

Resolution No. 15-10

**A RESOLUTION ADOPTING THE REVISED PERSONNEL POLICIES
AND PROCEDURES MANUAL, EFFECTIVE JULY 1, 2010, FOR
PARK CITY MUNICIPAL CORPORATION**

WHEREAS, personnel policies and procedures may be adopted and amended at the discretion of the City Council and are subject and subordinate to applicable federal and state laws, rules, and regulations, and local ordinances; and

WHEREAS, purpose of the manual is to provide for guidance regarding the fair and consistent administration of city personnel, but neither any contract nor implied contract rights are created hereby; and

WHEREAS, the City Manager, Legal Department, Human Resources Department, management team and the Policies and Procedures Committee has reviewed the proposed amendments of the Revised Personnel Policies and Procedures and recommends adoption by the City Council; and

WHEREAS, the City Council deems it in the best interest of the employees of Park City Municipal Corporation to formally adopt them;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah as follows:

SECTION 1. ADOPTION . The Personnel Policies and Procedures Manual, dated July 1, 2010 attached hereto, is hereby adopted and the 2009 version is hereby repealed including any temporary amendments thereto adopted by the City Manager

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect on July 1, 2010.

PASSED AND ADOPTED this 17th day of June, 2010.

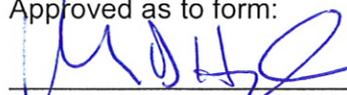
PARK CITY MUNICIPAL CORPORATION

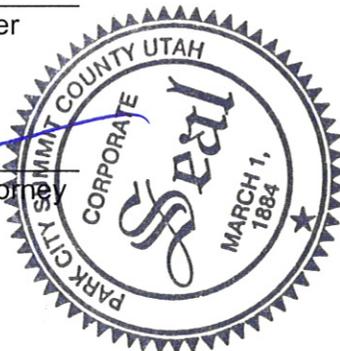

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Park City Municipal Corporation

Employee Policies & Procedures

Effective July 1, 2010



Photo courtesy of Steve Arnoldus, Park City IT Dept.
Steve Arnoldus Photography



PCMC Human Resources Department
445 Marsac Avenue
Park City, UT 84060

Park City Municipal Corporation
Policies and Procedures Do Not Constitute a Contract

The information contained in this policies and procedures manual was prepared as a guide to provide employees a better understanding of the responsibilities and obligations of employment with Park City Municipal (“City”). The policies and procedures stated in this manual and in other personnel statements or materials issued by the City are not intended to create either express or implied contract rights respecting the procedures, terms, conditions, or duration of employment nor any other obligation or liability on the part of the City. The City hereby reserves the right and authorizes the City Manager to unilaterally alter, amend or revoke any policy, practice or procedure without notice at any time and for any reason. The City’s affirmative prohibition of certain discriminatory or other conduct does not create any contract, duty, obligation or liability on the part of the City.

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July 1, 2010**

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Section One (1)
GENERAL PROVISIONS

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

1.1 Interpretation

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

It is the responsibility of any city employee to be familiar with the policies and procedures of the City.

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

In the event that a supervisor/manager is unable to answer an employee’s question, it is his/her responsibility to use this manual to obtain the needed information. If further interpretation is needed, the employee should contact the Human Resources Manager. Under no circumstances should a supervisor/manager answer any employee’s questions when he/she is not sure of the accuracy of the answer or interpretation of the policy.

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

1.2 Applicability

Except as specifically provided otherwise in this manual, these policies shall apply to all full-time regular, part-time non-benefited, seasonal and special employment agreements. The exception are those positions which by ordinance report directly to the City Council. These policies shall not apply to persons or firms rendering services to the City as “independent contractors.” Employees under special employment agreements

are covered under the policies and procedures contained in this manual except where superseded by terms of their contracts.

1.3 Violations

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

1.4 Maintenance

This manual shall be maintained and updated by the Human Resources Manager as directed by the City Manager. The Legal Department and a City Manager appointed Policies and Procedures (P&P) Task Force shall review this manual annually. The official copy of the Personnel Policies and Procedures shall be kept in the Human Resources department and is available on the employee portal. Supervisors/managers having any questions on whether or not a policy is current should check with Human Resources for clarification. Employees who have suggested changes to this manual are encouraged to provide that information in writing to Human Resources and/or their manager for review.

1.5 Departmental Rules

Individual departments within the City may establish policies and rules that are more restrictive than those set forth in this manual. These department rules may not be less restrictive than the rules set forth herein. All department managers must provide Human Resources a copy of their department rules annually or at any time changes are made. An official copy of all department rules should be kept in Human Resources. All department rules must remain in compliance with applicable local ordinances, state and federal laws, rules and regulations.

1.6 Notice of Federal Employment Laws

Title IV of the Civil Rights Act of 1964, as amended, prohibits employment discrimination based on race, color, religion, sex and/or national origin and protects qualified applicants and employees in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship on the employer. The law covers

applicants and employees of local governments including Park City Municipal Corporation.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, protects employee privacy as it relates to treatment of pre-existing conditions, certificates of credible coverage, special enrollment right, availability of coverage, non-discrimination and protected health information.

The Age Discrimination in Employment Act of 1967 (ADEA), as amended, protects applicants and employees ages 40 years and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

The Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives federal financial assistance. Discrimination is prohibited in all aspects of employment against disabled persons who, with reasonable accommodation, can perform the essential functions of a job.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all these federal laws.

If you believe that you have been discriminated against under any of the above laws, you may contact the U.S. Equal Employment Opportunity Commission at:

1801 L Street, N.M., Washington, D.C. 20507
or an EEOC field Office by calling toll free (800) 669-4000.
For individuals with hearing impairments, EEOC's toll free
TDD number is (800) 800-3302.

Section Two (2) EMPLOYMENT

2.1 Equal Employment Opportunity

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

2.2 Appointments

Employees’ jobs are governed by the Fair Labor Standards Act (FLSA) and are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not entitled to overtime pay.

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

a. Probationary Appointment

This appointment represents the first six months of a non-Public Safety full-time regular job appointment whether resulting from an initial hire, a promotion, a demotion or a transfer. A probationary appointment for all full-time regular Public Safety (sworn and non-sworn personnel) represents the first twelve months of a

full-time regular job appointment whether resulting from an initial hire, a promotion, a demotion or a transfer. Any employee serving a probationary period resulting from a new hire or change from part-time non-benefited or seasonal status to full-time regular status shall not be moved from probationary status to full-time regular status until a full written evaluation has been performed and the Department Manager recommends the employee be released from probation. Recommendations should be forwarded to Human Resources for review and submitted to the City Manager for final approval.

A manager may recommend an employee be changed from probationary status to regular status in less than six months for non-Public Safety employees and in less than twelve months in the case of Public Safety employees for exemplary performance. The Department Manager must forward written justification along with the Personnel Action Form (PAF) to the Human Resources Department for review and submission to the City Manager for final approval. Only under specially approved circumstances will an employee be allowed to serve a probationary period of less than three months. The probationary period may be extended beyond the initial six or twelve month period for up to six additional months if the employee's performance has been marginal or if there are any other performance, attitude, ethics and/or code of conduct issues which warrant extending the probationary period. A written performance evaluation must accompany any probationary period extension and an additional written evaluation will be required at the end of the extended period. A manager may award a pay increase as part of the evaluation based on performance, but probationary employees are not eligible for a lump merit increase for the time they are on probation.

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

b. Full-Time Regular Appointment

A full-time regular status appointment indicates that an employee has successfully completed his/her probationary period and will fill a budgeted position pursuant to U.C.A. Section 10-3-1105, as amended.

Full time regular: A full-time regular non-exempt employee is expected to work a 40 hour work week. Full time regular exempt employees are expected to work whatever hours are necessary to accomplish the job duties and standards of their exempt position without the availability of overtime or administrative leave.

All full time regular employees must work no less than an average of 32 hours

per week during the course of any fiscal year (July 1 – June 30) to qualify for full time regular status and therefore remain eligible for the City's core benefits.

c. Promotionary Appointment

An employee who receives a promotion will normally serve a probationary period of the same duration as if the promotion were a full-time regular appointment. The City Manager may approve a probationary period that is shorter in length than that of a full-time regular probationary appointment.

d. Acting Appointment

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

e. Part-Time Non-Benefited Appointment

A part-time non-benefited appointment indicates an employee who may work between one and 32 hours per week for an indefinite period of time. Part-time non-benefited positions are not eligible for core benefits other than those required by law such as Social Security, Workers' Compensation Insurance, Unemployment Insurance, and Medicare. Part-time non-benefited employees may be eligible for certain fringe benefits (See 10.30 Summary of Benefits).

f. Seasonal Appointment

A seasonal appointment is an appointment to a position which is open during a specific season. Seasonal employees may work full-time or part-time hours. Seasonal positions are not eligible for core benefits other than those required by law such as Social Security, Workers' Compensation Insurance, Unemployment Insurance and Medicare. Seasonal employees may be eligible for certain fringe benefits (See 10.30 Summary of Benefits).

Examples of seasonal employees may include, but are not limited to:

- Recreation instructors and soccer coaches, aquatics instructors, ice rink staff, softball and volleyball administrators, and lifeguards.
- Golf employees, including rangers, starters, and golf pros.
- Public works employees, including snow removal personnel, seasonal transit staff, and parks and golf course employees.

g. Special Employment Agreement

Special employment agreements are used for those employees who are appointed by the City Manager upon terms set forth in a written employment agreement signed by the employee, approved as to form by the Legal Department and signed by the City Manager. Employees under special employment agreements are (1) employed to carry out special projects exceeding six months in duration with a specific date and/or (2) the scope and nature of the work requires expertise not otherwise available.

h. Volunteers

Departments utilizing the services of volunteers should refer to the Park City Municipal Corporation Administrative Policy on Volunteers and contact Human Resources prior to the recruitment of any volunteers.

i. Community Service

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

2.3 Rehire Policy

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

It is the policy of the City not to rehire those employees who have been terminated for cause. Also, those who quit without giving the appropriate amount of written notice as specified may not be eligible for rehire.

A request for review may be made to the Human Resources Manager by any supervisor or manager interested in a former employee who has been terminated for cause or who gave insufficient notice upon resignation. Exceptions to this policy may be made by the City Manager.

The written request must show supportable evidence of the following:

1. Why the rehire would be in the best interest of Park City Municipal Corporation;

2. Conditions surrounding the original separation;
3. Why no one else suitable for the position can be transferred or recruited and what assets/qualifications the applicant possesses that outweigh those of other qualified applicants.

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

2.4 “Fitness for Duty” Medical Examinations

The City may require that any applicant complete a “fitness for duty” medical examination or functional analysis testing to determine whether or not an applicant can perform essential job functions with or without reasonable accommodation. Medical examinations are conducted at the conclusion of the hiring process and after the conditional job offer, but prior to the actual start date. Certain positions may also require a medical examination as part of state or federal regulations. City-requested medical examinations will be conducted at the City’s expense.

The City may require any employee to complete a “fitness for duty” examination, employer EAP referral, or functional analysis testing if it believes an employee may not be physically or emotionally able to perform essential job functions or if necessary to determine whether an employee performing a physically demanding job continues to be fit for duty. The City may also require a “fitness for duty” examination after an employee returns from any extended leave including but not limited to short-term disability, long-term disability and return to work from personal or professional trauma, limited or light duty. City required examinations will be conducted by a provider of the City’s choice or approval and at the City’s expense.

2.5 Pre-Employment Drug Testing

The City has a responsibility to employees to make a reasonable effort to provide a safe work place and a responsibility to the public to make a reasonable effort to promote public safety. Therefore, applicants for certain positions may be required to submit and pass a drug screening test as a condition of employment.

2.6 Federally Required Drug Testing

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

2.7 Hiring Relatives

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

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

2.8 Child Labor Underage Workers

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

14-15 year-old restrictions:

- Work must take place during non-school hours;
- No more than 3 hours of work is permitted on a school day;
- No more than 18 hours of work is permitted in a school week;
- No more than 8 hours of work is permitted on a non-school day;
- No more than 40 hours on a non-school week;
- Work must take place between the hours of 7 a.m. and 7 p.m. (except from June 1 through Labor Day, when possible evening hours are extended to 9 p.m.);
- No hazardous work is permitted including transportation, public utilities, or operating power-driven machinery;
- Prohibited from driving in connection with their employment

16-17 year-old restrictions:

- No hazardous work is permitted including transportation, public utilities, or operating power-driven machinery;
- Prohibited from driving in connection with their employment

The City also requires a signed note from the parents or legal guardian of any individual under 16 years of age acknowledging and approving work duties to be submitted with any new hire paperwork.

Section Three (3)
CHANGE IN EMPLOYMENT STATUS

3.1 Transfer

A transfer is the appointment of an employee to a new position.

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

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

Certain transfers are subject to appeal as described in Section 9.3 ETDAB Appeal Rights and Procedures in this manual.

3.2 Promotions

Promotion is the appointment of an employee to a position in a higher classification and/or salary range.

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

When an employee is promoted to a higher position classification, the employee shall be eligible for an increase in pay within the pay range of the higher position classification. The exact percentage of the increase shall be recommended by the Department Manager, reviewed by the Human Resources Manager and submitted to the City Manager for final approval. The employee's new pay rate should be within the range for the pay grade assigned to that position. A promotional probation period may also apply.

3.3 Transfer for Disciplinary Reasons (Demotion)

Employees transferred for disciplinary reasons to a position in a lower salary/grade

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

A change in job title that does not affect the pay and classification of the employee shall not be considered a demotion. Certain demotions are subject to appeal as described in Section 9.3 ETDAB Appeal Rights and Procedures of this manual.

