



**NOTICE OF A WORK AND REGULAR SESSION
OF THE VINEYARD CITY COUNCIL MEETING
December 12, 2018 at 6:00 PM**

Public Notice is hereby given that the Vineyard City Council will hold a work and regular session during the City Council meeting on Wednesday, December 12, 2018, at 6:00 pm in the Vineyard City Hall, 125 South Main, Vineyard, Utah. The agenda will consist of the following:

AGENDA

**Presiding Mayor Julie Fullmer
(Mayor Pro tem – Councilmember Nate Riley – October to December)**

**1. CALL TO ORDER
INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE**

WORK SESSION

2. 2.1 US STEEL CAMU PRESENTATION

Representatives from US Steel will provide the City Council and Vineyard residents information about the construction plans for the CAMU (Containment Area Management Unit).

2.2 SHORT-TERM RENTAL REGULATIONS

The City Council and staff will discuss possible short-term rental regulations. No actions will be taken at this time.

2.3 GENERAL PLAN AMENDMENT PROCESS UPDATE

(10 Minutes)

City Planner Elizabeth Hart will present updates to the General Plan Amendment Process

REGULAR SESSION

3. OPEN SESSION – Citizens' Comments

(15 minutes)

“Open Session” 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.

4. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

5. STAFF AND COMMISSION REPORTS

(3 minutes each)

- City Manager/Finance Director – Jacob McHargue
- Public Works Director/Engineer – Don Overson

- City Attorney – David Church
- Utah County Sheriff's Department – Sergeant Holden Rockwell
- Community Development Director – Morgan Brim & Planning Commission Chair – Cristy Welsh
- City Recorder – Pamela Spencer
- Building Official – George Reid
- Water/Parks Manager Sullivan Love - Timpanogos Special Service District – Board Member

6. DISCUSSION ITEMS

No items were submitted.

7. CONSENT ITEMS

7.1 [Approval of the November 14, 2018 City Council Meeting Minutes](#)

8. MAYOR'S APPOINTMENTS

No names were submitted.

9. BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – [1750 North Road Dedication Plat](#) (15 minutes)

City Planner Elizabeth Hart will present the request for approval of the 1750 North Road Dedication Plat. The mayor and City Council will take appropriate action.

9.2 PUBLIC HEARING – [Amend the Zoning Code and Repeal the Development Code \(Ordinance 2018-17\)](#) (15 minutes)

Community Development Director Morgan Brim will present proposed amendments to the Zoning Code and the repeal of the Development Code adopted February 1992 as amended. The mayor and City Council will act to approve (or deny) this request by ordinance.

9.3 DISCUSSION AND ACTION – [Request to Amend CUWCD Agreement](#) (15 minutes)

City Manager Jacob McHargue will present a request to amend the CUP agreement. The mayor and City Council will take appropriate action.

9.4 DISCUSSION AND ACTION – [Personnel Policy and Procedures Manual \(Resolution 2018-17\)](#) (15 minutes)

City Manager/Finance Director Jacob McHargue will present proposed amendments to the Vineyard Personnel Policies and Procedures Manual. The mayor and City Council will take appropriate action.

9.5 DISCUSSION AND ACTION – [Rank Choice Voting](#) (15 minutes)

The mayor and City Council will discuss Rank Choice Voting and state pilot program. The mayor and City Council will take appropriate action.

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:

- (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
- (e) strategy sessions to discuss the sale of real property

11. ADJOURNMENT

This meeting may be held electronically to allow a councilmember to participate by teleconference.

The next regularly scheduled meeting is January 9, 2019.

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 Hall, 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: December 11, 2018

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer

PAMELA SPENCER CITY RECORDER

MINUTES OF
THE VINEYARD CITY COUNCIL MEETING
125 South Main Street, Vineyard, Utah
November 14, 2018 at 6:00 PM

Present

Mayor Julie Fullmer
Councilmember John Earnest
Councilmember Tyce Flake
Councilmember Nate Riley

Absent

Councilmember Chris Judd

Staff Present: City Manager/Finance Director Jacob McHargue, Public Works Director/City Engineer Don Overson, City Attorney David Church, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, Planning Commission Chair Cristy Welsh, City Recorder Pamela Spencer, Water/Parks Manager Sullivan Love

Others Speaking: Brent Tuttle with Northern Engineering

6:00 PM REGULAR SESSION

Mayor Fullmer opened the meeting at 6:00 PM. Councilmember Flake led the Pledge of Allegiance and gave the invocation.

OPEN SESSION – Citizens' Comments

Mayor Fullmer called for public comments. Hearing none, she closed the public session.

MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Earnest reported that the Orem Hospital Outreach Board had free screening for children with potential physical and mental needs.

STAFF AND COMMISSION REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue thanked everyone for their help with the Halloween event. He said that there were an estimated 2,500 people in attendance. He reminded everyone that the Vineyard Blizzard 5K was this Saturday at Grove Park. He said the event was in need of volunteers from 8:30 AM to 10:30 AM. He reported that they had a follow up meeting with the train station group and that staff was working on water storage with Orem City.

Public Works Director/Engineer – Don Overson – Mr. Overson had no new items to report.

City Attorney – David Church – Mr. Church had no new items to report.

Utah County Sheriff's Department – Sergeant Holden Rockwell – Sergeant Rockwell had no new items to report.

Community Development Director Morgan Brim & Planning Commission Chair Cristy Welsh – Mr. Brim had no new items to report. Chair Welsh reported that at the last Planning Commission meeting they reviewed the code amendments that were being presented tonight. She mentioned that Starbucks has applied for a sign waiver which had been approved with conditions. She reported that the Planning Commission had held a special meeting right before the City Council meeting where they approved recommending approval of The Yard Plat B which was on the council agenda for approval tonight. She added that they approved their meeting schedule for next year.

City Recorder – Pamela Spencer – Ms. Spencer had no new items to report.

Building Official – George Reid – Mr. Reid had no new items to report.

Water/Parks Manager Sullivan Love – Mr. Love had no new items to report.

DISCUSSION ITEMS

No items were submitted.

CONSENT ITEMS

6.1 Approval of the October 24, 2018 City Council Meeting Minutes

6.2 Re-Approval of the Homesteads Pod 7, The Sycamores, Phases 1 and 2 Final Plat

6.3 Re-Approval of the Pod 1, The Orchards Phase 1 Final Plat

6.4 Approval of The Yard Plat A Final Plat – Name Change

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE CONSENT CALENDAR. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

MAYOR'S APPOINTMENTS

No names were submitted.

BUSINESS ITEMS

8.1 DISCUSSION AND ACTION – Preliminary and Final Plat Approval –The Yard Plat B

City Planner Elizabeth Hart will present the applicant's request for preliminary and final plat approval of The Yard Plat B. The subject property is currently platted as the 400 North Commercial Subdivision, and is located on Mill Road, south of the Megaplex development and north of Edgewater Townhomes. The subject property is within the Regional Mixed-Use (RMU) zoning district and contains approximately twenty-three (23) acres of land. The applicant is proposing to subdivide the subject property into a total of eight (8) lots. A private lane runs from south to north centrally through the property connecting 400 North to the southern leg of the roundabout serving the Megaplex development. The mayor and City Council will take appropriate action.

Mr. Brim gave a brief description of the applicant's request. He said that the plat included 23 acres south of the Megaplex development. He mentioned that they were the same owners but they had changed the name from "Mill Town" to "The Yard." He explained that they were subdividing one lot into nine parcels with one lot being set aside for future light rail. He said the property's layout was intentional for specific uses. He said that several of the lot sizes would be flexible to accommodate a wide variety of uses. He explained that there would be two corporate sites, three medical office buildings and three retail parcels. He explained the road layout.

Brent Tuttle with Northern Engineering said that the final details would be coming with the site plans.

Councilmember Earnest asked how long it would be until the tenants would be open for business. Mr. Tuttle replied that they already had a couple tenants ready to go.

Councilmember Riley asked about the access into the development and when they would be installing the infrastructure. Mr. Tuttle replied that the infrastructure would be installed as the area developed. Mr. Brim explained that the development would have right-in/right-out access off of Mill Road and full access from 400 North. He thought that they might be phasing in the infrastructure as development progressed. Mr. Tuttle explained how and when the lots might be installed.

Mayor Fullmer called for further questions. Mr. Brim stated that Planning Commission had set up a special meeting to accommodate the applicant and recommended approval of the plat.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER EARNEST MOVED TO APPROVE THE PRELIMINARY AND FINAL PLAT OF THE YARD PLAT B PRELIMINARY PLAT WITH THE CONDITIONS AS PROPOSED.

CONDITIONS:

1. THE APPLICANT PAY ANY OUTSTANDING FEES
2. THE APPLICANT MAKE ANY REDLINE CORRECTIONS PRIOR TO THE RECORDATION OF THE PLAT.

COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

8.2 PUBLIC HEARING – Zoning Code Text Amendments (Ordinance 2018-16)

Community Development Director Morgan Brim will present text amendments to the Vineyard Zoning Ordinance including:

- **Section 15.12.050 District Use Table** – To allow home occupations within the RMU, to allow environmental remediation activities as a permitted use and clarifying occupancy of dwelling units.
- **Section 15.32.120 Exception to Maximum Height Limitations** – to remove flagpoles.
- **Section 15.34.060 Accessory Dwelling Units** – to clarify where the exterior and interior entrances must be located.

- **Section 15.38.030 Parking Requirements** – to add a maximum driveway slope, removing the drive-thru standard and changing parking standards for medical offices and clinics.
 - **Section 15.40.080 Design Standards and Requirements** – to refer planting installation and materials to the approved Vineyard Tree Manual and to change street tree requirements.
 - **Section 15.60.020 Definitions** – to clarify one family occupancy per dwelling unit.
 - **Special Purpose Zoning Districts, Section 2.08.5 Development Standard – Building Height** – to refer to the District Use Table for the RMU district.
 - **Chapter 15.44** – to delete in its entirety and reference Title 11 in the Municipal Code.
- The mayor and City Council will act to approve (or deny) this request by ordinance.

Mr. Brim gave a brief overview. He said the they were cleaning up the code and as changes were being made there were conflicts in other parts of the code.

Section 15.12.050 District Use Table

Single Family - define that one family could live in a dwelling unit. Mr. Brim reviewed the current definition of family. He said that they wanted to make it clear that only one family was allowed per dwelling unit. Mr. Church explained that there was no place in the code that stated that only one family could live in a dwelling unit.

Home Occupations - allowed wherever they allow residents. Mr. Brim explained that the Home Occupations were not currently allowed in the RMU district and they needed to change that to allow for Home Occupations wherever residential units were allowed.

Environmental Remediation – regulated by federal and state governments. Mr. Brim explained that there were ongoing environmental remediation activities on the Anderson Geneva property, which currently required a conditional use permit. He felt that the code should be changed to a permitted use because of the federal and state governance. Mr. McHargue mentioned that the contractor doing work on the east side of the rail road tracks on the Anderson Geneva would be making a presentation at the City Council meeting on December 12. Mr. Church explained that this work was for the Containment Area Management Unit (CAMU). He explained how this worked. He stated that US Steel would be participating along with the RDA and the landowner. This would a permanent storage of hazardous materials. He noted that the RDA was already allowing cleanup and felt it should be a permitted use.

Councilmember Riley asked how the city was notified when they were doing the work. Mr. Church explained that part of the State permit process was that the city received notification of the issuance of the permit. He said that they also received a call from US Steel to inform the city. Mr. McHargue added that they city had a local contact with DEQ who was keeping them up to date. Councilmember Riley asked about other projects such as concrete removal and what their process was. Mr. McHargue replied that they would get notification from the state. Mr. Brim pointed out that this would not change how they had been done in the past.

Section 15.32.120 Exception to Maximum Height Limitations – Mr. Brim explained that they needed to remove the exception for flagpoles because it was already included in the sign code.

Section 15.34.060 Accessory Dwelling Units – Mr. Brim explained that they needed to clarify that ADUs were required to have an exterior entrance for emergency services, as well as an interior entrance.

Section 15.38.030 Parking Requirements –

Grade/slope – Mr. Brim explained that there were no standards for maximum grade on driveways. He said that they were recommending an 8% maximum grade, which would still allow for some slope.

Drive-thru standards – Mr. Brim explained there were drive-thru standards in two locations so they were removing them from the Parking Requirements section.

Medical Offices and Clinics – Mr. Brim explained that the current parking requirements were high compared to other cities in the valley. He said that staff's proposal was to lower the requirement from one parking space per 150 square feet to one parking space per 200 square feet, to bring it into alignment with the rest of the development. Councilmember Riley asked for more information about parking requirements and a discussion ensued.

Section 15.40.080 Design Standards and Requirements –

Landscaping Standards – Mr. Brim stated that they were changing the code to refer contractors and residents to the Vineyard Tree Manual.

Street Frontages – 15.40.080 tree standards - Mr. Brim explained that the spacing of trees was set at 20 feet, which was too close. He said that the Planning Commission felt the 40 feet was too far apart so they had recommended not approving this section to allow for further discussion. Mr. Brim noted that the tree manual included spacing requirements. Councilmember Flake felt that they needed to go beyond the manual and include more verbiage to guide people. He also felt that the whole section needed more work. Mr. Brim suggested that the Planning Commission hold a work session to define the section.

Section 15.60.020 Definitions – Mr. Brim explained that they had added verbiage to include one family per dwelling unit, to match the District Use Table.

Special Purpose Zoning Districts (15.14), Section 2.08.5 Development Standards – Mr. Brim explained that the Dimensional Standards Table was in conflict with the RMU Zoning District height requirements. He said that they were recommending removing the height in the Special Purpose Zoning District section, and referencing the Dimensional Standards Table.

Chapter 15.44 Building Code – Mr. Brim explained that there was a Building Code adopted into the Municipal Code so this code was in conflict with that code. They were recommending deleting this code in its entirety and referencing Title 11 in the Municipal Code.

Mr. Brim stated that staff was recommending approval and Planning Commission was recommending approval with the exception of 15.40.080 Part 6(e) related to tree spacing requirements.

Mayor Fullmer called for a motion to open the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 6:41 PM. COUNCILMEMBER RILEY SECONDED THE MOTION.

Mayor Fullmer called for public comments. Hearing none, she called for a motion to close the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 6:41 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer called for further discussion. Hearing none, she called for a motion.

Motion: COUNCILMEMBER EARNEST MOVED APPROVE ORDINANCE 2018-16, EXCEPT 15.40.080 PART 6(E) RELATED TO TREE SPACING REQUIREMENTS. COUNCILMEMBER RILEY SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

8.3 DISCUSSION AND ACTION – Amended and Restated Interlocal Agreement with the Utah Local Governments Trust (Resolution 2018-16)

City Manager/Finance Director Jacob McHargue will present a resolution approving and entering into an agreement creating the Utah Local Governments Trust. The mayor and City Council will act to approve (or deny) this request by resolution.

Mr. McHargue explained the purpose of the Utah Local Governments Trust (The Trust). He said that The Trust was unable to locate a signed contract with Vineyard and recommended approving and signing an amended and restated contract.

Mr. Church explained that The Trust was an interlocal agency and Vineyard had signed an agreement to join The Trust. He said that this would allow the city to participate as a member. He recommended approval.

Mayor Fullmer called for questions from the council. Hearing none, she called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH THE UTAH LOCAL GOVERNMENTS TRUST, RESOLUTION 2018-16. COUNCILMEMBER RILEY SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

8.4 DISCUSSION AND ACTION – 2019 Meeting Schedule

City Recorder Pamela Spencer will present the recommended City Council meeting schedule for the 2019 calendar year. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to City Recorder Pamela Spencer.

Ms. Spencer explained the process. She said explained that this was to approve the dates for the second and fourth Wednesday meeting schedule. She mentioned that if council wanted to change the day and time of the meeting schedules, they would have to do that by ordinance at the next council meeting. There was a discussion about the dates.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER EARNEST MOVED TO APPROVE THE MEETINGS TO REMAIN ON THE SECOND AND FOURTH WEDNESDAYS OF EACH MONTH BEGINNING AT 6:00 PM, WITH THE EXCEPTION OF NO MEETING ON JULY 24, AND ONLY ONE MEETING IN NOVEMBER AND DECEMBER OF 2019. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

CLOSED SESSION

No closed session was held.

ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 6:48 PM. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

The next regularly scheduled meeting is December 12, 2018.

MINUTES APPROVED ON: _____

CERTIFIED CORRECT BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: December 12, 2018

Agenda Item: 1750 N Road Dedication

Department: Community Development

Presenter: Elizabeth Hart, Planner

Background/Discussion:

The applicant, Martin Snow with Vineyard Properties of Utah LLC, is proposing to dedicate approximately three (3) acres of public right-of-way for the 1750 North extension to the city. The right-of-way is sixty-six (66) feet in width. Located in the Manufacturing district, Business have finished or stated constructed along the west end of 1750 North. The road also connects into Pioneer Lane at the west end of the road. The road construction on this extension was recently completed this month.

The proposed road has been reviewed by City Staff. The proposed extension is consistent with the rest of 1750 North and future road extensions.

Fiscal Impact:

Normal upkeep and maintenance of the road.

Conditions:

- 1) The applicant pay any outstanding fees
- 2) The applicant make any redline corrections prior to recording

Recommendation:

Staff is recommending that City Council approves the acceptance of the 1750 North Dedication Plat.

Sample Motion:

Motion to APPROVE the 1750 North Dedication Plat.

Attachments:

Application
1750 North Dedication Plat



VINEYARD
STAY CONNECTED

FINAL SUBDIVISION APPLICATION

*off
P/W*

Please Note: Attachment of request specific documents is required prior to processing your application.

APPLICATION DATE: 20 November 2018 Application Fee: \$1,940.00 + 6.20 per lot
APPLICANT(S): Vineyard Properties of Utah LLC
ADDRESS OF APPLICANT: P.O. Box 699, Pleasant Grove, UT 84062
433 N 1030 W, Lindon, UT
BUSINESS PHONE #: (801) 785-0505 CELL PHONE #: (801) 369-7562
EMAIL ADDRESS: msnow@uisutah.com FAX NUMBER: _____

CURRENT ZONING DISTRICT DESIGNATION: Manufacturing
NUMBER OF PROPOSED NEW LOTS: 1
LOCATION/ADDRESS OF PROPOSED FINAL SUBDIVISION: 1750 N, Vineyard, Utah
Approximately 400 East
TOTAL ACREAGE OF PROPOSED FINAL SUBDIVISION: 3.09
NAME OF PROPERTY OWNER(S): Vineyard Properties of Utah LLC

SIGNATURE OF APPLICANT(S):

[Handwritten Signature]

Signature

Martin J Snow

Print name

11-20-18
DATE

OFFICE USE ONLY			
DATE RECEIVED		DATE OF APPROVALS	
Initial Submittal	Complete Submittal	Planning Commission	Town Council
Type of Request	Staff Comments:		
PAYMENT INFORMATION			
Amount Due	Date Paid	Amount Paid	Check #

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF UTAH}

I, the undersigned, Martin Snow, as owner(s) of the property identified in the attached application, depose that the statements herein contained in this application and the information provided in the attached plans and exhibits are in all respects true and correct to the best of my knowledge.



