan is to provide a vehicle for setting and communicating performance goals. The supervisor and employee will focus on goals to improve job performance

according to departmental and organizational objectives. The Employee Work Plan is a collaborative process in which employees and their supervisors:

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 work plan.

3. 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. This ongoing process culminates in the written evaluation at the end of the annual performance evaluation period.
- 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.

4. Performance Ratings.

- A. Each employee evaluation shall provide an overall performance rating which can be equated to one of the following:

5. (5-4) EXCEEDS EXPECTATIONS: Frequently exceeds job requirements. Objectives are

achieved above the established standards and accomplishments are made in unexpected areas as well. This rating should only be used when work performance exceeds expectations.

(3) MEETS EXPECTATIONS: Performs 100% of job duties satisfactorily. Normal guidance and supervision are required.

(2-1) NEEDS IMPROVEMENT: Occasionally fails to meet job requirements; performance must improve to meet expectations of position. Some work may be incomplete, of poor quality or quantity, or not submitted within acceptable time frames. Improvement is required.

6. Performance Periods

A. Non-merit employees.

1. Employees on probation shall have performance evaluations following the end of their orientation period.
2. The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
3. Non-merit employees should understand that their performance evaluations and the results of such evaluations shall not obligate Vineyard to a particular course of action relative to non-merit employees, nor shall it create any property/due process rights for non-merit employees relative to their jobs/positions.

B. Merit employees.

1. Performance evaluations and semi-annual reviews will be completed at the designated review period as per the City Manager
2. Although a salary adjustment does not automatically follow a performance evaluation, the performance evaluation will be included as a component of any future compensation increase.

7. Confidentiality

A. Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file.

B. Performance evaluations may be used in decisions concerning advancement, future training needs; performance related salary adjustments and contested disciplinary actions.

SECTION XIII: EMPLOYMENT CLASSIFICATIONS/COMPENSATION

1. General Policy

Vineyard will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Vineyard will also provide equal pay to all employees doing similar work, which requires substantially equal skill, effort, and responsibility, and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

2. Employment Classifications

There are four classifications of employees within Vineyard:

- A. Full-time. An employee hired for an indefinite period in a position for which the normal work schedule is more than thirty (30) hours per week. Full-time employees may or may not qualify for specific Vineyard benefits.
- B. Part-time. An employee hired for an indefinite period in a position for which the normal work schedule is less than thirty (30) hours per week. Part-time employees do not qualify for Vineyard benefits.
- C. Temporary. An employee hired for a position, which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Vineyard benefits.
- D. Seasonal. An employee hired for a position which is required only for the summer or winter months. Summer or winter only employees do not qualify for Vineyard benefits.

3. Employment Status

To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect 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.

4. **Merit/Non-merit**

All employees are considered “at-will.” This means that Vineyard City can fire an at-will employee with or without cause and without notice. Likewise, an at-will employee can quit without having to give any notice. In terms of rights to due process and appeal procedures, the city uses the terms “Merit and Non-merit.”

- A. Merit Employees. Merit employees have the right to appeal any adverse employment decision such as suspension, demotion, reduction in pay, and termination. Employees become merit employees after satisfying their orientation period (90 days).
- B. Non-merit Employees. Non-merit employees do not have the right to appeal any adverse employment decision. Employees are non-merit employees during their orientation period (90 days).

5. **Work Week**

- A. Begins on Sunday at 12:00 a.m. (midnight).
- B. Ends on Saturday at 11.59:59 p.m.
- C. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the mayor, or designee.

6. **Workdays.**

- A. Full Time: Monday -Friday. Department heads may direct employees to work a different schedule as deemed necessary.
- B. Part Time: As directed by the department head.
- C. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the mayor, or designee.

7. **Work Hours.**

- A. Full Time: Monday – Thursday 8:00 to 5:30 Friday 8:00 to Noon. Department heads may direct employees to work a different schedule as deemed necessary.
- B. Part Time: As directed by the department head.
- C. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the department head.

8. **Attendance.** Employees shall be in attendance at their workstations during normal working hours, as directed by department heads.

9. Breaks and Lunch Periods.

- A. Full-time:
 - 1. Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard workday. Breaks cannot be used to extend the lunch period or shorten an employee's work hours.
 - 2. Lunch: One thirty (30) minute unpaid lunch period during a standard workday.
- B. Part-time: As directed by the department head.
- C. Employee breaks and lunch periods will be taken at the discretion of their supervisor or department head, to ensure continuity in the flow of work.
- D. If employees choose to work through their paid breaks, it is their decision to do so, and no extra compensation will be given for the extra time worked.
- E. Employees engaged in public safety activities, such as Police and Fire Departments: As directed by the department head.
- F. For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. The city has designated a room at the main office for this purpose. Refrigeration units are available in all work locations. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to express milk must coordinate a schedule for breaks, the location and use of the room, and the need for alternative refrigeration equipment with their program manager. Employees who work off-site or in other locations will be accommodated with a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

10. Compensatory Time Off

- A. Employees may receive compensatory time off in lieu of overtime pay at Vineyard's discretion. The department head, reserves the right to schedule when an employee's accrued compensatory time will be used. Written employee requests to use their accumulated compensation time during specific dates and times, must be approved by the department head, who shall honor the requests unless granting the compensatory time off would create a substantial hardship for Vineyard.

- B. The law requires that after non-exempt employees have accumulated the maximum amounts of compensatory time off during any work period, any additional overtime must be paid as set forth below:
 - 1. For employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments, with five (5) or more employees, not more than four hundred eighty (480) hours of compensatory time off may accrue.
 - 2. For employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments, with less than five (5) employees the FLSA does not apply.
 - 3. For employees not engaged in public safety activities, not more than two hundred forty (240) hours of compensatory time off may accrue.
- C. Compensation time off will be accumulated at the overtime rate of one and one-half (1/2) hours for every hour worked, for all overtime hours worked.