3.4 Department Reorganization

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

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

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

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

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

3.5 Resignations

To resign in good standing, an exempt employee must give the City Manager at least four calendar weeks prior notice and a non-exempt employee two calendar weeks prior notice unless the City Manager, because of extenuating circumstances, agrees to permit a shorter period of notice. The department manager or supervisor shall submit the resignation to the Human Resources Manager. The Human Resources Manager will forward the resignation to the City Manager.

Failure to comply with this rule shall be entered into the personnel file of the employee and may be cause for denial of future employment with the City as well as any vacation or other benefits balance payouts. See Section 10.12 Vacation Payout Upon Resignation and Termination.

3.6 Discharge

The City Manager may discharge any employee of Park City Municipal Corporation at any time subject to U.C.A. Section 10-3-1105(1), as amended, and to appeal described in Section Nine (9). See section 2.2 Appointments.

3.7 Reduction In Force

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

3.8 Final Paycheck

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

3.9 Separation Agreement

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

Section Four (4) HOURS

4.1 Work Week

The biweekly pay period is defined as the two-week period commencing at 12:01 a.m. Sunday and running to 12:00 midnight Saturday of the following week, running concurrently with the two-week period used to compute payroll. The standard work week for all non-law enforcement personnel at Park City Municipal Corporation begins on Sunday and ends Saturday of the same week. The standard work week for all law enforcement personnel is defined by the biweekly pay period of 80 hours. Time sheets must be approved and submitted to Payroll by Noon on the Monday following the end of the pay period. The normal work week for full-time regular employees is 40 hours per week, with the exception of law enforcement personnel which is the biweekly pay period of 80 hours.

4.2 Break Time and Lunch Period

Policies covering break time and lunch periods vary by department. Employees should contact their Department Manager, or the Human Resources Department.

4.3 Time Keeping

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

Time must be verified by the employee and approved by a supervisor and/or team member before forwarding to payroll for processing. Employees are compensated in quarter hour increments only. An employee may clock in or out at any time, other than their initial start time, and punches will be rounded to the nearest quarter hour. Employees may punch in up to 15 minutes (referred to as a "grace period") prior to their scheduled starting time, but will not be compensated until their shift begins as scheduled. Employees punching in later than their approved start time and/or taking longer or shorter than their approved lunch period and may be subject to disciplinary action up to and including termination. Employees are expected to be "clocked in" and

ready to work, at their work place by the time their shift starts.

Non-exempt employees are required to clock in or out using their department's approved time keeping method at the beginning and end of each shift and during unpaid meal breaks. Employees who fail to appropriately check in or out of work must have the hours for that day verified according to their supervisor's or department's policy and have appropriate corrections made in the timekeeping system by an immediate supervisor.

Exempt employees who use any time other than straight time hours must indicate such use to payroll during the pay period in which the hours were used. This includes but is not limited to sick leave (SL) vacation (VA), lump merit leave (LML), family leave (FA), floating holiday (FH), funeral leave (FL), jury leave (JL), maternity leave (MA), paternity leave (PA), family illness (SLF) and approved administrative leave (AD). Exempt employees must approve all time records before their submittal to payroll.

Falsification of time clock entries no matter what method used, or allowing any employee to punch in or out for another employee is prohibited and can result in immediate and severe disciplinary action, up to and including termination. Should any discrepancy occur in a time clock entry, employees should contact their supervisor immediately. Any team member or supervisor who signs another employee's timesheet is accountable for the verification and accuracy of the time declared.

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

Qualified sick leave (SL), maternity leave (MA), paternity leave (PA) and Family Illness (SLF) and Worker's Compensation Leave (WC) may also be considered Family Medical Leave and deducted from the 12 weeks available to all qualified employees, exempt & non-exempt, each pay period. See 10.20 Family Medical Leave.

4.4 Overtime

For non-exempt employees, overtime is time in excess of a 40-hour work week. For non-exempt law enforcement personnel, overtime is defined as those hours worked in excess of 80 hours during the biweekly pay period.

Hours actually worked (ST) and actual on-call hours worked (ST) will be used for the purpose of calculating overtime. All other leave hours including sick leave (SL), holiday pay (HO) family leave (FA), vacation hours (VA), floating holiday (FH), family illness (SLF), funeral leave (FL), jury leave duty (JL), and release time (RL) are not used for calculating overtime hours. Administrative leave (AD) is never used in the calculation of overtime.

An employee must obtain his/her supervisor's approval for overtime hours prior to working overtime hours. Each department has general rules relating to overtime. Employees should consult their supervisor or department manager for clarification on department specific practices. All hourly employees without overtime approval from their supervisor are required to conclude their day's work at the established quitting time.

4.5 Flex Schedules

Any department interested in allowing a modified flex schedule must have approval from the City Manager. Managers must submit a flex plan and schedules including but not limited to recommendations, benefits, and customer service costs to the City Manager before scheduling begins. Managers must submit any changes to previously approved flex schedules if new changes are requested by their employees.

The Human Resources Manager will compile a list of which departments and divisions are implementing a flex schedule and present it to the City Manager annually. Flex schedules must comply with the Fair Labor Standards Act (FLSA) and the City's policy on overtime and work week designation as defined in Section 4.4 Overtime. Flex schedules may be modified or rescinded at any time if deemed necessary by the department manager or City Manager.

4.6 Absences & Tardiness

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

If an employee is going to be late or absent for any reason, he/she shall contact his/her supervisor or their designee at least one hour prior to their regular starting time. It is the employee's responsibility to ensure that proper notification is given. Leaving voice mail messages is not considered proper notice unless authorized by department supervisor; asking another employee, friend or relative to give this notification is acceptable only under emergency circumstances.

Employees who know they will be absent on more than two consecutive work days are required to notify their supervisor in advance of their absence. Employees who are absent on consecutive work days as a result of day-to-day illnesses are required to notify their supervisor each day. Employees who take sick leave on more than two

consecutive days are required to provide their supervisor or department manager with a doctor's note from a certified medical provider upon return to duty verifying their ability to return to work full duty. Supervisors should forward all doctors notes to Human Resources. Absences occurring around regularly scheduled days off are considered consecutive. For example, Thursday, Friday, Monday absences are considered three consecutive work days for those working a typical work week.

Employees who exhibit a pattern of absences (three or more occurrences of two consecutive work day absences or more than 40 hours) in any three-month period may be required to furnish a doctor's note from a certified medical provider verifying each occurrence of illness until the employee's pattern of absences ceases.

Patterns of absences include but are not limited to Monday and Friday absences, absences prior to scheduled time off, holidays or sick leave taken on more than two consecutive scheduled work days in any month. This applies to both non-exempt and exempt employees.

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

Section Five (5) CLASSIFICATION PLAN

5.1 General

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

5.2 Purpose

The purpose of the classification plan is to:

- Provide a system of equal pay for equal work.
- Establish qualification standards and criteria for recruitment.
- Assist departments in determining various budget responsibilities and requirements including manpower planning and personnel costs.
- Provide a basis for developing standards of work performance.
- Establish lines of promotion.
- Provide uniform titles for positions and describe essential functions.
- Provide the City a means of analyzing work distribution, areas of responsibility, lines of authority, and other relationships among positions.

5.3 Grades

A grade consists of a grouping of positions, which are similar in the basic character of knowledge, skills, and responsibilities, and hence should be considered of comparable worth to the City.

5.4 Position (Job) Description

Employee job descriptions are prepared according to organizational need and duties and qualifications required for successful job performance. Job descriptions must include:

- Title
- Position Number
- Reporting line
- FLSA Status
- Grade
- Job Summary
- Examples of typical job duties
- Knowledge, skills, & abilities
- Education and/or experience
- Physical Demands
- Work Environment

Department Managers wishing to make changes to any job description must have those changes approved by the Human Resources Manager and City Manager. Approved job descriptions are located in the Human Resources Department.

5.5 Administration

The classification plan and corresponding pay ranges shall be established and maintained through recommendations of the City Manager to the City Council. Both the classification plan and the pay ranges shall be adopted every two years by resolution of the City Council at the time of the biannual City budget. The City Manager appointed Technical and Pay Plan Committees should be given the opportunity to review the proposed classification and pay plans prior to proposals going to the City Council for that final adoption. The Committees may be permitted to address the City Council and City Manager prior to adoption of the pay plan.

5.6 New Position

When a new position is requested to be budgeted and approved by the City Council, the Department Manager shall send the Human Resources Manager a request for classification of the position and along with the Human Resources Manager, shall prepare a description of the applicable duties and responsibilities. After analysis and evaluation of the job duties and responsibilities, the Compensation Plan Committees and Human Resources Manager shall submit the position recommendation with a recommended grade to the City Manager for final approval.

5.7 Reclassification

When duties and responsibilities of an existing position are so changed because of department reorganization, restructure or change in general duties of the job description

that the position in effect may potentially become one of a different grade, a change in the classification may be warranted. A request for reclassification may be initiated by an employee, supervisor, department manager or the City Manager. All reclassifications must be approved by the City Manager and budgeted as a new position (see 5.6 New Position). If reclassification results in a budget increase or the creation of a new position not previously included in the adopted pay plan, City Council approval may be required.

5.8 Professional Development Plan and Reclassification within a Family

In an effort to facilitate career development opportunities for eligible employees, the City Manager may reclassify a position within a family outside of the budget process subject to the Professional Development Plan process outlined below.

a. Criteria for Eligibility

In order to be eligible for a Professional Development Reclassification, the following standards and requirements must be met:

- The department must have a demonstrated need stated in the Professional Development Plan.
- The employee must have a demonstrated history of exemplary performance.
- Upon completion of the development timeline described in Section 5.8.b, the employee must be able to perform the duties outlined in the prospective job description. The development timeline must be specified in the Professional Development Plan.
- A clearly defined outline of goals and timelines must be included.
- An employee in an approved Development Plan may be compensated within the new grade and position classification temporarily, but cannot be paid at the working level of the new position until after the completion of the development program and the permanent reclassification is approved.
- Any approved reclassification must be temporarily offset until the end of the fiscal year by a corresponding reduction in the department's operating budget.
- The Professional Development Plan must be approved by the Legal Department, Human Resources and the City Manager prior to presentation to the employee.

b. Professional Development Plan

Each professional development plan must include:

- Professional development candidate

- Candidate's current position with job description
- Candidate's proposed position with job description
- Proposed development timeline
- Criteria for eligibility (Section 5.8.a.)

The Professional Development Plan must also address and include:

- A. the skills, tasks, and duties (as defined by the prospective job description) that the employee will need to perform in order to be eligible for reclassification;
- B. the education or certifications necessary for eligibility;
- C. a specific development timeline by which development criteria must be achieved and/or completed
- D. a short- and long-term work plan detailing how the responsibilities of the vacated position will be absorbed by the department without a budget increase; and
- E. a clarification that once the development criteria and timeline are met and the manager determines to request the permanent reclass, the manager must either:
 - i. permanently offset the reclassification by reducing the department budget, or
 - ii. temporarily offset the reclassification (until the end of the fiscal year) and request that the reclassification be made permanent without a budget reduction during the budget process.

c. Process

To initiate the Professional Development Reclassification process, a manager must submit an approved Professional Development Plan with a Personnel Action Form (PAF) requesting any change in grade or pay.

Once the Professional Development Plan is approved by the City Manager, it will become a part of the employee's semiannual review until the end of the Development Timeline as described in Section 2(C). At the end of this timeline and if all criteria has been met, the manager must submit a detailed evaluation of the employee's development along with a PAF requesting any change in pay or classification. If the employee has met all of the criteria described in this policy as outlined in the Agreement, the City Manager may approve the request for permanent reclassification.

If the employee has not met the necessary criteria or if the City Manager disapproves the request for reclassification, the employee must return to his/her

original position. In the event that a request for reclassification is not approved, the employee must return to his/her prior original position and pay, and such return shall not be considered an adverse job action.

d. Budget Request

Any reclassification approved under this policy is subject to final approval during the budget process. A manager may submit a request to the budget department for permanent reclassification. The City Manager may in his/her sole discretion include the reclassification as part of the recommended budget to City Council. In the event that a request for reclassification is approved by City Council, a manager must submit a second PAF to Human Resources requesting the promotion of the individual employee.

e. Denial of Request

Notwithstanding successful completion of the Professional Development Plan, the City Manager may in his/her sole discretion decline to include the reclassification as part of the recommended budget, or the City Council may choose not to approve a reclassification. In the event that a request for reclassification is not approved, the employee must return to his/her prior original position and pay, and such return shall not be considered an adverse job action.

Should the Budget Department and City Manager establish a "Major" alert level due to economic factors, no new professional development plans may be initiated.

Section Six (6)
PAY PLAN AND ADMINISTRATION

6.1 Pay Plan Policy

Park City Municipal Corporation operates within the guidelines of an established Pay Plan. The pay plan attempts to insure the uniform and equitable application of pay with due regard to the duties, responsibilities, most current available market data and requisite qualifications of each position classification. This policy differs from many corporate Pay Plans that traditionally reward longevity (seniority) without regard for performance. The City believes rewarding performance is an equitable way of compensating employees for their contributions to the organization. All pay plan recommendations and individual employee salary increases or lump merit eligibility are subject to budget constraints and/or revenue availability and may be altered or rescinded by the City Manager at any time.

6.2 Total Compensation Survey

The Human Resources Manager will conduct and/or subscribe to employee, City Council, and Mayor salary surveys for the purpose of determining prevailing pay rates of other organizations such as comparable municipalities and other government entities within the state of Utah and ski resort areas. Vail, Aspen, Breckenridge and Steamboat Springs, Colorado, are included in the list of comparison cities where possible.