[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn before me, Makelle Baker, a Notary Public, on this 20 day of November, 2018.

[Signature]
(Notary Public)

My commission expires: 6/5/22

AGENT AUTHORIZATION AFFIDAVIT

I, the undersigned, _____, as owner(s) of the real property described in the attached application, do authorize the following:
_____, as agent(s) and designated representative(s) regarding the attached application, to appear on my behalf before any administrative or legislative body in the Town of Vineyard considering this application, and to act in all respects as agent(s) in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me, _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary Public)

My commission expires: _____



Date: December 12, 2018
Agenda Item: Public Hearing and Consideration of Ordinance 2018-17 Hearing Officer ZTA
From: Morgan Brim, Community Development Director
Department: Community Development
Subject: Public Hearing and Consideration – Chapters 15.06, 15.46, 15.52 and Section 15.60.020 Definitions of the Vineyard Zoning Ordinance and Repealing the Vineyard Development Code

This text amendment proposes replacing provisions, duties and responsibilities of the Board of Adjustment (BOA) with a Land Use Hearing Officer. The primary difference between a hearing officer and the BOA, is a hearing officer position is constituted by one person with knowledge of land use law and planning, whereas the BOA consists of seven members residing in the city boundary. The hearing officer will be provided authorization to review land use appeals and zoning variances. The proposed ordinance allows the Administrative Law Judge of Section 2.26.070 of the Municipal Code to fulfill the duties of the hearing officer. This code amendment affects several sections of the zoning ordinance, including:

- Chapter 15.06 land Use Authorities And Other Officers
- Chapter 15.46 Variances
- Chapter 15.52 Appeal Authorities and Procedures
- Section 15.60.020 Definitions
- Repealing Vineyard Development Code

The proposed Ordinance 2018-17 is attached with associated text amendments are attached.

RECOMMENDATION:

Staff is recommending approval of Ordinance 2018-17.

The Planning Commission held a public hearing on December 5, 2018 regarding Ordinance 2018-17 and forwards a positive recommendation to the City Council.

PROPOSED MOTION:

“I move to approve Ordinance 2018-17.”

ATTACHMENTS:

- Proposed Ordinance (Includes all text amendments)

**VINEYARD
ORDINANCE 2018-17**

AN ORDINANCE OF VINEYARD, UTAH, AMENDING THE VINEYARD ZONING ORDINANCE INCLUDING SECTION 15.06.030 VINEYARD PLANNING COMMISSION REMOVING APPEAL AUTHORITY, REPLACING THE WORD TOWN WITH CITY; SECTION 15.06.040 VINEYARD BOARD OF ADJUSTMENT TO REPLACE SECTION TITLE AS LAND USE HEARING OFFICER, PROVIDING HEARING OFFICER POWERS AND DUTIES, REPLACING BOA WITH HEARING OFFICER, AMENDING APPOINTMENT AND TERMS PROVISIONS, MEETINGS AND HEARING PROCEDURES, COMPENSATION FOR HEARING OFFICERS AND UPDATING HEARING OFFICER RECORDING SECRETARY PROVISIONS; AMENDING CHAPTERS 15.46 VARIANCES AND CHAPTER 15.52 APPEAL AUTHORITIES AND PROCEDURES TO ADD PROVISIONS FOR THE LAND USE HEARING OFFICER, REPLACING TOWN WITH CITY AND UPDATING PROCEDURES GRAPHIC; SECTION 15.60.020 DEFINITIONS TO AMEND VARIANCE DEFINITION TO REPLACE BOARD OF ADJUSTMENT WITH LAND USE HEARING OFFICER; AND REPEALING VINEYARD DEVELOPMENT CODE ADOPTED IN FEBRUARY 1992 AS AMENDED.

WHEREAS, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of the Utah Municipal Code, permits Vineyard to ensure the health, safety and welfare of the community through local land use planning and the adoption of land use ordinances; and

WHEREAS, Vineyard is authorized to amend the City's Zoning Ordinance pursuant to Utah Municipal Code § 10- 9a-102(2); and

WHEREAS, the Planning Commission held a public hearing on December 5, 2018, and after fully considering public comment and staff recommendations, recommended approval to the Vineyard City Council; and

WHEREAS, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on December 12, 2018; and

WHEREAS, the Vineyard City Council having considered the recommendation of the Planning Commission and submitted comments and testimony from the public, having determined that it is in the best interest of the public and adopt the proposed text amendments to the Zoning Ordinance.

NOW THEREFORE, be it ordained by the Council of Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "Hearing Officer And Procedures" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

~~Hearing Officer~~ 15.52 Appeal Authorities And Procedures

SECTION 2: **AMENDMENT** "15.06.040 Vineyard Board Of Adjustment" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

15.06.040 Vineyard ~~Board Of Adjustment~~ Land Use Hearing Officer

The ~~Vineyard Board of Adjustment~~ Land Use Hearing Officer (hereinafter the “~~BOA~~ Hearing Officer”) was heretofore created and established pursuant to LUDMA, or prior enactments of LUDMA. The hearing officer shall replace in all respects the previous duties of the city's board of adjustment.

1. Powers and Duties. The ~~BOA~~ Hearing Officer shall hear and decide:

- a. ~~Provide suggestions to the Council and Commission amendments to the General Plan, as the BOA considers necessary.~~
- b. ~~Provide suggestions to the Council and Commission amendments to any Land Use Ordinances, including amendments to any Zoning Districts Maps and Official Maps, as the BOA considers necessary.~~
- c. Hear and decide ~~a~~ Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official or planning commission in the enforcement or interpretation of this title or of any ordinance adopted pursuant thereto, including conditional use decisions. Appeals may not be used to waive or modify the terms or requirements of this title.
- d. Hear and decide ~~a~~ Appeals from decisions made by an administrative official or the planning commission concerning subdivisions or subdivision amendments pursuant to Title 14 of this code.
- e. ~~Review and approve, approve with requirements, or deny Applications for a Variance from the terms of this Ordinance, with a finding of an unreasonable hardship, as required by LUDMA, and as provided by VZC 15.46.~~ Requests for variances from the terms of the city's land use ordinances.
- f. ~~Render a decision on a~~ d Determinations of ~~a~~ legal nonconforming uses and noncomplying structures, as provided by VZC 15.42.
- g. Any other request or appeal of a decision delegated to the land use authority by title 16 and 17 of this code.
- h. ~~Render a decision on a determination of a legal noncomplying structure, as provided by VZC 15.42.~~
- i. ~~Render a decision on any other legal nonconformity, as provided by VZC 15.42.~~
- j. ~~Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the BOA, for the consideration of Applications and for any other purposes deemed necessary by the BOA provided, that such bylaws, policies, and procedures shall first be approved by the Council before taking effect.~~
- k. A hearing officer, serving as the appeal authority, shall:
 - i. Act in a quasi-judicial manner;
 - ii. Serve as the final arbiter of issues involving the interpretation or application of city land use ordinances subject to appeal to the Utah district courts as provided in section 10-9a-801 of the Utah code.

2. No Authority. The hearing officer ~~BOA~~ shall have no power, jurisdiction or authority to consider any of the following:

- a. To hear any waivers or modifications to any of the standards governing the approval of a General Plan Amendment Application or any Land Use Ordinance Amendment Application.
- b. To hear any amendments, waivers or modifications to the General Plan, any element or map thereof, or any provision or requirement of any Land Use Ordinance, including any Zoning Districts Maps and Official Maps.
- c. To make any decisions or determinations that would have the effect of authorizing a use, which is not identified in the Tables of Uses, VZC 15.64.
- d. To hear or decide any matter or Application not expressly identified herein.

3. **Hearing Officer**~~BOA Membership~~, Appointment, Terms, Removal, and Vacancies.
 - a. ~~The BOA shall consist of five (5) members. Each hearing officer shall be appointed by the city manager with the advice and consent of the city council.~~
 - b. ~~BOA members shall be appointed by the Mayor, with the advice and consent of the Council. The manager may appoint more than one hearing officer, but only one hearing officer shall consider and decide any matter properly presented for hearing officer review.~~
 - c. ~~Members of the BOA shall be residents of Vineyard. No hearing officer member of the BOA shall be an elected official or employee of Vineyard.~~
 - d. ~~Hearing officers~~ ~~All members of the BOA shall serve at the discretion of the Mayor and Council~~ shall serve for a term of four (4) years. No member shall serve more than two (2) consecutive terms. Terms shall begin on January 1 of each calendar year. ~~Members' terms are to be staggered to so that no more than one (1) term shall expire each year on January 1. A BOA member shall not be automatically reappointed to a second term.~~
 - e. Hearing officers ~~BOA members~~ may be removed by the Mayor, with the advice and consent of the Council.
 - f. ~~A BOA member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the Mayor prior to the time the absence will occur. If such notice is given, these removal requirements do not apply. The manager may designate the Administrative Law Judge to serve as the hearing officer as specified in section 2.26.070 of this code.~~
 - g. Hearing officer ~~BOA~~ vacancies occurring for any reason shall be filled by the city manager ~~Mayor~~, with the advice and consent of the Mayor and Council. Hearing officer ~~y~~ V ~~vacancies on the BOA~~ occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.
4. **~~Quorum and Necessary Vote:~~**
 - a. ~~No meeting of the BOA shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the BOA. All actions of the BOA shall require the vote of a majority of the total members of the BOA. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the BOA.~~
5. **Effective Date of Decisions.**
 - a. All hearing officer decisions ~~of the BOA~~ shall become effective on the date of the meeting when the decision is made unless a different date is designated, in the rules of the BOA, or the BOA designates a different date when the decision is made.
6. **Meetings, Hearings, and Procedure.**
 - a. Hearing officer meetings shall be scheduled on an as-needed basis, following certification of submission of a complete application for hearing officer review. The BOA shall establish a regular meeting schedule.
 - b. ~~Special meetings may be requested by a majority vote of the BOA, or by the chair of the BOA.~~
 - c. ~~When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available BOA meeting. The Recording Secretary shall notify all interested parties and all members of the BOA of the date when the BOA will hear the rescheduled matter.~~
7. **~~BOA Organization:~~**

- a. ~~At an annual organizational meeting to be held the first regular meeting in April, and at other times as required, the members of the BOA shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.~~
- b. ~~The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.~~

8. BOA Compensation.

- a. ~~Members of the BOA shall serve without compensation, except that the Council may fix per diem compensation for members of the BOA, based on necessary and reasonable expenses and on meetings actually attended. The Council shall provide for reimbursement to BOA members for actual expenses incurred, upon presentation of proper receipts and vouchers.~~ Each hearing officer shall be compensated for their services on a reasonable, uniform basis applicable to all the city's hearing officers. The basis and rate of compensation shall be determined by the manager in consultation with the mayor and the city attorney.

9. BOA Members Volunteers:

- a. ~~Members of the BOA shall be deemed "volunteers" for the purposes of Town Ordinances, rules, regulations, and policies concerning personnel, provided however, BOA members shall be included in the definition of "employee" for the purposes of the Utah Governmental Immunity Act.~~

10. BOA Hearing Officer Recording Secretary.

- a. The Mayor shall assign the City Clerk ~~Town Recorder~~, or designee, act as the Recording Secretary to serve the hearing officer ~~BOA~~. The Recording Secretary shall keep the minutes of all proceedings of the hearing officer ~~BOA~~, which minutes shall be the official record of all proceedings ~~before the BOA, attested to by a majority vote of the members of the BOA.~~ The minutes of all meetings of the hearing officer ~~BOA~~ shall be filed in the office of the City ~~Town Clerk Recorder~~. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act.
- b. The Recording Secretary shall be compensated as approved by the Council.

SECTION 3: AMENDMENT "15.06.030 Vineyard Planning Commission" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.06.030 Vineyard Planning Commission

The Vineyard Planning Commission (hereinafter "Commission") was heretofore created and established pursuant to LUDMA, or prior enactments of LUDMA.

1. **Powers and Duties.** The Commission shall be an advisory body to the Council on legislative matters pertaining to the City ~~Town~~'s General Plan and Land Use Ordinances. The Commission shall:
 - a. Prepare, or cause to be prepared, the General Plan, any proposed plan element, any amendments thereto, and to submit the proposed plan, element, or amendments to the Council.
 - b. Prepare or cause to be prepared all Land Use Ordinances, including this Ordinance, Zoning Districts Maps, Official Maps, and any amendments thereto, and to submit such Land Use Ordinances, or amendments thereto to the Council.

- c. Review and recommend approval or denial of all Applications for a General Plan Amendment and Land Use Ordinance Amendment to the Council.
 - d. Review and render a decision of approval, approval with conditions or denial regarding conditional use applications.
 - e. Review and recommend approval, approval with conditions, or denial of all Subdivision Applications to the Council, as authorized by the Vineyard Subdivision Ordinance.
 - f. Determine and render a written interpretation of the boundary of a Zoning District, as provided by VZC 15.04.030.
 - g. ~~Act as an Appeals Authority, as provided by VZC 15.52.~~
 - h. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of Applications and for any other purposes deemed necessary by the Commission, provided that such bylaws, policies, and procedures are approved by the Council before taking effect.
 - i. Advise the Council on other matters, as the Council may direct.
- 2. Commission Membership, Appointment, Terms, Removal, and Vacancies.**
- a. The Commission shall consist of five (5) REGULAR members AND UP TO THREE (3) ALTERNATE MEMBERS.
 - b. Commission members shall be appointed by the Mayor, with the advice and consent of the Council.
 - c. Members of the Commission shall be residents of Vineyard. No member of the Commission shall be an elected official.
 - d. All members of the Commission shall serve at the discretion of the Mayor and Council for a term of four (4) years. No member shall serve more than two (2) consecutive terms. Terms shall begin on January 1 of each calendar year. Members' terms are to be staggered to so that no more than one (1) term shall expire each year on January 1. A Commission member shall not be automatically reappointed to a second term.
 - e. Commission members may be removed by the Mayor, with the advice and consent of the Council.
 - f. A Commission member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the Commission meetings in a calendar year are missed. If the absence of a Commission member is due to an extended illness or vacation, the Commission member is responsible to provide written notice to the Mayor prior to the time the absence will occur. If such notice is given, these removal requirements do not apply.
 - g. Commission vacancies occurring for any reason shall be filled by the Mayor, with the advice and consent of the Council. Vacancies on the Commission occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.
- 3. Quorum and Necessary Vote.** No meeting of the Commission shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the total members of the Commission. The Commission shall transmit reports of its decisions and recommendations to the Council. Any member of the Commission may also make a concurring or dissenting report or recommendation to the Council.
- 4. Effective Date of Decisions.**
- a. All decisions of the Commission shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the Commission, or the Commission designates a different date when the decision is made.
- 5. Meetings, Hearings, and Procedure.**
- a. The Commission shall establish a regular meeting schedule.

- b. Special meetings may be requested by a majority vote of the Commission, or by the chair of the Commission.
- c. When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the Commission will hear the rescheduled matter.

6. Commission Organization.

- a. At an annual organizational meeting to be held as listed in the Commission's by-laws, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.
- b. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.

7. Commission Compensation.

- a. The Council may fix per diem compensation for members of the Commission, based on necessary and reasonable expenses and on meetings actually attended. The Council shall provide for reimbursement to Commission members for actual expenses incurred, upon presentation of proper receipts and vouchers.

8. Commission Members Volunteers.

- a. Members of the Commission shall be deemed "volunteers" for the purposes of ~~City-Town~~ Ordinances, rules, regulations, and policies concerning personnel, provided however, Commission members shall be included in the definition of "employee" for the purposes of the Utah Governmental Immunity Act.

9. Commission Recording Secretary.

- a. The Mayor shall assign the ~~City-Town~~ Recorder, or designee, to act as the Recording Secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The minutes of all meetings of the Commission shall be filed in the office of the ~~City-Town~~ Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act.
- b. The Recording Secretary shall be compensated as approved by the Council.

SECTION 4: **AMENDMENT** "15.46.020 Authority" of the Vineyard Municipal Code is hereby amended as follows:

A M E N D M E N T

15.46.020 Authority

- 1. The ~~Land Use Hearing Officer~~~~BOA~~ is hereby authorized to approve, approve with requirements, or deny all Variance Applications.

SECTION 5: **AMENDMENT** “15.46.030 Initiation” of the Vineyard Municipal Code is hereby amended as follows:

A M E N D M E N T

15.46.030 Initiation

1. Requests for a Variance shall be made on a Variance Application, as provided by the ~~city~~Town.
2. A property owner may present a Variance Application for review and decision. An agent of the property owner, or a lessee of the property, may present a Variance Application for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.
3. A Variance Application shall be determined complete by the Planner, as provided by VZC 15.24.060. For Variance Applications determined to be incomplete, the Planner shall comply with the requirements of VZC 15.24.070.

SECTION 6: **AMENDMENT** “15.46.070 Approval Standards For A Variance Application” of the Vineyard Municipal Code is hereby amended as follows:

A M E N D M E N T

15.46.070 Approval Standards For A Variance Application

1. The ~~hearing officer~~BOA may grant a Variance Application, with or without requirements, only if:
 - a. Literal enforcement of this Ordinance would cause an unreasonable hardship for the Applicant that is not necessary to carry out the purposes of this Ordinance.
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same Zoning District.
 - c. Granting the Variance Application is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District.
 - d. Approving the Variance, with or without requirements will not substantially affect the General Plan and will not be contrary to the public interests; and
 - e. The spirit of this Ordinance is observed and substantial justice done.