11. Overtime Pay

- A. For employees engaged in Law Enforcement public safety activities in Departments with five (5) or more employees, overtime pay would apply for over one hundred seventy one (171) hours worked in a work period consisting of twenty eight (28) consecutive days and shall be compensated at the rate of one and one-half (1.5) the regular hourly rate of the employee. Following this requirement, overtime pay would apply for over eighty-six (86) hours worked in a work period consisting of fourteen (14) consecutive days and for over forty-three (43) hours worked in a work period consisting of seven (7) consecutive days (*form #40*).
- B. For employees engaged in Fire Protection public safety activities in Departments with five (5) or more employees, overtime pay would apply for over two hundred twelve (212) hours worked in a work period consisting of twenty eight (28) consecutive days and shall be compensated at the rate of one and one-half (1.5) the regular hourly rate of the employee. Following this requirement, overtime pay would apply for over one hundred six (106) hours worked in a work period consisting of fourteen (14) consecutive days and for over fifty-three (53) hours worked in a work period consisting of seven (7) consecutive days (*form #40*).
- C. For employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments, with less than five (5) employees the FLSA does not apply and, therefore, overtime pay shall not be paid for any hours worked in any work period.
- D. For employees not engaged in public safety activities; overtime pay would apply for over forty (40) hours worked in a work week and shall be compensated at the rate of one and one-half (1.5) the regular hourly rate of the employee.
- E. For employees not engaged in public safety activities, if a holiday, vacation, or sick

day falls within a work week, the employee must work forty (40) hours over and above these hours before overtime must be paid. If an employee works on a holiday because of an emergency situation, they will:

1. Receive regular straight-time pay for the time worked, plus holiday pay.
 2. Or, with approval of the department head, be allowed to take the holiday off at a later date.
- F. Overtime shall be approved by the department head, in writing before worked, except for public safety activities, such as Law Enforcement Officers and Firefighters. Overtime shall be authorized for personnel only when absolutely necessary to provide required services. Violation of this policy may result in disciplinary action, up to and including termination.
- G. Public safety activities, such as Law Enforcement Officers and Firefighters, may work overtime without prior authorization only in emergency situations.
- H. Public safety activities, such as Law Enforcement Officers and Firefighters, who work overtime in emergency situations shall notify the Police/Fire Chief as soon as possible with the overtime worked.

12. On-call Policy

Due to the risk associated with providing public services, timely response to emergencies is necessary. Employees may be required to fill “on-call” shifts as determined by department heads.

- A. On-call shifts will begin Tuesday at 5:30 PM and will end the following Tuesday at 8:00 AM.
- B. Employees required by the city to be available for on-call shifts will be compensated at 10 hours for each on call shift. This compensation may be in either compensatory or paid out as straight time regardless of employment classification.
- C. Time is considered on-call time when the employee has freedom of movement in personal matters as long as the employee is available for a call to duty. An employee may not be in on-call status while using leave or while otherwise unable to respond to a call to duty.
- D. On-call status shall be designated by a supervisor and shall be in writing. Carrying a pager or cell phone shall not constitute on-call time without this written agreement.
- E. The employee shall record the hours spent in on-call status, and any actual hours worked, on the official time record, for the specific date the hours were incurred, in order to be paid.
- F. An employee may not record on-call hours and actual hours worked for the same period of time.

- G. An employee shall receive 2 hours straight time for the first call out within a 24-hour period and will receive time and a half for any additional time during the first callout or any other call out during that same 24-hour period.

13. Time Sheets

Employees will complete and electronically sign, as verification of accuracy, an Employee Time Sheet showing all hours worked, including overtime, and submit the time sheet to their supervisor or department head for approval, which the supervisor will turn in to the finance department for processing.

- A. It is a job requirement that all non-exempt employees and employees working in an hourly paid position must “clock in” at the start of their shift and “clock out” at the end of their shift. Adjustments to hours worked and leave taken should be reported to your supervisor and finance weekly. To view hours worked contact the finance department.
- B. The FLSA does not permit an employer to benefit from the work of an employee without compensating them for such work. Therefore, all hours worked must be reported using the time clock electronic timekeeping system. Any time spent working while not clocked in (a.k.a. “working off the clock”) is strictly prohibited. Employees are required to clock in before performing any work and are not permitted to clock out until their shift has ended. Employees that under report or fail to report hours worked are subject to corrective action up to and including termination. Examples of “working off the clock” may include:
 - 1. Forgetting to clock in or out.
 - 2. Voluntarily continuing to work at the end of regular working hours.
 - 3. Taking work home to complete on the weekend or in the evening (without preauthorization)
 - 4. Checking/Reading/Reviewing work related emails or listening to work-related voicemail messages while away from the office or workplace.
 - 5. Answering phones, emails, or attending to customers while clocked out for a lunch break.
- C. Once an employee has clocked in, he/she is responsible for starting work. When a shift has been completed, it is the employee’s responsibility to clock out. Employees conducting personal business or simply not working while clocked in may be considered “riding the clock” and could be subject to corrective action up to and including termination
- D. All full-time employees should clock out for lunch. If they do not clock out for lunch 30 minutes will be automatically deducted after 6 hours of work. Some departments require employees to leave their workstation for lunch and breaks. Check with your

supervisor regarding this policy.