Compensation surveys are not conducted on all positions within the City, but rather on a select number of positions known as benchmarks. A benchmark shall typically be a position common to at least five cities. Every attempt is made to select benchmarks that represent each of the different positions and grades within the Pay Plan. Periodic review of job content and job descriptions will also assist in maintaining internal equity among jobs in the City. Job description changes shall be submitted to the HR department for approval by the HR Manager and City Manager. (Compensation surveys will include an analysis of the total benefits package including insurance, retirement contribution, etc., so that the survey is more reflective of total compensation.)

The survey shall be used as an external comparison to adjust the working level.

6.3 Establishment and Review of the Compensation Plan

In preparation for the two-year budget cycle, the Human Resources Manager in conjunction with the Compensation Plan Committees shall prepare a compensation plan for review by the City Manager. The Human Resources Manager will provide compensation and salary survey data to the Pay Plan Technical Committee as soon as

information is prepared and available. Should the Compensation Plan Committees disagree with the City Manager's final recommendation to the City Council the Committee will be permitted to address the City Council and City Manager with their recommendation.

The Human Resources Manager, in conjunction with the Compensation Plan Committees will discuss with and explain their recommendation to managers and employees.

6.4 Pay Plan Philosophy and Strategy

a. Philosophy

The philosophy of the pay plan is based upon four key elements: The market, available City Resources, equal pay for equal work, and structured performance evaluation. The City uses the following guiding principles when making pay decisions.

- The City determines its pay plan using market data where possible.
- The City will not price its pay plan beyond its ability to pay and will take into account budget constraints and revenue availability.
- The City may implement cost containment related to salary increases in an effort to remain fiscally responsible. Merit increases to pay are limited to 5% per 6 month period.
- The City strives to provide equal pay for equal work. Equality of work includes equal skill, equal effort, equal responsibility, and similar working conditions.
- The City also seeks to reward exemplary performance as reflected in an employee's written performance evaluation.

b. Strategy

The intent of the pay plan is to reward exemplary performance without causing a permanent imbalance or disparity between the base salaries of employees. The pay plan is structured so that each position has an established pay range. The low end of the pay range represents the minimum an employee performing a particular job is paid. The top end is known as the "working level" and represents what an employee performing at full competency level for that position is paid.

The working level is the maximum base salary paid to an employee performing in a particular position. Once at the working level salary, an employee whose performance exceeds expectations continues to be eligible for a performance review lump merit, but these annual or semi-annual awards are in the form of a lump merit (based on performance reviews) rather than as additions to the base salary. Lump merits are defined as an award based on a percentage of the employee's annual salary if an employee is determined to be exceeding expectations during the review process (See Section 6.7 Salary Increase and Lump Merits for further clarification). The working level will be adjusted periodically based on internal and external comparison using information gathered in the total compensation survey as described in Section 6.2 Total Compensation Survey and according to accepted personnel practices. The statistical information will be shared with the Compensation Plan Committees for their evaluation. All working level adjustments and lump merits are limited by budget considerations.

The strategy of the pay plan is to raise an employee's salary to the working level once an employee's performance is at full competency level.

If an employee fails to reach working level within two years, the Manager should delineate a specific work plan to achieve full competency as part of the evaluation process.

The pay plan provides for employees in the same position who are performing at the full competency level of their jobs to receive the same pay rate. Before reaching the working level, supervisors and managers should use their discretion in recognizing the above average performance of employees by moving them to the working level more quickly and/or a lump merit if performance exceeds expectations.

6.5 Assignment of Pay Rates

All employees shall be paid in accordance with the approved pay plan. All employees must be paid at least at the minimum of the salary range for their position classification. Should the minimum of the salary range be increased, all employees falling below the minimum will be brought to the new minimum, effective on the same date that the new minimum became effective. Any recommended changes in pay level must be effective the first day of an approved City pay period.

6.6 Pay Rates for New Hires

All newly hired full-time regular employees are paid at the minimum of the pay range unless an exception is authorized by the City Manager. The City Manager may grant

exceptions and allow appointments above the minimum for such factors as a high level of experience and training or because the demands of the employment market affecting the position being recruited require a higher than minimum pay rate.

6.7 Salary Increase and Lump Merits

Any recommended changes in pay level must be effective the first day of an approved City pay period.

a. General

As part of the City budget process, the City Council will decide on the amount of funds appropriate for employee pay. Full-time regular employees may be eligible for an exceeds expectation lump merit of up to 4% annually subject to budget constraints and revenue availability.

Each employee who achieves all the goals identified for his/her position in the previous performance review will be eligible to receive a percentage of salary increase up to 5% per six month period until such time they reach working level. In addition, an employee exceeding his/her performance goals may receive a lump merit up to the annual percentage while an employee who has been performing at or below competency levels may receive no lump merit.

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

No time spent on leave-without-pay will count toward lump merit eligibility. Time considered as leave without pay includes Short Term Disability (STD), unpaid Worker's Compensation Leave (WC), Long Term Disability (LTD), Family Leave (FA), Unpaid Leave and mandatory unpaid leave due to disciplinary actions.

b. Reclassification Due to Pay Plan Review and/or Market Salary Adjustment

Council may approve an adjustment to working levels. All employees meeting expectations at working level with no performance issues raised in the most recent evaluation will be eligible for an increase up to 5% per six month period concurrent with the adoption of the pay plan.

Any recommended changes in pay must be effective the first day of an approved City pay period. An employee not at working level whose current classification is moved to a higher pay grade will move into the new grade at their current wage

or the minimum wage of the grade, whichever is greater.

c. Performance Lump Merit at the Working Level

An employee whose current wage is at the working level of his/her pay range is eligible to receive a performance lump merit (lump sum) if exceeding expectations. The amount of the performance lump merit will not result in a permanent increase to salary for that position. The City will, however, make retirement contributions on performance lump merit (lump sum) consistent with contributions on base pay.

d. Pay Raises when the Working Levels of Two Grades are Combined

When two grades are combined by the approval of the City Council, an employee at the working level within the lower grade will have their working level adjusted up to 5% per six month period if performing at full competency and no active disciplinary action is under process, nor performance issues were raised in the most recent evaluation. The adjustment will become effective concurrent with the adoption of the pay plan.

e. Reclassification Due to Budget Request

An employee not at working level, whose current classification is moved to a higher pay grade, will move into the new grade at their current wage or the minimum wage of the new grade, whichever is greater.

An employee at working level, whose current classification is moved to a higher grade, and with no performance issues raised in the most recent evaluation, will be eligible for an increase of up to 5% per 6 month period concurrent with the adoption of the pay plan.

f. Pay Raises and Lump Merits Below the Working Level

An employee whose current salary is below the working level of his/her salary range may receive a salary or wage increase up to 5% per 6 month period (addition to base salary). The employee may also be eligible for a lump merit if exceeding expectations.

g. Pay Raises for Salaries Above the Working Level

If an employee's salary is above the working level rate for his/her position classification because the position was redlined due to employee transfer, etc. regardless of the reason, any increase will be calculated and treated as though

the employee was at the working level salary.

h. Special Employee Reviews

Special employee reviews may occasionally be awarded earlier than the normal review date for those employees whose pay falls below the working level.

Following are situations that may warrant consideration for a special increase:

1. The level of the employee's salary in the range is incompatible with his/her skills and experience in relation to other employees performing the same job.
2. The employee's learning curve is outstanding and is clearly moving toward a fully competent working level at a faster rate than the average employee performing the same job.

6.8 Merit Increase Eligibility

Full-time regular employees shall be eligible for a merit increase of up to 5% per six month period at the conclusion of each performance review process until reaching working level.

If the employee is on leave-without-pay status for over 30 days, no time spent in leave-without-pay over 30 calendar days will count toward merit increase eligibility. The new effective service date will be extended on a day-to-day basis with time taken for leave-without-pay calculated. Time considered as leave without pay may include Short Term Disability (STD), Long Term Disability (LTD), Family Leave (FA), Unpaid Leave, and mandatory unpaid leave due to disciplinary actions.

Mayor and Council compensation will be addressed during the annual budget process.

6.9 Factors Not Affecting Eligibility for Merit Pay Increase

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

6.10 Pay Upon Promotion

When a full-time regular status employee is promoted to a higher position classification, the employee shall be eligible for an increase in pay within the pay range of the higher position classification. The percentage of the increase shall be recommended by the Department Manager and submitted to the Human Resources Manager for review. Following review, the Human Resources Manager shall submit the recommendation to

the City Manager for final approval. Only on special approval by the City Manager will an employee be allowed to immediately move to the working level of the pay range in which they are being promoted.

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

6.11 Pay Upon Demotion

When an employee is placed into a lower grade resulting from inability to perform assigned work, the employee's pay will be adjusted to a rate no greater than the working level of the lower grade.

6.12 Pay Upon Transfer

See Section Three (3) Change in Employment Status

6.13 Pay Periods

Park City Municipal Corporation operates its payroll system on a biweekly time period. The pay period begins at 12:01 a.m. on Sunday and ends at 12:00 midnight of the following Saturday. Employees are paid every other Friday for the preceding pay period. Employees not participating in a direct deposit program may pick up their paycheck in the Finance Department between the hours of Noon and 3:00 p.m. on the respective payday. Checks remaining in Finance after 3:00 p.m. on any payday will be mailed to the address on the payroll check.

6.14 Garnishments

Occasionally the City will be served with a Garnishment Writ of Execution against an employee's wages. The City is required by law to comply with properly served garnishments. Garnishments create additional workload for City staff and therefore employees are urged to arrange promptly for the discharging of any amount of judgment against them. If the garnishment cannot be paid outright, it is suggested that an agreement to make periodic payments be arranged until the judgment is discharged. Alternatively, the employee should make arrangements for a loan to pay off the judgment. If the garnishment is a mistake, the employee should seek immediate legal advice.

6.15 Payroll Deductions

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

6.16 Holiday Pay and Premium Pay

The City provides 12 paid holidays each year for full-time regular employees. Most eligible employees will have the day off and receive eight hours of holiday pay. Holiday pay hours are not considered productive time so are not used in the calculation of overtime. There are certain employees such as police, snow removal, transit, etc., who are required to work on holidays. Employees who are required to work on a holiday will receive premium pay according to the following policy:

1. If a full-time regular employee is paid for either the working day before or after a holiday, he/she will be paid for the holiday except when the first day of employment is the day after a holiday.
2. Part-time non-benefited and/or seasonal employees are not eligible for holiday pay.
3. Full-time regular non-exempt employees who are required to work on a City-recognized holiday will receive premium pay at the rate of time and one half for all hours worked on that day in addition to their eight hours of holiday pay.
4. Part-time non-benefited and/or seasonal employees who are required to work on a City recognized holiday will receive premium pay at the rate of time and one half for all hours worked on that day.
5. Full-time regular employees who work regularly scheduled shifts of 10 hours or greater are eligible for 10 hours of holiday pay. Those employees working less than a regularly scheduled 10 hour shift will be paid for 8 hours of holiday pay.
6. Exempt full-time regular employees who are required to work on a City-recognized holiday may, at the City Manager's or department manager's discretion, be given but are not entitled to administrative leave at another time for working the recognized holiday. Holiday and Premium Pay are only paid on those holidays recognized by the City and approved by the City Manager. A list of City-recognized holidays is available in Human Resources, on the employee portal or in Section 10.11 Holidays.

6.17 Bonuses

a. Purpose

The bonus program is designed to provide recognition for a specific incident that goes above and beyond an employee's normal job duties, as well as recognition for safety, accident record, and/or other on-the-job accomplishments and contributions.

b. Bonus Categories

1. Instant Bonus

Any employee may nominate another employee for an instant bonus to a maximum of \$100.00 with the Human Resources Manager's and the nominee's Manager's approval. Instant bonuses may be grossed up in the payroll system if the request for gross up is reflected on the Request for Personnel Action (PAF)

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

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

3. Merit Bonus

A merit bonus of up to \$250.00 may be recommended for a full-time regular exempt or non-exempt employee by his/her supervisor at any time throughout the year. Merit bonuses should be reserved for the most productive and estimable performances. They should be based upon the employee's contribution to a department or City essential project, completion of a specific project milestone, exceptional meritorious performance, and/or acknowledgement of efforts during particularly challenging work. Any meritorious bonus over \$100.00 must be approved by the City Manager. Projects or events that become ongoing will not be given a merit bonus beyond

the year of implementation. Merit bonuses may be grossed up in the payroll system only with City Manager approval.

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

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

5. Part-time Non-Benefited Employee Performance Bonus

Human Resources provides funding for part-time non-benefited employee performance bonuses. A department manager who has staff that may be eligible for this bonus program must provide a list of positions and employees who may be eligible, and an estimate of the maximum amount of bonus for the employee in that position based on 4% of the annual hours worked at the employee's current rate of pay.

Each department requesting part-time non-benefited employee performance bonuses must have the criteria by which the bonus is calculated and the employees eligible approved by the City Manager and on file in Human Resources. All part-time non-benefited employee performance bonuses over \$100.00 must be approved by the City Manager. These bonuses may not be grossed up in the payroll system.

6. Part-time Non-Benefited and/or Seasonal Employee Pro Shop Bonus

Any employee who may be eligible to receive a bonus based on sales or pro shop revenue calculations and is not eligible for any

other end-of-season or performance bonus programs may receive a bonus based on sales or pro shop revenue generation. Pro Shop Bonuses are only offered to those part-time non-benefited and/or seasonal employees that actually work in pro shops of certain City departments such as the Racquet Club and the Golf Course. All Pro Shop Bonuses over \$100.00 must be approved by the City Manager. These bonuses may not be grossed up in the payroll system.

c. Documentation and Procedure

Any department requesting performance, pro shop, or end-of-season bonuses for part-time non-benefited employees must have the criteria by which the bonus is calculated, the employees' eligibility approved by the City Manager and on file in Human Resources.