SECTION 7: **AMENDMENT** “15.46.080 Required Findings For Approval Of A Variance Application” of the Vineyard Municipal Code is hereby amended as follows:

A M E N D M E N T

15.46.080 Required Findings For Approval Of A Variance Application

1. In determining whether or not enforcement of this Ordinance would cause an unreasonable hardship, as required by Section VZC 15.46.070, the ~~hearing officer~~BOA shall not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on, or associated with the property for which the Variance is sought; and

- b. Comes from circumstances peculiar to the property, and not from conditions that are general to the neighborhood.
2. In determining whether or not enforcement of this Ordinance would cause an unreasonable hardship, as required by this Section, the hearing officer ~~BOA~~ shall not find an unreasonable hardship if the hardship is self-imposed or economic.
3. In determining whether or not there are special circumstances attached to the property, as required by this Section, the hearing officer ~~BOA~~ may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same Zoning District.

SECTION 8: **AMENDMENT** “15.46.090 Variance Requirements Authorized” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.090 Variance Requirements Authorized

In approving a Variance Application the hearing officer ~~BOA~~ may impose such requirements found necessary ~~by the BOA~~ to:

1. Mitigate any harmful effects of the Variance; or
2. Serve the purposes of the standards or requirements that are modified.

SECTION 9: **AMENDMENT** “15.46.100 Use Variance Prohibited” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.100 Use Variance Prohibited

The hearing officer ~~BOA~~ shall not approve any Variance Application that would have the effect of authorizing any Use that is not allowed in a Zoning District, or a Use that is prohibited in by the Land Use Ordinances of the city ~~Town~~, as identified by the Tables of Uses.

SECTION 10: **AMENDMENT** “15.46.110 Effect Of Variance Application Approval” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.110 Effect Of Variance Application Approval

Approval of a Variance Application shall not be deemed an Approval of any other Application, Permit, or License. Upon a finding by the ~~hearing officer~~BOA that the approval standards for a Variance are met, the Applicant may then present to the ~~city~~Town any other necessary Land Use Applications or a Building Permit Application that may be required by this Ordinance, the ~~city~~Town other Land Use Ordinances, or the adopted Building Codes.

SECTION 11: **AMENDMENT** “15.46.120 Effect Of Approval A Variance Application” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.120 Effect Of Approval A Variance Application

1. A Variance approval by the ~~hearing officer~~BOA shall run with the land.
2. Following a decision concerning a Variance Application by the ~~hearing officer~~BOA, the ~~Hearing Officer~~BOA Recording Secretary shall provide the Applicant with a written notice of the decision. The written record of all Variance Applications shall be maintained on file by the ~~Hearing Officer~~BOA Recording Secretary.
3. The approval of a Variance Application shall not authorize the establishment or the extension of any use, or the development, construction, reconstruction, alteration or moving of any building or structure, and shall not be deemed an Approval of any other Application, Permit, or License. Upon a finding by the ~~hearing officer~~BOA that the approval standards for a Variance are met, the Applicant may then present to the ~~city~~Town any other necessary Land Use Applications or a Building Permit Application that may be required by this Ordinance, the ~~city~~Town other Land Use Ordinances, or the adopted Building Codes.

SECTION 12: **AMENDMENT** “15.46.140 Appeals” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.140 Appeals

Any person aggrieved by a decision of the ~~hearing officer~~BOA regarding a Variance Application may appeal the decision to the District Court, as provided by the LUDMA, and VZC 15.52.

SECTION 13: **AMENDMENT** “15.52.020 Appeal Authorities” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.020 ~~Appeal Authorities~~Appointed Hearing Officers

As provided by Part 7 of LUDMA, and to provide for appeals of decisions of the ~~Town~~City's Land Use Authority ~~ies~~ administering or interpreting the ~~Town~~City's Land Use Ordinances, appeal authority is hereby provided to the Land Use Hearing Officer, including this Ordinance, the following Appeal Authorities, with their respective appeal responsibilities, are hereby identified as follows: Any person aggrieved by a decision of the commission, city planner or administrative city council decisions may file an appeal petition with the Land Use Hearing Officer.

~~1. District Court:~~

- ~~a. Any person aggrieved by a decision of the Council in enacting or administering the Town~~City's Land Use Ordinances may file an Appeal Petition with District Court, as provided herein.
- ~~b. Any person aggrieved by a decision of the BOA~~Hearing Officer in administering the ~~Town~~City's Land Use Ordinances may file an Appeal Petition with the District Court, as provided herein.

~~2. Council~~Land Use Hearing Officer:

- ~~a. Any person aggrieved by a decision of the Commission or City Planner in administering or interpreting the Tow~~City's Land Use Ordinances may file an Appeal Petition with the ~~Council~~Land Use Hearing Officer.

~~3. Commission:~~

- ~~a. Any person aggrieved by a decision of the Planner in administering or interpreting the Town's Land Use Ordinances may file an Appeal Petition with the Commission.~~

SECTION 14: **AMENDMENT** "15.52.030 Maximum Time Allowed To File Appeal" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.030 Maximum Time Allowed To File Appeal

- ~~1. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the Town~~City, aggrieved by ~~the a decision of a~~ Land Use Authority's decision administering or interpreting the ~~Town~~City's Land Use Ordinances may, within ten (10) days of the decision, appeal the decision to the Appeal Authority identified by this VZC 15.52.020, ~~except as may be further provided by Subsection (2) and (3) below:~~
- ~~2. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the Town~~City, aggrieved by a decision of the Council, acting as a Land Use Authority, may file an Appeal Petition for the review of the Council's decision with the District Court within thirty (30) days after the land use decision is final, as provided by VZC 15.52.120.
- ~~3. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the Town~~City, aggrieved by a decision of an Appeal Authority may file an Appeal Petition for review of the decision with the District Court within thirty (30) days after the decision is final, as provided by VZC 15.52.120.

SECTION 15: **AMENDMENT** "15.52.040 Requirements For An Appeal Petition" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.040 Requirements For An Appeal Petition

1. An Appeal Petition of a Land Use Authority's decision shall clearly identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the ~~Town~~City's Land Use Ordinances.
2. Only those decisions in which a Land Use Authority has applied the requirements of the ~~Town~~City's Land Use Ordinances to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.

SECTION 16: **AMENDMENT** "15.52.050 Condition Precedent To Judicial Review, Appeal Authority Duties" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.050 Condition Precedent To Judicial Review, Appeal Authority Duties

1. As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a Land Use Authority's decision, in accordance with the requirements of this Chapter.
2. An Appeal Authority shall:
 - a. Act in a quasi-judicial manner; and
 - b. Serve as the final arbiter of issues involving the interpretation or Application of the ~~Town~~City's Land Use Ordinances; and
 - c. May not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority.
3. An Appeal Authority shall require an adversely affected party to present every theory of relief that it can raise in District Court.
4. An Appeal Authority shall not require an adversely affected party to pursue duplicate or successive appeals before it, or another Appeal Authority as a condition of the adversely affected party's duty to exhaust administrative remedies.

SECTION 17: **AMENDMENT** "15.52.060 Application Required" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.060 Application Required

1. An Appeal of a Land Use Authority's decision shall be made on the Appeal Application, provided by the ~~Town~~City.
2. An Appeal Application shall be determined complete by the Planner, as provided by VZC 15.52.060. If an Appeal Application is determined to be incomplete, the Planner shall comply with the requirements of VZC 15.52.070.

SECTION 18: **AMENDMENT** "15.52.070 Meetings, Records, And Action Of An Appeal Authority" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.070 Meetings, Records, And Action Of An Appeal Authority

1. ~~Each Appeal Authority, as identified herein shall:~~
 - a. ~~Notify each of its members of any meeting or hearing;~~
 - b. ~~Provide each of its members with the same information and access to Town resources as any other member;~~
 - c. ~~Convene only if a quorum of its members is present, which in no event shall be less than three (3) members of the BOA, or four (4) members of the Commission or Council; and~~
 - d. ~~Act only upon the vote of a majority of its convened members.~~
2. After an Appeal Petition is determined to be complete by the Planner, as provided herein, the Planner shall coordinate with the Appeal Authority to schedule the hearing of the appeal. The Planner shall transmit to the Appeal Authority all materials constituting the full and complete record of the decision of the Land Use Authority.
3. Following a written decision by the Appeal Authority, as provided by VZC 15.52.110, the Appeal Authority shall provide the Applicant with a copy of the written decision.
4. A record of the decisions of the Appeal Authority shall be maintained in the Office of the ~~City~~Town Recorder, which shall constitute the official record of the appeal hearing and decision.

SECTION 19: **AMENDMENT** “15.52.090 Burden Of Proof” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.090 Burden Of Proof

1. Any person bringing an appeal and alleging an error of a Land Use Authority’s decision administering or interpreting the ~~City~~Town’s Land Use Ordinances has the burden of proving that the Land Use Authority erred.

SECTION 20: **AMENDMENT** “15.52.100 Standard Of Review For Appeals” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.100 Standard Of Review For Appeals

1. Each Appeal Authority identified by this Chapter shall hear and review all appeal matters “on the record,” including the review of all factual matters. Each Appeal Authority shall only consider the materials presented and originally before the Land Use Authority in making the decision that is the subject of the appeal.
2. The Appeal Authority, as identified by this Chapter, shall determine the correctness of a decision of the Land Use Authority in its interpretation and Application of the Land Use Ordinances.
3. Only those decisions in which a Land Use Authority has applied the requirements of the ~~City~~Town’s Land Use Ordinances to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.

4. An Appeal Application shall not be used to waive, modify, or amend any requirement, provision, or term of the Land Use Ordinances.

SECTION 21: **AMENDMENT** “15.52.110 Final Decision” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.110 Final Decision

1. A decision of each Appeal Authority, as identified herein, shall take effect on the date when the Appeal Authority, as applicable, issues a written decision, which shall constitute a final decision by the City~~Town~~ in the matter.

SECTION 22: **AMENDMENT** “15.52.120 District Court Review” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.120 District Court Review

1. Required Time for Filing.

- a. No person may challenge in District Court a decision of a Land Use Authority until that person has exhausted all administrative remedies as provided by this Chapter and received a final decision from the Appeal Authority, as provided by VZC 15.52.110.
- b. Any person adversely affected by a final decision made in the exercise of, or in violation of, the provisions of this Chapter may file an Appeal Petition for review of the decision with the District Court within thirty (30) days after the Local land use decision is final.
- c. An Appeal Petition is barred unless it is filed within thirty (30) days after the Appeal Authority's decision is final.

2. Tolling of Time.

- a. The required time for filing for District Court review shall be tolled from the date the any person files a request for arbitration of a constitutional taking issue with the property rights ombudsman, as provided by § 63-34-13 U.C.A., 1953, as amended, until thirty (30) days after:
 - i. The arbitrator issues a final award; or
 - ii. The property rights ombudsman issues a written Statement under § 63-34-13(4)(b) U.C.A., 1953, as amended, declining to arbitrate or to appoint an arbitrator.
- b. A tolling under this Section operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
- c. A request for arbitration filed with the property rights ombudsman after the time under this Section to file an Appeal Petition has expired does not affect the time to file an Appeal Petition.

3. Standards Governing Court Review.

- a. The Court shall:
 - i. Presume that a decision or regulation made under the authority of the Land Use Ordinance, and LUDMA, is valid; and

- ii. Determine only whether or not the decision or regulation is arbitrary, capricious, or illegal.
- b. A decision, ordinance, or regulation of the Council involving the exercise of legislative discretion is valid if the decision, ordinance, or regulation is reasonably debatable and not illegal.
- c. A decision of a Land Use Authority or an Appeal Authority involving the exercise of administrative discretion is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
- d. A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.
- e. The time requirements for the filing of an Appeal Petition with District Court, as provided by this Section apply from the date on which the Land Use Authority takes final action on a land use Application for any adversely affected third party, if the Land Use Authority conformed with the notice provisions of this Ordinance, as applicable, or for any person who had actual notice of the pending decision.
- f. If the ~~CityTown~~ has complied with the notice requirements, as provided by this Ordinance, a challenge to the enactment of this Ordinance or the enactment of the General Plan may not be filed with the District Court more than thirty (30) days after the enactment.

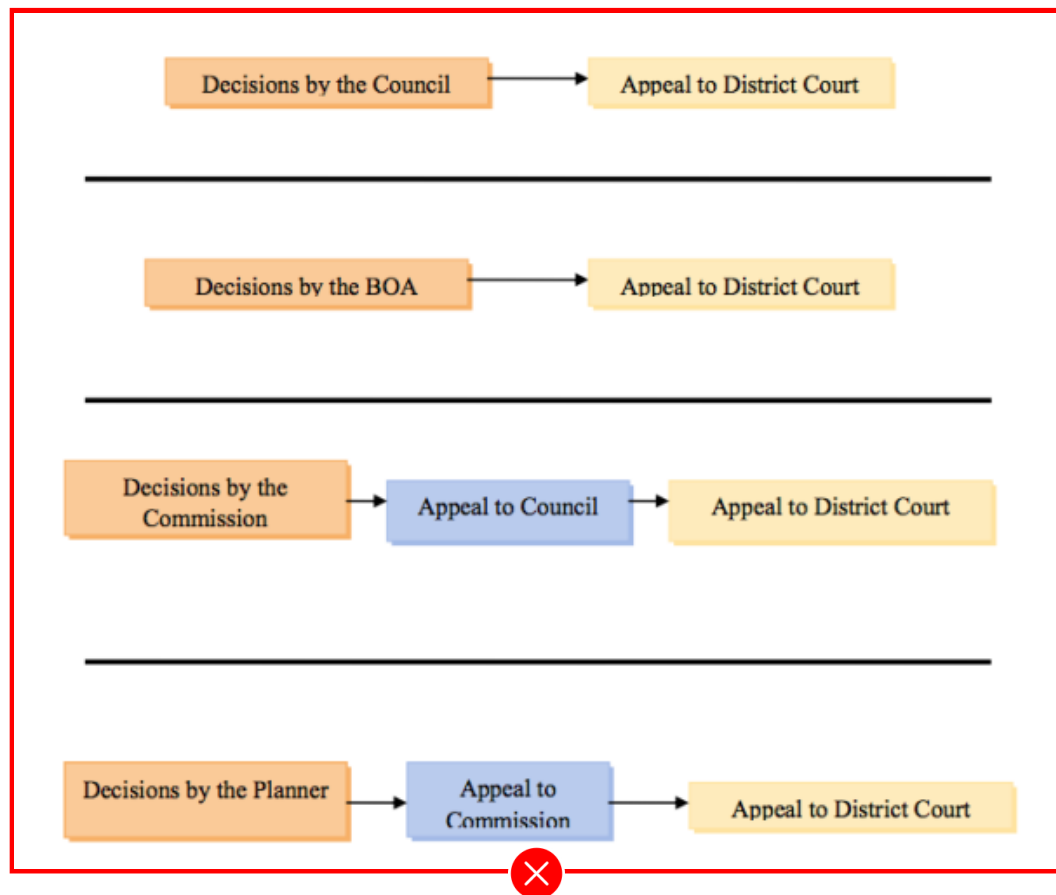
4. Appeal Authority – Review on the Record.

- a. The Council, acting as a Land Use Authority, or Appeal Authorities, as the case may be, shall transmit to District Court the record of its proceedings, including its minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.
- b. If the proceeding was tape-recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Section.
- c. If there is a record, the District Court's review is limited to the record provided by the Land Use Authority, or Appeal Authority, as the case may be.
- d. The court may not accept or consider any evidence outside the record of the Land Use Authority or Appeal Authority, as the case may be, unless that evidence was offered to the Land Use Authority or Appeal Authority, respectively, and the court determines that it was improperly excluded.
- e. If there is no record, the court may call witnesses and take evidence.
- f. The filing of an Appeal Petition does not stay the decision of the Land Use Authority, or Appeal Authority, as the case may be.

5. Staying of Decision.

- a. Before filing an Appeal Petition under this Section, or a request for mediation or arbitration of a constitutional taking issue under § 63-34-13 U.C.A., 1953, as amended, the aggrieved party may petition the Appeal Authority to stay its decision.
- b. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the ~~CityTown~~.

- c. After an Appeal Petition is filed under this Section, or a request for mediation or arbitration of a constitutional taking issue is filed under § 63-34-13 U.C.A., 1953, as amended, the petitioner may seek an injunction staying the Appeal Authority's decision.



SECTION 23: **AMENDMENT** "15.60.020 Definitions" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.60.020 Definitions

Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Abandon/Abandoned: Means a use that has been discontinued for a minimum period of one (1) year or a building, structure, sign, or other object that remains vacant or unused for a minimum period of one (1) year.

Abandonment: Any act that results to abandon.

Access: The provision of vehicular and/or pedestrian ingress and egress to a lot, parcel, building, or structure.

Accessory Building: A building customarily incidental and clearly subordinate to the primary building and located on the same lot as the primary building.

Accessory Use: A use clearly incidental, subordinate and customarily found in connection to the primary use and located on the same lot as the primary use.

Active or Valid Building Permit: A Building Permit that has not expired.

Adjacent Property/Adjacent Landowners: A lot or parcel of property, or the owner of record of such, according to the records of the Utah County Recorder that has a common boundary line with a lot or parcel of property that is the subject of some action before the city.

Affected Entity: Means a county, municipality, independent special District under Title 17A, Chapter 2, Independent Special Districts, Local District under Title 17B, Chapter 2, Local Districts, School District, interlocal cooperation entity established under Title 11, Chapter 13, InterLocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:

1. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
2. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
3. The entity's boundaries or facilities are within one mile of land that is the subject of a general plan amendment or land use Ordinance change.

Agent: The person with written authorization to represent a property owner.

Agriculture: An area which is used for the commercial production, keeping, or maintenance for sale of plants and domestic animals typically found in Utah County, or lands devoted to a soil conservation management program, but excluding the keeping of prohibited animals, Commercial Plant Nursery, as defined herein, Concentrated Animal Feeding Operation, as defined by the U.C.A., 1953, as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES), or similar activities.

Agricultural Building: A structure used in conjunction with an allowed agriculture use, and not for human occupancy, and complying with the requirements of § 58-56-4, U.C.A., 1953, as amended. To qualify as an agricultural building the structure must meet all requirements of § 58-56-4(1), U.C.A., 1953, as amended.

Alcoholic Beverages: Means and includes beer and liquor as defined in the State of Utah Alcoholic Beverage Control Act, as amended.

Alteration: Any change, addition, or modification in construction of a building or structure.

Animal Hospital: A facility for the diagnosis, treatment and hospitalization of animals, that may include indoor holding facilities only for the treatment and observation of animals but does not include any outdoor holding or boarding facilities, unless Outdoor Boarding Kennels are listed as an allowed use in the Zoning Use Matrix.

Appeal Authority: The person, board, commission, agency, or other body designated by this Ordinance to decide an appeal of a decision of a Land Use Application or a Variance.

