

## **CHAPTER XIII EMPLOYEE PERSONNEL POLICIES**

### **' 13100 EMPLOYMENT SELECTION POLICIES**

#### **' 13101 Equal Employment Opportunity**

Uintah Water Conservancy District (UWCD) provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age (over 40), veteran or current military status, or disability, in compliance with applicable federal, state, and local laws governing nondiscrimination in employment. This policy is for the protection of employees at all levels and positions within the UWCD, and it applies to all phases of the employment relationship, including (but not limited to) hiring, placement, promotion, termination, layoff, transfer, leaves of absence, compensation, and training.

#### **' 13102 General Harassment**

UWCD expressly prohibits any form of employee harassment. Harassment is defined as conduct that substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment based on race, color, religion, sex, national origin, age (over 40), veteran, current or future military status, or disability.

UWCD will actively enforce its policy against harassment. UWCD strives to maintain a workplace free of harassment of any kind and from any source, including management, co-workers, or others. The District considers a violation of this policy a serious offense that will lead to disciplinary action, up to and including discharge.

Employees are responsible for seeing that their own conduct does not violate this policy.

UWCD investigates all complaints equitably in order to prevent frivolous or malicious accusations.

#### *Complaint Procedure*

If you believe you have been harassed in violation of this policy or have been treated in an unlawfully discriminatory manner, you should report the incident promptly to UWCD General Manager for investigation. Your complaint will be kept confidential to the maximum extent possible.

#### *Procedure Following Investigation*

After investigation, any employee who is found to have engaged in harassment or in unlawful discrimination will be subject to appropriate discipline, up to and including termination, depending on the circumstances.

UWCD prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation.

However, if investigation leads UWCD to determine that a complaint was not based on fact or was not brought in good faith, or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the bad-faith complaint or who gave the false information.

### ' 13102.01 Sexual Harassment

As set forth in '13102, UWCD does not tolerate sexual harassment and strives to maintain a workplace free of such harassment from any source, including management, co-workers, or others. This policy applies in every location in which the UWCD has facilities, and it applies to conduct in the workplace, at UWCD functions, and in all employment relationships. This policy is for the protection of employees at all levels and positions within the UWCD.

UWCD investigates all complaints equitably in order to prevent frivolous or malicious accusations.

Employees are responsible for seeing that their own conduct does not violate this policy.

UWCD expressly prohibits unwelcome sexual advances, requests for sexual favors (whether explicit or implied), and all other verbal or physical conduct of a sexual or offensive nature, especially where:

- § Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- § Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment;
- § Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

UWCD expressly prohibits any conduct or circumstance that creates a hostile environment. Examples of conduct prohibited as sexual harassment include but are not limited to:

- § Conversations with sexual innuendo such as sexually suggestive comments or jokes or comments of a sexual nature, and derogatory comments about gender, which can be heard by those in the vicinity where the conversation takes place;
- § Invasive questions about an employee's private life;
- § Graphic, degrading, or condescending comments about an employee's appearance, dress, or anatomy unrelated to compliance with any other UWCD policy;

- § Repeated social invitations when the invitee has previously indicated that he or she is not interested in accepting such an invitation;
- § Circulation or possession on the work site or at UWCD functions of material which ridicules gender or which is sexually suggestive (including but not limited to calendars, books, magazines, objects, video or audio material, cartoons, graffiti, computer applications, etc.), regardless of whether the ridicule is directed at specific individuals;
- § Unwelcome, intentional physical contact (e.g., embracing, touching, pinching), or any suggestions or threats of such contact;
- § Continued use of familiarities or inappropriate behavior such as whistling or catcalls, offensive gestures, or leering.

### Complaint Procedure

If you believe you have been harassed in violation of this policy, you should report the incident promptly to UWCD General Manager. Your complaint will be kept confidential to the maximum extent possible.

### Procedure Following Investigation

After investigation, any employee who is found to have engaged in harassment will be subject to discipline up to and including termination, depending on the circumstances.

UWCD prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation.

However, if investigation leads UWCD to determine that a complaint is not based on fact or was not brought in good faith, or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the bad-faith complaint or who gave the false information.

### **' 13103 Affirmative Action**

UWCD takes affirmative action in recruiting, hiring, and promoting qualified personnel regardless of race, color, religion, sex, handicap, age (over 40), national origin, or veteran status.

## **' 13200 EMPLOYEE SELECTION POLICIES**

### **' 13201 Statement of At-Will Employment Status**

Employment with the District is on an at-will basis. This means that the employment relationship may be terminated by either the employee or the District at any time, with or without notice, and for any reason not expressly prohibited by law. Nothing in this handbook or in any document or statement shall limit the right to terminate employment at-will. No manager, supervisor, or employee of the District has any authority to enter into any agreement for employment for any specified period of time or to make any agreement for employment other than at-will. Only the General Manager of the District has the authority to make any such agreement and then only in writing.

### **' 13202 Recruitment, Selection Criteria and Job Posting**

The selection of an individual to fill a vacant position shall be based upon the ability to perform the essential duties of the position, with or without reasonable accommodation, specific job-related skills and abilities, character, general competence (past performance), ability to work and relate with co-workers, passing a medical examination where the duties of the position justify such examination, and a drug test, and the ability to relate to the goals and objectives of the UWCD in a cooperative and productive manner.

Vacancies, below the senior management level, are posted on designated bulletin boards at all UWCD locations. Postings generally include the title, the salary range, the essential duties and requirements of the position, the minimum hiring specifications, and the closing date for filing applications. Positions are normally posted for ten workdays.

An employee who desires to move within the UWCD must apply for positions as they become available. In order to be eligible to apply for a posted position, an employee must meet the minimum hiring specifications for the position, and be an employee in good standing in terms of overall work record.

### **' 13203 Medical Examinations and Alcohol/Drug Testing**

As part of the District's employment procedures, a job candidate is required to undergo a drug test. The District will require pre-employment medical examinations only when necessary to determine ability to perform the physical duties of a particular position. Any pre-employment medical examination will be job-related. The District will require a pre-employment medical examination only after a conditional offer of employment has been made to the job candidate and only when the following requirements are met:

- (1) All candidates extended a conditional offer of employment for the same position are subjected to the examination regardless of the presence or absence of a disability;

(2) The results of the examination are maintained on separate forms and in separate files and are treated as confidential as is reasonably possible, and will be disclosed only on a need-to-know basis;

(3) The results of the examination will not be used to refuse employment or to make a distinction in employment unless a reasonable medical evaluation establishes inability of the particular candidate to safely and efficiently perform the duties of the position with reasonable accommodation, if necessary.

This medical examination will be conducted by agencies designated by the District. Any offer of employment that an applicant receives from the District is contingent upon, among other things, satisfactory completion of this drug and/or medical examination and a determination by the District and its examining physicians that the applicant is capable of performing the essential functions of the position that has been offered with or without a reasonable accommodation.

Employees may also be required to undergo periodic medical examinations, at times specified by the District which may also include alcohol and drug screenings (see section 14103). Further, it should be understood that the District receives a full medical report from its examining physicians regarding the applicant's or employee's state of health. All District required medical examinations and drug/alcohol tests are paid for in full by the District and the results of such shall be kept confidential in separate files.

Questions about the District required medical examinations and drug/alcohol tests should be directed to the General Manager.

### **' 13204 Orientation Program**

During an employee's first few days of employment, an orientation program will be conducted by the General Manager that includes important information regarding the performance requirements of the position, basic policies, compensation and benefit programs. All necessary paperwork will be completed at this time, such as medical benefit plan enrollment forms, beneficiary designation forms, and appropriate federal, state, and local tax forms. Information establishing identity and eligibility to work in the United States in accordance with applicable federal law will be required. This orientation program is to familiarize the employee with the District policies and benefits.

### **' 13205 Personnel Files and Records**

The District maintains records for its employees concerning their work. These files contain documentation regarding all aspects of the employee's tenure with the District such as performance reviews, beneficiary designation forms, disciplinary counseling notices and letters of commendation.

In accordance with federal and state law, an employee may examine and make copies of documents in his/her personnel file if a written request is provided.

To ensure that personnel files are up-to-date at all times, the District Clerk should be notified of any changes in name, telephone number, home address, marital status, number of dependents,

beneficiary designations, scholastic achievements, the individuals to notify in case of an emergency, and so forth.

Under the Government Records Access and Management Act (GRAMA), the District is required to disclose to the public, upon request, the employee's name, gender, gross compensation, job title, job description, business phone numbers and business address, number of hours worked per pay period, dates of employment, occupational and professional licenses, business licenses, relevant education, previous employment, and similar job qualifications and records disclosing information relating to disciplinary actions against a past or present District employee if the disciplinary action has been completed and all time periods for administrative appeal have expired and the formal charges were sustained.