A written memorandum articulating the specific reasons and/or employee eligibility must be submitted to Human Resources and approved by the City Manager prior to bonus recommendations. This documentation must accompany a Personnel Action Form (PAF) with the appropriate approvals and be sent to the Human Resources Department for processing.

Part-time non-benefited and/or seasonal employees are eligible for only one bonus. They are eligible for either a performance bonus, an end-of-season bonus, or a pro shop bonus. Full-time regular or employees under Special employment agreements are not eligible for end-of-season or pro shop bonuses.

6.18 On-Call Pay

On-call employees shall receive \$15.00 per day and a two hour minimum pay per call out. Travel time to and from work is considered non-productive time and therefore is not paid. On-call employees may be provided with a City vehicle which shall be used only by the employee for on-call emergencies.

On-call employees shall strictly adhere to all City policies and procedures and in particular Section 8.11 Use of Drugs and Alcohol of this manual. On-call employees shall not drive City vehicles or perform on-call emergency services while under the influence of drugs (legal or illegal) or alcohol.

This on-call policy does not apply to Police Officers or exempt employees.

6.19 Employee Pay

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

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

Section Seven (7)
PERFORMANCE REVIEWS

7.1 Purpose

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

Realistic rating of each employee's performance should result in appropriate recognition of differences in individual performance. Salary increases within a specific job are based upon how well an employee is performing. It is therefore essential that performance be formally reviewed.

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

A performance review does not precipitate a salary adjustment. The program should not be construed as authorizing annual increases for employees. Semi-annual performance reviews should be done whether or not the employee is being recommended for salary increase and/or lump merit.

7.2 Types of Reviews

a. Probationary Performance Reviews

Job-related performance evaluations shall be conducted for all employees who are new to their jobs. A verbal evaluation should be given at three months and a full written evaluation must be given at the time an employee is recommended for release from probation. The written evaluation must accompany any request for probationary release. An employee is eligible for a salary increase at this probationary review, but is not eligible for a lump merit. During the next review process in June or December, the employee is eligible for a lump merit if their performance has exceeded expectations but it must be pro-rated to reflect only the amount of time the employee has been off probation. Recommendations should be forwarded to Human Resources for review and submission to the City Manager for final approval.

Probationary periods may be extended on a month-to-month basis up to six additional months if the employee's performance has been marginal or if there

are any other performance, attitude, ethics and/or code of conduct issues the Manager determines warrant extending the probationary period. A written evaluation must accompany any probationary period extension. An additional written evaluation will be required at the end of the extended period.

b. Semi-Annual Performance Reviews

All full-time regular employees shall have a written performance review conducted in May and November of each year. Employees who resign or retire in good standing may be eligible for a pro-rated lump merit bonus. The performance review as well as Personnel Action Forms must be forwarded to HR prior to the employee's departure.

City review periods are May 1 – October 31 and November 1 – April 30 of each year. All full time regular employees must have either a supervisor/manager or 360 Review performed by their manager and/or team once these periods are complete. Employee review data must be collected and compiled by someone other than the employee directly.

7.3 Process

All performance reviews consist of a written employee self-evaluation, a written evaluation by the supervisor and/or team, a performance review meeting with a supervisor and/or team to discuss the employee's performance and an opportunity for the employee to offer his/her written response to the review.

a. Written Performance Review

Supervisors and/or team/peer members doing the performance review must request in advance of the evaluation meeting a written self-evaluation from the employee.

b. Personal and/or Team Performance Review Meeting

All performance reviews shall include a personal and/or team performance review meeting with the supervisor and/or team and the employee to discuss the employee's performance. The performance review meeting is intended to be a dialogue between the employee, supervisor and/or team. Items in the review should be discussed openly and future goals will be negotiated.

If, at the end of the meeting, the employee and the supervisor and/ or team/peer group agree that items should be changed, added or deleted from the written review, the review may be modified. Once the written performance review is

completed, the employee will be asked to sign the bottom of the written review as an acknowledgement that he/she has read the review and been given the opportunity to discuss it. The review is sent to the HR department and then the City Manager's office for final review and approval. See section 7.5 Administration. Upon approval, the final signed performance review is placed in the employee's personnel file and becomes part of the employee's permanent personnel record. Signing the written review shall not be construed that the employee agrees or disagrees with the contents of the review.

c. Employee Comments

After the conclusion of the performance review an employee may attach his/her written comments to the performance review which become part of the formal performance review and therefore part of the employee's permanent personnel file. Absence of a written comments statement is considered acceptance of and agreement with the performance review.

d. Employee Review of Job Description

As part of the performance review process, employees may review the most current copy of his/her job current description. Approved job descriptions are available in the Human Resources Department.

7.4 Late Reviews

Timeliness is important in the performance review process. All full-time regular status employees will receive performance evaluations in May and November of each year. Managers and teams are accountable for the timely submission of evaluations and Personnel Action Forms and will be held accountable for late submittal of reviews.

7.5 Administration

Prior to being finalized any specific recommended salary action must be approved by the City Manager. A Personnel Action Form must be submitted with the employee's performance review indicating whether or not a salary increase or lump merit is being recommended.

The Manager and/or team should critique the review and determine if the recommended salary action is appropriate. If the Manager and/or team agree with the evaluation and the recommended salary increase, he/she should sign the Personnel Action Form and forward the paper work to the Human Resources Manager along with the completed performance evaluation.

The Human Resources Manager will then review the performance evaluation and recommended salary increase. If the Human Resources Manager agrees with the performance evaluation and the recommended salary increase, he/she will sign the Request for Personnel Action and forward the paperwork to the City Manager for final approval. If the Human Resources Manager disagrees with either the performance review or the recommended salary action, he/she will discuss the areas of concern with the Manager and/or team. Should the Human Resources Manager and the Department Manager and/or team disagree, the City Manager's decision shall be final.

Section Eight (8)
CITY RULES

8.1 Personnel File

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

No documents or information contained in an employee's personnel file shall be released to anyone other than the employee or the personnel identified above, unless approved by the City Attorney pursuant to a duly filed Government Records Access Management Act (GRAMA) request (Utah Code Annotated, Title 63, Chapter 2 as amended).

Employees may authorize Human Resources to provide specific information to authorized loan, mortgage or financial institutions with signed approval.

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

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

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

8.2 Privacy of Personnel File and Other Employee Information

The City will regard employee information as confidential and will respect the need for protecting each employee's privacy by providing guidelines for the proper receipt,

possession, use, retention, and transmittal of personal information used by the City to make appropriate judgments regarding prospective employees, current employees, and retirees. To this end, the City will collect and retain only such personal information pertinent to conduct City business and to administer personnel programs. Upon request, employees will be permitted to access their personal records. Employee files are archived or destroyed in accordance with the City's approved retention policy and State law.

8.3 Personal Property

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

8.4 Safety

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

It is the responsibility of each employee to work safely and do all that is possible to prevent accidents or injuries. Every worker is expected to report unsafe conditions, think before acting, and consciously take care to avoid unnecessary risk.

If an employee is injured in connection with employment, regardless of the severity of the injury, the employee must immediately notify his/her supervisor, seek necessary medical attention and complete a workers' compensation questionnaire. The questionnaire can be found in the Human Resources section of the employee portal (EP) under "forms" or with department supervisors. The questionnaire must be forwarded to the Human Resources Manager for completion and submission of the first report of injury form. It is the supervisor's responsibility to notify Human Resources of the injury.

Smoking restrictions are addressed herein in section "8.20 Smoking".

8.5 Use of City Vehicles

City-owned vehicles are to be used for official business purposes only, and shall carry no passengers in them other than in connection with official City business. An employee authorized to drive a City vehicle must have a current Utah driver's license, or in the case of heavy equipment operators and bus drivers, a valid Utah Commercial Driver's License (CDL). Prior to use, employees must provide a copy of their driver's license to the Risk Manager in the Executive Department. Bus drivers will also be required to have air brake and passenger endorsements in addition to the CDL. The City reserves the right to require additional endorsements to the CDL as the position may require. Employees operating City vehicles are encouraged to participate in driving courses that may be offered by the Risk Manager and shall obey Utah state law and City ordinances at all times, including the use of seat belts.

Employees who operate City vehicles are required to notify their supervisors within one day if they receive a conviction for driving under the influence of alcohol or drugs or if they have had their driver's license suspended or revoked for whatever reason. A license suspension or revocation may cause disciplinary action up to and including termination.

City employees are normally expected to use a City vehicle for transportation needs while performing City business. If a City car is not available, or if circumstances are such that it is not practical to use a City vehicle, the Department Manager may approve the use of a personal vehicle thereby authorized reimbursement to the individual for such use. A personal vehicle used by an employee for City business and eligible for mileage reimbursement must be properly licensed, registered and insured. Reimbursement shall be at the current IRS mileage reimbursement rate. Individuals who are called in to work during off hours may be reimbursed for miles driven to and from work in their personal vehicle.

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

Smoking is prohibited in all City vehicles.

8.6 Use of City Cellular Phones, and Other Communication Devices

Park City Municipal Corporation provides some employees with certain equipment, including cellular phones, personal digital assistant (PDA) devices (i.e. "Blackberries, Palm Pilots, etc.), laptop/portable computers and other handheld electronic equipment to assist employees in performing their job duties.

City-owned cellular phones are to be used for official business purposes. Personal phone calls made on a City-owned phone which result in excess charges will be billed to and paid by the employee. In the event the City incurs additional monthly charges due to exceeding the City's total allowed minutes, each employee exceeding his/her allotted minutes for that month will be required to reimburse the City for all usage above the per-phone allowance.

When using Park City Municipal Corporation equipment or when using the employee's own equipment for work purposes, employees are expected to obey all applicable laws, exercise reasonable care, and follow all applicable department training, operating instructions, safety standards, and guidelines.

Employees should not use cellular phones, PDA devices, GPS, computers and other handheld wireless equipment for work or personal purposes while operating a motor vehicle provided by Park City Municipal Corporation or while operating their own or another vehicle for work purposes, including traveling to or from business meetings.

- Employees should turn off their cell phone and any other equipment before driving, allow voicemail to handle calls.
- If an employee needs to place or receive a call, they should wait for a safe location to legally stop and place the vehicle in 'park' before using the phone.
- Text messaging while operating a motor vehicle is strictly prohibited.

EXCEPTIONS:

1. Public Safety/Law Enforcement or emergency service personnel acting in the course and scope of employment;
2. Communications during a medical emergency or when providing roadside or medical assistance;
3. 911 or other communications to report a safety hazard, an emergency or other public safety communication such as reporting criminal activity or assistance relating to criminal activity with reasonable care taken to perform the call which may include pulling over to the side of the road provided a safe and legal location is timely available;
4. Use of Transit and Snow Removal Driver two-way radios during shifts;
5. Public Works on-call employee receipt of emergency/essential calls, with reasonable care taken to perform or take the call which may include pulling over to the side of the road provided a safe and legal location is timely available.

All staff authorized to drive a City vehicle or a personal vehicle on City business must

complete an Inattentive Driving Training session. Employees shall refrain from doing any activity that would contribute to careless driving. Careless driving activity examples include any activity unrelated to operation of the vehicle such as eating, grooming, or searching for an item in the vehicle.

Any employee who is found guilty of careless driving while on City time and/or while driving a city vehicle: 1) will receive a safety violation that will be reflected in the employee's next performance evaluation and personnel file; 2) any city issued device may be removed from his/her possession; and 3) there may be revocation of his/her City business driving privilege. Utah law defines careless driving as committing a moving violation (other than speeding) while distracted by use of a handheld cell phone or other activities not related to driving. Repeated violations may result in the revocation of use of such equipment and/or City driving privileges, and progressive discipline up to and including termination.

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

Employees who violate cellular phone policies risk having cellular or similar communications equipment and privileges revoked.

Lost or stolen cell phones must be reported immediately so service can be transferred or canceled. The cost of damaged or lost phones due to employee negligence may be charged to the employee.

8.7 Personal Conduct & Hygiene

Employees are expected at all times to conduct themselves in a positive, courteous and appropriate manner in order to promote and reflect the best interests of the City. While on the job or representing their department or the City, all employees are expected to maintain an appearance that promotes a clean, positive and professional image. Employees are expected to dress in attire or uniform that is appropriate or required for the workplace and his/her work assignment. Employees are expected to maintain a high standard of cleanliness and personal hygiene.

8.8 Rules of Conduct

Disclaimer: The policies and procedures stated in this manual and in other personnel statements or materials issued by the City are not intended to create either express or

implied contract rights respecting the procedures, terms, conditions, or duration of employment nor other obligation or liability on the part of the City. The State of Utah is an “at will” employment state. Accordingly, employment with the City is on an at-will basis, meaning that it may be terminated by the employee or City Manager at any time, for any reason or for no reason, without notice, and without procedures or formality.

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

- Refusal to support department and/or City goals and programs, sleeping on the job, neglect of duty, disrespectful behavior and/or poor attitude.
- Failure or willful refusal to perform work as directed and/or insubordination.
- Lack of cooperation with or impeding a department, City or Police investigation.
- Negligence in observing or reporting fire prevention issues (including smoking in designated areas only), safety regulations or any condition that may cause harm to employees or the general public.
- Improper notification of sick leave to Manager; not providing notice of known upcoming sick leave of more than two days or not providing doctor’s note after more than two days of consecutive days of day-to-day sick leave (see section 10.13 Sick Leave); habitual tardiness or absenteeism.
- Unwillingness or inability to work in harmony with others. Behavior which shows clear lack of courtesy, and/or creates irritation or friction with others.
- Soliciting or distributing non-related City products and/or programs via e-mail and/or in person.
- Deliberate omission, alteration or falsification of information on employment applications, time records, medical reports, expense records, absentee reports, work related injury reports, unemployment reports, or other City records.
- Reporting to work under the influence of alcohol, illegal drugs, or narcotics; using, selling, or dispensing illegal drugs or narcotics on City premises; reporting to work under the influence of over-the-counter (OTC) drugs that may adversely affect performance or safety of the employee or others.