Applicant: Any person(s) presenting a Land Use Application for any Approval, Permit, or License required by a Land Use Ordinance.

Application/Land Use Application: Written requests for an Approval, Permit, or License and completed in a manner prescribed by this Ordinance for review and decision by a Land Use Authority.

Application, Complete: An Application that includes all information requested on the appropriate form, and payment of all applicable fees.

Application, Incomplete: An Application that lacks information requested on the appropriate form, or lacks the payment of all applicable fees.

Architectural Projection: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

Assembly, Place of: The use of land for a meeting place where persons gather together for purposes of attending civic, social, religious functions, recreational events or entertainment performances on a regular or recurring basis including, but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, and indoor or outdoor recreational facilities.

Awning: A roofed structure placed to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building or other supports.

Base District: A Zoning District that establishes regulations governing land use and site development in a specific geographic area.

Basement: A story partly underground and having at least one-half (1/2) its height below the average level of the adjoining ground.

Bay Window: A window or series of windows forming a recess or bay from a room and projecting outward from the wall.

Berm: A mound of earth used as a site feature, or to shield, screen, and buffer uses, undesirable views and to separate land uses.

Best Management Practices (BMPs): A practice, or combination of practices, determined to be the most effective (including technological, economic, and institutional considerations) means of preventing or reducing disturbance or disruption to the natural environment.

Billboard: A freestanding sign designed or intended to direct attention to a business, product, or service that is not provided, sold, offered, or existing on the property where the sign is located.

Buildable Area: That area of a lot or parcel which is outside of any required setback areas and outside of any other areas regulated by this Ordinance.

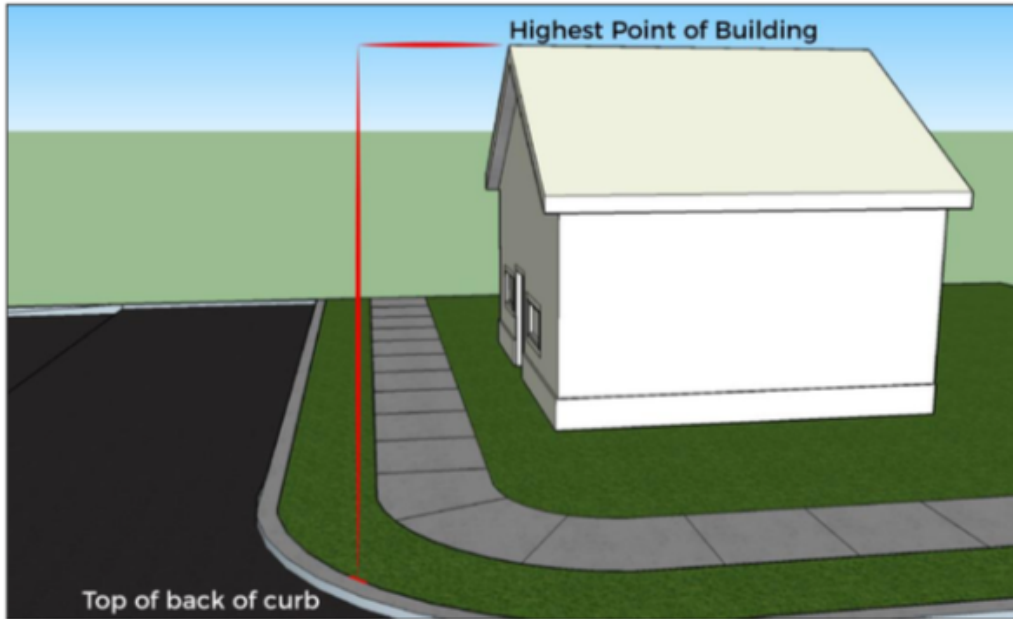
Building: Any structure, whether permanent or temporary, which is designed, intended, or used for occupancy by any person, business, animals, possessions, or for storage of property or materials of any kind.

Building Code: The International Building Code, as adopted by the city.

Building Facade: That portion of an exterior elevation of a building extending from the finished grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building Frontage: The horizontal, linear dimension of that side of a building abutting a street, a parking area, or other circulation area open to the public.

Building, Height: The vertical distance from the TOP OF THE BACK OF CURB to the highest point of the building or structure.



Building Line: The line circumscribing the buildable area of a lot.

Building Line, Front: A line parallel to the front lot line and at a distance there from equal to the required depth of the front yard setback and extending across the entire width of the lot or parcel.

Building Line, Rear: A line parallel to the rear lot line and at a distance there from equal to the required depth of the rear yard setback and extending across the entire width of the lot or parcel.

Building Line, Side: A line parallel to the side lot line and at a distance there from equal to the required depth of the side yard setback and extending between the front and rear building lines.

Building Official: The person charged with the administration and enforcement of the Building Code of the City of Vineyard, or designee.

Building Permit: A Permit authorizing a construction activity.

Business: Means and includes all trades, occupations, professions, or activities carried on within the city for the purpose of gain or economic profit.

Carport: Roof structures open on at least two sides and subject to all requirements prescribed for a garage.

Car Wash: A facility that offers the washing of motor vehicles and motorcycles by either machine or hand-operated mechanisms used principally for the cleaning, washing, polishing, or waxing of motor vehicles not exceeding 10,000 pounds Gross Vehicle Weight. A facility of this type may be able to accommodate more than one vehicle at the same time.

Certificate of Occupancy: A certificate issued by the Building Official authorizing occupancy of a building or structure requiring a Building Permit.

Chemical Manufacturing, Storage, and Distribution (Existing): A use, existing and established in the Town on January 1, 2008 and engaged in making of chemical products from raw or partially finished materials and the storage and distribution of such chemical materials and that by reason of materials, processes, products or waste may be hazardous or that by the emission of odor, dust, smoke, gases, noise, vibration, glare, heat or other impacts may impact adjoining properties, and which may include the parking and storage of distribution vehicles, and accessory activities.

Chief Executive Officer: Means the Mayor of the City of Vineyard. **City Engineer:** A registered Civil Engineer so appointed by the city.

Clear View Area: Areas at intersecting streets and driveways where unobstructed vision is maintained, as required by this Ordinance.

Cluster Development: A design that locates buildings in specific areas of a site to allow the remaining land to be used, but not limited to, recreation, open space, and preservation of sensitive land areas.

Code: The City of Vineyard Municipal Code, as adopted.

Commercial Kennel: An establishment where four (4) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit basis.

Commercial Plant Nursery: A use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail or wholesale customers.

Commercial Recreation, Indoor: A use, either public or private, providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including but not limited to live theater, and movie houses, indoor tennis, bowling, and skating, baseball batting cages, paintball, horse riding or similar activities. This use may include associated eating and drinking areas, retail sales areas and staff offices.

Commercial Recreation, Outdoor: An area or facility that offers entertainment or recreation outside. This use is limited to a golf driving range, baseball batting cages, riding arena, tennis facility, miniature golf, and swimming pool, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. This use specifically excludes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.

Commission: The Planning Commission of the City of Vineyard.

Common Area: Facilities and yards under common ownership.

Common Ownership: Ownership of the same property by different persons.

Commuter and Light Rail Facilities and Station: A rail transit system that covers long distances, usually with less frequent station spacing and train times than light rail that runs on a separate right-of-way from cars, and often sharing an existing freight corridor. Light rail transit systems can run along city streets or in a separate right-of-way. Station areas are located along the transit lines to link park-and-ride lots with the transit system.

Composting Facility: A facility where organic materials are converted into a humus-like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to agricultural operations are exempted from this use classification.

Conditional Use: A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Constitutional Taking: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

1. Fifth or Fourteenth Amendment of the Constitution of the United States; or
2. Utah Constitution Article I, Section 22.

Construction: The materials, architecture, assembly, and installation of a building or structure.

Construction Activity: All grading, excavation, construction, grubbing, or other site preparation or development activity which disturbs or changes the natural vegetation, grade, or any existing building or structure, or the act of adding an addition to an existing building or structure, or the erection of a new primary or accessory building or structure on a lot or parcel.

Construction Sales and Service: An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores.

Contractor's Office/Storage Yard: A facility providing building construction and maintenance services including carpentry, plumbing, roofing, electrical, air conditioning and heating, with a base of operations and which may include the indoor and outdoor storage of building materials, equipment, or vehicles used by the construction business.

Corral: A space, yard, or other unenclosed area, other than a building, used for the confinement of animals.

Council: The City Council of the City of Vineyard.

County: The unincorporated area of Utah County, or the Board of County Commissioners of Utah, Utah.

Cul-de-sac: A street with only one (1) outlet and an area for the safe and convenient turning around of traffic.

Culinary Water Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Cut: The process of lowering the natural grade of the ground, or the depth or the volume of such material removal.

Daycare Facility, Commercial: A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all applicable State standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides child care for less than twenty-four (24) hours per day. Commercial Daycare Facilities excludes the following:

1. Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
2. Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available;

3. Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations; or
4. Clearly identified as an Accessory Use.

Decibel (dB): A unit of measure used to express intensity of noise.

Declaration: The legal instrument by which property is subjected to the provisions of the State of Utah Condominium Ownership Act, or a declaration of covenants, conditions, and restrictions.

Dedication: The setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.

Demolish or Demolition: Any act or process that destroys in part or in whole a building or structure.

Density: The intensity or number of nonresidential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre.

Density, Base: The number of dwelling units per acre allowed by a Zoning District.

Density, Incentive: The number of additional dwelling units per acre allowed in addition to the base density.

Developer: Any person or organization that develops, or intends to develop or sell property for the purpose of future development subject to the provisions of this Ordinance, or other Land Use Ordinances.

Development Activity: Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; (b) Any construction, reconstruction, or expansion of a building, structure, or use; (c) Any change in the use of a building or structure; (d) Any change in the use of land that creates additional demand and need for public facilities or services; (e) The act of subdividing; or (f) The act, process or result of developing.

Development Agreement: A contract between an Applicant or owner and the Council pursuant to the provisions in this Ordinance.

Development Site: The perimeters and total area of a tract, lot, or parcel of land intended to be used for a development activity.

Development Standards: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space and any other special regulations deemed necessary to accomplish the purpose of this Ordinance or other Land Use Ordinances.

Disability: Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment. (§ 57-21-2(9)(a) U.C.A., 1953, as amended). Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§ 57-21-2(9)(b) U.C.A., 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.

Distribution Center: A facility where the storage and distribution of goods and materials occurs inside a fully enclosed building and which may include the parking and storage of distribution vehicles, and accessory activities.

Domestic Livestock and Fowl: Limited to domesticated horse (*Equus caballus*), domesticated cattle (*Bos taurus* and *Bos indica*), domesticated sheep (*Ovis aries*), domesticated goat (*Capra hircus*) and domestic fowl. Domestic Livestock and Fowl do not include inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.

Driveway: A private access, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

Drive-Through Facility: A facility which by design, physical facilities, service or packaging procedures, encourages or permits customers to transact business or receive services or goods while remaining in their motor vehicles.

Dwelling, Accessory Unit: An attached dwelling unit to a single-family home, or located above a detached garage serving a single-family home which is located on the same lot as the single-family home designed to be clearly subordinate to the principle dwelling. An accessory dwelling unit provides complete, independent living facilities with a separate dwelling entrance than the principle dwelling.

Dwelling, Accessory Unit for Owner or Employee: An attached, or detached, dwelling unit for an employee or owner and incidental and clearly subordinate to the existing primary building or use and located on the same lot as the primary building or use.

Dwelling, Condominium: An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which is typically maintained by an association of the owners. Must meet allowed density requirements.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units.

Dwelling, Single-Family: A building containing one (1) dwelling unit.

Dwelling, Two-Family: A building containing two (2) attached dwelling units.

Dwelling Unit: A building, occupied by no more than one (1) family as defined herein, containing one (1) or more rooms and one (1) kitchen and including areas for living and sleeping, designed to be used for human occupancy, and complying with all provisions of the Building Code.

Dwelling Unit, Manufactured: A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more Sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

To meet the requirements of this Ordinance and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the Building Code, as adopted by the City of Vineyard, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All manufactured dwelling units constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A Manufactured Dwelling Unit shall be identified as real property on the property assessment rolls of Utah County.

Earth Station: A communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.

Easement: That portion of a lot, parcel, or tract reserved for present or future use by a person or agency other than the fee owner(s) of the property. The easement may be for use under, on, or above said lot, parcel, or tract.

Educational Facility: Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.

Elderly Person: A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Emergency Care Facility: A facility or licensed healthcare provider providing emergency medical or dental or similar examination, diagnosis, treatment and care on an outpatient basis only.

Environmental Remediation: Removal and processing of on-site waste and/or contaminated materials for the purposes of remediation of the site for future use. All uses in this category are considered temporary for the duration of the remediation process and do not include importation of waste for processing. Such uses shall comply with the provisions for separation of uses and performance standards contained herein.

EPA: The United States Environmental Protection Agency.

Escrow: A deposit of cash with the city, or approved alternate in lieu of cash, held to ensure the performance of a task or a maintenance guarantee.

Excavation: The removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

External Illumination: Lighting that illuminates a building or structure, parking area, or other outside area from a location outside of the building or structure.

Family: A person living alone, or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities: (a) Any number of people who are related by blood, marriage, adoption, or court sanctioned guardianship together with any incidental domestic or support staff who may or may not reside on the premises; or (b) four (4) unrelated people; or (c) two (2) unrelated people and any children related to either of them. "Family" does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

Farmer's Market: An area used for the sale of fresh produce and related food items, which may have outdoor storage and sales. A farmers' market may provide space for one or more vendors.

Fence: A barrier or obstruction of any material, with the purpose or intent, or having the effect, of preventing passage or view across the fence line.

Fence, Open: A fence which permits vision through more than fifty percent (50%) of each square foot more than eight (8) inches above the natural or finished grade.

Fence, Sight Obscuring: A fence which permits no vision (0%) through any part of the fence more than eight (8) inches above the natural or finished grade.

Fill: The process of raising the natural grade of the ground, or the depth or the volume of such material.

Financial Institution: A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money; but not including Pawnshops.

Fiscal Impact Analysis: An analysis that describes the current or anticipated effect upon the public costs and revenues imposed by a development activity.

Flammable Liquids or Gases Manufacture, Storage and Distribution: A facility which may produce, store and/or distribute flammable liquids and gases and which may include the parking and storage of distribution vehicles, and accessory activities.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; including streams, creeks and rivers and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): An official map of a community on which the United States Federal Emergency Management Agency has delineated areas of flood hazard.

Flood Insurance Study: The official report provided by the United States Federal Emergency Management Agency that include flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Flood Plain, 100 Year: An area where a peak flow magnitude has about a 1 percent (1%) chance of being equaled, or exceeded in any year. The area is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed. The flood would have an average frequency of occurrence of about once in one hundred (100) years.

Floor Area, (Gross Floor Area): The sum of the footage contained within all buildings or structures on a site measured from the outside wall surfaces and including basements, garages, porches, utility rooms, stairways, recreation rooms and storage rooms, but excluding unroofed balconies and patios.

Floor Area, (Net Floor Area): The sum of the footage contained within all buildings or structures on a site measured from the inside wall surfaces including basements but excluding, garages, porches, utility rooms, stairways, storage rooms, and unroofed balconies and patios.

Floor Area, (Total): The sum of the gross floor area of all floors of a building and its accessory buildings located on the same lot. All dimensions shall be measured from the exterior faces of the exterior walls.

Floor Area Ratio: The total gross floor area of a building divided by the area of the lot on which it is located.

Foot Candle: A unit for measuring the amount of illumination on a surface.

Frontage: All the property fronting on one (1) side of the street between intersecting or intercepting streets, measured along the street line.

Funeral Home: An establishment where the dead are prepared for burial or cremation and which may include areas for embalming, performing of autopsies and the storage of funeral supplies and vehicles and where funerals may be held.

Garage: An accessory building used for the storage of motor vehicles.

General Plan: The City of Vineyard General Plan, as adopted.

Geologic Hazard: A hazard inherent in the crust of the earth, or artificially created, which is dangerous, or potentially dangerous to life, property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faulting, landslides, and rock falls.

Golf Course: An area used for the purposes of playing golf, but which may include associated restaurants, commercial retail sales areas, and course maintenance facilities.

Grade, Finished: The finished elevation of the surface of the land after the completion of any development activity or other excavation.

Grade, Natural: The elevation of the surface of the land prior to any development activity or excavation.

Grading: An excavation, cut or fill, or the act of excavating, either cutting or filling.

Groundwater: Any water that may be drawn from the ground.

Groundwater Discharge Area: An area where the direction of groundwater movement is upward from the principal aquifer to the shallow unconfined aquifer.

Grubbing: The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical, or other means.

Guarantee: Any form of security including cash, a letter of credit, or an escrow agreement in an amount and form satisfactory to the city.

Hard-Surfaced: Covered with concrete, brick, asphalt, or other impervious material.

Hazardous Waste: A material as defined by the United States Environmental Protection Agency.

Health and Fitness Facility: A business or membership organization providing exercise facilities and/or nonmedical personal services to patrons, including, but not limited to, gymnasiums, private clubs (athletic, health, or recreational), tanning salons, and weight control establishments.

Health Department: The Utah County Health Department.

Heliport: An area used for the landing and taking off of rotary wing aircraft but not including the regular repair or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

Holiday Decorations: Displays of a primarily decorative nature commonly associated with any national, Local, or religious holiday.

Home Day Care: The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than three (3) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6).

Home Occupation: An activity carried out for gain by a resident of the dwelling unit, identified, and conducted in compliance with the requirements of this Ordinance, as applicable.

Home Preschool: A preschool program complying with all State standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.

Hospital: A facility licensed by the State of Utah Department of Health providing health services primarily for human inpatient, medical and/or surgical care for the sick or injured, and including the related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

Hotel: A building and associated facilities offering overnight accommodations for guests, with access provided through a common entrance, lobby or hallway to individual guestrooms, and which may include additional services, such as restaurants, conference and meeting rooms, entertainment, and recreational facilities.

Household Pets, Noncommercial: Domesticated animals and birds ordinarily allowed in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to dogs, cats, and caged birds. Household Pets do not include domestic livestock or fowl, as defined herein or inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.

Hybrid Production Facility: A commercial operation or use, on one or more premises where finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale and scope of operation with adjacent or nearby uses.

Identical Plans: Means building plans submitted to the City of Vineyard that are substantially identical to building plans that were previously submitted to and reviewed and approved by the City of Vineyard Building Official and describe a building that is:

1. Located on land zoned the same as the land on which the building described in the previously approved plans is located; and
2. Subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

Illegal Building/Structure: A building or structure, or portion thereof, established without securing the necessary Approvals, Permits, or Licenses, as required by this Ordinance, the adopted Building Code, or their prior enactments.