### **' 13206 Nepotism**

State law governs the employment of relatives within the District. Pursuant to this law, (UCA 52-3-1), family members of District employees may work for the District only under certain circumstances.

## ' 13300 COMPENSATION POLICIES

### ' 13301 Employment Classifications

Employees will be informed of initial employment classification and status as exempt or nonexempt during the orientation session. If there is a change in positions during employment as a result of a promotion, transfer, or otherwise, the employee will be informed by the District Manager of any change in the status of the position.

For purposes of salary administration and eligibility for overtime payments and employment benefits, the District classifies its employees as follows:

- § *Full-Time Employees* - Employees hired to work the District's normal, full-time 40 hour workweek on a regular basis. Such employees may be in "exempt" or "nonexempt" positions as defined below. Full-time employees are eligible for all the District benefits.
- § *Part-Time Employees* - Employees hired to work fewer than 40 hours per week on a regular basis. Such employees may be in "exempt" or "nonexempt" positions as defined below and may be eligible for the District retirement benefits per Utah Retirement System eligibility requirements.
- § *Temporary Employees* - Employees engaged to work full- or part-time on the District's payroll with the understanding that their employment will be terminated no later than upon completion of a specific assignment (Note: A temporary employee may be offered and may accept a new temporary assignment with the District and thus still retain temporary status). Such employees may be in "exempt" or "nonexempt" positions as defined below and are not eligible for the District benefits (Note: employees hired from temporary employment agencies for specific assignments are employees of the respective agency and not of the District).

### ' 13302 Position Status

- § *Nonexempt Positions* - Positions for which employees are required to be paid overtime at the rate of time and one half (i.e., one and one-half times) their regular rate of pay for all hours worked beyond 40 hours in a workweek, in accordance with applicable federal wage and hour laws.
- § *Exempt Positions* - Positions for which employees are not required to be paid overtime, in accordance with applicable federal wage and hour laws, for work performed beyond 40 hours in a workweek.

### ' 13303 Pay Policies

The District endeavors to pay wages competitive with those paid by other employers in the industry. In line with this objective, the District periodically monitors its wage scales to ensure that they are kept in line with regional, state, and local labor market conditions.

Each position at the District has been studied and assigned a salary grade. Each grade has been assigned a corresponding salary range. Periodically, the District may revise its job descriptions, evaluate individual jobs to ensure that they are rated and paid appropriately, and review job specifications to ensure that they are directly job related.

Employee pay will be reviewed on an annual basis, and an employee may be granted a pay increase within the appropriate pay range as a result of this review.

Total compensation at the District consists not only of the wages paid, but also of the various benefits offered, such as group health and life insurance and the District retirement plan, as described in a later section of this Manual.

Questions regarding the pay program or individual pay should be directed to the General Manager.

#### ' 13303.01 Payday

Paychecks are issued every other week on Friday for work performed the preceding two weeks.

On payday, checks are either mailed to the employee's home address or hand delivered by the General Manager or District Clerk.

If a payday falls on a UWCD holiday, paychecks will be issued the preceding workday.

#### ' 13304 Compensable Time

##### ' 13304.01 Regular and Overtime Work

If a position is classified as nonexempt (see section 13302 for the definition of "nonexempt position"), the employee will receive compensation for approved overtime work as follows:

1. The employee will be paid at straight time (i.e., the regular hourly rate of pay) for all hours worked through 40 hours in any given workweek.
2. The employee will be paid one and one-half times the regular hourly rate of pay for all hours worked beyond 40 in any given workweek.

**(Notice: Employees are not permitted to substitute compensatory time for overtime pay. An employee may not "bank" and carry over work hours from week to week).**

3. Overtime is calculated by adding the actual hours worked. Any actual time worked over 40 hours per week qualifies as overtime. Paid holidays and paid leave time are compensated only at the straight time rate. An employee is paid for non-working hours, i.e. holidays, sick leave, vacation leave, etc. at straight time, but those hours are not used to calculate overtime.



The Manager will attempt to provide reasonable notice when the need for overtime work arises. Please remember, however, that advance notice may not always be possible. **An employee may not work overtime without advance authorization from the Manager.** Unauthorized overtime will subject the employee to corrective action, including possible termination.

Overtime will normally be paid in the pay period following the period in which such overtime is worked, providing that the time record has been properly prepared, approved by the General Manager, and forwarded to payroll for processing in a timely manner.

### **' 13304.02 Training/Travel Time**

In compliance with state and federal law, employees in non-exempt positions normally are compensated for time spent in District required training and travel during assigned work hours. Special one-day travel assignments may be exceptions to this general principle.

Questions regarding whether time spent in District-required training or travel is compensable should be directed to the General Manager.

### **' 13304.03 On-Call Time**

Employees in non-exempt positions who accept and perform call back assignments will be compensated for all time spent traveling to and from the site and performing the call back assignment. If a call back assignment increases the hours worked in any workweek to more than 40, employees shall be compensated at time and one-half for all hours worked over 40.

At the discretion of the District, an on-call premium rate may apply in hardship situations. Questions regarding whether an on-call premium rate applies should be directed to General Manager.

### **' 13304.04 Work Premise Assignments**

At the discretion of the District, a work premise assignment premium may apply when an employee is required to remain on the District premises outside the normal work shift for more than one day. Overtime will be paid at one and one-half times the regular rate of pay for any hours worked over 40 in any work week, but only the actual hours worked will be included in determining the amount of overtime.

Questions regarding whether a work premise assignment premium applies should be directed to the appropriate supervisor.

### **' 13304.05 Meals and Break Periods**

The District provides two 20-minute paid break periods and one-half hour paid lunch period during the normal working day. An employee who fails to take break periods when scheduled may use the break periods during lunch break. If an employee is required to perform work during the meal period, he/she will be paid for this time.

At the employee's request, the UWCD can also deposit two payroll deduction amounts. This way, amounts can be credited to savings accounts or loans by payroll deduction.

## ' 13400 WORK HOURS AND TIME-KEEPING

### ' 13401 Work Hours

Full-time employees are expected to work a 40-hour workweek divided into five days, Monday through Friday with employees regularly scheduled to work eight hours per day. The normal work hours for full-time employees are 8:00 a.m. to 4:00 p.m. Unless notified otherwise the workweek begins on Monday at 12:00 a.m. and ends seven consecutive 24-hour periods later.

Schedules for part-time employees will be arranged by the General Manager.

Daily and weekly work schedules may be changed from time to time at the discretion of the District to meet the varying conditions and needs of the business. Changes in work schedules will be announced as far in advance as practicable.

Employees working at various District locations may be scheduled in varying shifts as established by the General Manager to cover the workload. In such case, a regular shift will include eight hours of work-time and a one-half hour paid meal period.

At the discretion of the General Manager, a flexible work schedule may be approved if such benefits District operations. Questions regarding whether a flexible work option is appropriate should be directed to the General Manager. In order to request approval for a flexible work schedule, the employee should obtain the appropriate form from payroll and complete and submit it to the General Manager.

### ' 13402 Recording Work Hours

It is the policy of the District to comply with applicable laws requiring records of hours worked by employees. To ensure that accurate records are kept of the hours actually worked (including overtime hours where applicable) and of the accrued and used leave time and to ensure that pay is issued in a timely manner, you will be required to record your time worked and your absences on the District's official time card form. This form should be completed daily and signed and forwarded to District Clerk every other Friday.

If a work assignment requires an employee to work in multiple locations, the amount of hours worked at each facility should be indicated on the time card. This allows the District Clerk to calculate and charge the time to the appropriate facility or area.

Periodically, employees in non-exempt positions may come to work early before the scheduled shift or stay late after the scheduled shift. The District is happy to provide areas for association with other employees or to provide a place to relax before or after a shift. **It is important that work not be done during this time unless it is approved and recorded on the time card as work time.**

Actual hours worked and leave time taken must be recorded accurately. Falsification of a time record may result in disciplinary action, including the possibility of discharge.

## ' 13500 LEAVE BENEFITS

While regular and reliable attendance is an important aspect of every position at the District, the District allows its employees to be absent under certain circumstances without losing their employment.

### ' 13501 Paid Holidays

The District provides paid time-off to all full-time employees on the following holidays each year:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Thanksgiving	4th Thursday and Friday in November
Christmas Day	December 25
Personal Day	Day of employee's choice (approved by supervisor)

If a holiday falls on a Saturday, the paid day off will be the preceding Friday. If a holiday falls on a Sunday, the paid day off will be the following Monday.