- E. Employees and supervisors must resolve all missed clock in or outs, reconcile and enter all leave taken, and review clock hours on the Monday following the close of a pay period. It is imperative that employees request any necessary time clock adjustments in a timely manner.
- F. If an employee is unable to clock in or out because of a time clock malfunction, accidental oversight, or other reason, it is the employee's responsibility to immediately inform accounting.
- G. The following infractions are prohibited, will be considered severe and may be subject to immediate corrective action, up to and including termination.
 - 1. Any attempt to tamper with timekeeping hardware or software.
 - 2. Clocking in or out for another employee (a.k.a. "buddy punching")
 - 3. Interference with another employee's use of the time clock
 - 4. Unauthorized viewing of another employee's time

SECTION XIV: SALARY PLANNING

1. General Policy

Vineyard has established a process to consider annual pay increases for employees using the annual CPI, annual performance evaluations (see Section XII, *form #50*),

2. Use of Annual Performance Evaluation

Each year the Mayor and Council will establish a percentage in the budget allocated to raises. Annual Performance Evaluations will be used to determine eligibility for annual pay increases as follows:

- A. A score of 4 or above – full increase
- B. A score of 3 to 3.9 – half increase
- C. A score below 3 – no increase

3. Criteria for Annual Pay Increase

Vineyard will consider annual pay increases for employees based on the following criteria:

- A. A Cost of Living Allowance (COLA) based on the April CPI from an established index, and;
- B. Up to full increase based on annual performance evaluation as outlined above.

4. Annual Pay Increases Not Automatic

Pay increases will be considered annually based on the criteria outlined above, as well as budget constraints each year. Pay increases are NOT automatic and will be considered by the Council on an annual basis.

5. Pay Range Adjustments

The city will evaluate pay ranges every other year to ensure the pay ranges and compensation is competitive with the local market. This evaluation will be done by completing a market analysis with similar positions.

SECTION XV: PAYROLL ADMINISTRATION

1. Pay Periods

The Fair Labor Standards Act requires that wages be calculated on a periodic basis consisting of twenty-eight (28) days for employees working in public safety activities, such as Law Enforcement and Firefighters, and on a weekly basis for employees not working in public safety activities, unless an exception is granted by the Department of Labor.

2. Pay Days

Vineyard's paydays are as follows: Bi-weekly every other Friday beginning June 30, 2012.

3. Minimum Wage/Salary

The Fair Labor Standards Act requires that Vineyard pay an employee at least the minimum wage as a gross wage/salary, minus the legally required pay deductions.

4. Pay Deductions

Vineyard is permitted to make deductions authorized by their employees. The following is a checklist of payroll deductions:

A. Itemized Deductions.

1. Mandatory:
 - a. Medicare tax
 - b. Federal Tax.
 - c. State Tax.

SECTION XVI: REIMBURSABLE EXPENSES

1. General Policy

With prior approval, legitimate expenses will be reimbursed by Vineyard to the employee. Receipts should be required to reimburse the employee. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.

2. Training and Conferences

If required to attend training seminars, conferences, briefings, or gather information; an employee will be compensated, in addition to paying any tuition or fees, at the rate of one and one-half (1.5) times their regular workday pay if hours worked exceed forty (40) hours in that week.

3. Travel Policy

- A. All travel outside of the Vineyard limits during Vineyard work hours shall be authorized by the department heads. Employees traveling beyond a 50-mile radius of Vineyard shall complete a Travel Reimbursement Request Form. This form must be completed 2 weeks prior to scheduled travel to qualify for reimbursements.
- B. City vehicles shall be used for all travel, if a vehicle is not available, department heads may approve the use of a personal vehicle. Employees shall submit a Travel Reimbursement Request Form with required mileage. The employee will be reimbursed at the established IRS rate for travel deductions (currently fifty-four and one half (54.5) cents per mile). Employees traveling further take priority when allocating city vehicles.
 - 1. Employees attending trainings may elect to use a personal vehicle for their convenience. The employee will not qualify for a mileage reimbursement but may be reimbursed for actual fuel expenses during travel. Original fuel receipts must be submitted to finance department in order to receive a reimbursement. Employees must begin and end trip with full tank of fuel to ensure accurate reimbursement.
 - 2. For employees that receives a monthly vehicle stipend, any travel that is less than 100 miles in total will not receive any additional reimbursement. If traveling further than 100 miles, they may apply for a fuel expense reimbursement but will not qualify for a mileage reimbursement.
- C. Travel should occur during normal business hours. Reservations, airline tickets, & per diem shall be scheduled with this assumption. An employee may elect to adjust travel plans to meet personal needs; this shall not incur additional cost to the city.

- D. All hotels or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid in advance of the trip.
- E. All registration fees, etc., will be paid in advance by check. If this is not possible, the employee will be reimbursed for their own expenditure for registration fees, etc., after presentation of a valid receipt in conjunction with previously authorized travel.
- F. Employees attending an elective training will be paid normal work hours for the days they are traveling and attending the training
 - 1. Overtime requests for extenuating circumstances must be approved beforehand by the department head.
- G. For any mandatory training, the amount of thirty dollars (\$37.00) shall be granted as the maximum daily per diem allowance for Vineyard employees engaged in travel on the Vineyard's behalf. No per diem shall be authorized for meals that are provided as part of a training. No per diem shall be authorized for spouses of employees or others traveling with the employee at their own expense (Please note: the department head, however, may authorize the cost of a double rather than a single hotel room to accommodate the travel of a spouse with an employee). Receipts shall not be required for per diem advancements or compensation unless the employee requests reimbursement above the authorized amount.
- H. For any mandatory travel that requires less than a full day shall be compensated by the following specific per diem allowances:
 - 1. Breakfast: Seven dollars (\$7.00) maximum, when departing before 7:00 a.m.
 - 2. Lunch: Ten dollars (\$10.00) maximum. When departing before 11:00 a.m. or returning after 1:00 p.m.
 - 3. Dinner: Twenty dollars (\$20.00) maximum, when returning after 7:00 p.m.
 - 4. These amounts may be either advance after submission and approval of travel request or reimbursed after presentation of receipts.