Illegal Lot: A lot created that has not received the necessary Approvals, Permits, or Licenses, as required by the city's Land Use Ordinances.

Illegal Use: A use established without receiving the necessary Approvals, Permits, or Licenses, as required by the city's Land Use Ordinances.

Impact Analysis: A determination of the potential effect(s), including but not limited to environmental, fiscal, social, matters, etc. upon the city or a Section of the city.

Impervious Material or Surface: Material that is impenetrable by water.

Improvements: Curbs, gutters, streets, roads, sidewalks, utilities, grading, paving, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, parks, public facilities, amenities and other such requirements of this Ordinance.

Intensity: The degree of a quantitative or qualitative measurement associated with a use of land or building.

Internal Illumination: Lighting by means of a light source that is located within a building structure, or other object including a sign, or portions or letters of a sign.

Kennel, Commercial: A facility providing for indoor commercial boarding, grooming or training of household pets not owned by the owner or occupant of the premises.

Kennel, Outdoor Commercial: A facility providing for the indoor and/or outdoor commercial boarding, grooming or training of household pets not owned by the owner or occupant of the premises.

Land Use: The manner in which land is occupied or used.

Land Use Application: All Applications required by this Ordinance, and the city's other Land Use Ordinances, and required to initiate the review procedures for any required Approval, License, or Permit by a Land Use Authority.

Land Use Approval: Any authorization received from a Land Use Authority that permits the commencement of a development activity.

Land Use Authority: Means a person, board, commission, agency, or other body designated by the Council to act on a Land Use Application.

Land Use Ordinance: Means a planning, Zoning, development, or subdivision Ordinance of the City of Vineyard, including this Ordinance, but does not include the City of Vineyard General Plan.

Landscaping: Materials and treatments that include naturally growing elements such as grass, trees, shrubs, and flowers. Landscaping may also include the use of rocks, fountains, benches, and contouring of the earth when authorized by a Land Use Authority.

Laundry, Commercial: An establishment primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than retail services establishments. Typical uses include bulk laundry and cleaning plants, diaper services, and linen supply services.

Laundry, Self Service or Dry Cleaning: An establishment providing home-type washing, drying, and/or ironing machines, household laundry and dry-cleaning services.

Legal Building/Structure: A building or structure, or portion thereof, established after receiving the necessary Approvals, Permits, or Licenses, as required by the Land Use Ordinances and complying with the requirements of the Land Use Ordinances and Building Code.

Liquor Store: An establishment owned and operated by the State of Utah and primarily engaged in the sale of alcoholic beverages.

Lot, Legal: A lot that has received the necessary Approvals, Permits, or Licenses, as required by the city's Land Use Ordinances, or their prior enactments.

Legal Lot of Record: Any lot, parcel or tract of land that existed, as recorded in the Office of the Utah County Recorder, with a separate property identification number as provided by the Office of the Utah County Recorder and Office of the Utah County Assessor, prior to the date of the adoption of the first Vineyard Subdivision Ordinance, and all lots, parcels, and tracts of land that were legally created pursuant to the subdivision requirements of the city's Land Use Ordinances and the laws of the State of Utah after the date of the adoption of the first City of Vineyard Subdivision Ordinance.

Legal Use: A use complying with the requirements of this Ordinance.

Legislative Body: The City Council of Vineyard, Utah.

Light Source: A point of lumination that emits a measurable radiant energy in or near the visible spectrum.

Limits of Disturbance: The area of a lot, parcel, or tract of land in which all development activity or construction must be contained including all impervious surfaces, buildings, structures, parking areas, driveways, etc.

Lot: A parcel of land occupied or proposed to be occupied by a building or structure, together with such yards, open spaces, lot width and lot area as are required by this Ordinance.

Lot Area: The total land area of a lot, parcel, or tract of land.

Lot Coverage: The total horizontal area of a lot, parcel, or tract of land covered by any impervious surface, including buildings, structures, parking areas, driveways, etc.

Lot Depth: The horizontal distance from a front lot line to a rear lot line.

Lot, Interior: A lot, parcel, or tract of land, other than a corner lot.

Lot, Irregular: A lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

Lot Line: A line bounding a lot, parcel, or tract of land that divides one (1) lot, parcel, or tract from another, or from a street. See also Property Line.

Lot Line Adjustment: The relocation of the lot line or property boundary line in a subdivision between two adjoining lots with the consent and agreement of the owners of record.

Lot Line, Front: A lot line separating a lot from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way line.

Lot Line, Rear: The lot line generally opposite and most distant from the front lot line.

Lot Line, Side: Any lot line that is not a front lot line or rear lot line. A side lot line separating one (1) lot from another is an interior side lot line.

Lot, Corner: A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).

Lot, Double Frontage: A lot abutting two (2) parallel or approximately parallel streets.

Lot, Illegal: A lot that has not received the necessary Approvals, Permits, or Licenses, as required by the city's Land Use Ordinances and State laws, or their prior enactments.

Lot, Noncomplying (Legal): A lot, parcel or tract of land that: (a) Legally existed before its current Zoning designation; and (b) Has been shown as a separate lot, parcel, or tract continuously on the records of the Utah County Recorder as an independent parcel since the time the Zoning requirements governing the lot, parcel or tract changed; and (c) Because of subsequent Zoning changes does not now conform with the requirements of the Zoning District in which the lot, parcel or tract is located.

Lot, Noncomplying (Illegal): A lot, parcel or tract of land that: (a) Was created without receiving the necessary Approvals, Permits, or Licenses, as required by the city's Land Use Ordinances and State laws, and their prior enactments, and (b) Does not conform with the requirements of the Zoning District in which the lot, parcel or tract is located.

Lot Width: For an interior lot or parcel, the shorter of horizontal distance between side lot lines, measured at the required front yard setback line or rear setback line. For a corner lot, the distance between one (1) of the front lot lines and the opposite side yard line at the required setback line.

LUDMA: Means the "Municipal Land Use, Development, and Management Act," as provided by Chapter 10-9a, U.C.A., 1953, as amended.

Lumen: A measurement of light output or the amount of light emitting from a luminaire. **Luminaire:** A lighting unit consisting of a light source and all necessary mechanical, electrical, decorative, light shielding and hooded parts.

Luminaire, Cutoff-Type: A luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light.

Luminaire, Shielded, Fully: Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

Luminaire, Shielded, Partially: Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

Manufacturing, Heavy: The assembly, fabrication or processing of large or bulky goods and materials which typically require extensive building areas or land areas using raw materials or previously prepared materials, using processes and that may have impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that are not offensive or create any odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts to adjacent property, nor create any health and safety hazards by way of materials, process, product or waste, and where all assembly, storage, fabrication or processing is conducted within a building or structure and where all, equipment, compressors, generators and other ancillary equipment is located within a building or structure.

Medical Clinic: An organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations.

Medical Laboratory: An establishment that conducts basic medical or dental research and analysis. This term does not include a facility providing any type of in-house patient services typically provided by hospitals and clinics.

Mixed Use: The location and arrangement of a combination of compatible residential and nonresidential uses on the same lot or within the same building, and complying with the requirements of this Ordinance.

Model Home: A dwelling unit having all of the following characteristics:

1. The dwelling unit is constructed upon a lot in a subdivision for which a Final Plat has been recorded.
2. The dwelling unit is intended to be temporarily utilized as an example of the dwelling units that are proposed to be built in the same subdivision.

Moderate Income Housing: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Utah County.

Moderate Income Housing Plan: A written document conforming to the requirements of LUDMA.

Monument: A permanent survey marker established by the Utah County Surveyor and/or a survey marker set in accordance with the City Engineer's specifications and referenced to Utah County survey monuments.

Motel: A building or group of buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building with a garage or parking space located on the same lot and designed, used or intended wholly or in part for the overnight accommodations of guests and their vehicles.

Motor Home: A unit primarily designed as a temporary dwelling for recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer, and a caravan.

Motor Vehicle Fueling Station: A facility providing the retail sale and direct delivery to motor vehicles of fuel, including electric charging stations, lubricants and minor accessories, and retail sales for the convenience of the motoring public.

Municipality: The City of Vineyard, Utah, or other incorporated area.

Museum: An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value and for which any sales relating to such exhibits are incidental and accessory to the exhibits presented.

Natural Features: Non-man-made land characteristics, including but not limited to slopes, wetlands, streams, rock outcropping, lava fields, intermittent drainage channels, and vegetation.

Natural State: Land that has not been subjected to grading, removal of vegetation or any development activity.

Natural Vegetation: Vegetation existing on a lot or parcel prior to any grading, development activity or man-made plantings.

Natural Waterways: Those areas, varying in width, along the course of a permanent or intermittent river, stream, creek, or gully.

Nominal Fee: A fee that reasonably reimburses the city only for time spent and expenses incurred in:

1. Verifying that building plans are identical plans; and
2. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

Noncombustible Material: Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes, and will not continue to burn or glow at that temperature.

Noncomplying Structure: A structure that:

1. Legally existed before its current land use designation; and
2. Because of one or more subsequent land use Ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Nonconforming Use: A use of land that:

1. Legally existed before its current land use designation;
2. Has been maintained continuously since the time the land use Ordinance governing the land changed; and
3. Because of one or more subsequent Land Use Ordinance changes, does not conform to the regulations that now govern the use of the land.

Nonresidential Uses: Means the uses identified in the Tables of Uses – Nonresidential Zoning Districts.

Nonresidential Zoning District/Nonresidential Zones: Means the Commercial Districts and Industrial Districts.

Nursing Care Facility: A healthcare facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty-four (24) hour staff availability, and at least two (2) of the following patient services:

1. a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services;
2. a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or
3. a supervised living environment that provides support, training or assistance with individual activities of daily living.

Nursing Home, Convalescent Care Center: A facility that provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing Home or Convalescent Care Center provides some level of skilled nursing or medical service to the residents.

Office: A type of business use where a building, room, or other space and where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Official Map: A map adopted by the Council and recorded in the Utah County Recorder's Office that:

1. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
2. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
3. Has been adopted as an element of the City of Vineyard General Plan.

Official Zoning Map/Zoning Districts Map: The map adopted by the Council showing the geographic location of Zoning Districts.

Off-Street: Entirely outside of any city right-of-way, street, access easement, or any private access drives.

Open Space: Land areas that are not occupied by buildings, structures, parking areas, streets, or roads. Open space may be devoted to landscaping, preservation of natural features, and recreational areas and facilities.

Outdoor Display of Products or Merchandise: The storage of goods or product in an open, unenclosed area, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.

Overlay District: A Zoning District, with its accompanying requirements, that is applied to an area that may place additional development standards on a Zoning District. Development in an overlay District must conform to the base District as well as the overlay Zoning requirements.

Owner: Any person who alone, jointly or severally with others, has a legal or equitable title to property.

Parcel of Land: An area of land, with a separate property identification number, as provided by the Office of the Utah County Recorder.

Park: A playground, or other area or open space providing opportunities for active or passive recreational or leisure activities.

Park and Ride Facility: A parking area and transit facility, the purpose of which is to allow the parking of motor vehicles with a connection to mass transit service.

Park Strip: The area located between the edge of asphalt or curb and the sidewalk, trail, or property line.

Parking Area/Parking Lot: An enclosed or unenclosed area, other than a street, and used or designed for the parking of four (4) or more vehicles.

Parking Space: An enclosed or unenclosed area used for parking or storage of one (1) automobile.

Pawnshop: Any person or establishment engaged in any of the following:

1. Lending money on deposit of personal property;
2. Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledger or depositor;
3. Lending or advancing of money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property; or
4. Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property.

Permitted Use: For the purposes of this Ordinance shall include P-1 and P-2 Uses.

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes "Tattoo Establishment."

Person: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

Pervious Material or Surface: Material that is penetrable by water.

Planning Commission: The Planning Commission of the City of Vineyard, Utah.

Plat: A map or other graphical representation of lands being laid out and prepared in accordance with LUDMA.

Plat, Final: A drawing prepared in accordance with the Land Use Ordinances showing the final design of a land division and complying with all standards and requirements of best surveying practice and in a form required by the Utah County Recorder's Office for recordation.

Plat, Preliminary: A drawing prepared in accordance with the Land Use Ordinances showing the design of a proposed land division.

Power Plant: An electrical energy generating facility with generating capacity of more than 50 megawatts and any appurtenant and associated facilities.

Primary Building: The principal building located on a lot, parcel, or tract of land and designed or used to accommodate the primary use.

Primary Use: The principal purpose for which a lot, parcel, tract, or building is designed, arranged or intended, or for which it is occupied or maintained.

Private Club: Any nonprofit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members. A Private Club that serves liquor shall maintain compliance with all applicable state laws.

Private Drive: A non-dedicated thoroughfare used exclusively for private access to a lot, parcel, or tract of land.

Property: Any lot, parcel, or tract of land, including improvements thereon, and recorded as real property in the Office of the Utah County Recorder.

Property Line: The boundary line of a lot, parcel, or tract.

Public: That which is under the ownership or control of the United States Government, Utah State or any subdivision thereof, Utah County, or the City of Vineyard (or any departments or agencies thereof).

Public Use: A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including streets, parks, recreational facilities, administrative and service facilities, and public utilities, and found to conform to the General Plan, as adopted. Public Uses and Utilities do not include "Major Facility of a Public Utility," as defined herein.

Public Hearing: A hearing at which citizens of the City and members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Improvement: Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building, or structure.

Public Meeting: A meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings.

Qualified Professional: A professionally trained person with the requisite academic degree, experience, and professional certification or License in the field or fields relating to the matter being studied or analyzed.

Quasi-Public Use: A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the public.

Reasonable Accommodation: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing Zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability, "Necessary" means the Applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice, "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

Record of Survey Map: A map of a survey of land prepared in accordance with the laws of the State of Utah.

Reception Hall, Reception Center: A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.

Recreational and Manufactured Home Standard: A standard adopted by the American National Standards Institute or the national fire protection association for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act, 1974, as amended.

Recreational Vehicle: A vehicular unit primarily designed for recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, boat, a fifth-wheel trailer and a caravan.

Recycling Collection Center: A use, often accessory in nature, providing designated containers for the collection, sorting and temporary storage of recoverable resources (such as paper, glass, metal and plastic products) to be transferred to a recycling processing facility. Recycling Collection Centers involve no more than 3 collection containers up to 40 cubic yards in total size. The operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance.

Recycling Processing Facility: A facility where recyclable and organic materials are collected, stored and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning. Recycling Processing Facility does not include Salvage Yard.

Residence: A dwelling unit or other place where an individual or family is living at a given point in time and not a place of temporary sojourn or transient visit.

Residence for Persons with a Disability that are Substance Abuse Facilities located within 500 feet of a School: A residence in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability.

Residential Activity: Any building, structure, or portion thereof that is designed for or used for residential purposes and any activity involving the use of occupancy of a lot or structure for residential purposes.

Residential Facility for Elderly Persons: A single-family or multiple-family dwelling unit that meets the requirements of LUDMA.

Residential Facility for Persons with a Disability: A residence in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability.

Residential Lease, Short Term: The use, occupancy, rent or lease, for direct or indirect compensation, of a structure or any portion thereof constructed for single family or multifamily occupancy or of any other residential property for an effective term of thirty (30) days or less.

Residential Uses: Means the uses identified in the Zoning District Use Matrix under the Residential category.

Restaurant: A building or facility for the preparation and retail sale of food and beverages.

Retail Sales and Services: Establishments engaged in the retail sale of goods and services, except those uses as otherwise clearly defined herein.

Retail Sales and Services (Community Commercial): Establishments engaged in the retail sale of goods and services. Community Commercial Retail Sales and Service businesses must conduct all sales of goods and services, with all associated storage of goods and materials, within a totally enclosed building (with the exception of occasional outdoor "sidewalk" promotions), with no separate individual building to exceed 3,000 square feet in total gross building and the total gross floor area of all buildings, on any separate, individual lot, does not exceed more than 6,000 square feet of gross building area.

Community Commercial Retail Sales and Services specifically excludes all sales, accessory uses, and service uses that typically display goods or services, or store goods or product in open, unenclosed areas, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.

Retail Sales and Services (Regional): A commercial retail business that occupies more than 80,000 square feet of floor space, is a car or motor vehicle dealer, is a retail shopping facility (shopping center) that has at least one (1) anchor tenants if the total floor area of all tenants is more than 150,000 square feet, or is a grocery store of more than 30,000 square feet.

Revocation: A action by a Land Use Authority that has the effect to terminate any Approval, Permit, or License required by the city's Land Use Ordinances, including this Ordinance.

Right-of-Way: Any area provided for conveying vehicle and pedestrian traffic.

Roof Line: The highest point on any building or structure.

Salvage Yard: The use of any lot, portion of a lot, or land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery and/or the storage and sale of dismantled or damaged vehicles or their parts.

Sanitary Sewer Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

Seasonal Use: A Seasonal Use shall not exceed ninety (90) days. Such uses include fireworks stands, fruit or vegetable stands, beverage or snow cone vendors, and Christmas tree lots.

Self-Service Storage: An enclosed commercial storage facility providing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.

Self-Storage, Mixed Use: A single building containing more than the primary land use of self-storage, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. A mixed-use self-storage facility is intended to be used for a mix of uses between the primary use of a private noncommercial, non-industrial storage facility and general, professional office, medical or dental offices, retail or residential dwelling units' uses.

Sexual Oriented Business: A business which depicts, portrays, or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia which are designated or used in connection with specified sexual activities, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.

Sign: A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, business, article or merchandise, service, assemblage, solicitation, or a request for aid; also, the structure or framework or a natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Illegal: Any sign which does not conform to the requirements of this Ordinance and was constructed or installed without the necessary Approvals, Permits, or Licenses required by this Ordinance, or prior enactments.

Sign, Legal: A sign that conforms to the requirements of this Ordinance and has received all necessary Approvals, Permits, or Licenses, as required by this Ordinance, or prior enactments.

Sign, Noncomplying: A sign or sign structure of portion thereof lawfully existing at the time this Ordinance became effective, but which does not conform to all applicable requirements now provided by this Ordinance.

Sign, Non-maintained: A sign which, due to lack of repair, cleaning, painting, oiling, or changing of light bulbs has become deteriorated, hazardous, or non-functional.

Sign, Off-Premise: Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered at a location other than on the lot, parcel, or tract upon which such sign is located.