When a holiday occurs during an employee's vacation leave, it will not be charged against the accrued vacation leave.

Only one Personal Day is provided per calendar year. An employee who does not schedule and take a paid Personal Day in a given calendar year forfeits the Personal Day for that year.

### ' 13501.01 Working on Holidays

The nature of the District's business requires that from time to time employees may be scheduled to work on holidays. An employee in a non-exempt position who is required to work a holiday receives the day's holiday pay (eight hours) plus his/her regular hourly wage at time and one half for the time he/she actually works. No overtime rate applies to holiday work unless working the holiday increases the number of hours actually worked that workweek to more than 40.

### ' 13502 Paid Vacation

To provide opportunity for rest, recreation, and personal activities, the District grants annual paid vacations to its full-time employees. The amount of vacation available to an employee in any given year is determined by his/her length of service as of the anniversary of his/her hire date, as follows:

<u>Months of Service</u>	<u>Annual Vacation Allowance</u>	<u>Bi-Weekly Hours Earned</u>
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0 through 60	12 days	3.70
61 through 108	15 days	4.62
109 months or more	18 days	5.54

**' 13502.01 Vacation Carry-Over**

Vacation time beyond 45 days (360 hours) may not be carried over in any calendar year.

**' 13502.02 Pay in Lieu of Vacation**

Employees are requested to take accrued vacation as paid time off. No payments will be made in lieu of taking vacation except for accrued unused vacation at the time of termination up to the maximum of 45 days.

**' 13502.03 Holiday Within Vacation Period**

In the event that a designated holiday falls within a scheduled vacation period, that holiday will not be counted against the employee's accrued vacation time.

**' 13502.04 Vacation Scheduling**

With advance approval of the General Manager, employees may take paid vacation time off in weekly periods or as individual days. For employees in non-exempt positions, the General Manager may also approve vacation periods in hourly increments.

**' 13503 Paid Sick Leave**

In hourly amounts set forth below, the District allows paid sick leave for full-time employees who are unable to be on the job because they or their spouse, son, daughter or parent are ill or injured.

**' 13503.01 Accrual of Paid Sick Leave**

Paid sick leave accrues at the rate of one day (eight hours) for each month of service beginning after the employee completes his/her first two-week period of full-time work (80 hours' work). Except that no paid sick leave accrues during periods when the employee is absent on any unpaid leave, paid sick leave continues to accrue each month throughout the employee's employment with the District.

**' 13503.02 Utilization of Sick Leave**

The employee is responsible for notifying the General Manager of a health condition requiring sick leave prior to the beginning of each scheduled work period from which he/she will be absent. Where the employee is away from work because of illness or injury for more than five consecutive days, he/she is required to present a medical statement from a physician certifying the condition that is the reason for the absence and/or a release from the physician to return to normal duties. During such absence, the employee or his/her family is expected to keep the Manager informed of the employee's anticipated need for continuing use of sick

leave. The District may require an employee to provide additional certification supporting the need for continued absence.

An employee in a non-exempt position may use accrued paid sick leave for the purpose of keeping appointments for medical and dental examinations or treatments. Time spent on medical examinations or drug and alcohol tests requested by the District is not charged against an employee's accrued sick leave but is treated as regular work time.

Where the employee's extended illness exceeds the duration of his/her accrued sick leave time, he/she may apply for personal leave (see Section 13504).

#### **' 13503.03 Conversion of Unused Sick Leave**

On December 1 of each year, an employee may elect to convert unused paid sick leave accrued during that year to paid vacation time equivalent to 25% of the accrued unused sick leave or to pay equivalent to the value of 25% of the accrued unused sick leave at the employee's then current wage.

Upon voluntary or involuntary termination of employment, 25% of the employee's unused sick leave accrued during the current calendar year is converted to its cash equivalent at the employee's current wage and included in final pay.

At retirement, as defined by the District's current retirement system regulations, 25% of the retiring employee's unused sick leave (regardless of when it accrued) is converted to its cash equivalent at the retiree's final wage and included in final pay.

#### **' 13504 Personal Leave**

In order to accommodate employees' occasional need for extended leave from work for family and/or medical reasons, the District allows personal leave at the District's discretion and under the following circumstances. All requests for personal leave will be considered subject to the District's staffing needs; leave may be denied if granting it would inconvenience the District or interfere with its business.

##### **'13504.01 Eligibility for Personal Leave**

Any employee who has been employed by the District for at least 12 months and has worked for the District at least 1,250 hours during the 12 months immediately preceding a request for leave under this policy may be eligible for personal leave.

##### **'13504.02 Justification for Personal Leave**

Personal leave is allowed where the employee is unable to work because of his/her own serious health condition or where the employee is needed at home to care for his/her newborn, to care for a child newly placed for adoption or foster care, or to care for a daughter, son, spouse, or parent whose serious health condition demands such care.

##### **'13504.03 Notice Requirements for Personal Leave**

The District requires that an employee requesting personal leave do so in writing 30 calendar days in advance of the anticipated absence, if possible. In the case of an accident or emergency, the employee may request personal leave orally--in person or by telephone--and submit the written request at his/her earliest opportunity thereafter.

#### **'13504.04 Certification Requirements for Personal Leave**

The District reserves the right to request medical certification supporting leave, and also reserves the right to require second or third opinions (at the District=s expense) and a fitness for duty report to return to work at its discretion depending on the particular circumstances. Leave may be denied if these requirements are not met. Written medical certification from a licensed health care provider should indicate the reason for and expected duration of the need for leave.

To protect employee=s privacy rights, medical certifications will be treated as confidential and information will be disclosed only on a need-to-know basis.

#### **' 13504.05 Limitations on Personal Leave**

The District allows a maximum of 12 weeks personal leave in a calendar year. Employees will be required to use accrued paid vacation and sick leave first, when applicable. If accruals are less than 12 weeks, the employee may take the rest as unpaid leave. Employees will continue to accrue vacation and sick leave while utilizing their vacation and sick leave. However, vacation and sick leave will cease to accrue during the unpaid portion of their leave. Total leave for employee spouses is limited to 12 weeks combined if the leave is taken for the birth, adoption, or foster care of a child or to care for a sick parent.

#### **' 13504.06 Health Insurance Coverage During Personal Leave**

Employees participating in the District's insurance plan(s) may continue their coverage during personal leave, provided they assume and maintain payment of applicable premiums. For any segment of personal leave during which the employee substitutes paid leave, the District will continue to withhold and pay premium amounts. If the employee chooses not to return to work for reasons other than 1) the continuation, recurrence or onset of a serious health condition, or 2) another circumstance beyond the employee=s control, the District will recover from the employee the premium that was paid for the employee=s health coverage from the employee=s final paycheck.

#### **' 13504.07 Return to Work Following Personal Leave**

An employee returning from personal leave will be assigned to the same job he/she held before the leave or to a similar job at the same pay. The District may require medical certification of the employee's fitness to return to work. If the employee does not return to work at the completion of the personal leave time allotted, he/she will be considered to have resigned from the District's employment.

#### **' 13505 Family/Medical Leave**

Although the District is a *covered employer* within the meaning of the federal Family and Medical Leave Act of 1993 (FMLA), the geographic distribution of positions is such that the District has no *eligible* employees at this time.

For information regarding employees= eligibility and rights under the FMLA, please refer to the postings on District bulletin boards throughout its facilities.

### ' **13506 Funeral Leave**

The District allows its full-time employees up to three days' paid leave in the event of the death of a spouse, child, parents, or siblings; and up to two days in the event of the death of your grandparents, grandchildren, father-in-law, mother-in-law, son-in-law, or daughter-in-law. A full-time employee may be allowed as much as one day's paid leave in the event of the death of a relative not a member of his/her immediate family, provided the employee's General Manager approves the leave in advance.

### ' **13507 Leave for Jury/Witness Duty**

For full-time employees summoned to serve as a witness or on a jury, the District allows up to five days' paid leave per calendar year. The District allows unpaid leave for part-time employees so summoned and for full-time employees whose service extends longer than five days in a calendar year. During service on a jury or as a witness, employees are expected to apprise their supervisors of their status each day. The District does not reduce wages by any amount employees receive from the court for serving in either capacity.

For any segment of jury/witness duty leave during which the employee uses paid leave, the District will continue to withhold and pay the group health insurance premium amounts.

The employee must submit a copy of the summons and proof of service documents as soon as they are to the General Manager. Employees are expected to cooperate with the District in circumstances where such leave is deemed by the General Manager to present a hardship.

Employees released early from service in court are expected to return to work immediately.