- Failure to reasonably comply with City policies governing City communications systems.
- Breach of confidentiality.
- Lack of proper hygiene, clothing inappropriate for the workplace. Failure to maintain uniforms to department standards.
- Engaging in or threatening acts of workplace violence, including but not limited to:
 1. Possessing firearms or other weapons on City property with the exception of Peace Officers and Law Enforcement Officials as defined by Utah Code Section 76-10-523 and as authorized by Utah Code Section 53-5-704.
 2. Fighting or assaulting a co-worker, guest, visitor, or customer
 3. Threatening or intimidating a co-worker, guest, visitor or customer
- Engaging in any form harassment.
- Stealing, destroying, defacing, or misusing City property or another employee's, customer's, or guest's property.
- Misusing City communications systems including electronic mail, computers, internet access, and telephones.
- Refusing to follow instructions concerning a job-related matter or insubordination.
- Failing to wear assigned safety equipment or failing to abide by safety rules or policies.
- Smoking where prohibited by Section 8.19, local and/or Utah State law.
- Using profanity or abusive language or actions.
- Gambling on City property.

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

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

- Treating customers, visitors, the public and co-workers in a courteous and respectful manner.
- Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City's best interests or core values.
- Reporting to management any suspicious, unethical or illegal conduct by co-workers, customers, suppliers or vendors.
- Reporting to management any threatening or potentially violent behavior by coworkers, customers or suppliers.
- Cooperating with a department, City or Police investigation.
- Complying with all City safety and security regulations.
- Wearing clothing appropriate for the work being performed.
- Performing assigned tasks efficiently and according to established quality standards.
- Reporting to work punctually and as scheduled.
- Giving proper advance notice when unable to work or report on time according to Section 4.6 Absences and Tardiness or specific department policies.
- Smoking only at times and in places not prohibited by Section 8.19, and local or Utah State law.

8.9 Harassment

The City is committed to the belief that all employees have the right to work in an environment that is free from discrimination and harassment. The City strictly prohibits harassment of or by its employees, vendors, customers or others who enter our workplace in any form. All employees at any level of employment with the City must avoid offensive or inappropriate harassing behavior, and the City holds employees responsible for ensuring that the workplace is free from any type of harassment. Employees should at all times treat other employees with respect, dignity, and in a

manner so as not to offend the sensibility of their co-workers. The City is committed to the vigorous enforcement of its harassment policy at all levels of employment and in all City workplaces.

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

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

- a. Degrading words to describe an individual; threats; offensive comments; derogatory remarks; innuendos or taunts; off-color language or jokes; innuendoes; and sexually suggestive objects, books, magazines, photographs, cartoons, or pictures.
- b. Display, storage and/or transmitting of offensive, pornographic, racist or offensive language, signs, or images from any personal cell phone, PDA, computer or radio while on duty.
- c. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- d. Sexual harassment, including sexual harassment of men by women, and same sex sexual harassment.
- e. Engaging in indecent exposure.
- f. Unwelcome sexual advances.
- g. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
- h. Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's

submission to or rejection of the sexual advances will in any way influence any personal decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

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

Any type of harassing conduct may result in disciplinary action up to and including termination. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises, or whether the incidents occur during business hours.

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

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

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

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

The City makes every attempt to keep confidential the information provided to it in the complaint and investigation process to the fullest extent permitted by the circumstances.

Retaliation against employees for reporting harassment or for assisting the City in its investigation of a complaint is against the law and is not permitted. Retaliation may include, but is not limited to, such acts as refusing to recommend the employee for a benefit for which he/she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, and escalating the harassment.

If after investigating any complaint of harassment the City learns that an employee

provided false information regarding the complaint, the City may take disciplinary action against the employee.

8.10 Retribution and/or Retaliation

Supervisors, managers and/or employees are not permitted to engage in any form of:

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

Any supervisor, manager, or employee who engages in retribution or retaliation against a reporting employee is subject to disciplinary action up to and including termination.

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

8.11 Use of Drugs and Alcohol

Park City Municipal Corporation has a responsibility to all employees to provide a safe work place and a responsibility to the public to make every reasonable effort to protect their safety and trust. Therefore, the City will not tolerate:

- Use of illicit drugs
- Abuse of legal drugs or alcohol
- Manufacture, sale, purchase, transfer, use, or possession of illegal drugs or drugs obtained illegally
- Arrival for work under the influence of drugs (legal or illegal) or alcohol
- Use of a City vehicle or equipment while under the influence of drugs (legal or illegal) or alcohol

Employees are required to notify the Human Resources Department in writing of any criminal conviction for a drug or alcohol related offense occurring no later than five calendar days after such conviction. Within 30 calendar days after receiving notice with respect to any employee who was so convicted, the City will inform the employee in writing of the personnel action which will take place, if any.

Any employee who is under the influence of legal medication or taking any drug which may affect the employee's ability to perform his/her job in a safe and productive manner must report such use and/or the possible effect on performance to his/her supervisor. Supervisors, in conjunction with management, will determine if the employee should remain at work, be restricted in his/her duties, or be sent home with or without pay.

The City may require an employee to submit to drug and/or alcohol testing where probable cause has been documented, or following an on-the-job accident. Failure to comply with this request may subject the employee to disciplinary action up to and including termination. Employees may be suspended or placed on administrative leave by the City Manager pending outcome of an investigation regarding compliance with this policy. The City will conduct drug and/or alcohol testing in compliance with state and federal laws.

Notification to law enforcement agencies will be made, at the discretion of the City, regarding violations of this policy as appropriate and/or necessary.

The City provides at no cost to full-time regular employees an Employee Assistance Program, which is available to provide substance abuse counseling. Any full-time regular employee needing information on this program can contact his/her supervisor or the Human Resources Department.

Where probable cause has been documented, or following an on-the-job accident, the City reserves the right to require an employee meet with an Employee Assistance representative or counselor for evaluation and recommendations for treatment.

8.12 Workplace Violence

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

All employees (including supervisors, part-time non-benefited, seasonal, and special employment agreement) should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Park City Municipal Corporation without proper authorization. Possessing firearms or other weapons on City property with the exception of Peace Officers and Law Enforcement Officials as defined by Utah

Code Section 76-10-523 and as authorized by Utah Code Section 53-5-704 is prohibited.

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

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

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

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

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

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

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

Any potentially dangerous situations must be reported immediately to a supervisor, manager or the Human Resource Department. Employees are expected to exercise good judgment in recognizing dangerous situations. Such behavior includes:

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

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

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

8.13 Outside Employment

Outside employment includes self-employment and is defined as the performance of work other than City work for self or others for compensation. Full-time regular employees must provide a request for permission to accept outside employment to their Manager and the Human Resources Department, which will then forward the information to the City Manager. Outside employment must be approved by the City Manager. Outside employment permission forms are available in Human Resources or on the employee portal. Failure to provide notification of outside employment may result in disciplinary action up to and including termination. The request should include any pertinent information about the outside employer, the nature of the employment, and the hours of employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. Permission shall not be given if it is determined that such outside employment is likely to physically or mentally hamper the employee in his/her ability to do the job required of him/her by the City, or if it is likely to reflect discredit on the City's service or the employee, or if it is in conflict with one's position as a City employee.

8.14 Disciplinary Procedures

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

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

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

Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and/or inappropriate behaviors and an opportunity to improve or correct deficiencies or behaviors. It does, however, retain the right to administer discipline in any manner approved by the City Manager. This policy does not modify the status of employees who are employees at will or in any way restrict the City's right to bypass the disciplinary procedures suggested.

The normal application of progressive discipline:

1. If an employee is not meeting City standards of behavior or performance, the employee's supervisor should take the following action:
 - a. Supervisor shall discuss the matter with the employee.
 - b. Inform the employee of the nature of the problem and the action necessary to correct it. Explain what constitutes proper conduct, standards of behavior or performance.
 - c. The supervisor should prepare a written record documenting the meeting has taken place.
2. If there is a second occurrence or intentional or repeated related or unrelated offenses.
 - a. Employee receives written notice of discipline or reprimand following intentional or repeated or unrelated offenses. A copy of the written notice is placed in the employee's personnel file.
 - b. A Supervisor may recommend removing a written record from the employee's file after a specified time of meeting certain performance conditions outlined in the written notice or a subsequent performance review, with the approval of Human Resources and the City Manager. The specified time shall at a minimum include two review periods (i.e., one (1) year). A written notice may be removed after that specified time based upon satisfactory performance as it relates to outlined conditions, no additional performance issues, and with the approval of the supervisor, Human Resources and the City Manager. The

removals of written records are generally disfavored and may be approved or denied in the sole discretion of the City Manager. Requests will typically only be considered for relatively minor matters where the City Manager finds no further personnel need for the record and the employee's employment history would be unnecessarily tarnished by its continued inclusion in the file. Denials of such requests are not considered adverse job actions and may not be appealed.

3. If there are additional occurrences, the supervisor should take the following action depending on the severity of the conduct or offenses:
 - a. Employee receives final written notice of discipline or reprimand following serious misconduct or further repeated related or unrelated offenses.
 - b. The supervisor may suspend the employee with or without pay as approved by the City Manager.
4. Employee is recommended for termination as the result of a serious offense or the final step in the progressive discipline process. Discharged employees may have rights of appeal as set forth in Section 9 Procedures for Employee Complaints, Discharge and Transfer Appeals of this Manual.

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

8.15 Strikes and Work Stoppages

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

8.16 Solicitations

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

8.17 Gratuities

No employee shall directly or indirectly solicit any gift or receive any gift whether in form of money, services, loan, travel, entertainment, hospitality, promise, or any other form except as specifically provided herein. Employees may be permitted to accept food and items of nominal value as defined by Section 3-1-4(C) of the Ethics Code, Title 3 of the Municipal Code. Any employee who is uncertain whether an offered gratuity may be accepted may request a ruling from the City Attorney as to the propriety of the offered gift.

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

8.18 City Information/Communication Systems

a. City Business Use

In general, employees should use the information/communications systems (including email, computer, telephone, pager, photocopier), for City business only. The information/communication systems should not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.

Incidental internet usage is limited to access during authorized breaks only. Display, storage or transmissions of sexually explicit images, cartoons, any information/communication transmission that contains ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs is strictly prohibited at all times. Streaming of Internet media (e.g., audio, video) is intended for and limited to official business purposes. Violation of this policy will result in appropriate disciplinary action up to and including termination.

Any information/communication systems of Park City are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.

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

Internet/Intranet Use

Park City Municipal Corporation provides employees with network and network enabled devices/software for Internet/intranet access. This includes but is not limited to computers, cell phones, PDAs, VPN and remote access solutions. This policy governs all uses of Park City's network and Internet/intranet access at all offices, hotels, airports, employees' homes, and any other location when such access is for work purposes or on City equipment.

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

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

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

PROHIBITED ACTIVITIES

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

1. Downloading and/or installing software without the prior written approval from the IT Director.
2. Disseminating or printing copyrighted materials, including articles and software, in violation of copyright laws including the use of peer-to-peer file sharing and/or storage of such materials on any city owned equipment.
3. Sending, receiving, printing, or otherwise disseminating Park City Corporation's proprietary data, or other confidential information in violation of organizational policy or written agreements.
4. Operating a business, election campaign activity, usurping business opportunities, soliciting money for personal gain, or searching for jobs outside Park City Municipal Corporation.

5. Making offensive or harassing statements and/or disparaging others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex or sexual orientation.
6. Viewing, downloading, uploading, sending, or soliciting obscene or pornographic sites, messages or images or otherwise viewing, downloading, uploading, sending or displaying sites or messages which violate the City's harassment policies.
7. Visiting sites featuring pornography, terrorism, espionage, theft, or illegal drugs.
8. Gambling or engaging in any other criminal activity in violation of local, state or federal law.
9. Engaging in unethical activities or content.
10. Participating in activities, viewing, or writing content that could damage Park City Municipal Corporation's professional reputation.

COMPLIANCE AND VIOLATIONS

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

Appropriate or approved classified ads on the employee portal are not considered prohibited activities.

b. Email Specification

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

<http://ep.parkcity.org/StyleGuide/index.html> .

Samples of approved signatures are shown at

http://ep.parkcity.org/StyleGuide/signature_ideas.pdf

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

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

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

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

8.19 Code of Ethics

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

8.20 Smoking

All government buildings are designated as "smoke free" under Utah Code Annotated Section 26-38-3. The City recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is restricted in all City facilities except for areas where it is specifically authorized. Smoking is prohibited during the operation of City equipment or while driving City vehicles. The City does not discriminate against individuals on the basis of their uses of legal products such as tobacco, if the use occurs during non-working hours and off of City premises.

Section Nine (9)
PROCEDURES FOR EMPLOYEE COMPLAINTS, DISCHARGE AND TRANSFER
APPEALS

9.1 Complaint Procedure

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

9.2 Discharge and Pre-Termination Hearing

Only the City Manager or his/her designee may discharge an employee. Prior to being discharged, an employee shall have the right to know the reason for his/her discharge and have the opportunity to discuss the discharge with his/her Department Manager and the City Manager if he/she wishes to do so.