SECTION XVII: BENEFITS

1. Worker's Compensation

- A. All employees are covered by workers 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 mayor, 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. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention from the 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).
- D. 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 to their supervisor or department head immediately. A copy of the report must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of injury.
- E. 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 department head to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
- F. 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 is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is 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 workers compensation claim, if no vacancy exists, and if a reasonable effort, which has proven to be unsuccessful, has been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.

2. Insurance

- A. Medical Health Insurance. It is the policy of Vineyard to help cover the cost of health insurance by:
 - 1. Paying for a full-time employee insurance coverage, a portion of the cost of their family coverage, and contributing towards an HSA.
 - 2. Providing optional dental insurance coverage for employee and family that will be paid fully by the employee
 - 3. Providing optional vision insurance coverage for employee and family that will be paid fully by the employee
- B. Life Insurance. A basic life insurance policy is provided free of charge for each full-time employee at Vineyard's expense. This is included in the package with the health insurance.
- C. Insurance Termination, Transition, and Conversion.
 - 1. Termination. When an employee is terminated from employment with Vineyard, Vineyard will cease making contributions to the employee's insurance plans.
 - 2. Transition. In cases requiring longer than three (3) months, arrangements may be made with the mayor or designee for the employee to pay the additional premiums required. Both Medical/Health Insurance and Life Insurance may be converted on termination in accordance with the terms of the individual policies. This is an individual responsibility that should be made directly between the individual employee and Vineyard.
 - 3. Conversion.
 - a. The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 is available for those employees who resign or are terminated from employment or if work hours are reduced which makes the employee no longer eligible to participate in the state group health insurance plans. Employees may have the right to continue to participate in a COBRA program through the state for up to eighteen (18) months at the employee's expense, subject to current state and federal law.
 - b. Eligible dependents may also extend coverage, at their expense, for up to thirty-six (36) months in state health insurance plans in the event of the employee's death, divorce, legal separation, or entitlement to Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan, subject to current state and federal law.

3. State and Federal Unemployment

All employees whether regular, part-time, or temporary are covered by the benefits of State and Federal Unemployment.

4. Continuing Training

Employees are encouraged to obtain continuing training through attendance at job related seminars. Requests for attendance must be approved in advance by their department head.

- A. Required by Vineyard. When Vineyard requires an employee to attend any education or training course, conference, seminar, or certification course, Vineyard will provide the necessary time off with pay and will reimburse the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging.
- B. Vineyard recognizes the importance of the educational growth of its full-time employees. Subject to annual budget appropriations, the City may reimburse full-time employees for trade school, college, or university courses, which have a direct relationship on the employee's position with the City or lead to a related certificate or degree. Courses must not interfere with job performance or interfere with an employee's job responsibilities.

Employees desiring to enroll in a course at an accredited institution must obtain approval in writing from their immediate supervisor, their Department Director, and the City Manager. All paperwork must be completed, signed, and presented to Human Resources for verification prior to attending any course. Requests for tuition assistance will be prioritized by the date completed applications are received by the Human Resources Division. Financial assistance may be provided to full-time employees for continuing education when the following requirements are met:

- 1. The educational experience must take place at accredited colleges, universities, or trade schools. Correspondence or on-line courses qualify for assistance only with prior approval from an employee's Department Director and the Human Resources Manager.
- 2. Employees receiving assistance must have completed their first year of employment with the city.
- 3. Employees must be in active employment status.
- 4. Employees who have been subject to corrective action in the last year are generally not eligible for assistance.
- 5. The Employee must receive a "B" grade or better (or a pass grade if the course is pass/fail) to be eligible for tuition assistance for a given course.
- 6. Within sixty (60) days of completion of approved education, employees must submit a reimbursement form to their Department Director for approval. The form will be filed in the employee's personnel file. The Reimbursement Form must include the following information:
- 7. The cost of tuition and educational materials must be itemized and documented. The city will reimburse the employee for 50% of the educational expenses up to a maximum of \$2,500 total yearly (fiscal) and up to a lifetime maximum of \$7,500.

8. Official transcripts, which indicate a qualifying grade of “B” or better. In those cases of "pass" or "fail," a pass is required to receive tuition assistance reimbursement.
9. Tuition assistance is provided with the expectation that the employee will remain with the city and utilize the newly acquired skills. Each tuition reimbursement transaction vests in 24 months after receipt of the reimbursement. Any tuition reimbursement payments not vested must be repaid in full if the employee resigns, retires, or is terminated for cause.

5. Retirement System

Additional details are available from the Finance Department.

- A. All full time Vineyard employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law. Vineyard shall follow the eligibility requirements as set forth by the Utah Retirement System.
- B. The cost of this program is paid for by Vineyard and the employee in the percentages set by action of the City Council.
- C. The city does not contribute towards a retirement plan for elected and part-time appointed officials and certifies them as ineligible in the Utah Retirement System.

SECTION XVIII: FAMILY AND MEDICAL LEAVE ACT (FMLA)

1. General Policy

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period (measured forward) for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

- A. A single public agency is further defined under Section 3(x) of the Federal Labor Standards Act to include Vineyard.
- B. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
- C. Intermittent leave or a reduced leave schedule for medical reasons can be taken under this policy when medically necessary. Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and Vineyard mutually agree to that arrangement.
 1. Intermittent leave is leave that is not taken consecutively.
 2. A reduced leave schedule is a leave schedule that reduces the usual number of hours per workweek or hours per workday.

2. Eligibility

To be eligible for FMLA leave, an employee must:

- A. Have been employed for at least twelve (12) months by the employer.
- B. Have been employed for at least one thousand two hundred fifty (1,250) hours of service with that employer during the previous twelve (12) months.