### ' **13508 Military Leave**

If an employee is required to take time off from work to fulfill military duties, a copy of the orders must be submitted to the General Manager as soon as possible.

An eligible employee who provides advance written or oral notice of military service will be granted an unpaid military leave of absence for up to five years. During a military leave of absence, benefit coverage will be the same as for any employee on unpaid leave of absence. Medical coverage may be continued based on the provisions of the Uniformed Services Employment Rights Act of 1994 (USERRA). Employees will be permitted to use any vacation time that had accrued before the beginning of their military service in lieu of unpaid leave, but they are not required to do so.

Employees serving in the National Guard or military reserves shall be allowed up to 15 days leave for time spent on duty at annual encampment. The UWCD will pay the difference between what is



earned from the government for military service and what would have been earned as normal straight-time earnings on the job. Other duties in connection with the reserve training, instruction, and emergency requirements will be considered as leave without pay status.

### **' 13509 Education and Training Leave**

Special leave with full or partial pay, or without pay, may be granted by the General Manager for attendance at professional conferences and meetings for education or training purposes, or for other purposes when such attendance is deemed by the General Manager to be in the best interest of the District. Though an employee may request or recommend attendance at professional conferences or training courses, the District determines which training benefits the needs of the District. The General Manager must approve all requests for attendance at professional conferences or workshops.

## ' 13600 MISCELLANEOUS BENEFITS

### ' 13601 Employee Assistance Program

The District recognizes that a wide range of problems -- such as marital or family distress, alcoholism, and drug abuse -- not directly associated with an individual's job function can be detrimental to an employee's performance on the job. Consequently, it is in the best interest of employees and the District to provide an effective program to assist employees and their families in resolving problems such as these as the need arises. To this end, the employee assistance program (EAP) provides consultation services for referrals to local community treatment sources. This program is available to all full-time employees. Employee visits to the EAP are held in confidence to the maximum possible extent.

Participation in the EAP does not excuse employees from complying with normal District policies or from meeting normal job requirements during or after receiving EAP assistance, nor will participation in the EAP prevent the District from taking disciplinary action against any employee for performance problems that occur before or after the employee's seeking assistance through the EAP. Where appropriate and as determined by the District management, the District may refer employees to the EAP to correct any performance problems, whether or not the problem is a result of work-related issues.

### ' 13602 Educational Assistance Program

The District has established an educational assistance program to help eligible employees develop their skills and upgrade their performance. All full-time employees who have completed a minimum of one year of service are eligible to participate in the program.

Under the program, education assistance, in the form of cost reimbursement, is provided for courses offered by approved institutions of learning such as accredited colleges, universities, and secretarial and trade schools. Courses must be, in the District's opinion, directly or reasonably related to the employee's present job or part of a degree program, or in line with a position that the District believes can be reasonably achieved. The District will reimburse on a course-by-course basis for education that is deemed to be of benefit to the District. Courses must not interfere with job responsibilities and, where possible, must be taken on the employee's time. If classes are scheduled during work time, the employee must make arrangements with the General Manager to attend courses during work time. Tuition reimbursement for educational assistance is available on a first-come, first-served basis, subject to department budget appropriations.

Reimbursement covers actual costs of tuition, books, and registration fees only and is limited to a maximum of six credits per semester for approved courses, based on the following schedule:

<u>Grade Received</u>	<u>%Amount of Reimbursement</u>
A	100
B	100
P (pass/fail courses)	100
C	50
D	0
Failure	0

Employees eligible for reimbursement from any other source (e.g., a government-sponsored program or scholarship) may seek assistance under our educational assistance but are reimbursed only for the difference between the amount received from the other funding source and the actual course cost up to the maximum reimbursement allowable under this policy based on the grade received.

For reimbursement, a tuition reimbursement form must be submitted to and approved by the General Manager prior to the scheduled commencement of the course(s). The employee must be employed by the District at the time of course completion, and receive a qualifying grade. Upon completion of the course, an official transcript from the school must be submitted to the General Manager indicating the grade received along with a receipt or other proof of payment.

If an employee terminates employment within two years after completion of any course work reimbursed by the District under this plan, the District may require the employee to return 50% of the amount the District paid for courses taken.

### ' 13603 Social Security

District employees automatically participate in the federal Social Security plan. The District matches the employee contribution. Social Security benefits and rules change from time to time. By calling the Social Security office, information on current policies and benefits can be obtained.

### ' 13604 Worker's Compensation

Injury or occupational disease arising from or in the course of an employee's employment with the District are covered by the State of Utah Worker's Compensation Insurance Fund.

An employee injured on the job should take the following steps:

- \$ Immediately notify the General Manager.
- \$ If the injury requires medical attention, seek medical treatment with the District's designated clinic or physician where possible. Employees who sustain a work-related accident or injury which does not involve a life or limb threatening emergency should contact the General Manager for referral to a worker's compensation designated clinic or physician. **Failure to use the workers' compensation designated preferred provider could necessitate the injured employee's paying all medical charges.** Questions regarding the District's approved worker's compensation designated clinics and physicians should be directed to the District Clerk.
- \$ Complete the Employee's Report of Accident form and return to the supervisor.
- \$ If bills are received in the mail, take them to the District Manager.

Employees must immediately report all job-related accidents or injuries, no matter how slight, to the General Manager.

Injuries or disease covered under workers' compensation are not covered by the District's medical and health insurance.

For additional information regarding employee's rights under Workers' Compensation, the employee should refer to the appropriate poster displayed on designated District bulletin boards or contact the District Clerk.

### ' **13605 Unemployment Insurance**

The District, through the Utah State Employment Security Administration and based on the employment of the employee and state and federal law, offers unemployment compensation benefits.

To become familiar with eligibility for unemployment benefits, employees should refer to the appropriate poster displayed on the District bulletin board.

## ' **13700 GROUP HEALTH AND RELATED BENEFIT POLICIES**

### ' **13701 Employee Benefit Programs**

The District has established a variety of employee benefit programs designed to assist the employee and eligible dependents in meeting financial burdens that can result from illness, disability, and death, and to help plan for retirement, deal with alcohol or drug problems, and enhance job-related skills.

This section of the Manual is meant to highlight some features of the benefit programs. Group health, life insurance, and retirement-related programs are provided through the Utah Retirement System and are described more fully in summary plan description booklets.

### ' **13702 Utah Retirement System**

The District is a member of the Utah Retirement System. Participation in the plan is mandatory for all qualified personnel. The plan is governed by Utah state law.

Benefits in the system accrue each fiscal year. The District pays 100% of the retirement (pension) contribution.

This plan is designed to pay, upon retirement, a monthly income for life based upon the three highest years of salary before retirement and the number of years of service. It also carries a death benefit, payable to beneficiaries. Full details of this retirement plan are available in a separate booklet.

### ' **13704 Health Insurance**

Full-time employees are eligible to participate in the State of Utah's Public Employee's Health Program. This program is explained in detail in a separate booklet. The District pays 90% of the cost of this insurance. If an employee chooses to participate in the state health insurance program, he/she will be required to pay 10% of the cost of the health insurance premium by payroll deduction.

### ' **13705 Dental Insurance**

A dental insurance program is available to all full-time employees of the District. The District pays the cost of this insurance. A summary of benefits is described in a separate booklet.

## ' 13706 Continuing or Converting Group Health Insurance Coverage

If an employee resigns or is terminated from the District's employ, or if his/her hours are such that the employee or dependents are no longer eligible to participate in the state group health insurance plans, the employee (or dependent) may have the right to continue to participate in a COBRA program through the state for up to 18 months at the employee's (or dependent's) expense, subject to current state and federal law.

At their expense, eligible dependents may also extend coverage in the state health insurance plans for up to 36 months in the event of the employee's death, divorce, legal separation, or entitlement to Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan, subject to current state and federal law.

Should the employee or eligible dependents elect to continue as members of the state's plans, he/she will be charged the applicable premium charged by the state plan. If this election of continuation coverage is made, the employee has the right to convert this coverage to an individual policy with state insurance carriers at the end of the continuation period, subject to current state and federal law.

Continuation coverage for the employee and/or eligible dependents may end, however, if any of the following events occur: 1) failure to make timely payments of all premiums; 2) assumption of coverage under another group plan or entitlement to Medicare; or 3) termination of the state's group health plans.

Upon termination or reduction in work hours, the employee will be provided an initial notice with information of rights regarding such. **However, in the event an employee becomes divorced or legally separated, or one of his/her dependents ceases to be eligible for coverage under the state health insurance plans, the employee or his/her dependents are responsible for contacting the District to discuss continuation/conversion rights. Failure to notify the District or Public Employees Health Plan within 60 days after a qualifying event may result in a termination of any COBRA rights.**

For further details regarding continuing or converting state health insurance benefits, please contact the District Clerk or the State Retirement Office.