9.3 ETDAB Appeal Rights and Procedure

- a. Except as otherwise provided in Subsection (b) herein, in cases of involuntary transfer to a position with less remuneration, suspension without pay for more than two days, or discharge, employees shall have the right to appeal to the Employee Transfer and Discharge Appeal Board (ETDAB) as set forth in Utah Code Annotated Sections 10-3-1105 and -1106 as amended.
- b. Pursuant to Utah Code Annotated Section 1105, the ETDAB appeal rights provided herein do not apply to: (1) an officer appointed by the Mayor or City Council, which includes the City Manager, the City Attorney, the City Recorder, and the City Treasurer; (2) the Chief of Police; (3) a probationary employee of the municipality; (4) a part-time or contract employee of the municipality; and (5) a seasonal employee of the municipality.

Nothing in this section or other sections may be construed to limit a municipality's ability to define cause for an employee termination or reduction in force.

- c. An employee to which ETDAB appeal rights apply may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department. Any employee or officer who is discharged, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration, for any reason, shall have the right to appeal the discharge, suspension without pay, or involuntary transfer to the ETDAB. Appeals to the ETDAB shall be taken by filing written notice of the appeal with the City Recorder within ten days of the discharge, suspension without pay, or involuntary transfer.

The ETDAB shall be created by ordinance and consist of five members, three of whom shall be chosen by and from the appointive officers and employees. The other two shall be members of the governing body (City Council). ETDAB's procedure for conducting an appeal and the applicable standard of review shall be prescribed by the City Council pursuant Utah Code Annotated Section 10-3-1106, as amended.

The Administrative Rules of the Employee Transfer and Discharge Appeals Board (ETDAB) are available in Human Resources. Copies of Utah Code Annotated Sections 10-3-1105 and – 1106, as amended, are available at the Legal Department.

9.4 Exit Interview

All terminating full-time regular employees are encouraged to meet with the Human Resources Manager for an exit interview. The purpose of this interview is to gather information to assist management in identifying areas that are satisfactory and those that need improvement.

9.5 American with Disabilities Act Complaints

The Human Resources Manager is the City's Americans with Disabilities Act (ADA) Coordinator. The ADA Coordinator coordinates the ADA compliance effort and processes complaints in the compliance with the ADA grievance procedure to ensure that qualified disabled individuals are not excluded from or denied the benefit of City programs. The procedure for handling potential ADA grievances is as follows:

- a. Complainants file verbal or written complaints with the Human Resources Manager.
- b. Complaints must include the complainant's name and address and should briefly describe the alleged ADA violation.

- c. Complainants must file their complaint within 10 days of becoming aware of the alleged ADA violation.
- d. The ADA Coordinator conducts a thorough investigation of the complaint and affords all interested persons and their representatives the opportunity to submit oral or documentary evidence relevant to the complaint.
- e. The ADA Coordinator issues a written determination as to the validity and resolution of the complaint and forwards a copy to the complainant no later than 30 days after the complaint is filed.
- f. If the complainant is dissatisfied with the resolution of the complaint, the complainant may request reconsideration. Complainants may file requests for reconsideration with the City Manager or the City Manager's designee within 10 days of issuance of the written documentation.
- g. The rights of complainants to prompt and equitable resolution of complaints filed hereunder are not impaired by the complainant's pursuit of other remedies, such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- h. The ADA Coordinator maintains City files and records relating to the filing and processing of ADA complaints.

Section Ten (10)
EMPLOYEE BENEFITS

10.1 General

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

10.2 Social Security Coverage

The City participates in both the Social Security and Medicare programs. A deduction from each employee's paycheck is made along with a matching contribution from the City to fund these benefits.

10.3 Workers' Compensation

Insurance coverage for injuries sustained while at work is provided at City expense. The insurance covers the cost of medical and hospital bills, weekly disability benefits, life insurance benefits and partial lost wages. Persons on leave for an injury covered by workers' compensation insurance are not eligible for sick leave as defined in Section 10.14 Sick Leave.

Upon notification of an injury, the employee's supervisor must notify the Human Resources Manager and complete a "Supervisor's Report of Accident" form to file with the Workers' Compensation insurer. This form must be completed. Employees will be directed to a primary care facility or risk nonpayment of treatment. University of Utah Health - Redstone Health Center and the Park City Family Health Center are Park City Municipal Corporation's primary care facilities and initial care should be directed to these facilities.

Employees who are injured on the job must report the incident directly to their immediate supervisor. That supervisor must then notify Human Resources. Employees must submit a "Employee's Statement Regarding Accident" form and submit it to Human Resources.

Employees returning to work with work restrictions from a work related injury must adhere to sections 10.4 Return to Work and 10.5 Light Duty policies.

Injuries sustained during outside employment (an employer other than Park City Municipal) will not be eligible for Worker's Compensation or medical benefits or leave from the City. Employees may not use vacation hours in lieu of family leave benefits

under qualifying medical leave approved by the HR department but may supplement income with a vacation payout up to 100% of total salary while on leave. See Section 10.22 Family Medical Leave.

10.4 Return to Work

When an employee returns from any form of approved leave including workers' compensation leave, disability leave, sick leave, etc. with work restrictions ordered by a certified doctor or medical provider, the employee must report with that information to their immediate supervisor and/or the HR department before reporting to duty. The City will then determine whether that employee may return to his/her regular duties, whether modifications will be made, or if there is no modified work available. See section 10.5 Light Duty.

Employees absent for more than two consecutive workdays will be required to provide documentation of illness or medical necessity from a physician upon return to work to their supervisor, team or the Human Resources department for any of the following types of leave: sick leave, family sick leave, worker's compensation leave, short term disability and long term disability.

10.5 Light Duty

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

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

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

Light duty assignments are developed at the City's discretion based on the physical capability, skills of the worker, City needs and the availability of light duty assignments.

The City will determine appropriate work hours, shifts, duration and locations of all work assignments. The City also reserves the right to determine availability, appropriateness and continuation or cancellation of all light duty assignments at any time for any reason.

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

The employee's salary will be charged to his/her normal department even if temporarily assigned to another department.

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

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

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

An employee returning from any form of approved leave including workers' compensation, short or long term disability, or sick leave with work restrictions ordered by a physician must submit that information to their supervisor before reporting to duty. The City will then determine whether that employee may return to his/her duties or whether modifications will be made.

The employee assigned to light duty must not exceed the duties of the position or go beyond the doctor's restrictions. The employee will submit all appropriate medical notes to his normal supervisor and also his temporary supervisor if assigned to a different

department. If any medical restrictions change, the employee must notify his/her supervisor(s) immediately and provide a copy of the new medical release.

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

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

- The supervisor will evaluate the possibility of modifying the employee's current position to accommodate the physical restrictions.
- If the supervisor is unable to accommodate the restrictions, he/she will inform the Department Manager who will evaluate other assignments within the department for temporary placement.
- If the department is unable to provide the employee with light duty, HR will try to find proper placement elsewhere in the City and will inform the supervisor of the assignment.
- HR will complete the "Light Duty Assignment Record" form and ensure the light duty assignment is in compliance with the employee's restrictions. HR will ensure that the employee and the supervisors are aware of their responsibilities and will track the duration of the assignment.
- The employee must submit all physician follow up notes to his normal supervisor and if assigned to a different department, will also give a copy of this note to his assigned supervisor.
- Upon receipt of a return to full duty note from the physician, the employee will be promptly returned to his/her normal position.

10.6 Unemployment Compensation

Unemployment compensation insurance through the State of Utah provides weekly benefit payments to eligible individuals. The City pays 100% of this cost.

10.7 Health and Dental Insurance

Park City Municipal Corporation offers full-time regular employees health and dental insurance plan choices. These options allow employees to choose a combination of plans to match their needs. Information on each of the plans is available in the Human Resources Department. Health and Dental insurance is part of the City's core benefits package.

a. When You Become Eligible

New full-time regular employees become eligible for health and dental insurance coverage on the first of the month following their hire date. In order for health and dental insurance to go into effect at that time, employees must notify the Human Resources Department of the choice of plans no later than three work days prior to the first of the month. Failure to do this can delay the effective date of coverage until the following month. It may also require completion of a health questionnaire that could limit medical coverage and limit coverage on preexisting conditions. See section 2.2 (b) Full-Time Regular Appointment.

Effective dates, eligibility, cost and coverage are subject to change due to contract renewal or renegotiation.

b. Open Enrollment

Employees are permitted to change insurance plans once a year during the Open Enrollment period. The Open Enrollment period occurs each year in May-June with any changes becoming effective on July 1st. With a few exceptions noted below, this is the only time during the plan year when employees may switch from one plan to another.

c. Change in Family Status – Life Event

Employees who have experience a life event, i.e. marriage, divorce, death, birth, adoption, domestic partner relationship or involuntarily losing or gaining insurance through a spouse or affidavit of domestic partnership can make changes to their health care elections during any month of the year and do not have to wait for the “Open Enrollment” period. Employees must apply for a change in status within 30 days of the life event to be eligible. The employee will be responsible for providing proof of the family status change and for completing the appropriate forms available in the Human Resources Department.

A new baby is covered for 30 days after delivery or adoption and thereafter, provided the baby is enrolled in the parent’s health plan within 30 days of birth or adoption. Failure to enroll a new baby can delay the effective date of coverage until the next open enrollment period.

Employees and dependents who are eligible for but not enrolled in coverage may enroll in that coverage if the employee's or dependent's Medicaid or CHIP coverage is terminated as a result of loss of eligibility or the employee or dependent becomes eligible for a premium assistance subsidy under Medicaid or CHIP. An employee must request this special enrollment within 60 days of the

loss of coverage in the first scenario, and within 60 days of when eligibility is determined in the second scenario. Coverage change takes effect the date of loss or addition of CHIP or Medicare coverage.

d. Cost

The City pays the majority of the health and dental premium costs for employees. Premium costs for employees are based on increased premiums and benefits costs, and may change any time. Employees opting for family benefits will share in the premium costs via payroll deduction. Employees opting for single benefits may have a contribution made to their 457 ICMA Deferred Compensation account. For information on the employee's share of cost, please contact Human Resources.

e. Continuation of Health and Dental Insurance (COBRA)

When an employee terminates his/her employment, health and dental insurance coverage will continue until the first of the month following the termination date provided that an employee works full time through the first full week of any month. A full week is defined as Sunday through Saturday.

The Consolidated Omnibus Reconciliation Act of 1986 (COBRA) allows certain terminated employees, their spouses, and dependent children to continue medical and dental coverage under the group plan at their own costs for a period not to exceed 18 months, in most cases, and up to 29 to 36 months in some cases. Only straight time (ST) hours qualify as work time for health coverage considerations under COBRA. Sick leave, vacation, family illness, etc. does not qualify as work time for health coverage consideration. For additional or specific information regarding COBRA, please contact the Human Resources Manager.

An employee with dependents covered under COBRA must notify the City or the City's qualified COBRA administrator to provide notice of (a) divorce/legal separation or ceasing to be a dependent child under plan terms within 60 days of the change.

An active employee with dependents must notify the City to provide notice of dependent ineligibility, such as a divorce, dependent married child, or ceasing to be a dependent child (26 years of age) under plan terms within 30 days of the change.

10.8 Life Insurance

The City provides each full-time regular employee and his/her family a life insurance policy with a face value equal to the employee's annual salary up to a maximum of \$50,000. The employee's spouse and dependent children are provided with a life insurance policy with a face value of \$5,000. These policy premiums are paid 100% by the City and go into effect on the employee's date of hire. Life Insurance is part of the City's core benefits package. Effective dates, cost and coverage are subject to change due to contract renewal or renegotiation.

10.9 Disability Insurance

a. Short-Term Disability (STD)

STD Insurance provides weekly income for employees who are temporarily unable to return to work due to a non-work-related illness, injury, or disability. Each full-time regular employee is covered by a Short-Term Disability (STD) plan effective the first day of the month following the date of hire. The City pays the full premium for this benefit.

Employees must exhaust the 120 hours of paid sick leave before short-term disability commences. The STD plan commences on the 22nd calendar day after the health-related incident granted all forms have been appropriately and timely submitted to health care providers and to Prudential. Paychecks from Park City Municipal Corporation will cease and weekly pay will be administered by Prudential. Full Time Regular Employees on STD have their weekly income reduced to 60% (up to \$1,385 per week). However, the City allows FTR employees to supplement their income (the remaining 40%) with vacation payout while on STD leave. Vacation hours may not be used during disability leave in lieu of FMLA leave. Check with the Human Resources Department for additional information on this plan.

Employees will not be able to return to work without submitting a note to the Human Resource Manager from a physician or licensed health care professional authorizing their return. Any FMLA leave to which employees are entitled may run concurrently with disability and sick leave. See section 10.22 Family Medical Leave.

Short-Term Disability coverage is part of the City's core benefits package. Effective dates, cost and coverage are subject to change due to contract renewal or renegotiation.

b. Long-Term Disability (LTD)

LTD Insurance provides monthly income for employees who continue to be unable to return to work after being on STD due to a non-work-related illness, injury, or disability. Each full-time regular employee is covered by a Long-Term Disability (LTD) plan effective the first day of the month following the date of hire. The City pays the full premium for this benefit.

The LTD plan commences on the 90th calendar day after the health-related incident has taken place granted all forms have been appropriately and timely submitted to health care providers and to Prudential. Full Time Regular Employees on LTD have their monthly income reduced to 60% (up to \$5,000 per month). However, the City allows FTR employees to supplement their income (the remaining 40%) with vacation payout while on LTD leave. Vacation hours may not be used during disability leave in lieu of FMLA leave. Check with the Human Resources Department for additional information on the plan.

Employees will not be able to return to work without submitting a note to the Human Resources Manager from a physician or licensed health care professional authorizing their return. Any FMLA leave to which employees are entitled may run concurrently with disability and sick leave. See section 10.22 Family Medical Leave.

Long-Term Disability coverage is part of the City's core benefits package. Effective dates, cost and coverage are subject to change due to contract renewal or renegotiation.