Sign, On-Premise: A sign that directs attention to a business, commodity, product, use, service or other activity that is sold, offered or conducted on the lot, parcel, or tract upon which such sign is located.

Site Plan: A schematic, scaled drawing of a lot, parcel, or tract which indicates, as may be required by this Ordinance, including but not limited to the placement and location of buildings, setbacks, yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, trash containers, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed use, activity, building or structure.

Slope: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

Special District: An entity established under the authority of Title 17A, Special Districts, U.C.A., 1953, as amended.

Specified Public Utility: Means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, U.C.A., 1953, as amended.

Start of Construction: The issuance date of a Building Permit if construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the Permit date. "Begins" means the date of the commencement of the first development activity on the site.

Story: The space within a building, included between the surface of any floor and the surface of the ceiling next above.

Street: A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, tunnel, bridge, public easement, or other way.

Structural Alterations: Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Subdivision: Means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, and as further defined by LUDMA.

Subdivision Application: The Applications required by the City of Vineyard Subdivision Ordinance and required to initiate the review procedures for any required subdivision approval.

Substantial Action: Action taken in good faith to diligently pursue any matter necessary to obtain approval of an Application filed pursuant to the provisions of this Ordinance or to exercise development rights authorized pursuant to such an approval.

Swimming Pool: An artificial body of water having a depth in excess of eighteen inches, designed, constructed and used for swimming, dipping or immersion purposes by men, women or children, and located on a same lot or parcel as a dwelling, or dwellings.

Temporary Use: A use or event established for a maximum period of sixty (60) days, such use or event being discontinued after the expiration of sixty (60) days.

Tennis Court/Sports Court: An improved area used for the playing of tennis or other sports activities, including, but not limited to, basketball and volleyball, and located on a same lot or parcel as a dwelling, or dwellings.

Trailer/RV Camping Facilities: Any area or tract of land used or designed to accommodate two (2) or more travel trailers, recreational vehicles, motor homes or camping parties.

Travel Trailer: A vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a motorized vehicle:

1. Designed for travel, recreational and vacation use; and
2. When factory equipped for the road, having a body width of not more than eight feet (8') and a body length of not more than forty feet (40').

Unincorporated: Means the area of Utah County, Utah and located outside of the incorporated area of the City of Vineyard, or another municipality.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USGS: The United States Geological Survey.

Utilities: Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the city.

Utility Easement: The area designated for access to construct or maintain utilities on a lot, parcel, or tract of land.

Utility, Public Major Facility: Any overhead or underground electric transmission lines (greater than 115,000 volts), substations of electric utilities; gas regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, water treatment plant, sewage treatment plant, or similar public or quasi-public use or activity.

Utility, Public Minor Facility: Any water, sewer power, gas, telephone, cable television, or other utility, distribution line, or facility, which is located underground and buried beneath the surface of the ground.

Variance: A modification granted by the Land Use Hearing Officer ~~Board of Adjustment~~ to a development standard with a finding of hardship.

Vehicle: A Licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

Vehicle and Equipment Repair (Major): An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.

Vehicle and Equipment Repair (Minor): An establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings, but not including paint and body shops or other activities associated with Vehicle and Equipment Repair (Major). Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, frontend alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) may include the retail sale of fuels, lubricants and other supplies for motor vehicles.

Vehicle and Equipment Sale and Rental: A facility providing for the sale, lease, or rental of new or used vehicles, including automobiles, trucks, motorcycles, recreational vehicles, or boats. The cleaning and routine maintenance of motor vehicles is allowed as an accessory use.

Violated or Violating: There exists reasonable cause to believe that an Ordinance, Code, Statute, or Law has been, or is being broken.

Warehouse Club: A retail business requiring patron membership, and selling packaged and bulk foods and general merchandise characterized by high volume and a restricted line of popular merchandise in a no-frills environment. Examples include, but are not limited to Wholesale Club, Costco, and Sam's Club.

Wholesale Distribution: A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of such materials, supplies and goods from its inventory to retail companies within the industry and which may include the parking and storage of distribution vehicles, and accessory activities.

Wireless Telecommunication Facility: A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as "cellular" or "PCS" (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

Yard: An open space on a lot, parcel or tract of land, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

Yard, Front: An open space on the same lot with a building between the front line of the building and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear: An open, unoccupied space on the same lot as a building, between the rear line of the building and the rear lot line and extending the full width of the lot except, on corner lots, the rear yard shall not include the side yard bordering the street.

Yard, Side: An open, unoccupied space on the same lot as a building, between the rear line of the building and the front line of the building and extending from the side line of the building to the side lot line; except, on corner lots, the side yard bordering the street shall extend to the rear from the front line of the building to the rear lot line, the same distance as is required for side yard setbacks on corner lots in each zone.

Zoning District: An area of the city that has been given a designation which regulates the construction, reconstruction, alteration, repair, or use of buildings or structures, or the use of land as set forth in this Ordinance.

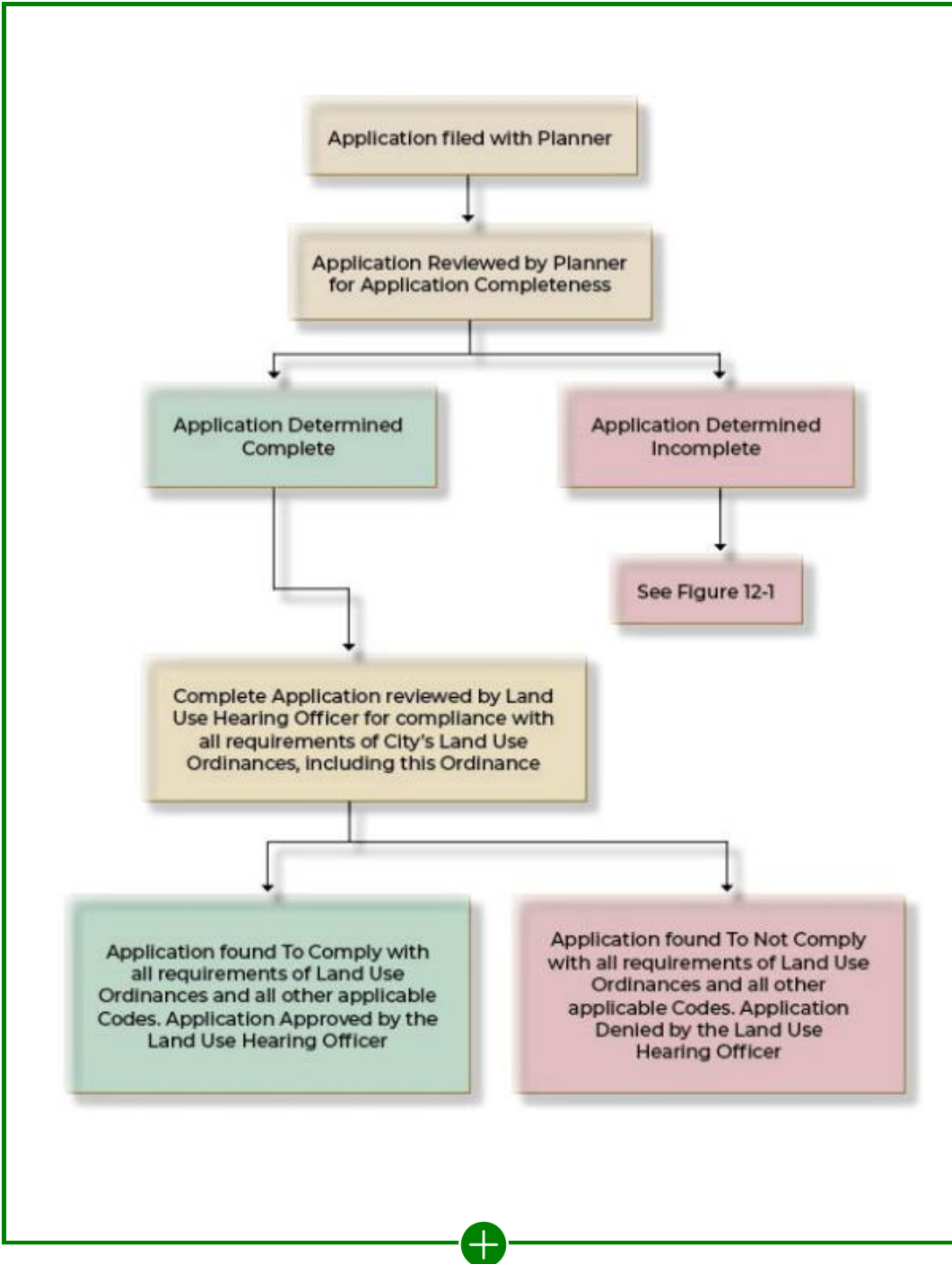
Zoning Districts Map: The map, adopted as part of a Land Use Ordinance, including this Ordinance that depicts and identifies the geographic location of the Zoning Districts provided by this Ordinance.

Zoning Ordinance: This Ordinance, and any amendments thereto as may be amended from time to time. This Ordinance is determined and identified to be a Land Use Ordinance of the City of Vineyard, Utah.

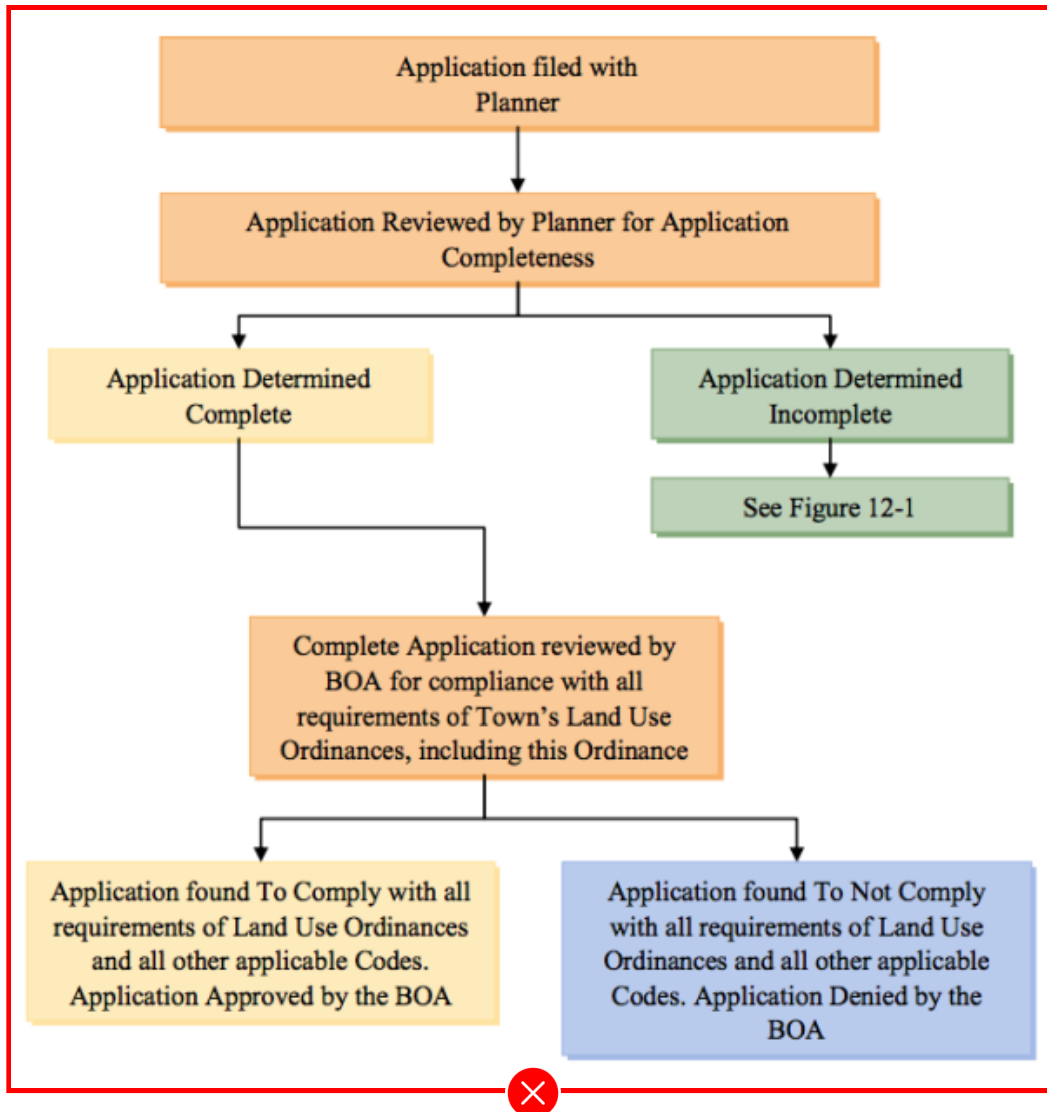
SECTION 24: **AMENDMENT** “15.46.060 Review And Approval Procedures” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.060 Review And Approval Procedures



The procedures for the review of a Variance Application are identified by Figure 23-1, herein.



SECTION 25: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 26: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 27: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from December 12, 2018, and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
John Earnest	_____	_____	_____	_____
Tyce Flake	_____	_____	_____	_____
Chris Judd	_____	_____	_____	_____
Nathan Riley	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder Vineyard



December 11, 2018

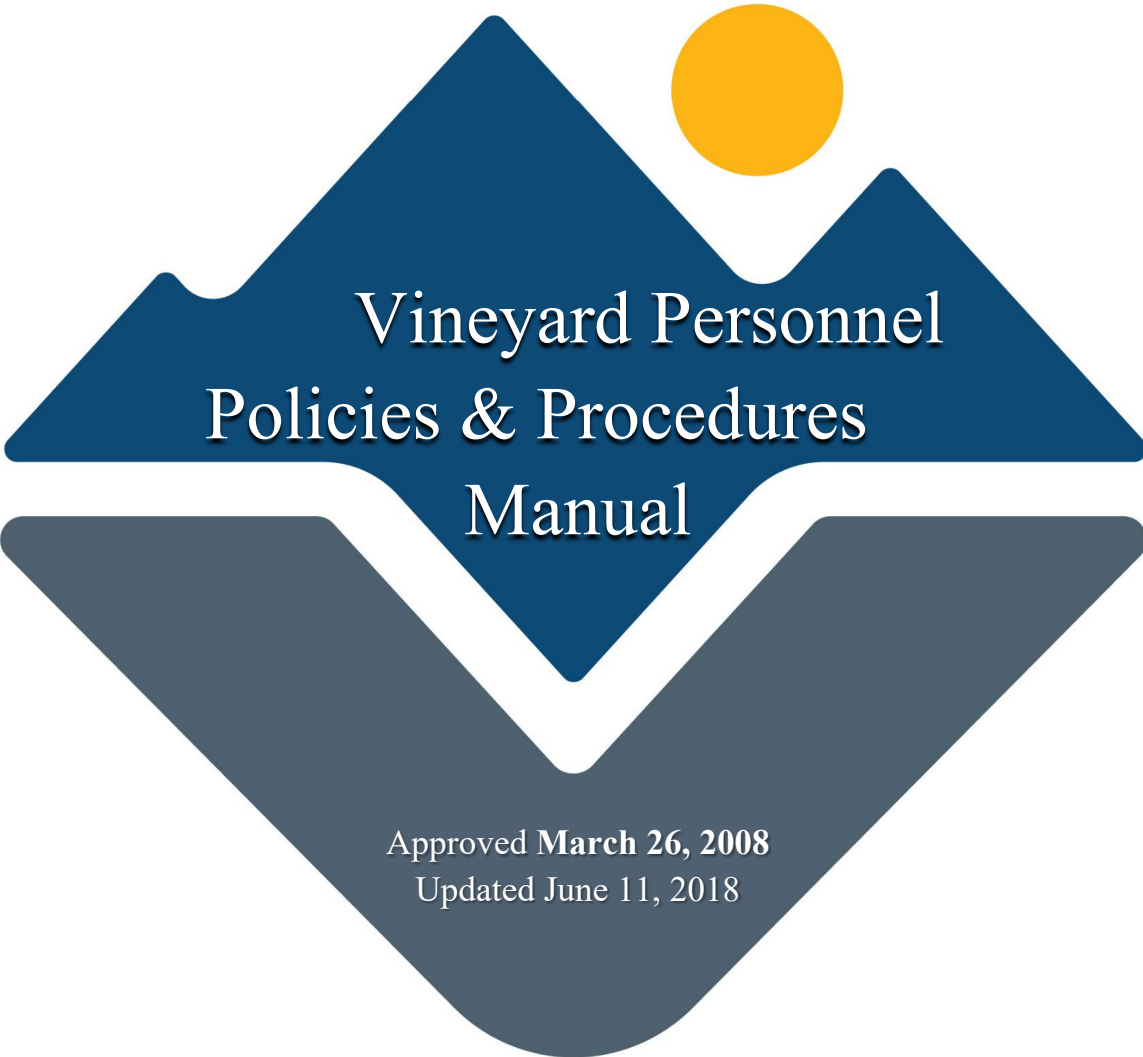
Dave Pitcher
Chief Engineer
Central Utah Water Conservancy District
355 W University Parkway
Orem, Utah 84059

Dear Mr. Pitcher

We would like to postpone our takedown of 200-acre feet of water as scheduled in our contract, dated May 4, 2017. We appreciate the working relationship we have with CUWCD and thank you for your consideration in this matter.

Sincerely,

Jacob McHargue
City Manager



Vineyard Personnel Policies & Procedures Manual

Approved March 26, 2008
Updated June 11, 2018

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

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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 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.

~~Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees always feel a deeper understanding of their role in the organization when they realize that policies are uniformly administered.~~ 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 race, color, religion, sex, sexual orientation, national origin, age, or disability.

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.

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

SECTION III: EMPLOYEE HIRINGRecruitment & 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. ~~This extends to all phases of the employment life cycle, from job announcement through recruitment, hiring, performance evaluation, promotion, discipline, and separation. Vineyard reserves the right to accept applications from both City and non-City employees.~~

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2. **Hiring Procedures.** ~~Vineyard will, in general, use and consider the following guidelines when taking action to fill a job vacancy: The Human Resources Officer 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. ~~r— indicating the position title, a description of the duties, responsibilities, and required knowledge and skills, and the minimum qualifications of education and experience required for the position (form #4 or #5).~~

B. ~~The Human Resources Manager will then seek qualified job applicants by posting the opening internally and/or advertising the open position (form #6) through a medium deemed most appropriate by the Human Resources Manager.~~ The Human Resources Officer shall prepare and distribute a job announcement which shall be distributed according to the market area for the position.