## ' 13800 EMPLOYEE CONDUCT

### ' 13801 Performance Reviews

To ensure that the job is performed to the best ability of the employee, it is important that the employee be recognized for good performance and receive appropriate suggestions for improvement when necessary. Consistent with this goal, performance will be evaluated periodically.

All written performance reviews will be based on overall performance in relation to job responsibilities and will also take into account conduct, demeanor, and record of attendance and tardiness.

In addition to the performance evaluations described above, written performance evaluations may be prepared by a supervisor at any time to advise of the existence of performance problems.

If an employee is not satisfied with the performance review, he/she should follow the guidelines outlined in section 13814 Complaint Resolution Procedure.

### **' 13802 Personal Appearance and Demeanor**

Discretion in style of dress and behavior is essential to the safe, efficient operation of the District. Administrative employees are required to dress in appropriate business or work attire. Employees are also expected to behave in a professional businesslike manner. Employees are expected to use good judgment in choice of business or work clothes and remember to conduct himself or herself at all times in a way that best represents District.

Employees are also required to keep the work environment clean and orderly. Before departing in the evening, employees should secure all files and cabinets and clear all work materials from desk surfaces, especially materials of a sensitive or confidential nature.

Employees failing to adhere to proper District standards with respect to appearance and demeanor are subject to disciplinary action.

### **' 13803 Attendance**

The District expects all employees to assume diligent responsibility for their attendance and promptness. Recognizing that illnesses or injuries may occur, the District has established sick leave and long-term disability benefit plans to compensate full-time employees for certain time lost for legitimate medical reasons.

Should an employee be unable to work because of illness or if he/she will be late arriving, the General Manager must be notified by 8:00 a.m. (or before the beginning of the shift) on each day of absence unless an unpaid personal leave is granted, in which case different notification procedures apply (See Section 13504.03). Failure to properly notify the District results in an unexcused absence.

Excessive absenteeism (in excess of ten days) causes problems in providing an adequate, qualified workforce to meet the District=s workload. The District will afford reasonable accommodation to a qualified individual with a disability or for an employee=s religious beliefs.

Absenteeism or tardiness that is unexcused or excessive in the judgment of the District may result in disciplinary action, up to and including dismissal.

### **' 13804 Smoking**

In order to maintain a safe and comfortable working environment and to ensure compliance with the Utah Indoor Clean Air Act, smoking in the District offices and facilities is strictly prohibited. Because the District may be subject to criminal and civil penalties for violations of applicable smoking laws, there must be strict adherence to this policy. Employees smoking in the District offices, facilities or in the District business-use vehicles will be subject to disciplinary action. Smoking is permitted, however, during breaks and lunch periods outside the District offices and facilities.

Complaints regarding violations of this policy may be filed under the District's complaint resolution procedure (Section 13814).

### **' 13805 Telephones**

Much of the District's business is conducted over office and cellular telephones and the lines should be used for business. If personal calls are necessary, they should be brief so as not to interfere with business. Casual "chatty" conversation during business hours is inappropriate.

### **' 13806 Politics**

The District is non-partisan. Employees are free to take a full part in partisan party politics provided that they do not attempt any political fund raising or campaigning while at work. Doing so may result in disciplinary action, including termination.

### **' 13807 Posting Notices or Soliciting**

To avoid disruption of District operations, the following rules apply to solicitations and distribution of literature on District property:

- 1) Employees may not solicit other employees for membership, contributions, funds, or other purposes during an employee's working time, or at any other time if the solicitation interferes with other employees who are scheduled to work.
- 2) Employees may not distribute literature during working time for any purpose.
- 3) Employees may not distribute literature (other than District information) at any time for any purpose in working areas.
- 4) Persons who are not employed by the District may not solicit or distribute literature on District property at any time for any purpose.

### **' 13808 Use of District Equipment**

The District does not grant any expectation of privacy to the employee for the use of District equipment (i.e., computers, lockers, vehicles, desks, filing cabinets, etc.).

#### **' 13808.01 Use of District Information Technology**

The purpose of District information technology resources (e.g., email, the Internet, facsimile, voice communication, and future technologies) is to support the District and its various departments in achieving its mission and goals and to improve District operations in general.

The District provides these resources to assist its employees in working more efficiently and effectively in day-to-day operations, including collaboration and exchange of District information with others.

Effective use of District-provided information technology resources is important to the District. To help improve the effectiveness of employee use of these resources, incidental

and occasional personal use is permitted as long as such does not interfere with the District's existing rules or policies, disrupt or distract the conduct of District business, involve solicitation or involve a commercial use, present potential harm or increased liability to the District or involve illegal activities. It is not permissible to subject the District to any costs as a result of occasional personal use of information technologies.

The District's intent is to create an environment where communication can flow freely with a minimum of policing. In order for this to occur, each employee must accept responsibility for behaving in accordance with District policies. The following list, while not inclusive, outlines unacceptable uses of these resources:

- **Illegal Activities.** Employees shall not use District-provided information technology for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.
- **Commercial Activities.** Employees shall not use District-provided information technology for commercial purposes, product advertisements or "for profit" personal activity.
- **Offensive/Harassing Messages.** Employees shall not view, transmit, retrieve, save, or print any electronic files that may be deemed as sexually explicit whether visual or textual. In accordance with the District's EEO and Sexual Harassment policy (' 13101 and ' 13101.01), the email system shall not be used to create any offensive or harassing messages, or disparage others based on age, national origin, sex, age, disability, current veteran or future military status, or religious beliefs.
- **Religious or Political Lobbying.** Employees shall not use District-provided information technology for religious or political lobbying, including use of email to circulate solicitations or advertisements.
- **Copyright Infringement.** Unauthorized duplication, transmission, or use of copyrighted material, including use of software contrary to software license agreements is prohibited.
- **Viruses.** Knowingly or inadvertently spreading computer viruses is prohibited. Computer viruses are programs that can destroy valuable programs and data. To reduce the risk of spreading computer viruses, employees shall not import files from unknown or disreputable sources. If an employee obtains software or files from remote sources, proper procedures must be followed to check for viruses before use.

As information technology resources (e.g., computers, the network, Email, voicemail, etc.) are the property of the District, the District does not recognize any expectation of privacy in their use. All employees expressly and voluntarily consent to monitoring by the District by virtue of their employment.

The District monitors the use of information technology resources to ensure the proper use of District property, to ensure employee productivity or to prevent harassment or other misuse.



An employee who believes that information technology resources have been used in violation of the District's General and Sexual Harassment policies should pursue the District's complaint procedure detailed in ' 13102 and ' 13102.01. Employees are encouraged to preserve and turn over any such evidence of harassment to the General Manager.

Employees who improperly use District technology resources or who violate this policy in any other manner are subject to corrective action and discipline up to and including termination.

## **' 13809 Safety**

It is the intent of the District to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act as established under federal or state law.

District employees are expected to be safety conscious and to assist in keeping the District a safe workplace. The following general safety rules will apply in all the District work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area to promote safety. Employees shall be required to participate in safety training programs.

### **' 13809.01 General Safety Rules**

The following general safety rules will apply in all agency work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

- § Employees should exercise extreme caution when operating any type of power equipment.
- § Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, and hard hats, if required or appropriate to the work performed.
- § Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines.
- § All accidents, regardless of severity, personal or vehicular, are to be reported immediately to the supervisor.
- § Defective equipment should be reported immediately to the supervisor.
- § Employees will not operate equipment or use tools before receiving training or orientation.

### **' 13809.02 Accident Reporting Procedures**

If an employee is injured in connection with employment, regardless of severity of the injury, the employee must immediately notify the supervisor who will see to necessary medical

attention and complete required reports. In any case of serious injury, employees are to receive prompt and qualified medical attention followed by the filing of necessary reports.

- § Employees must receive the proper training, including the explaining of job hazards, safety procedures, and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description.
- § A Commercial Driver's License is required for operators of commercial motor vehicles.
- § Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation; and all employees operating vehicles will observe all local traffic laws.
- § Employees shall keep clean, presentable, and serviceable any District vehicles used by them. Those employees receiving car allowances shall also keep their vehicles in clean, presentable, and in serviceable condition.
- § Employees who receive a citation while operating a business-use vehicle must report this to the General Manager immediately upon receipt of the citation.

### ' 13809.03 Emergency Information

Emergency Information shall be kept on file for all employees for reference in case of an emergency, including current information on next of kin, phone numbers, addresses, etc.