Employees on light, limited, short- or long-term disability or other leaves are not considered full-time regular status employees and therefore are ineligible to receive or accrue benefits including vacation time, leave, sick leave bonuses or access to training or travel except to the extent required by the Family Medical Leave Act. See benefits afforded employees in section 10.22 Family Medical Leave.

Employees returning to work with work restrictions must adhere to sections 10.4 Return to Work and 10.5 Light Duty.

10.10 Retirement

Park City Municipal Corporation offers several different retirement plans. Eligible employees are covered under one of the Utah Retirement Systems Plans. The City provides a 401(a) retirement defined contribution plan for non-public safety full-time regular employees. The percentage of an employee's salary contributed by the City to the 401(a) varies according to the Utah State Retirement System covering the

employee and the cost of Utah State Retirement premiums.

The City offers a deferred compensation plan to its full-time regular employees. A deferred compensation program allows an employee to defer a portion of his/her salary to be withdrawn at a later date or at retirement. All taxes and FICA are also deferred to a later date. The City will match \$.50 for each \$1.00 of employee contribution to a maximum City match of \$900 per fiscal year. An employee must contribute \$1,800 to realize the maximum City match.

For specific information on the retirement systems available, contact the Human Resources Department. Retirement is part of the City's core benefits package. Effective dates, cost and coverage are subject to change due to contract renewal or renegotiation.

10.11 Holidays

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

New Year's Day	January 1
Martin Luther King Day	(3 rd Monday in January)
Presidents' Day	(3 rd Monday in February)
Memorial Day	(Last Monday in May)
Independence Day	July 4
Pioneer Day	July 24
Labor Day	(1 st Monday in September)
Thanksgiving	(4 th Thursday in November)
Day after Thanksgiving	(4 th Friday after the 1 st Monday in November)
Christmas Eve or Day after Christmas	December 24 or 26
Christmas	December 25

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

In addition to the above list of holidays, full-time regular status employees are granted an 8 hour "Floating Holiday" which can be taken at their discretion with the supervisor's approval. New employees must be released from probation and have six months left in the calendar year to be eligible for the floating holiday. The floating holiday is granted on

the first of the year to eligible employees and must be taken in the calendar year it is given or it is lost. It cannot be carried forward. Paid Holidays are part of the City’s core benefits package.

10.12 Vacations

Only full-time regular employees are granted vacation pay.

Employees are encouraged to take their vacation in blocks of time whenever possible. Because individual circumstances vary, the amount of vacation time an employee may use will be left to the discretion of the Department Manager. Vacation leave must be pre-approved by the employee’s Department Manager.

The vacation allowance for eligible employees for each vacation year is based on length of service according to the following schedule:

Completed Years of Service	Vacation Accrual
0 – 5 yrs	8 hours per month
5 yrs – 10yrs	10 hours per month
10yrs – 15 yrs	12 hours per month
15 + yrs	16 hours per month

Vacation benefits apply to full-time regular employees. Vacation leave is used by the hour. If an employee who is on a 10-hour day schedule takes a day of vacation, he/she will be charged 10 hours of vacation time.

Employees are allowed to accrue a bank of vacation time before they are subject to a “use or lose” situation. This bank will allow eligible employees to take a vacation longer than the number of vacation days they accrue in one year. The size of vacation bank is determined by the length of service of each employee according to the following schedule:

0 – 5 years	--- 192 hours
5 – 10 years	--- 240 hours
10+ years	--- 288 hours

Once an employee reaches his/her accrued vacation limit, he/she will then be in a “use or lose” situation. For example, an employee with less than five years is not allowed to

carry forward more than 192 hours from one calendar year to the next.

Any employee with a vacation bank balance larger than their years of service allows will lose all excess vacation hours at the end of each calendar year.

Department Managers and/or supervisors who feel an employee's effectiveness and/or productivity would be enhanced and improved can, at their discretion, require an employee to take vacation time.

Employees are required to request vacation leave in advance from their immediate supervisor. Vacation leave must be pre-approved. For vacation leave of one week or longer, employees should plan on providing one month advance notice for each week of vacation. For example, an employee requesting a two week vacation should make every attempt to provide two months of advance notice.

Employees may not use vacation hours in lieu of disability and/or sick leave benefits under qualifying medical leave approved by the HR department but may supplement income with a vacation payout up to 100% of total salary while on Short or Long Term Disability and Worker's Compensation leave.

Upon successful completion of probation, an employee will receive eight hours of credit for each month of probation time. Should an employee be terminated prior to successful completion of the probationary period, he/she is not entitled to receive vacation pay.

Probationary employees are not normally permitted to use vacation leave. Vacation leave due to extenuating circumstances may be approved by the Department Manager. Vacation is part of the City core benefits package.

10.13 Vacation Payout Upon Resignation or Termination

Only those employees who give proper notice and resign in good standing as defined in section 3.5 Resignations will be paid for their unused vacation leave bank up to the employee's allowed carry forward balance. See section 10.12 Vacations.

10.14 Sick Leave

Sick leave (SL) is leave with pay granted to a full-time regular employee who is suffering from an illness or a disability which prevents him/her from performing his/her usual duties and responsibilities. If an employee is sick, he/she will be paid at his/her regular pay rate for work hours missed due to the illness up to 120 hours per illness or occurrence.

When an employee is absent due to illness, doctor's appointment, or dental

appointment, the time will be recorded as sick leave on time sheets. Employees taking more than two consecutive workdays as leave will be required to provide documentation of illness or medical necessity from a physician upon return to work to their supervisor, team or the Human Resources department. Supervisors or teams receiving sick leave notes from employees should forward them to the Human Resources department immediately. It is the responsibility of the supervisor or team to monitor the amount of sick time being used and deal with abusers through the formal disciplinary procedures as provided in section 8.14 Disciplinary Procedures. Employees with consistent patterns of sick leave, whether on paid or unpaid leave status, may be subject to disciplinary action up to and including termination. Consistent patterns of illness may include Monday and Friday absences, or consistent sick leave taken on more than two consecutive scheduled work days in any month. This applies to both non-exempt and exempt status employees.

All non-emergency, medically necessary surgeries or procedures requiring leave beyond 21 consecutive days must be approved in advance. The request must be accompanied by a physician's note which must specify medical necessity, prognosis, probable return to work date and fitness for duty status. At the end of 21 consecutive days due to the employee's illness, employees will be placed on Short Term Disability status and may opt to supplement his/her pay with a vacation payout. No more than a maximum of 120 hours of sick leave may be used either consecutively or non-consecutively by an employee for the same occurrence of illness or medical condition.

Employees returning to work with work restrictions must adhere to Sections 10.4 Return to Work & 10.5 Light Duty policies. Employees may not substitute vacation time (VA) hours to supplement or to receive sick leave bonuses, or for any other reason. Sick Leave used by employees considered to have a serious medical condition will also be counted toward the 12 weeks of eligibility for Family Medical Leave. See section 10.22 Family Leave. Sick leave and sick leave bonuses are part of the City's core benefits package.

10.15 Sick Leave Family

Sick Leave Family (SLF) is paid leave granted to eligible employees due to an illness in his/her immediate family which requires the presence of the employee as primary care giver. For the purpose of this policy, immediate family is defined as children, spouse, parents, domestic partner and legal guardian. Employees taking more than two consecutive days for qualified family illness will be required to provide documentation of illness or medical necessity from a physician upon return to work.

Employees are allowed a maximum of 120 Sick Leave Family hours per 12 month period. The 12-month period of leave is considered as a rolling 12-month period, which is measured backward from the date the leave is used.

After 120 hours of Sick Leave Family due to the same occurrence of illness or medical condition of a member of the employee's immediate family, where an employee is designated by a medical provider or physician as the primary care provider, an employee may be allowed additional unpaid leave as designated and regulated by the Family Medical Leave Act (FMLA). An employee may supplement unpaid time with a vacation payout. See section 10.22 Family Medical Leave.

10.16 Perfect Attendance Bonus

To reward non-exempt employees who do not use sick leave, disability, FMLA and family illness privileges, the following incentive will be provided. Exempt employees are not eligible for this incentive.

For each quarter (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec) of perfect attendance, full time regular employees will receive a \$100 bonus. If the employee has perfect attendance for the entire calendar year, he/she will receive an additional \$200 at the end of the corresponding year. The bonuses will be paid within 30 days after the end of the quarter. Any discrepancies on whether or not an employee is eligible for a sick leave bonus shall be resolved by the employee's supervisor. Perfect attendance bonuses do not apply to employees on short- or long-term disability, or employees off work due to a Workers' Compensation related injury. Perfect Attendance Bonuses may be suspended at any time for any reason by the City Manager.

10.17 Parental Leave

a. Medical Maternity Leave

A total paid leave of 240 Medical Maternity hours (MA) will be granted to female, full-time regular employees for pre-partum and post-partum care and/or recovery. This includes pre-birth doctor's visits and sick leave due to maternity care. Once medical maternity leave hours are exhausted, additional unpaid hours may be granted under the Family Medical Leave Act and an employee may supplement unpaid time with a vacation payout. Paid Medical Maternity hours will be counted towards the 12 weeks of leave allowed by the Family Medical Leave Act. See section 10.22 Family Medical Leave. Once maternity leave hours are exhausted, maternity care is not eligible for sick leave coverage. Only full-time regular employees are eligible for Medical Maternity Leave. Medical Maternity Leave is part of the City's core benefits package.

b. Paternal Leave to Provide Care/Assistance to Mother and/or Child

Paternal Leave (PA) up to 40 hours with pay will be granted to a father or domestic partner to provide care and assistance for the birth or adoption of a child and/or his/her mother. Once paternal leave hours are exhausted, additional unpaid hours may be granted under the Family Medical Leave Act (FMLA). Paid Paternity Leave hours will be counted towards the 12 weeks of leave allowed by the Family Medical Leave Act. See Section 10.22 Family Medical Leave. Once paternal leave hours are exhausted, Paternal Leave is not considered Family Illness (see Section 10.15 Sick Leave Family) unless specifically designated as such by a physician. Only full-time regular employees are eligible for Paternal Leave. Paternal Leave is part of the City's core benefits package.

c. Coordination with Family Medical Leave Policy

Medical Maternity and Paternity Leave is counted toward the 12 weeks of eligibility for Family Medical Leave. See section 10.22 Family Medical Leave.

10.18 Personal Leave

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

10.19 Military Leave

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

10.20 Jury Duty

Leaves of absence shall be granted to employees who are required to serve as a juror or witness. Full-time regular employees who receive payment for appearing in court, either as a jury member or a subpoenaed witness, should endorse these payments to

the City who will in turn pay the employee the full amount of his/her paycheck.

An employee serving as a juror witness will be expected to work as much of his/her regularly scheduled shift as his/her jury duty schedule permits, to the extent that combined time on court duty and work does not exceed the number of scheduled work hours for that day. Jury Duty is part of the City's core benefits package.

10.21 Bereavement Leave

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

Bereavement Leave is available to all full-time regular employees. Part-time non-benefited and seasonal employees are not eligible for Bereavement Leave. Additional days of leave with pay may be granted by the City Manager only for extensive traveling, making funeral arrangements or settling estate matters. Additional days may be granted for an immediate family member only. Bereavement leave is part of the City's core benefits package.

10.22 Family Medical Leave

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

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

There are two separate types of leave along with applicable requirements:

Medical and/or Qualifying Exigency Leave (FA): eligible employees are entitled to take up to 12 weeks (480 hours) of leave for any of the following:

- the birth and care of a newborn child of the employee,

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

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

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

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

- Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care.
- Continuing treatment by a health care provider, which includes:
 - A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - Treatment two or more times by or under the supervision of a health care provider (the first visit must be within 7 days and both

- within 30 days of the first day of incapacity) or
 - One treatment by a health care provider (an in-person visit within 7 days of the first of incapacity) with a continuing regimen of treatment (i.e. prescription medication, physical therapy, etc.).
- Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence
- Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence.
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment.
- Any absence to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

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

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

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

When leave is expected to last more than five days, the employee must request the leave, in writing, to his/her supervisor, who shall forward the request to the Human Resources Manager at least 30 days prior to commencement of the leave, or as soon as practical when employee is made aware of the need for leave if less than 30 days.

Oral notice of emergency leave must be followed by a written request and applicable forms as soon as possible.

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

Prior to returning to work, the City may require that an employee on leave for his or her own serious health condition submit a medical certification that the employee is able to return to work. See section 10.4 Return to Work and 10.5 Light Duty. The City may require a fitness for duty examination, functional analysis, and drug or alcohol testing if it has reasonable cause to believe that an employee may not be physically or emotionally able to perform essential job functions or if necessary to determine whether an employee performing a physically demanding job continues to be fit for duty. During periods of leave taken pursuant to this policy, the City continues to pay the employer's portions of the employee's health insurance premium. The employee is responsible for paying the employee's health insurance premium. The employee's failure to pay the employee portion of any health insurance premium may result in the loss of health insurance benefits.

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

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

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

An employee may, if eligible, request a vacation payout during any and all portions of unpaid or partially paid FMLA leave, up to 100% of regular salary. Any partially paid portion (including worker's compensation, short and long term disability payments) shall be considered a portion of regular salary when determining payout eligibility. Employees are eligible for payouts only up to their current vacation balance. All vacation payouts will be subtracted from the current balance upon payment.

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

10.23 Administrative Leave

Exempt employees shall work the hours and time required to perform the duties of their positions and shall be entitled to neither compensatory time nor overtime pay. However, in recognition for extra-ordinary hours worked, the City Manager may, in his or her sole discretion, approve paid Administrative Leave (AD) for exempt employees. Administrative Leave must be approved in advance and be reflected on the employee's time sheet anytime it is used. Any employee may be placed on paid or unpaid administrative leave as authorized by the City Manager.