C. ~~All applicants will submit a cover letter, resume, and an application (form #7) 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 Officer.~~

D. ~~Job applicants may be required to take ability tests that the City deems necessary for the specific position. When the City uses ability tests, it may make reasonable accommodations for disabled applicants.~~

E. ~~The Human Resources Manager and appropriate department head will review the applications. All applicants that are eligible for further consideration shall be rated in order of preference. Preference shall be determined by a consistent method of rating the education, knowledge, skills, experience, abilities, personality, and fit and potential for job performance and learning of applicants. Human Resources will send the applicants that will not be interviewed a response (form #15).~~

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F. ~~The department head and/or a supervisor of their choosing will interview qualified applicants using the "Telephone Screening Process" (form #8) and "In Person Interview Questionnaire" (form #9). If a second interview is necessary, use the "Second Interview Questionnaire" (form #10).~~

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C. _____

~~G. Subject to the terms and conditions of this hiring procedure and guideline, the department head will have final authority in the hiring process. Only those applicants properly certified by the department head will be considered for hire.~~

~~I. May use forms "Applicant's Consent to Release Information Statement" (form #11) and "Telephone Reference Check Questionnaire" (form #12) or "Written Reference Check Questionnaire" (form #13) to finalize the decision~~

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

I.D. 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.

E. Employees may be subject to Section IV: Alcohol and Drug Free Workplace, and Section V: Safety Sensitive Position Drug Testing. 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

F. 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.

J.G. 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.

~~K. The department head will inform Human Resources of their hiring choice. Human Resources will send out the appropriated letters or emails to each applicant interviewed. "Job Offer Letter" (form #14), "Position Filled Email" (form #15), or "Position Filled Letter" (form #16). Human Resources will have the appropriate acceptance form signed for part time, temporary, and seasonal employees (form #17).~~

L.H. Human Resources will have new employees complete new hire paperwork before beginning work. Supervisors shall schedule a new employee orientation with the

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Human Resources Officer as soon as possible after the employee starts work.-

M.I. 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.

3. **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.

4. **Elected Officials.**

- A. No City employee shall serve as an elected official for ~~Vineyard Town~~the City simultaneously with their term of employment. A ~~Town-City~~ employee who desires to be elected to a municipal office for Vineyard ~~Town-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. ~~This policy shall be prospective in application.~~

5. **Immigration Law Compliance.**

- ~~A.~~ 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”. I-9 form (form #18).

6. **Volunteers.**

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A. Background and Purpose: 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.

B. General 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.

C. Vetting: 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.

D. Approval: 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.

E. Compensation: Volunteers will not be compensated, nor will they be given preferential treatment by the City, its departments, employees, or officers.

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7. Internships

A. Background and Purpose

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.

B. General Guidelines

Interns must:

1. be a current student at 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.

C. The Fair Labor Standards Act (FLSA)

Interns are not and will not be considered "employees" for purposes of the FLSA.

D. Academic Experience

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The City will ensure that internships are primarily for the academic benefit of the interns by:

1. requiring interns to be closely supervised in their work;
2. conducting regular reviews of each intern's work and progress;
3. holding entrance and exit interviews;
4. ensuring that the work given to each intern aligns, as closely as possible, to his or her academic objectives;
5. giving priority to academic commitments by adjusting each intern's work schedule as appropriate and necessary; and
6. not seeking or requiring any immediate advantage from the internship.
7. 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.
8. 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.

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E. Application Process

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.

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F. Regular Employees

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.

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G. Future Employment

1. 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.
2. 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.

B.

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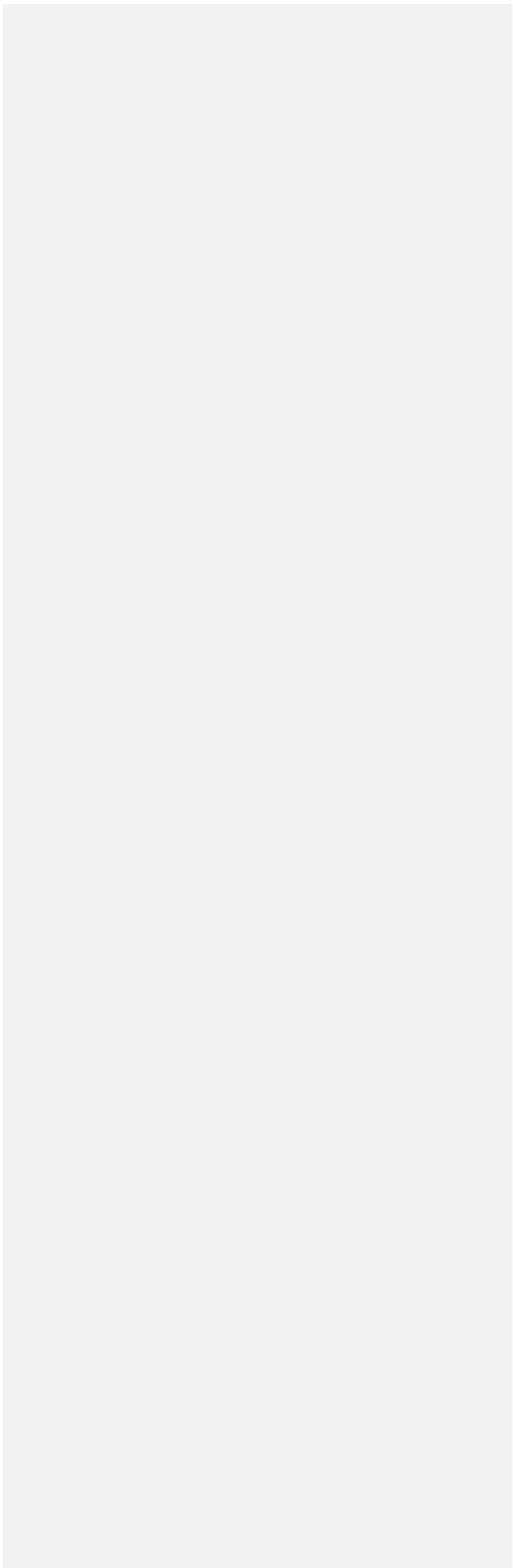
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SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

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: ~~SAFETY SENSITIVE POSITION~~ DRUG TESTING (~~CDL DRIVERS~~)

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1. General Statement.

- A. POLICY. 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.

1. ~~In order to achieve a drug-free work place, employees in, and applicants for, safety sensitive positions (form #19) shall be required to participate in all of the following alcohol and controlled substances testing:~~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; specifically, for safety sensitive positions (form #19).

- ~~g. On a random basis.~~

- ~~2. Applicants for all other positions shall, as a condition of employment, be required to participate in alcohol and controlled substances testing after the applicant has been extended a conditional offer of employment but before beginning work.~~

- B. SCOPE. This policy covers all employees of and applicants to Vineyard.

- C. DEFINITIONS.

1. 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.

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2. 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. ~~Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine)~~ or other substances, which may only be legally obtained and used pursuant to a physician's prescription.
3. 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.
4. 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.
5. 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.
6. Reasonable Suspicion. Knowledge sufficient to induce an ordinarily prudent and cautious ~~man~~ 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).
7. 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.

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. All applicants selected for employment with Vineyard shall be required to take a drug and alcohol test with negative results as a precondition of employment.~~

~~b.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 ~~as set forth above~~, 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 setting Officer, setting~~ forth the specific, ~~contemporaneous concurrent~~ articulable observations concerning the appearance, behavior, speech, or body odors ~~of the driver~~, 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 surviving CDL driver involved~~ ~~employee in an~~ 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.

F.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~~accident resulting a citation for a moving traffic violation or loss of human life~~, 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.

G.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 Substances.
 - 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.

H.I. General 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.

H.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.

H.K. General.

1. Vineyard maintains the right to conduct unannounced inspections of Vineyard owned property, work stations, 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.~~It is the policy of Vineyard that:~~
 - 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 ~~sex~~/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 ~~in-service~~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.
 1. 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.

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~~Handguns, knives with blades in excess of four (4) inches, explosives, or any other dangerous weapon, are prohibited in the workplace unless determined necessary to function in the course and scope of employment.~~

A. As used in this policy, violence is defined to including the following:

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1. Physical Attack is an unwanted or hostile contact, such as, but not limited to hitting, fighting, pushing, shoving, or throwing objects.
2. 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.
3. Harassment is behavior or communication designed or intended to intimidate, menace, or frighten another person.
4. Property Damage is behavior or acts that contribute to the destruction or damage of property.

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~~1. Property Damage is behavior or acts that contribute to the destruction or damage of property.~~

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B. 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:

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~~B.1. 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:~~

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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.
 - 2.3. Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
- C. 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.
- D. 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.
 1. 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.
 2. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually

demeaning or pornographic.

3. Displaying signs or other materials purporting to segregate an employee by gender in any area of the work place (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.
- E. 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.

~~F. Two major categories of sexual/gender or other harassment are:~~

- ~~1. Quid Pro Quo, or the granting or conditioning of tangible job benefits or the granting of sexual favors.~~
- ~~2. Creating a hostile or unwelcome work environment based on sex, race, gender, religion, or other protected classification.~~

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, ~~as well as the offending employee's work history.~~

B. ~~False or bad faith~~ claims regarding harassment shall result in disciplinary action, up to and including termination, against the accuser.

B.C. Complaints made ~~in good faith~~ under this policy will not result in any adverse action against the person making the complaint, and no other person who participates ~~in good faith~~ 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. **Maintaining 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 ~~quid pro quo type sexual~~ 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.

~~1.3.~~ 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.

~~2.4.~~ 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.

~~2.3.~~ The date and time of the offense.

~~3.4.~~ The offensive behavior that the employee engaged in.

5. The frequency of the offensive behavior.

~~4.6.~~ The names of any witnesses.

~~5.7.~~ Damage the victim suffered as a result of the offensive behavior.

~~6.8.~~ How the victim would like the matter settled, or what the victim would like to see happen.

~~3.5.~~ The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.

~~4.6.~~ The victim should submit formal written complaints to the department head or City Administrator. If the Mayor 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.

~~5.1.~~ 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.

~~6.2.~~ Information contained in the harassment complaint files shall be released only with the written authorization of the victim and the City Administrator

~~7.3.~~ Participants in any harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

5. Investigation of Complaints.

~~B.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.

~~C.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.

5.6. 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.

A. Privacy:

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

B. Telephone Use:

1. Telephones are provided for the conducting of City business. However, personal use by employees is permitted within the following guidelines:
 - a. The use is of reasonable duration and frequency during approved breaks or lunch periods.
 - b. The City incurs no added costs, such as long distance charges.
 - c. The use is not related to any illegal activity or the conduct of an outside business.
 - d. 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.
2. The City reserves the right to limit the frequency and length of personal telephone calls. Our public duty must take priority over an employee's personal business. Personal calls that are excessive and/or unnecessary are not acceptable and may result in disciplinary action up to and including termination.

C. Cell Phone Use:

1. ~~It is the goal of the City to provide cellular telephones to City employees who need them to perform the essential functions of their jobs. It is the further desire of the City to make sure that cellular phones are used primarily for City business and the cost to the City for cellular phone use is kept as low as possible, and that employees and supervisors are held accountable for proper cellular phone usage (see Cellphone Policy pg. 31). 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.~~

- ~~A. 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~~

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A. substantial portion of his/her work day.
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.

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B. 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

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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.

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

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

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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.

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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.

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D.C. Mail Use:

2. 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.

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E.D. FAX and Copying Machines:

1. 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.

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F.E. Internet Policy

1. 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.

2. 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.
3. 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 ~~or floppy disk~~, and not to the City's network drives.
4. The City reserves the right to limit an employee's access to the Internet for any reason.
5. An employee has no privacy rights with respect to anything on their PC, laptop, or the City network, including internet sites accessed.

G.F. Social Networking Websites

1. 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.
2. 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.
3. 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.
4. Social networking sites should be used in a positive manner and should not be the medium typically used to respond to negative issues.
5. Employees should not disclose private or confidential information, or information obtained in a setting for which the information was meant to be private.
6. Employees 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”).

7. 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.
8. 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. Cellphone Policy:~~

~~A. General Policy. There are millions of cell phones and wireless communication devices in operation today. This technology is now an integral part of our daily, personal, and business activity. These devices are tools to enhance employee productivity, provide safety/security while traveling, and provide a higher level of service to the citizens of Vineyard.~~

~~B. The purpose of the Cellular Phone Policy is to:~~

- ~~1. Provide standards and clarification for city issued and personal cellular phone use.~~
- ~~2. Enhance the efficiency and effectiveness of communication.~~
- ~~3. Ensure safe work practices when using cell phones while driving or performing work related activities.~~

~~C. Definitions:~~

- ~~1. Vehicle — a land motor vehicle, motorcycle, trailer, or semi-trailer designed for travel on public roads and or any off road vehicle.~~
- ~~2. Business call — any phone call made by an employee for the purpose of conducting official City business in accordance with that employee's assigned duties and responsibilities.~~
- ~~3. Cell phone — any wireless communications device, smartphones, and tablets.~~
- ~~4. City issued cell phone — any wireless communication device, smart phones, and tablet provided by the City to the employee for business use.~~
- ~~5. Personal Cell Phone — an employee owned wireless communication device,~~

~~smart phone, and tablet.~~

- ~~6. Employee — any person who is hired to provide services to the City on a regular basis in exchange for compensation.~~
- ~~7. Personal call — any phone call made by an employee that is NOT for the purpose of conducting official City business in accordance with that employee's assigned duties and responsibilities.~~

~~D. Use of Cellular Phone for Official Business~~

~~1. City issued Cellular Phone~~

- ~~a. The Mayor or designee will determine the suitable carrier(s) for City-issued cell phones, and tablets. The Finance Department shall manage the administration and be the main point of contact for City cell phones and cellular contract(s), including types and models of equipment to be used; number of users, amount of usage, initial set up, plan changes, services and billing issues and service purchased under the contract. The Finance Department shall provide each department head with a copy of monthly telephone bills for each of their employees for review and approval on a monthly basis.~~
- ~~b. The department head shall be responsible for determining the employee's need for a City provided cell phone. In doing so, the department head will analyze the business necessity for such use before authorization. The following criteria should apply in warranting cell phones:~~
 - ~~a. Timely, critical communication is required by the employee.~~
 - ~~b. The employee is very mobile and may have limited access to land based telephone services.~~
 - ~~c. Employee requires immediate communication in case of emergency.~~
- ~~c. Cellular phones will be assigned by need and not every employee will have a cellular phone assigned to them. Each case for a phone will be reviewed individually; the location, the business requirements, safety issues, and appropriateness will all be taken into consideration when evaluating the need for a cellular phone.~~
- ~~d. Department Head shall inform employees of the purpose for the cell phone communication while performing City business; ensure the employee understands the Cell Phone Policy; enforce compliance with this policy; and ensure that cell phone use is appropriate and that public funds are prudently spent. Approval shall be given to the Finance Officer in writing by using the "Cell Phone Policy Acknowledgement Form"~~

~~(form #20) and the “Wireless Equipment Request Form” (form #21).~~

- ~~2. Approving managers shall audit each monthly bill for City issued phones to account for proper business use prior to sending statements to Accounts Payable for payment.~~
- ~~3. Employees shall review and adhere to the Cell Phone Policy.~~
- ~~4. Use of a City provided cell phone for commercial profit or secondary employment is prohibited.~~
- ~~5. City provided cell phones shall only be for appropriate business calls. As a general rule, personal phone calls on City issued cell phones shall be kept to a minimum. When personal calls/minutes cause the monthly plan minutes to exceed the limit, reimbursement for those minutes must be made to the City. All reimbursements are to be made within 15 days of receipt and reconciliation of the monthly statement.~~
- ~~6. The employee will reimburse the City for costs related to excessive personal use by paying the actual charge as it appears on the vendor invoice.~~
- ~~7. City issued cell phones are to be used by the assigned employee(s) only. Allowing family members, friends, etc. to use City equipment is prohibited.~~
- ~~8. City issued cell phones are the property of Vineyard and are to be returned to the department supervisor when an employee separates from the City or are no longer required to use a cellular phone.~~
- ~~9. City issued cell phones and their assigned phone number, SIM card, data card, etc. are considered property of Vineyard and cannot be transferred to private ownership. Additionally, SIM cards, data cards, or phone numbers cannot be transferred to or used with personally owned phones or other equipment.~~

~~E. General Business Usage~~

- ~~1. All cellular calls using a City issued cell phone should be limited to the shortest possible time.~~
- ~~2. Service charges are incurred by the City for optional services such as directory assistance, busy signal confirmations, etc. As such, the use of these services on City issued cellular phones is restricted for business purposes only and should be used only when absolutely necessary.~~
- ~~3. If usage history is deemed to be too low or too high a more appropriate plan shall be considered based on the Finance Officer's recommendation.~~
- ~~4. Department Heads shall contact the Finance Department for changes.~~

5. ~~Unless authorized, any enhanced services such as data, picture, ringer tones, downloading of songs or internet not included in the basic plan shall not be permitted on a City-issued cellular phone.~~
6. ~~Employees are not allowed to use the City-issued cellular phones in an illegal, illicit or offensive manner.~~
7. ~~It is important to remember that all payments processed through Accounts Payable, including complete cell phone bills detailing all monthly activity, are public record.~~
8. ~~All data on cell phones including pictures are public record, employees need to remember this and not use their phones to view or store any potentially offensive material.~~
9. ~~While on duty or in the work environment, employees must use all cell phones and electronic devices in a professional manner.~~

~~F. Prohibited Uses of City-Issued Cellular Phones:~~

1. ~~Any use that disrupts or distracts from the employee's carrying out of City business.~~
2. ~~Use of cell phone for solicitations.~~
3. ~~Excessive personal business activities~~
4. ~~Any call intended to harm or otherwise prohibited activities, including harassment, stalking, or threats.~~
5. ~~Phones used to make offensive, disparaging, or harassing remarks that may incite violations or are based on race, national origin, gender, sexual orientation, age, disability, or political religious beliefs.~~
6. ~~Any use to view, transmit, retrieve, save print or solicit sexually oriented messages or images.~~
7. ~~Calls made for religious or political functions, including lobbying as defined by Utah Code Annotated SCC. 36-11-102 and Utah Administrative Code R623, although this prohibition does not apply to calls made by those employees whose job duties include providing information or the department's opinion to other governmental officials or the media.~~
8. ~~Knowingly or recklessly using the phone to spread computer viruses.~~
9. ~~Caller/employee representing himself or herself as someone else.~~