### ' 13810 Conflicts of Interest

State law (67-16-4-5 U.C.A.) governs an employee's behavior with respect to business ethics. Employees of the District are prohibited from engaging in certain activities.

#### **Disclosure**

Every employee who is an officer, director, agent, employee, or the owner of a substantial interest in any business entity that is subject to regulation by the District shall disclose any such position held and the precise nature and value of the employee's interest. The disclosure shall be made when the employee first becomes an employee and again whenever the employee's position in the business entity changes significantly or if the value of his/her interest in the entity is significantly increased.

#### **Prohibited Activities**

District employees shall comply with the Utah Public Officer's and Employee's Ethics Act which provides the following prohibitions in Section 67-16-4-5, U.C.A.

District employees shall not:

- (a) Accept employment or engage in business or professional activity which might reasonably expect him to improperly disclose confidential information which he has gained by reason of his official position;
- (b) Disclose confidential information acquired by reason of his position or use such information for his or another's personal gain;
- (c) Use or attempt to use his official position to secure special privileges or exemptions for himself or others;
- (d) Accept other employment that could interfere with the ethical performance of his public duties;
- (e) Accept, receive, take, seek or solicit directly or indirectly, any gift, compensation, or loan for himself or another if:
  - (i) It tends to influence him in the discharge of his official duties; or
  - (ii) He has recently been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender;
  - (iii) The following are not included as a gift, compensation, or loan:
    - (a) An occasional non-pecuniary gift, having a value of not in excess of \$50;
    - (b) An award publicly presented in recognition of public services;
    - (c) A bona fide loan made in the ordinary course of business by an institution engaged in making such loans; a political campaign contribution;
- (f) Receive or agree to receive compensation for assisting any person or business entity in any transaction involving the District;
- (g) Participate in an official capacity or receive compensation in respect to any transaction between the District and any business entity in which the director or employee is also an officer, director, or employee owns a substantial interest;
- (h) Commingle the District funds with the employee's own money. If it appears that the Secretary-Treasurer or any other officer is making a profit out of public money or using public money for any purpose not authorized by law, the Secretary-Treasurer or officer shall be suspended from office.

### **' 13811 Confidentiality**

The District believes in protecting confidential information, including any information that may provide others an advantage in dealing with the District.

While working at the District, an employee may be trusted with confidential business information. Confidential business information is information that is generally unavailable to the public involving the District, customers, consultants, or others.

The complete confidentiality of such business information must be respected at all times. Following these guidelines will help maintain the District's trust and confidence.

Employees who knowingly or intentionally release private, controlled, or protected records, or who intentionally fail to release requested public records, may be subject to criminal penalties (Class B misdemeanor) as well as the District disciplinary action, up to and including discharge.

### **' 13812 Improper Personal Conduct**

Employee conduct reflects on the District. Employees are encouraged to observe the highest standards of professionalism at all times. As an integral member of the District team, employees are expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands employees refrain from any behavior that might be harmful to the employee, co-workers, and/or the District, or that might be viewed unfavorably by current or potential customers or by the public at large.

The following types of behavior and conduct, while not all-inclusive, are considered inappropriate by the District and may result in disciplinary action, up to and including termination as deemed appropriate by the District management:

- \$ Falsifying employment or other District records;
- \$ Violating the District's nondiscrimination and/or harassment policy;
- \$ Soliciting or accepting gratuities from customers or clients;
- \$ Unauthorized or excessive absenteeism, late arrival or early departure from scheduled shift;
- \$ Excessive, unnecessary, or unauthorized use of company supplies and equipment, particularly for personal purposes;
- \$ Reporting to work or to District sponsored activities intoxicated or under the influence of alcohol or of non-prescribed drugs; bringing, using or being under the influence of alcoholic beverages on District property or in the District vehicles, or purchasing or using alcoholic beverages while engaged in District business off the District's premises;
- \$ Participation in the illegal manufacture, possession, use, sale, distribution, or transportation of drugs;
- \$ Fighting or using obscene, abusive, or threatening language or gestures;
- \$ Theft of property from co-workers, customers or the District;

- \$ Insubordination;
- \$ Failing to maintain the confidentiality of the District, customer, or client information;
- \$ Conducting personal business during work or on the District premises;
- \$ Failure to adhere to and follow established work procedures; failure to meet established work quality standards;
- \$ Failure to adhere to safety regulations and to wear safety equipment;
- \$ Failure to follow the District's smoking policy;
- \$ Failure to follow supervisory instructions;
- \$ Violation of the District vehicle use guidelines (see Section 13809.02);
- \$ Misrepresenting or withholding information on job application records, reports, or other information which is work-related;
- \$ Damaging, misusing, or defacing District property or the property of another;
- \$ Gambling on the District premises or while engaged in District business;
- \$ Illegal, immoral, or indecent conduct;
- \$ Unauthorized possession and/or use of weapons, firearms, explosives, etc., on the worksite or District property or while on District business; and
- \$ Failing to report a five-day period of absence without proper explanation.

Should an employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory in the judgment of the District, based on violations of any of the District's policies, procedures, rules or regulations, the employee will be subject to disciplinary action, up to and including dismissal, at the District's sole discretion.

Should an employee experience any misunderstandings or conflicts regarding these or other District guidelines, or if he/she feels he/she has not been treated equitably, he/she should refer to the District's Complaint Resolution Procedure (' 13814).

### **' 13813 Responsibility and Commitment Review**

The District believes that a successful business depends upon each employee's commitment to be responsible for his or her own behavior. An employee who decides not to live up to his or her responsibilities may be faced with the following:

**Oral Reminder:** When an employee behaves in a manner that demonstrates a lack of commitment to acceptable behavior, the behavior will be thoroughly discussed with the

employee, including what constitutes responsible, committed behavior. Notation of the date, time, and nature of the discussion will be made.

**Written Reminder:** When an Oral Reminder has not resulted in a decision to change behavior, a written reminder will be issued. A supervisor will meet with the employee to discuss the employee's behavior and invite the employee to present his or her views on the behavior. The Written Reminder will advise the employee that the decision not to live up to his or her responsibilities in the workplace will result in further review, including a possible decision-making leave or quitting the District.

**Decision-making Leave:** If the employee continues to behave in a manner that demonstrates that he or she is not acting responsible for his or her own behavior, the employee may be placed on Decision-Making Leave (DML) which is a one day suspension with pay. On this day, the employee must decide to solve the specific problem and make a total commitment to acceptable behavior or quit.

**Termination:** If the employee decides not to solve the specific problem and make a total commitment to acceptable behavior, the employee will be deemed to have voluntarily decided not to fulfill his/her responsibilities in the workplace and be terminated from employment. The District, at all times, reserves the right to terminate employees at any time, for any reason not expressly prohibited by law.

Use of the review process is optional and each step may not be followed in any particular order or in any order at all.

### ' 13814 Complaint Resolution Procedure

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation persist that you believe is detrimental to the employee or to the District, the following procedure should be followed.

#### *Step One*

Discussion of the problem with the supervisor is encouraged as a first step. If, however, a discussion with the supervisor is not appropriate, the employee should proceed directly to Step Two.

#### *Step Two*

If the problem is not resolved after a discussion with the supervisor, the employee should request a meeting with the General Manager. In an effort to resolve the problem, the General Manager will consider the facts and conduct an investigation. A response regarding the problem should be given to the employee within five working days of meeting with the General Manager.

#### *Step Three*

If satisfaction is not reached with the General Manager's decision and the employee wishes to pursue the problem or complaint further, the employee may prepare a written summary of concerns and request the matter to be reviewed by a District problem-solving committee. This committee is composed of the District Manager, the supervisor, and a third member from the District Board of Directors to be selected by the other committee members.

The committee, after a full examination of the facts (which may include a review of the written summary of the statement, discussions with all individuals concerned, and a further investigation, if necessary) will normally advise the employee of its decision within 15 working days. The decision of the committee shall be final.

The District does not tolerate any form of retaliation against employees availing themselves to this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the District from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the District deems disciplinary action appropriate.

Nothing in this procedure alters the District's at-will position with employees.

## ' 13900 EMPLOYEES' TRAVEL & BUSINESS RELATED EXPENSES

### ' 13901 General Rules

It is the policy of the District to reimburse employees for costs associated with the conduct of the District business.

Employees who have been authorized to travel should make arrangements with the General Manager to obtain the necessary travel tickets through the District's travel agency. All travel requests will be handled through the District's office.

Employees of the District will obtain the most economical airfare possible.

#### ' 13901.01 Distinguishing Expenses

Employees traveling on District business with a spouse or other companion shall strictly distinguish expenses incurred as part of the District business from expenses incurred on behalf of a spouse or companion and personal expenses. The District will not pay for expenses incurred on behalf of a spouse or companion or for personal expenses.