3. Leave Options

At either the employee or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

4. Notice and Medical Certification Requirements

When an employee notifies Vineyard of their request for FMLA leave, Vineyard will provide the employee with an "Employer Response to Employee Request for Family and Medical Leave Form" (Form WH-381) (form#43 WH-382). Vineyard may require the employee to provide advanced leave notice and medical certification. Employees who are required to provide medical certification will use a "Certification of Physician or Practitioner Form" (form #44 WH-380). Additionally, FMLA leave may be denied if the following requirements are not met:

- A. The employee ordinarily must provide thirty (30) days advance notice when the leave is foreseeable. When this is not possible, the employee should provide such notice as is possible.
- B. The employee may be required to provide the employer with medical certification to support a request for FMLA leave because of a serious health condition. If the employer requires a second (2nd) or third (3rd) opinion, they will both be at the employer's expense.
- C. A fitness for duty report is required before an employee returns to work with the employer.

5. Benefits and Employment Status

- A. During the FMLA leave, the employer must maintain the employee's health benefits coverage under any group health plan that the employee has with the employer.
- B. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's FMLA leave. However, no seniority or other benefits will accrue during the FMLA leave.
- C. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

SECTION XIX: LEAVES OF ABSENCE

1. Absent Without Leave

- A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by their department head.
- B. Any employee who is absent for three (3) or more consecutive workdays without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the department head, by subsequent grant of leave with or without pay as the circumstances dictate.

2. Annual Vacation Leave

- A. Each full-time employee shall receive annual vacation leave at the following rate:

Years of Service	Accrual Hours Annually
0-1	80
1-4	96
5-9	120
10-14	144
15 +	168

- B. Persons hired on an emergency, part-time (under an annual average of 30 hours per week), seasonal, temporary or contract basis shall not accrue annual vacation leave.
- C. The maximum annual vacation leave, which can be accrued and carried forward from calendar year to calendar year, ~~is eighty (80) hours~~ two times the employee's annual accrual rate. Any accrued annual vacation leave in excess of ~~eighty (80) hours~~ two times the employee's annual accrual rate shall be cashed in on January first (1st) of the year following the calendar year (Jan. 1 to Dec. 31) in which the leave was accrued. This cash in shall be compensated at a rate of 25% and shall be paid as a one-time bonus on the first paycheck in January the following year. (An employee making \$10 dollars per hour who cashes in 40 hours would receive a \$100 bonus.)
- D. A holiday, which falls during an employee's annual vacation leave, shall be counted as a paid holiday and not as annual vacation leave.
- E. An employee who is separated from employment may be compensated for all accrued annual vacation leave.

- F. All annual vacation leave requests should be submitted a reasonable time in advance of the desired time off to the supervisor or department head. If an excessive number of employees request annual vacation leave for the same time-period, annual vacation leave shall be granted in order of application (first-come-first-served) at the discretion of the department head.
- G. Donation. Employees may donate 33% or a maximum of 100 hours of accrued sick leave and or vacation to the sick bank donation account. Hours will be converted to a dollar figure based on the donating employee's current wage. Recipients of the account will receive hours from the sick bank donation account, converted from a dollar figure to hours, based on their current wage, to provide time away from work for terminal or life threatening illnesses, approved at the discretion of the mayor or designee.
- H. Employees transferring from other positions may be given up to 5 years of service credits for related experience in a similar position. This year of service credit is available at the discretion of the mayor and city manager

3. Holiday Leave

- A. It is the policy of Vineyard to provide paid holiday benefits for employees working 30 hours or more per week. Full time employees will be paid at a rate of 8 hours per holiday. Paid holidays are as follows:

- 1. New Year's Day.....January 1st
- 2. Human Rights Day.....3rd Monday in January
- 3. President's Day.....3rd Monday in February
- 4. Memorial Day.....Last Monday in May
- 5. Juneteenth.....June 19th
- 6. Independence Day.....July 4th
- 7. Pioneer Day.....July 24th
- 8. Labor Day.....1st Monday in September
- 9. Thanksgiving Day.....4th Thursday in November
- 10. Day after Thanksgiving.....4th Friday in November
- 11. Christmas Day.....December 25th
- 12. Day Before or After Christmas December 24th or 26th

13. Any day designated by the Governor as a State Holiday will be observed.

- B. If any of the above holidays fall on Saturday, then the preceding Friday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.

4. Sick Leave

- A. Purpose. Sick leave shall not be considered as a privilege, which an employee may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or immediate family of the employee.
- B. Use of sick leave. Sick leave may be used at any time with approval of the supervisor or department head for any of the following reasons:
1. When the employee is unable to perform their regular duties or other temporary work to which they may be assigned.
 2. Visits to hospitals, clinics, doctors and dentists' offices for diagnosis or treatment of illness or injury or examination. The minimum time that may be taken by non-exempt employees is ~~one (1) hour~~ 15 minutes.
- C. Eligibility. Sick leave shall be available to all full-time employees, Seasonal, temporary, provisional, and emergency employees are not eligible for sick leave. Sick leave will not be granted to employees during their first ninety (90) calendar days of employment, except for emergency circumstances.
- D. Accrual. Fulltime employees shall receive eighty (80) hours per year. The employee will begin to accrue sick leave immediately upon being hired by Vineyard. Sick leave shall not accrue if an employee is in a leave-without-pay status. Records will be kept by the Finance Department.
- E. Use. Sick leave shall be used when an employee has called in sick and charged against non-exempt employees in not less than one ~~(1) hour~~ 15-minute increments. Advance sick leave is not allowed. Working extra hours to make up for sick time used must be preapproved by their supervisor.
- F. Donation. Employees may donate up to 33% or a maximum of 100 hours of accrued sick leave and or vacation to another employee for terminal or life threatening illnesses at the discretion of the City Administrator.
- G. Separation An employee who terminates employment regardless of whether it is involuntary or voluntary, shall not be compensated for unused accrued sick leave.
- H. Payments.
1. In order to qualify for sick leave payments, an employee must notify their supervisor or department head, no later than one (1) hour after normal starting

time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The supervisor or department head should also be kept advised of the employee's progress and expected date of return to duty.