~~G. The issuing of City-owned phones is considered a privilege and may be revoked.~~

~~H. Replacing a Cellular Phone~~

- ~~1. It is at the discretion of the department head and the Finance Officer to authorize the replacement/upgrade of a City issued cellular phone. Use the "Wireless Equipment Request Form" (form #21) to initiate such a request.~~
- ~~2. Employees assigned a City cell phone must be diligent in the care and protection of the City asset entrusted to them. Employee may be responsible for replacement if loss or damage to cellular phone is the fault of the employee.~~
- ~~3. In the event of a lost or cellular phone:~~
 - ~~a. Report the situation to your supervisor immediately.~~
 - ~~b. The supervisor or department head shall contact the Finance Department, who will notify the cell phone carrier.~~
 - ~~c. Interoffice or email the "Wireless Equipment Request Form" (form #21) for replacement.~~

~~I. Use of Personal Cellular Phones during Working Hours:~~

- ~~1. Personal cellular phones should only be used for personal calls during breaks or at lunch.~~
- ~~2. Discussions on a personal cellular phone during a break or lunch should not disrupt other staff members.~~
- ~~3. Personal cell phones are the sole responsibility of the employee and the City will not be responsible for repair or replacement if damaged, or lost.~~

~~J. Safe Use of Cell Phone/Electronic Devices While Operating a Vehicle:~~

- ~~1. Employees must refrain from operating cellular phones or other devices or any activity that may distract from safely operating a motor vehicle. Using cell phones or other devices while driving leads to increased risk of accident and liability to the City and the employee. To limit the risk, all employees shall adhere to the following:~~
 - ~~a. Make calls before starting the vehicle and proceeding to your destination.~~
 - ~~b. If possible, pull over or park in an appropriate manner before initiating or answering a call.~~
 - ~~c. Allow voice mail to handle your incoming calls and return them at your safe convenience.~~
 - ~~d. Refrain from making personal calls, except for emergencies; while~~

~~operating a City-owned vehicle, rental vehicle, or your own vehicle for City-related business.~~

- ~~e. Employees who are charged with a traffic violation resulting from their use of a cellular phone while driving will be solely responsible for all penalties that result from such action whether on a personal or business cellular phone.~~
- ~~2. Any individual using a City cellular phone shall use good judgment in how and where the phone is used. Phones taken into meetings shall be turned off or to vibrate. If a call is taken during a meeting, every effort should be made to not disrupt the meeting. Unless a call is specifically related to a topic of discussion, talking on the phone in a meeting is strongly discouraged.~~

~~K. Violations of Policy.~~

- ~~1. Disciplinary action, up to and including termination may be taken for any violation of the City's Cellular Phone Policy.~~
- ~~2. It is the responsibility of all employees to observe the regulations outlined for cellular phone use. The following procedures have been established for the handling of disciplinary measures.~~
 - ~~a. Verbal warning: whenever grounds for disciplinary action exist, and the department head determines that more severe action is not required, the department head should verbally communicate to the employee the cause for such action. Written documentation of the reprimand should be recorded in the employee's personnel file.~~
 - ~~b. Written warning: In the event that additional disciplinary action is warranted, a letter outlining the facts related to actions by the employee that are in a violation of the city cellular phone policy should be composed. The department head should verbally communicate the facts to the employee upon which the employee is provided a copy of the letter. The letter is then filed in the employee's personnel file.~~
 - ~~c. Termination: An employee may be terminated after verbal and written warnings fail to correct actions or behaviors of an employee that are in violation of the City Cellular Phone Policy.~~

~~L. Exceptions~~

- ~~1. Exceptions to this policy may be authorized by the Mayor or designee following a written request for consideration from a Department Head, along with appropriate justification.~~

10.9 Purchasing.

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

~~11.~~ **Time Cards.**

- ~~A. All employees of Vineyard are required to maintain an accurate record of all their hours worked for Vineyard. All hourly work completed for Vineyard must be logged in the electronic time clock tracking system (see time sheet policy page 60).~~

~~12.10.~~ **Credit Cards.**

- A. Vineyard credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.

~~13.11.~~ **Outside Activities.**

- A. 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.

~~14.12.~~ **Prohibited Acts.**

- A. Expressly prohibited acts include:
 - 1. Attempts to read, copy, forge, modify, or delete e-mail messages of other users.
 - 2. Sending harassing, threatening, obscene, inappropriate, or other objectionable messages via e-mail.
 - 3. Sending unsolicited junk mail, for profit messages, or chain letters.

4. Otherwise sending communications that are not in accordance with the standards expected from City employees, as determined by Vineyard.

B. Similar acts to those listed above are also prohibited.

15.13.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.

16.14.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.

17.15.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*).

SECTION VIII: DISCIPLINARY ACTION

1. **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/or~~ 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 "~~Performance Evaluation~~Employee Performance Review Form" (*form #5038*).

4. **Appeal Procedures.**

- A. "Probationary 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.

- A. 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~~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.
- B. 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/~~appeal~~ Form" (form #~~3129~~).
- C. 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.
- D. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.
- E. If an administrator 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.
- F. Absent exigent circumstances, if the supervisor fails to respond within the allotted

time, the employee may proceed to the next level of appeal.

G. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain of command, if applicable:

1. Department Head.
2. City ~~Administrator~~Manager.
3. Mayor or designee.
4. Council.

H. 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 reason (~~for probationary employees and department heads~~) or for cause. If 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 probationary 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 American's 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, annual leave, and/ or sick 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. ~~To receive pay for vested sick leave (if applicable).~~

3.2. 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 (if applicable) and vested sick leave (if applicable) 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 probationary 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 probationary employees should be laid off first.
 - d. Permanent 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); ~~or pay for vested sick leave (if applicable).~~

2. Under Utah State law, the required timing of the final payment at termination is:
 - a. A Voluntary Resignation. 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 for details*) 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 #18-19*), "Employee's Withholding Allowance Certificate" (*form #34-W-4*), "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" (*form #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 #3850*).
 - 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 ~~of~~ 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 ~~records and file in~~ 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 ~~for a period of at least one (1) year~~ 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 week begins.
 - C. Hours worked each day and total hours worked each week.
 - D. Total daily or weekly straight-time earnings.
 - E. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions.
 - F. Date of payment and pay period covered.
 - G. Total overtime above regular compensation for 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 (~~see Appendix A for details~~); 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. ~~Performance Plans~~**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: When time and circumstances permit, supervisors should complete a written performance plan with their new employees prior to their assignment to their work station. When circumstances do not permit, supervisors should complete a written performance plan with their new employees as soon as possible given the existing constraints. Performance planning is a continuing and 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 ~~performance-work~~ plan. ~~The employee shall receive a copy from their supervisor who shall retain a copy.~~

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.

- ~~1. Unsatisfactory. Performance fails to meet the minimum requirements of the position. Unsatisfactory progress has been made in response to corrective action. Removal from the job/position or termination is recommended.~~
- ~~2. Marginal. Performance does not meet all requirements of the job/position. Some unsatisfactory progress has been made in response to corrective action.~~
- ~~3. Satisfactory. Performance meets all requirements of the job/position.~~
- ~~4. Good. Performance exceeds all requirements of the job/position.~~
- ~~5. Exceptional. Performance consistently far exceeds all requirements of the job/position.~~

5.6. Performance Periods.

- A. Probationary employees.

1. Employees on probation shall have performance evaluations following the end of their probationary period.
2. The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
3. Probationary 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 probationary employees, nor shall it create any property/due process rights for probationary employees relative to their jobs/positions.

B. Permanent employees.

1. Performance evaluations will be completed annually at the designated review period as per the City Manager~~on the employee's anniversary date. An employee's anniversary date is defined as their first (1st) day on the job with Vineyard.~~
2. Although a salary adjustment does not automatically follow ~~s~~ a performance evaluation, the performance evaluation will be included as a component of any future compensation increase.

6.7. **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 ~~forty at least thirty five (4035)~~ 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 ~~forty thirty (4030)~~ hours per week. Part-time employees ~~may or may not qualify for specified~~ 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. **Work Week.**
 - A. Begins on Saturday at 12:00 a.m. (midnight).
 - B. Ends on Friday 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.

5. **Work Days.**

- A. Full Time: Monday – ~~Friday~~Friday.
- 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.

6. **Work Hours.**

- A. Full Time: ~~8:00 a.m. – 5:30 p.m.~~ Monday – Thursday 8:00 to 5:30 Friday 8:00 to Noon.
- 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.

7. **Attendance.** Employees shall be in attendance at their work stations during normal working hours.

8. **Breaks and Lunch Periods.**

- A. Full-time:
 - 1. Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard work day. 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.

9. **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.

10. **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 (~~1.542~~) 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 (~~1.542~~) 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 (~~+21.5~~) 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.

11. 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.

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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.

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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.

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1. **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. (~~Crossing guards will complete a paper time sheet; form #41 "Time Card"~~)

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 employees 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 #~~5038~~),
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 ~~step~~-increase
 - B. A score of 3 to 3.9 – half-~~step~~ increase
 - C. A score below 3 – no ~~step~~-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 ~~step~~-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.

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 work day 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 head. A log of all such travel exceeding a thirty (30) mile radius of Vineyard shall be kept. This log shall include the reason for the trip, the time the employee departed, and the time the employee returned, and vehicle used.
 - B. Travel for legitimate Vineyard purposes in Vineyard vehicles may be authorized when the use of the vehicle does not detract from the operational needs of Vineyard. Overnight use of Vineyard vehicles for travel purposes shall be authorized by the Mayor or designee.
 - ~~C. If travel is outside the range of service of Vineyard's repair shop, travel costs in conjunction with the use of Vineyard vehicles shall be paid by the employee with receipts being kept for reimbursements.~~
 - D.C. 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. If such payment in advance is not possible, Vineyard shall reimburse to the employee the cash amount of the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into Vineyard by the employee as a verification of attendance no matter what the form of payment.
 - E.D. Use of an employee's personal vehicle may be authorized when circumstances warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to the immediate supervisor or department head based upon this record. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions (currently ~~fifty~~ fifty-four and one half ~~cents~~ (54.56) cents per mile). In lieu of reimbursement for

mileage and the assignment of Vineyard vehicles, specific Vineyard employees may be authorized a monthly travel allowance, according to regulations approved by the City Council.

F.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.

G.F. For any mandatory training the amount of thirty dollars (\$~~37~~0.00) 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 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.G. 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: ~~Eight~~ Ten dollars (\$~~10~~8.00) maximum.
3. Dinner: ~~Fifteen~~ Twenty dollars (\$~~20~~15.00) 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. After Form #122 is filled out, 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 pay the cost of health insurance for:
 - 1. Each individual full-time employee and a part of their families.
- 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. Encouraged by Vineyard. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advanced approval by the Mayor or designee, and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts (amount or percentage reimbursed approved on a case by case basis). Proof of successful completion will include one of the following:
 - 1. A certificate indicating successful course completion, if applicable.
 - 2. A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
 - 3. A passing grade on a pass/fail grading system.
- C. Reimbursement of training expenses. An employee who undertakes voluntary training or education, and is reimbursed by the City for the expenses of the training, shall be required to sign an agreement with Vineyard. As a condition, of being reimbursed for the voluntary training they will agree to pay back Vineyard the cost of the training if the employee voluntarily leaves employment with Vineyard within 3 years following the date the reimbursement payment is made to the employee.

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. ~~A regular employee is one employed in a position requiring at least twenty (20) hours of service per week and receiving benefits for a minimum of nine (9) consecutive months, or one employed in a position requiring at least thirty (30) hours of service per week and receiving benefit for a minimum of four (4) consecutive months.~~ 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.

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 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. The Family and Medical Leave Act of 1993 requires many employers, including public agencies to provide up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for eligible employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member.~~

~~B.A.~~ A single public agency is further defined under Section 3(x) of the Federal Labor Standards Act to include Vineyard.

~~C.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.

~~D.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 work day.

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.
 - ~~C. Be employed by an employer who employs at least fifty (50) people within a seventy five (75) mile radius around the work site.~~
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 #42 or~~ #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 work days 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 permanent, full-time employee shall receive annual vacation leave at the following rate:

<u>Years of Service</u>	<u>Accrual Hours Annually</u>
<u>0-1</u>	<u>48</u>
<u>1-4</u>	<u>96</u>
<u>5-9</u>	<u>120</u>
<u>10-14</u>	<u>144</u>
<u>15 +</u>	<u>168</u>

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- 1. For one (1) month to one (1) year of service, forty eight (48) hours annual vacation leave shall accrue at the rate of four (4) hours per month for each month worked.
 - 2. From one (1) year to ten (10) years of service, ninety six (96) hours of annual vacation leave shall accrue at the rate of eight (8) hours per month for each month worked.
 - 3. For over ten (10) years of service, one hundred forty four (144) hours of annual vacation leave shall accrue at the rate of twelve (12) hours per month for each month worked.
- B. New employees shall accrue annual vacation leave from the date of hire, but they shall not be eligible to use accrued leave until satisfactorily completing the probationary period and have been promoted to permanent status, unless otherwise

~~specified, the minimum probationary period shall be six (6) months.~~

~~C.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.

~~D.~~ An individual who starts work between the first (1st) and the fifteenth (15th) of the month will receive credit for that month. An individual who starts work between the sixteen (16th) and the last day of the month will accrue leave time beginning on the first (1st) day of the following month. Employees will be eligible to use leave which they have accrued after they have successfully completed the probationary period in the (1st) first year of permanent employment. Each department head will issue approval or disapproval on all annual vacation leave requests.

~~E.C.~~ The maximum annual vacation leave, which can be accrued and carried forward from calendar year to calendar year, is ~~forty-eighty (840)~~ hours. Any accrued annual vacation leave in excess of ~~forty-eighty (840)~~ hours shall be ~~forfeited-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 hours per hour cashed in, 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.)

~~F.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.

~~G.E.~~ An employee who is separated from employment may be compensated for all accrued annual vacation leave.

~~H.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 (being the number of requests if granted that would render the department or organization ineffective) amount 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 another employee for terminal or life threatening illnesses at the discretion of the Mayor or designee.

~~I.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

~~J.~~ Official annual vacation leave records will be maintained and kept current by posting at least once per month by the Finance Department.

~~K.~~ Vacation usage will be reported by the Finance Department, using attendance forms.

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. A part time employee working 30 hours per week would receive 6 hours holiday pay. 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. Independence Day.....July 4th
6. Pioneer Day.....July 24th
7. Labor Day.....1st Monday in September
8. Thanksgiving Day.....4th Thursday in November
9. Day after Thanksgiving.....4th Friday in November
10. Christmas Day.....December 25th
11. Day Before or After ChristmasDecember 24th or 26th
12. 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.

- C. Eligibility. Sick leave shall be available to all permanent ~~full-time~~ employees, ~~including part time, and probationary 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. Full-time employees ~~accrue sick leave at a rate of four (4) hours per month or forty shall receive eighty~~ (4880) hours per year. Sick leave is accrued to a maximum of 360 hours. 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 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. You must obtain prior approval to accrue sick leave for planned medical procedures~~

~~H.G. Termination, Separation~~ An employee who terminates employment regardless of whether it is involuntary or voluntary, is terminated shall not be compensated for unused accrued sick leave.

H.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.

H.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. **Maternity 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. The department head, may grant an employee annual vacation leave, sick leave, and/or leave without pay for this period of absence. Regulations governing annual vacation leave, sick leave, and leave without pay will apply.
- B. During a maternity leave period in excess of thirty (30) calendar days, an employee's annual vacation leave, ~~sick leave, and/or time toward their performance evaluation, if applicable, shall~~ or sick leave will not accrue.
- C. Vineyard may fill vacancies created by maternity leave with temporary or provisional appointments. At the expiration of the maternity 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 maternity 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 permanent 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 any one (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.** A permanent or probationary employee 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 ~~w~~With Pay.**

- A. While performing authorized duties. A permanent or probationary employee 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. A permanent or probationary employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

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's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver 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~~job-related injury to determine the cause of the injury.

B.C. Reporting Requirements:

Vineyard shall contact UOSHA within ~~twelve-eight (8+2)~~ 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

~~C.~~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

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- 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 ~~shall have~~has a written confined space entry policy, ~~if as~~ required in accordance with Volume 29 Code of Federal Regulation 1910.146. this policy will be updated as necessary.
2. **Requirements.** ~~When required,~~ the written confined space entry policy ~~shall~~includes ~~at least~~ the following:
 - ~~A. Annual training on confined space issues.~~
 - B.A. A review of potential confined spaces.
 - C.B. A permitting system for entering permit-required confined spaces.
 - D.C. A rescue plan for managing confined space incidents.
 - E.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.
- F.3. **Training.** Annual training on the confined space entry policy is required for all employees required to enter confined spaces.

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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 ~~Sample Form # 436~~ 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. ~~Supervisors are responsible for notifying all Vineyard employees of the disaster response action to be taken in the event of a disaster or pending disaster, if possible. 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 ~~a wiring diagram developed by the Mayor, or designee~~ the Utah county everbridge notification system.
3. **Disaster Response Plan** (Wind, Water, Fire, Earthquake, Volcano, Nuclear, Terrorist, Manmade, Etc.). Following Disaster: See “Disaster Response Planning Guide” (~~form #465~~)
 - 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 Assailant Threats.**
 - A. Be Prepared. Vineyard has developed the following procedures to be followed in the event that a suspicious person or assailant is in the area:

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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 #476*) 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.

5. **Telephone Bomb Threats.**

- A. Be Calm and courteous to the caller. Employees will notify their supervisor or department head, using a prearranged signal while the caller is on the line. An example following this procedure would be: Throwing a pencil or other small item near the supervisor or department head, followed by rapidly waving the arm to get their attention. The employee will communicate with the supervisor or department head, by using or passing notes. The employee will not attempt to talk to their supervisor or department head, by putting their hand over the phone and talking or whispering.
- B. Be Attentive. Vineyard has developed a “Telephone Bomb Threat Checklist” (*form #487*) 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.

6. **Mail Letter and Package Bomb Threats.**

- A. Be Cautious. Visually assess the letter or package and inform the supervisor or department head, of anything unusual. It is always better to be safe than sorry!
- B. Be Careful. Vineyard has developed a “Mail Letters and Packages Bomb Recognition Checklist” (*form # 498*) for employees to use. Unusual weight, shape, or other details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.
- C. SUSPICIOUS ARTICLE THREATS. Be Alert. Report all suspicious articles to the supervisor or department head. Do not touch, pick up, shake, or attempt to move, any articles of a suspicious nature.

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