#### ' 13901.02 Reimbursement

Requests for reimbursement must be accompanied by receipts for all expenses except incidental expenses under \$20 and those for which flat allowances are established (i.e. meals, mileage).

#### ' 13901.03 Reservation and Travel Arrangements

Employees shall coordinate arrangements for airline, rental car, and motel hotel needs through the District Clerk.

#### ' 13901.04 Travel Advances

A travel advance may be obtained by submitting a Travel Authorization and Cash Advance Form to the District Clerk. The form describes the items pertaining to the advance and the total amount requested and upon approval is payable to the employee. The employee is responsible to obtain approval of the travel advance far enough in advance to process the request in a routine manner.

(a) Each employee may have only one travel advance outstanding at any one time. As soon as the reimbursement paperwork is submitted for the previous trip a new advance may be issued.

(b) Travel advances must be closed within 30 days after the anticipated completion of travel as shown on the request form.

(c) All travelers should submit the official Travel Authorization and Cash Advance Form listing actual expenses to justify all reimbursable expenses. Receipts should be attached to the claim form at the time the form is submitted for reimbursement.



## ' 13902 Reimbursable Expenses

### ' 13902.01 Lodging

#### (a) Reimbursable Charges

Lodging charges shall not exceed the single occupancy room rate of \$60 per night, except as otherwise approved by the General Manager.

In Washington D.C. and Nevada, District employees shall obtain the government rate, when available. When the government rate is unavailable, the most reasonable and prudent rate shall be obtained.

#### (b) Lodging Receipt

A proper receipt for lodging accommodations must accompany each request for reimbursement. A proper receipt is a copy of the billing statement generally used by motels and hotels.

#### (c) Lodging at Other Than a Hotel/Motel

In those instances where employees elect to stay with friends or relatives while on District business rather than a motel/hotel or use their personal campers or mobile homes or other recreational vehicle for travel, the traveler will be reimbursed \$15.00 per night or actual expenses.

### ' 13902.02 Meal Allowance

#### (a) Overnight Travel

(i) The basic meal allowance for a 24 hour period of travel is \$25, except in Washington, D.C. and Nevada where the meal allowance shall be \$40 (\$8 for breakfast, \$12 for lunch, \$20 for dinner) and \$30 (\$6 for breakfast, \$8 for lunch, \$16 for dinner) respectively. The General Manager may authorize an increase in this meal allowance for good cause. Receipts are not required if the per diem is requested as reimbursement.

(ii) The meal allowance for the day travel begins depends on when the time travel commences. If travel commences:

Midnight - 6:00 a.m.	\$25.00
6:00 a.m. – noon	\$20.00
Noon - 7:00 p.m.	\$13.00
7:00 p.m. - midnight	\$ 0.00

(iii) The meal allowance for the day travel ends depends on when the time travel ends. If travel ends:

Midnight - 6:00 a.m.	\$ 0.00
6:00 a.m. – noon	\$ 5.00
Noon - 7:00 p.m.	\$12.00
7:00 p.m. – midnight	\$25.00

(iv) Each day between the days travel begins and ends, the meal allowance is the amount set in subparagraph (a)(i) above.

**NOTE: If the traveler elects to receive reimbursement based on the per diem rate rather than for actual expenses, meals charged and billed to the District, either at the hotel or elsewhere, will be deducted from the per diem.**

**(b) Non-Overnight Travel**

Employees are entitled to reimbursement for meals when they do not travel overnight under the following conditions:

(i) Lunch

(a) The District will purchase lunch on the day of Board meetings for employees involved in the Board meeting.

(b) An employee may receive a reimbursement of \$7.00 when on an officially approved trip requiring absence from the employee's residence between the hours of 11:00 a.m. and 2:00 p.m.

(c) An employee may receive reimbursement for lunch under other circumstances approved by the General Manager.

(ii) Dinner

An employee may receive a reimbursement of \$13.00 when on an officially approved trip to a destination that is at least 100 miles from the employee's home based office if the employee leaves the destination to return to the home based office after 4:30 p.m. and the arrival time is later than 7:00 p.m.

**(c) Meals Included in a Registration Fee**

If a registration fee is paid by or reimbursed by the District, the value of the meals and/or lodging which are included in the registration fee will be deducted from the per diem rates according to the allowance listed above.

' **13902.03 Incidental Expense Allowance**

Sales tax and tips are included in the allowance for meals and lodging described above. Employees will be reimbursed for actual out-of-pocket costs for other incidental items such as baggage tips, parking fees, toll fees, taxi and bus fares. However, no item of expense exceeding \$20.00 will be reimbursed without a written receipt.

Separate taxi trips costing less than \$20 do not need to be supported by receipts; however a trip fare costing more than \$20 are to be supported by a receipt.

Certain personal telephone calls to home are authorized and will be paid by the District. Telephone charges exceeding \$5.00 are to be reimbursed to the District by the employee unless authorized by the General Manager.

(a) Out of town travel of four days or less

Actual expenses for telephone calls to home will be paid up to a maximum of \$5.00 total. All telephone charges must be reflected within the lodging statement, the District credit card, or other verifiable receipt.

(b) Out of town travel exceeding four days

Actual expenses for telephone calls to home will be paid up to a maximum of \$10.00 total. The telephone charges must be reflected within the lodging statement, the District credit card, or other verifiable receipt.

' **13902.04 Transportation**

(a) **Intrastate Travel**

Intrastate travel will generally be by motor vehicle rather than air. If an employee drives a privately owned vehicle, reimbursement will be the current rate authorized by Internal Revenue Service rules. Mileage will be computed from the latest official State road map and will be limited to the most economical, usually traveled routes.

## **(b) Interstate Travel**

Out of state travel will usually be by commercial airline. Airfare is limited to coach class. Employees may upgrade to first class at their own expense. Frequent flyer bonus points will stay with the employee and may be used as desired.

If an employee chooses to drive a privately owned vehicle rather than travel by air, reimbursement will be at the current rate authorized by Internal Revenue Service rules or airplane fare, **WHICHEVER IS LESS**. In addition, allowable amounts for meals and lodging will be paid for the same period of time that would have occurred had the employee traveled by air. These reimbursements are all inclusive and additional expenses outside the time period the flight would have taken (i.e. overnight lodging and meals) will not be reimbursed.

Mileage will be computed from the latest official state road maps and will be limited to the most economical, usually traveled routes.

## **' 13903 Reimbursement Procedures**

### **' 13903.01 Reimbursement by the District**

- (a) Each trip shall be submitted on a separate Reimbursement Form. Individual vouchers will not be processed unless they consist of all the travel of the claimant for the reporting period involved.
- (b) The Travel Reimbursement Form should have the following items attached (if applicable): Hotel/Motel statement, airline passenger coupon, registration receipts, and receipts for incidental expenses in excess of \$20.00.
- (c) All Travel Expense Vouchers will be approved and signed by the General Manager before payment is made to the employee.

### **' 13903.02 Reimbursement by a Third Party**

Travel expenses reimbursed by a third party may be treated in one of the following ways:

- (a) Employee may retain the amount reimbursed by the third party and accept no District reimbursement; or
- (b) Employee may deposit the third party reimbursement in total with the Controller as a refund of expenditure and obtain a regular travel reimbursement from the District.
- (c) An employee may not use a combination of the two options above and may not be reimbursed by the District and a third party for the same trip.

## ' **14000 MISCELLANEOUS POLICIES**

### ' **14101 Meals**

When an employee is assigned away from the District headquarters or the assigned work area on official District assignments on an overnight stay, the employee will be reimbursed \$25.00 per diem for meal expenses involved with the assignment.

Other costs of meals will be reimbursed when the purpose of the expenditure is felt to be in the best interest of the District as determined by the General Manager.

### ' **14102 Personal Transportation**

The District endeavors to provide a sufficient number of vehicles for business use. Employees should use a District vehicle when on official District business. However, when an employee uses his/her own transportation on official District business, upon submitting a voucher, the employee will be reimbursed at the current IRS rate.

### ' **14103 Substance Abuse Policy**

#### **A. Purpose**

In keeping with the Drug Free Workplace Act of 1988 and pursuant to Utah law Section 34-38-1, the District believes that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintaining the high quality of services provided by the District, are all important to our customers, our employees, the District and the general public. The abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of services. Therefore, in an effort to safeguard the health and safety of its employees and to eliminate problems like those mentioned above, this substance abuse policy applies to all applicants for and employees in District positions.