2. Any absence for illness beyond accrued sick leave will result in the employee being carried on annual leave status until all annual leave has expired, then be carried in a leave-without-pay status.
3. Certification of Illness. For sick leave in excess of three (3) consecutive working days, or if abuse of sick leave is indicated, the department head may require a certificate from the attending physician stating that such illness prevented the employee from working.
- I. Reporting Absences. An employee should contact his/her supervisor prior to the start of their work time and will be paid only when the employee (or a member of the immediate family of the employee that is incapacitated) notifies their supervisor, or department head, within one (1) hour after the employee's scheduled reporting time. Continued reporting for more than a one-time absence will be accomplished as directed by the department head. The department head may request a doctor's release any time they question the reasonableness of an absence of one (1) day or more. This type of request should be the exception, not the rule.

5. Parental Leave

- A. An employee who becomes pregnant, or whose legal or common law spouse becomes pregnant, may continue working, prior to the birth of the child, until such time as the employee can no longer satisfactorily perform the essential functions of their duties. This parental leave will apply for up to a maximum of twelve (12) weeks.
- B. During a parental leave period in excess of four (4) weeks and up to twelve (12) weeks, the employee will still receive a health insurance benefit, but will not accrue additional leave time.
- C. During a parental leave period, the employee may elect to use some or all available leave time.
- D. Vineyard may fill vacancies created by parental leave with temporary or provisional appointments. At the expiration of the parental leave, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of parental leave shall be considered a voluntary resignation of their position and employment without notice.

6. Injury Leave

Any employee injured on the job, however slightly, must report the fact immediately to their

supervisor or department head. It shall be the duty of the supervisor or department head, to obtain information regarding the accident or injury and to complete and submit such reports as are required. Unused sick leave or vacation leave may be granted in accordance with applicable rules and regulations. During injury leave periods, vacation leave, sick leave, or time toward yearly performance evaluation shall not accrue, unless an exception is granted by the City Administrator. However, injury leave for periods greater than six (6) months shall in no case be granted. Furthermore, eligibility for such leaves requires conformance with all worker's compensation regulations.

7. Military Leave

A full time employee shall be granted leave with compensation for the difference in salary for active duty, for service in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training. Paid military leave shall not exceed ten (10) working days in anyone (1) calendar year. (Utah State Code 39-3-1 & -2). Any compensation, including travel and expense allowance, received by the employee must be turned back to Vineyard.

8. Jury Leave

Full time employees may be granted leave with full pay when performing jury duty or when required to serve as a witness in any Vineyard litigation in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel and expense allowance, received by the employee must be turned back to Vineyard. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits, which he has initiated.

9. Funeral Leave

The department head shall grant an employee up to three (3) days of funeral leave with pay to attend the funeral of the employee's legal or common law spouse, child, step-child, daughter or son-in-law, parent, step-parent, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, spouses' grandparent, brother, or sister. Funeral leave shall not be charged against accrued annual vacation or sick leave.

10. Administrative Leave with Pay

- A. While performing authorized duties. Full time employees may be granted administrative leave with pay to perform authorized duties in connection with Vineyard business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of Vineyard.
- B. Pending possible disciplinary action. Full time employees may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

11. Leave Without Pay

- A. The mayor, or designee, may grant an employee leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.
- B. A leave without pay shall not constitute a break in service. However, during a leave without pay period in excess of thirty (30) calendar days, an employee's annual vacation leave, sick leave, and time toward their performance evaluation, if applicable, shall not accrue.
- C. Leave without pay shall be granted:
 - 1. For education purposes when the employee's course of study will be of direct benefit to Vineyard, 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.
 - 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.
- D. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the mayor, or designee, may decide where the leave without pay is warranted.

12. Documentation of Leave

Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the department head, as soon as possible. In some cases where official paperwork is not available, the department head, may request that the employee supply additional information in writing to support the absence.

SECTION XX: GENERAL SAFETY

1. 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/department head.
- E. Defective equipment will be reported immediately to the supervisor.
- F. Employees will not operate equipment or use tools for which licensing and training has not been received.
- G. In all work situations, safeguards required by State and Federal Safety Orders 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. Swimming pools.
 - 5. Animal control.
 - 6. Power plants.
 - 7. Sewers.

2. Proper Use of Vineyard Equipment and Tools

The use of Vineyard equipment or tools for private purposes is strictly prohibited. However, reasonable use of Vineyard tools and equipment to protect property and preserve life is authorized.

- A. Employees shall be required to attend training provided by Vineyard; 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 Vineyard.
- B. A commercial driver 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 license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver license at four (4) year intervals. Employees required to obtain or renew a CDL will be reimbursed for the cost to obtain or renew such CDL
- C. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws and Vineyard's Cell Phone Policy (see section VII:8)
- D. Employees shall keep the agency vehicles, which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

SECTION XXI: UTAH OSHA REQUIREMENTS

1. General Policy

It is the policy of Vineyard to maintain an environment, which is free from any recognizable hazard, which is likely to cause death or serious injury to any employee through open communication with all employees.

2. Posting UOSHA Notices

Vineyard will post all required UOSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the Human Resources when they have questions about any of the standards, which are provided under UOSHA.

3. Inspection Procedures

All employees should follow the procedures listed below in the event an inspector from UOSHA presents themselves on the job site.