10.24 Housing Allowance

Full-time regular employees who reside within the Park City School District boundaries are eligible for a housing allowance. Not all executive level employees are eligible for Housing Allowance as determined by the City Manager or City Council.

The allowances set are \$250 per month for emergency response personnel (defined as police officers, dispatchers and water workers) and \$200 per month for all other eligible employees. Housing allowance is considered compensation by the IRS and is therefore subject to tax withholdings.

An employee who resigns in good standing and with proper notice will receive a housing allowance for the month in which they resign only if he/she works through the first full calendar week. Vacation, sick leave or leave other than straight time (ST) does

not qualify. A full calendar week is defined as Sunday through Saturday. Housing Allowance is part of the City's core benefits package.

10.25 Telecommuting

Departments or teams should refer to the Park City Municipal Corporation Administrative Policy on Telecommuting for information and direction.

10.26 Recognition Awards

In recognition of the number of continuous years of employment with Park City Municipal Corporation, full-time regular employees are rewarded for their dedication and continued loyalty. Awards are presented for five, 10, 15, 20, 25 & 30 years of service. Additional information on service awards is available in the Human Resources Department. Employee Service Awards are part of the City's core benefits package. See administrative policy for additional information. Employee of the year or other recognition awards may be given at the discretion of the City Manager.

10.27 Physical Wellness Assistance (Release Time)

a. Purpose

The objective of physical wellness assistance is to promote employee's health by supporting their efforts to attain and maintain physical fitness.

b. Means of Support

The objective is achieved in 2 distinct ways.

- i. Offering privileges at PCMC's recreational facilities such as the Racquet Club, Golf Course and the Ice Arena. Individual physical activities are also encouraged such as walking, running, bicycling and skiing. Other physical activities may be considered upon request.
- ii. Granting time off (Release Time) during working hours to perform these activities to eligible employees.

c. Release Time

With prior supervisory approval, eligible employees may be granted 30-60 minute periods, up to a maximum of 90 total minutes per week, to participate in an approved physical activity. Release time (RL) may only be granted during an employee's regularly scheduled work hours; at the beginning or end of their work shift or in conjunction with their lunch hour (provided the lunch break is not taken at the end or beginning of the shift).

Supervisors may approve or deny Release Time at any time depending on department needs. This time will be recorded as Release Time “RL” on timesheets.

d. Eligibility

Full-time regular employees, including exempt and non-exempt employees, are eligible to request Physical Wellness Assistance. Certain individuals under special employment agreements may also be eligible depending on their employment agreement.

The Physical Wellness Assistance is not part of the City’s core benefit package.

e. Administration

The Human Resources Department is responsible for the enrollment and tracking of participants. Interested employees must complete the Physical Wellness Assistance form in the Human Resources Department. HR will verify the employee’s eligibility and will record the employee’s participation as well as renewal in the chosen programs. HR will inform the participating recreational facility so they may enroll the employee according to their specific procedures.

f. Duration

Certain privileges such as punch cards, pass, classes and memberships have varied expiration dates. HR will inform the employees of the renewal process. Participation in individual physical activities not utilizing privileges at recreation facilities do not need to be renewed after the first initial request.

g. Taxation Consideration for Participants

Participants requesting privileges at a facility where they do not work will have the taxable value of each punch card, pass, class, clinic or program participated added to their W-2 at the end of each calendar year. Participants working at the facility where they request privileges are not taxed on the value of their privileges.

For example: An employee who works at the Racquet Club has tax exempt privileges ONLY at the Racquet Club. Privileges at any other facility such as the Ice Arena or the Golf Course will result in the taxable value of those programs being added to their W-2 at the end of the year.

h. Limitations

Participants may be subject to black out dates and restrictions in any and all programs and recreational facilities.

Physical Wellness Assistance does not extend to an employee’s family.

10.28 Part-Time Non-Benefited and Seasonal Employee Recreational Opportunities

Part-time non-benefited and seasonal employees are able to participate in programs and services tax free only in the facility in which they are employed. Part-time non-benefited and seasonal employees who do not work at a facility that provides recreational opportunities will have the taxable value of each punch card, pass, class, clinic or program participated in added to their W-2 at the end of each calendar year.

Part-time non-benefited and seasonal employees are not eligible for Release Time (RL).

These recreational opportunities are not available to an employee's family.

Employees may be subject to black out dates and restrictions in any and all programs and facilities.

10.29 Other Employee discounts and recreational opportunities

When appropriate and available, the City may make various ski, cultural, health, medical and clothing discounts available to all employees. All are subject to availability, policy, and tax regulations. All Wellness and other employee discounts and recreational opportunities are not part of the City's core benefits program.

Employees may be subject to black out dates and restrictions in any and all programs and facilities.

10.30 Summary of Benefits

Core Benefits

Benefit	Full-time Regular	Part-time Non-Benefited	Seasonal
Social Security	YES	YES	YES
Workers Comp.	YES	YES	YES
Unemployment	YES	YES	YES
Health	YES	NO	NO
Dental	YES	NO	NO
Life	YES	NO	NO
AD & D	YES	NO	NO
LTD	YES	NO	NO
STD	YES	NO	NO
Retirement	YES	NO	NO
401 (a)	YES Public Safety N/A	NO	NO

457	YES	NO	NO
EAP	YES	NO	NO
Holiday Pay	YES	NO	NO
Vacation Pay	YES	NO	NO
Overtime Pay	YES	YES	YES
Premium Pay	YES	YES**	YES**
Sick Leave	YES	NO	NO
Family Illness	YES	NO	NO
Maternity	YES	NO	NO
Paternity	YES	NO	NO
Bereavement	YES	NO	NO
Jury Duty	YES	NO	NO
Military	YES	NO	NO
FMLA	YES	NO	NO

Fringe Benefits*

Benefit	Full-time Regular	Part-time Non-Benefited	Seasonal
Library Card	YES	YES	YES
Release Time	YES	NO	NO
Ski	YES	YES	YES
Golf	YES	YES	YES
Ice	YES	YES	YES
Racquet Club	YES	YES	YES
Education Assistance – Degree Programs	YES	NO	NO
Employee Discounts & Recreational Opportunities	YES	YES	YES

* To be eligible for any fringe benefit employees must register in Human Resources with the exception of obtaining a library card.

** Premium pay eligibility (See Section 6.16 Holiday Pay and Premium Pay)

10.31 Educational Assistance

In recognition of the long-range contribution that additional job-related education can make to the City, a program of educational assistance has been established for full-time regular employees who have completed probation.

The City believes that it is incumbent upon every employee to self-initiate and be independently responsible for any continuous or periodic education required to maintain existing job skills and knowledge and to acquire the standards of promotional positions. Therefore, course work that qualifies for educational assistance will be considered on a case-by-case basis in advance of the employee's enrollment. The determination to pay for the educational assistance will be at the sole discretion of the City Manager or his/her designee, and in the best interest of the City. The City Manager reserves the right to change the amount or percentage of reimbursements available per employee at any time.

To be eligible for educational assistance, employees must have completed probation before classes commence. Eligible employees may be reimbursed only for courses of study that the City determines are directly related to the employee's present job, that benefit the City or that will enhance the employee's potential for advancement to a position within the City and to which the individual has a reasonable expectation of advancing. All degree programs must be pre-approved or screened before an employee is eligible for reimbursement. Employees will submit all degree requirements as part of this pre-approval. All documentation of degree program requirements must be forwarded to Human Resources for approval before classes commence. Any and all reimbursement must be directly related to specific course requirements outlined by the degree program approved. The Educational Assistance program is in no way a scholarship program. It is a method of reimbursement for qualified participants. Reimbursement of educational assistance in no way creates expectation or entitlement of promotion, advancement, or job reclassification for any employee in any position. Requests for educational assistance must pertain to degree programs from an accredited college or university.

Employees seeking reimbursement for educational expenses must submit a transcript of their grades and receipts for the expenses incurred to the Human Resources Department. Employees must submit request for reimbursement to the Human Resources Department within two months of the completion of any course or reimbursement will not be made. The City will reimburse to the employee the applicable amount of the cost of tuition and laboratory fees. Only those registration or student fees that apply to approved classes are eligible for reimbursement. Textbooks are reimbursed at 50% of actual cost paid. Supplies and shipping costs do not qualify for reimbursement.

Internal Revenue Code provides for an exclusion per calendar year from an employee's gross income for amounts received by the employee under an educational assistance program. The City will reimburse an employee for educational assistance up to the IRS maximum per calendar year.

The City is in no way required to provide the maximum in educational assistance in any year to any employee. The City encourages employees to seek a professional tax consultant in reference to IRS codes governing Educational Assistance.

Employee reimbursement for eligible educational assistance will be based upon grades received for the course:

- a. For a grade of "A" 100% of reimbursable costs.
- b. For a grade of "B" 90% of reimbursable costs.
- c. For a grade of "C" 75% of reimbursable costs.

In addition, 80% of reimbursable costs will be paid for passing a "pass-fail" course. No reimbursement will be made for a grade lower than C.

Employees seeking reimbursement for educational expenses must agree in writing to repay any educational reimbursement received within the twelve months prior if they leave the City within one year from the date of the last reimbursement.

Employees are expected to schedule class attendance and the completion of study assignments outside their regular working hours. It is expected that educational activity will not interfere in any way with employee's work. Unsatisfactory job performance during enrollment may result in forfeiture of educational reimbursement opportunities as well as employee disciplinary action up to and including termination.

If employees receive reimbursement from any other outside source, such as the department of veteran's affairs, scholarship and/or grants, the total reimbursement will not exceed 100% of employee paid costs.

Educational Assistance forms and information are available in the Human Resources Department or on the City's Employee Portal.

Section Eleven (11)
EMERGENCY MANAGEMENT REQUIREMENTS

11.1 General

The City must be prepared for any type of emergency or disaster of any size that would affect normal operating procedures. The City Comprehensive Emergency Management Plan (CEMP) requires preparedness for employees that includes planning, training, exercises, qualification and certification.

11.2 Employee Identification Cards

a. Objective

Provide a means of quickly identifying PCMC employees and the capacity in which they serve the City. This identification will be used for security purposes in the event of a citywide emergency or disaster situation. The identification system may also be used as a means of identification for daily operations, building and/or restricted area access.

b. Scope

All PCMC employees are required to have a PCMC ID card while on duty. Each department or team will determine if the card must be visibly displayed by the employee on a lanyard or clip or simply be readily available if needed. Elected officials and designated personnel will be issued an additional ID card that will grant them access to the Emergency Operations Center (EOC) should their presence be requested or required.

c. ID Types

The vast majority of employees will need only one employee identification card. This will be used by all City employees as a means of identification for emergency identification, daily operations, building and/or restricted area access. The ID cards are color coded to assist in easy identification of the employee and capacity in which they serve the City. Color coded ID cards will be issued to:

- Elected Official (green)
- Management (orange)
- Full-time Regular (blue)
- Part-time or Seasonal (yellow)
- Volunteer (purple)
- EOC- (red) One card will clearly identify elected officials, limited key

employees and outside agencies that in the event of an emergency/disaster will have access to restricted areas including but not limited to the Emergency Operations Center (EOC). The City Manager or his/her designee will determine the necessity and/or revocation of Emergency Operations Center (EOC) identifications.

d. Process

All new employees will obtain an identification card during the hiring process. They must have their picture taken within 5 (five) days of employment.

All identification cards will have an expiration date and will be renewed annually. Seasonal employee cards will expire at the end of the designated season in which they were hired. Though cards will be reprinted yearly, employee photos will only be updated every three (3) years.

Identification cards are PCMC property. Identification cards must be returned to the City in the event an employee leaves under any employment circumstance. In the event of a lost or stolen identification card, employees should notify their supervisor immediately. There is no cost for the a replacement card in the event of a lost or damaged card unless the employee requires more than one replacement per year. Replacements of greater than one per year will cost the employee \$25.00 each.

e. Description

Cards will contain the following information:

On front of card

- PCMC name and logo
- Employees photo (renewed every 3 years)
- Employee first and last name
- Employee department
- Employee ID number (unique number, never repeated)
- Card expiration date
- Phone number to call to verify card validity
- Color code to indicate employment status

On back of card

- PCMC identification
- Return address and phone number in case card is found
- Employee signature
- Color code bar to indicate employment status

11.3 Emergency Work Requirements

a. Obligation to Work

In the event of a city wide emergency, employees (including all contract employees) will be required to report to work as soon as possible unless they are medically unable to do so. PCMC will collaborate with the Red Cross and make every effort to provide services for employees' family and pets.

Failure to contact PCMC as outlined in Section 4.6 of this manual may result in termination.

b. Communication Systems for Employees

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

c. Modified Work Assignments and Schedules

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

Flexibility will be important and normal work schedules may be altered to reassign employees where their qualifications and skills will be most beneficial to the City and its residents.

d. Work Locations

The first place where employees should report for work is at their normal workplace. If the normal place of work is damaged or inaccessible, employees must report to a secondary rally point, which is Public Works or if that location is damaged or inaccessible to the Quinn's Recreation fields. There will always be a supervisor/manager at the rally point to collect and dispense information and provide personal assistance. There will also be an information board for employees to communicate with their fellow co-workers.

During an emergency event where employees do not have any means of transportation, they are directed to call the "Emergency Hot Line" for information

about possible shuttle service. PCMC will try to arrange shuttle service at defined times and locations in the greater Park City area to assist employees in their commute to and from work.

11.4 NIMS (National Incident Management System) Training

NIMS training requirements, as outlined in job descriptions and/or departments, must be completed within six (6) months from an employee's date of hire. The City Manager may extend that deadline on a case by case basis depending on the job description.