In this connection, the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in District business off of the District 's premises is strictly prohibited. Such conduct is also prohibited during non-working time to the extent that in the opinion of the District, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the District. To educate employees on the dangers of drug abuse, the District has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the District 's policy regarding drugs, the availability of counseling, and the District 's employee assistance program will be discussed. Employees convicted of controlled substance-related violations in the workplace (including pleas of "nolo contendere", i.e., no contest, or "imposition of sentence, or both") must inform the District within five days of such conviction or plea. The District will take action within 30 days after receiving this notice. This action may include disciplinary action up to and including termination, or at its discretion, the District may

require employees who violate its policy to successfully complete a drug abuse assistance or rehabilitation program.

## **B. Definitions**

For purposes of this policy,

1. "Alcohol" means ethyl alcohol or ethanol.
2. "Controlled substances" are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or other substances, which may only be legally obtained and used pursuant to a physician's prescription.
3. "Positive Test" means the presence of alcohol and/or controlled substances in the body.
4. "Refusal to Submit to Testing" is defined as the failure to provide an adequate breath or urine sample without a valid and verified medical explanation after the employee has received notice that he/she is being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process.
5. "Reasonable Suspicion" means sufficient knowledge to induce an ordinarily prudent and cautious person under the circumstances to believe that a prohibited activity is occurring.
6. "Safety Sensitive Duties" are defined as any duties requiring a commercial drivers license.

## **C. Statement of Policy**

1. Use of, being under the influence of, or testing positive for alcohol and/or controlled substances while on District time, and/or premises, or while operating District property is strictly prohibited.
2. Manufacturing, distributing, using, selling, purchasing or offering to sell or purchase controlled substances or alcohol on District time and/or premises is strictly prohibited.
3. All persons, whether or not District employees, are subject to the same rules while on the District premises or in District vehicles with District employees.
4. This policy applies to all District employees.

## **D. Interpretation of Policy is to Conform to "Disability" and "Handicap" Laws**

In implementing the District's substance abuse policy, all actions by the District shall conform to the Federal Rehabilitation Act, the Americans With Disabilities Act, and related Utah law prohibiting an employer from discriminating against a "handicapped individual" or a disabled individual who, with or without reasonable accommodation and within the limits allowed by business purpose, can perform the essential functions of the job. Consistent with the laws cited, the District shall deny employment to any individual who is illegally using drugs.

## **E. Testing Policy**

1. Applicants who have been offered employment with the District must consent to and successfully pass a drug screen test. Any applicant failing such test will be denied employment.

2. Current employees in non-safety sensitive positions will be tested for controlled substance and alcohol abuse as follows:
  - a. When an employee is determined by a supervisor to be acting with impaired coordination or ability, or contrary to his/her typical appearance or behavior;
  - b. When an employee has been observed or is suspected of using controlled substances or alcohol during lunch, or break times following which the employee returns to work; or when an employee is observed to be in possession of or is suspected of using controlled substances or alcohol while on District time and/or premises;
  - c. When an employee has developed a pattern of job performance problems such as absenteeism, tardiness, decreased productivity, disharmony with others, etc.

Ordinarily, testing will be required when the conditions, and/or conduct, described above are witnessed by two or more supervisors or District employees. Depending on the level of concern raised by the witnessed conduct, the District may act if the conduct is observed by only one supervisor or District official.

An employee tested based upon "reasonable cause" shall be removed from the workplace with pay until such test results are received. Positive test results shall be confirmed as described in section H herein.

3. In addition to post-offer, pre-employment and reasonable cause testing, the District employees in a safety sensitive position, as defined by federal (Department of Transportation) regulations, are subject to the following drug/alcohol testing requirements:
  - a. When the employee has been involved in an on-duty commercial vehicle accident.
  - b. Random basis.
  - c. Follow-up to employment related to drug or alcohol violations.
4. Regarding employees in a safety sensitive position and alcohol testing, the following apply:
  - a. If an employee's blood alcohol content (BAC) test result shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee shall not be permitted to perform any safety-sensitive functions for at least 24 hours.
  - b. If any alcohol test result shows a blood alcohol content of 0.04 or greater, the employee shall be removed from, and cannot return to a safety sensitive function until, at a minimum:
    - i. The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation;

- ii. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation; and,
  - iii. The employee undergoes a return-to-duty test with a result of less than 0.02 BAC.
5. Employees in safety-sensitive positions who violate this policy and continue to work for the District shall be subject to follow-up drug/alcohol testing for a period of not less than one year and not to exceed 60 months. Such employees subject to follow-up testing will be tested a minimum of six times in the first 12 months following their return to duty. Follow-up testing beyond one year shall be based on a need assessment provided by a substance abuse professional.

#### **F. District Action**

A positive test result or failure to submit to a test required by the District pursuant to the above testing policy, will result in immediate termination unless the employee:

- a. Voluntarily consents to receive assistance through the District Employee Assistance Program (EAP).
- b. Immediately enters into a written rehabilitation agreement with the District and its EAP.
- c. Assumes responsibility for any costs of his/her rehabilitation that are not covered by the District's EAP or Medical Plan.

The District reserves the right to terminate an employee at-will even if the three conditions mentioned above are fulfilled.

Employees will not be allowed to elect rehabilitation more than one time.

An employee who tests positive, and said test result is confirmed, shall be subject to temporary suspension without pay until findings are issued as the result of a hearing described in Section I or ten working days after employer receives written notice of the test results if the employee waives the hearing provided for in Section I.

At the District's discretion, if a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to his/her former position upon successful completion of the substance abuse rehabilitation where such does not seriously disrupt the District's operations. Each incident will be reviewed on a case-by-case basis.

An employee's employment (although in a suspended status) following a positive test result, will be contingent upon his/her full and complete cooperation with, and completion of, the courses of action recommended by the District's EAP. Failure to so comply will result in immediate termination of employment.



Any employee who receives counseling or rehabilitation as a result of a positive test result or failure to submit to a test, will be required to use accrued leave until expended after which the employee shall be considered to be on unpaid personal leave for any time involved in counseling or rehabilitation (Refer to section 13504 Unpaid Personal Leave).

#### **G. Release of Results**

1. In all cases involving testing for the presence of alcohol or drugs, the breath alcohol content and the chemical screen test information shall be released to the District. The information released to the District shall be kept in strict confidence; shall be imparted only on a need-to-know basis, and shall be used for personnel purposes only.
2. If the test result is confirmed positive, the result shall be placed in a separate file from the employee's personnel file accessible only by the employee, the District Clerk and General Manager, or pursuant to an order issued by a court or administrative agency of competent jurisdiction.
3. If the test results are negative, no information regarding the test shall be placed in the employee's personnel file.

#### **H. Test Results Shall be Confirmed**

1. In the case of an applicant offered employment who tests positive for controlled substances, said applicant may, upon written request to the General Manager within ten working days after receiving notice of the test result, have the test result confirmed using a proven reliable test method designated by the District. The applicant shall pay the costs of the confirmation test. If the confirmation test is negative, the District shall reimburse the applicant for the cost of the confirmation test.
2. In the case of an employee, positive screen test results for controlled substances and/or alcohol shall be confirmed using a proven reliable test method designated by the District.
3. Confirmation tests for controlled substances shall be performed on the same sample from which the initial test was completed.
4. All confirmation test results shall be interpreted by a qualified physician or breath alcohol technician selected by the District.

#### **I. Employer's Right to Amend Policy**

The District reserves the right to amend this policy without notice as necessary to further its purposes.

Employees may direct any questions regarding this policy to the General Manager and or District Clerk.

## ' 14104 Termination of Employment

Employees desiring to terminate their employment relationship with the District are urged to notify the District at least two weeks in advance of their intended termination. Employees who terminate employment should provide written notice to General Manager. Employees who terminate employment with the District shall be provided final pay within 72 hours, or at the time of quitting if they provide 72 hours= notice. Employees who are involuntarily terminated shall be paid within 24 hours.

Employees who plan to retire are urged to provide the District with a minimum of two month's notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner.

As mentioned elsewhere in this Manual, all employment relationships with the District are on an at-will basis. Thus, the District reserves the right to terminate the employment relationship at any time.

Exit interviews with the District Clerk are normally scheduled for outgoing employees after the supervisor receives notice of resignation or intent to retire and for employees whose termination is initiated by the District. The purposes of this interview are to review eligibility for benefit continuation and conversion, to ensure that all necessary forms are completed, to collect all District property that may be in the employee's possession (e.g., credit cards and keys), and to provide employees with an opportunity to discuss their job-related experiences.

## ' 14105 Employee References

All requests for references must be directed to General Manager. No other manager, supervisor, or employee is authorized to release references for current or former employees.