- A. If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
- B. The employee will inform the inspector that the employee will contact the supervisor, or department head, who will accompany the inspector during any inspection.
- C. The supervisor/department head should make sure that all employees know who they are required to contact, including all alternates, in the event an UOSHA inspector shows up on the job site.
- D. If the UOSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the supervisor or department head, should ask the inspector to reveal their credentials and should examine them before allowing an inspection of the job site.
- E. The supervisor or department head should not refuse an inspection of the job site where the inspector does not have a warrant to inspect.
- F. If the credentials are appropriate, and before beginning the inspection, the supervisor or department head, should ask the inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the inspection was due to an employee complaint, the supervisor or department head, should request a copy of the complaint. This will help Vineyard correct any safety problems (Please Note: Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law).

- G. The supervisor or department head should accompany the inspector during the entire inspection of the job site.
- H. The supervisor or department head should take notes throughout the entire inspection. The supervisor or department head should note every comment and observation made by those participating in the inspection. The supervisor or department head, accompanying the inspector should not volunteer any unsolicited information.

4. Accident Reporting Procedures

- A. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the supervisor or department head, who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed. Employees, who do not and/or will not accept qualified medical attention when directed by their supervisor or department head, shall be subject to disciplinary action, up to and including termination.

- B. The supervisor or department head will investigate the job-related injury to determine the cause of the injury.

- C. Reporting Requirements:

Vineyard shall contact UOSHA within eight (8) hours of the occurrence of any job-related death, disabling, serious, or significant injury, and/or any occupational disease.

In addition, Vineyard must report all fatal heart attacks that occur at work.

Vineyard shall report all work-related inpatient hospitalizations, amputations, and losses of an eye within 24 hours

Vineyard must submit OSHA form 300A when 20 or more employees are in positions of historically high rates of injuries or illness. The report deadline beginning in 2019 and every year thereafter is March 2nd

- D. Vineyard shall file the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
- E. Vineyard shall keep a copy of the UOSHA report in their UOSHA File.
- F. Vineyard shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work-related injury or occupational disease.

- G. If an employee later dies as a result of work-related injury, Vineyard shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.

SECTION XXII: CONFINED SPACE ENTRY

1. General Policy

Vineyard has a written confined space entry policy, as required in accordance with Volume 29 Code of Federal Regulation 1910.146. this policy will be updated, as necessary.

2. Requirements

The written confined space entry policy includes the following:

- A. A review of potential confined spaces.
- B. A permitting system for entering permit-required confined spaces.
- C. A rescue plan for managing confined space incidents.
- D. Protocols for managing contractors doing work in Vineyard's confined spaces.
- E. A list of the appropriate personal protective equipment and hardware (hoists, winches, gas monitors, respirators, and ventilation gear) required for safe entry and exit.

3. Training

Annual training on the confined space entry policy is required for all employees required to enter confined spaces.

SECTION XXIII: DISASTER RESPONSE PLANNING

1. General Policy

Vineyard has developed the following Disaster Response Plan using, in part, a Disaster Response Planning Guide (see Form # 46 for details). All employees will be expected to adhere to this Disaster Response Plan to the maximum extent possible and practicable.

2. Employee Disaster Notification

- A. Employees are required to sign up and register for the Utah County Everbridge Notification System. Administration and supervisors are responsible for notifying all Vineyard employees of disaster response actions required.
- B. Notification for Vineyard employees will be made using the Utah County Everbridge Notification System.

3. Disaster Response Plan

Wind, Water, Fire, Earthquake, Volcano, Nuclear, Terrorist, Manmade, Etc. See “Disaster Response Planning Guide” (*form #46*)

- A. Employees already at work will assess the disaster and take whatever evasive action is deemed necessary, within the law, to protect themselves, their fellow employees, and the public in general.
 - 1. Employees will report to the supervisor or department head, as soon as practical and await instructions.
 - 2. Use of all Vineyard vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee’s supervisor during an emergency situation.
 - 3. Employees will be allowed to contact their families as soon as their supervisor can allow this action to be taken.
- B. Employees not at work will assess the disaster and take whatever evasive action is necessary, within the law, to protect themselves and their families.
- C. Employees not at work will contact their supervisor or department head, as soon as practical for further instructions.

4. Suspicious Person or Activity

- A. Not everything you see is suspicious, you must learn what is normal before you can report anything abnormal. For example, a person walking across the parking lot is not necessarily suspicious. However, a person walking through the building attempting to open office doors is suspicious. Suspicious activity refers to suspicious

persons, behavior, and activity. Your assistance in reporting suspicious activity helps to maintain a safe and secure environment for all Vineyard employees. If in doubt, report it.

5. Reporting Suspicious Persons or Activities

- A. If you witness a crime or suspicious activity, it is important to report it immediately after the incident occurs. The chances of catching the perpetrator will be much greater than if you wait even just a few minutes. Because police officers cannot be everywhere at once, they need your help. Your special efforts regarding prompt and accurate reporting of these incidents can help keep our city facilities safer for everyone. Below is a set of guidelines on reporting suspicious persons or activity.

When you report suspicious persons or activities – remember the four W’s – Who, What, When and Where.

1. Who is the suspicious person? (Provide a description of the person.)
2. What is the suspicious activity?
3. When did the incident occur or is it still taking place?
4. Where is the suspicious person/activity?

- B. Immediately report the incident to your supervisor, city manager or a police officer, if on site.
- C. Do not try to handle the problem yourself.
- D. Do not delay reporting the incident.

Do not leave the location from which you are reporting the incident unless you are in danger

6. Suspicious Activity, Person or Assailant Threats

- A. Vineyard has developed the following procedures to be followed in the event that a suspicious person or assailant is in the area:
1. Employees will use the Sir Name of their supervisor or department head, that they are addressing, repeated again, to alert him/her, of a threatening situation. An example following this procedure would be: Mr. (Last name of the supervisor), Mr. (Last name of the supervisor), could you please come to the front desk.
 2. Employees will physically signal to supervisors or employees that a threatening situation exists.
- B. Be Observant. Vineyard has developed a “Suspicious Persons or Assailants Identification Checklist” (*form #47*) for employees to use. Features and physical characteristics that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

7. Suspicious Packages or Objects

- A. If you receive or discover a suspicious package or foreign device, do not touch it, tamper with it, or move it. Immediately inform a police officer if onsite, dial 911 report it.
- B. Move people away from the suspicious object. Do not move or attempt to open the package. Do not investigate the package too closely. Do not cover or insulate the package. Suspicious packages are not limited to those delivered by a commercial or U.S. postal carrier. The following characteristics have been designated by the U.S. Post Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives as indicators of suspicious packages:
 - Lumps, bulges, or protrusions on a package
 - A lopsided or heavy-sided package or excessive masking tape
 - Handwritten addresses or labels from companies (check to see if the company exists and if they sent a package or letter)
 - Packages wrapped in string
 - Excess postage on small packages or letters
 - No postage or uncanceled postage
 - Handwritten notes, such as, "To Be Opened in the Privacy of," "Confidential," "Your Lucky Day Is Here," "Prize Enclosed"
 - Restrictive markings such as "confidential" or "personal"
 - Improper spelling of common names, places, or titles
 - Generic or incorrect titles. Titles with no name attached
 - Leaks, stains, or protruding wires, string, tape, etc.
 - Hand delivered or "dropped off for a friend" packages or letters
 - No return address or a pretend return address
 - Foreign mail, air mail, and special-delivery packages
 - Any letter or package arriving before or after a phone call from an unknown person asking if the item was received

8. Telephone Bomb Threats

- A. Do not hang up. Remain calm.
- B. Take the caller seriously. Assume the threat is real.
- C. If you have Caller ID, look for the originating number.
- D. Do not use cell phone, two-way radio, or any wireless communication device, as it can act as a trigger for an explosive device.
- E. Have a coworker call 911 on another line. If you are alone, after the call is disconnected by the caller, do not hang up the phone. Press *69 first and then hang up the phone. This procedure will "capture" the phone line so that the phone city can trace it. Then call 911 to report the threat.
- F.

- G. Be Attentive. Vineyard has developed a “Telephone Bomb Threat Checklist” (*form #48*) for employees to use. Voice characteristics, background noises, and bomb threat details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: February 9, 2022

Agenda Item: 9.5 Voter Participation Areas

Department: Recorder

Presenter: Pamela Spencer

Background/Discussion:

In 2019 the Utah Legislature passed a bill requiring cities and towns to create voter participation area to break up the cities into quadrants. These quadrants are mainly to be used when there is a citizen-sponsored initiative or referendum. This is designed to allow equal participation throughout the entire city. This section of the code can be found in UCA 20A(7)(401.3).

Voter participation areas are to be created by cities with 10,000 or more residents. The participation areas were to be completed by January 1, 2020, then again by January 1, 2022, and then again by January 1 every ten years thereafter. Utah County put together the maps for all of their cities and towns, which I received for Vineyard in October 2019. The recommendation by other cities is to adopt these areas by resolution. The original areas were adopted in January of 2020 and now need to be readopted.

Utah County has been working on creating new areas but was delayed in getting them completed due to the timeframe the census data was completed as a result of COVID. They anticipate having the areas completed by the end of the year. It was recommended by the county that the City Council readopt the current participation areas until the new areas are completed. I have scheduled the adoption of the new areas for the January 12, 2022 City Council meeting.

I have not received the updated for approval by City Council.

Fiscal Impact: N/A

Recommendation:

The recorder's office recommends that City Council readopt the amended Voter Participation Areas by resolution.

Sample Motion:

I move to approve the amended Voter Participation Areas by Resolution 2022-05, as presented.



VINEYARD CITY COUNCIL STAFF REPORT

Attachments:

Resolution 2022-05

Voter Participation Areas

RESOLUTION NO. 2022-05

A RESOLUTION OF THE VINEYARD CITY COUNCIL ESTABLISHING VOTER PARTICIPATION AREAS

WHEREAS, as required by Utah Code § 20A-7-401.3, Vineyard City adopted Voter Participation Areas; and

WHEREAS, the City of Vineyard is required by statute to adopt new Voter Participation Areas pursuant to Utah Code § 20A-7-401.3 by January 1, 2022; and

WHEREAS, Utah County was delayed in creating new Voter Participation Areas due to the timeframe the census data was completed as a result of COVID; and

WHEREAS, on the advice of Utah County officials, Vineyard re-adopted the prior Voter Participation Areas pursuant to Resolution No. 2021-24 with the stated intention of adopting amended Voter Participation Areas as soon as up-to-date information and maps could be provided by Utah County; and

WHEREAS, Utah County has completed its work and provided the City with new Voter Participation Areas, a cop of which is attached as Exhibit A and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF VINEYARD, UTAH, as follows:

1. The Vineyard City Council hereby readopts Exhibit A as the City's Voter Participation Areas.
2. This Resolution shall become effective immediately upon its passage.
3. All other resolutions and policies in conflict herewith in whole or in part are hereby repealed.

PASSED and APPROVED this 9th day of February 2022.

Julie Fullmer, Mayor

ATTEST:

Pamela Spencer, City Recorder

Vineyard City Voter Participation Areas - 2022

Q1	Q2	Q3	Q4
VI301	VI302	VI304	VI307
VI305		VI306	VI308

Utah Count Clerk/Auditor
100 E Center St, Rm 3100
Provo, UT 84606
(801) 851-8128

Map Date: 2/3/2022

