



**SPECIAL BIG PLAINS WATER AND SEWER SPECIAL  
SERVICE DISTRICT MEETING  
BOARD OF DIRECTORS, REGULAR MEETING  
1777 N Meadowlark Dr, Apple Valley  
Thursday, June 02, 2022 at 6:00 PM**

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## **AGENDA**

Notice is given that a meeting of the Water District of the Town of Apple Valley will be held on **Thursday, June 02, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

**Chairman** | Andy McGinnis

**Board Members** | Frank Lindhardt | Barratt Nielson | Kevin Sair | Robin Whitmore

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/88507066950>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 885 0706 6950

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **DECLARATION OF CONFLICTS OF INTEREST**

### **CONSENT AGENDA**

### **APPROVAL OF MINUTES**

- [1.](#) Minutes: May 18, 2022

### **WATER SUPERINTENDENT REPORT**

### **ENGINEERING**

### **DISCUSSION AND ACTION**

2. Closing of 30 day public comment period for the USDA Rural Development for financial assistance to develop New Source Water to the Cedar Point system.
- [3.](#) Approval of interlocal agreement with Town of Apple Valley-Resolution-BPW-R-2022-07
- [4.](#) Update Employee Handbook-Resolution-BPW-R-2022-06
5. Water Conservation

### **REQUEST FOR A CLOSED SESSION**

### **ADJOURNMENT**

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, Spectrum classified and the Town Website [www.applevalleyut.gov](http://www.applevalleyut.gov).

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.



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## MINUTES

**Chairman** | Andy McGinnis

**Board Members** | Frank Lindhardt | Barratt Nielson | Kevin Sair | Robin Whitmore

### CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Board Member Lindhardt called meeting to order at 6:01 pm.

### PRESENT

Board Member Frank Lindhardt

Board Member Barratt Nielson

Board Member Kevin Sair

Board Member Robin Whitmore

PRESENT Chairman Andy McGinnis

ARRIVED AT AGENDA ITEM #3. Chair Board Member Andy McGinnis joined the meeting at Agenda Item # 3

### CONSENT AGENDA

1. Disbursement Listing--04/01/2022-04/30/2022
2. Budget Report-- 07/01/2022-04/30/2022

Mayor Lindhardt asks if any questions on items 1 and 2 on the consent agenda regarding the Disbursement Listing and Budget Report. We can approve both on one motion. Kevin Sair asks about the USDA and Town Administrator states it is the Bond Water payment.

Correction Budget Report on Agenda Item # 2 (07/01/2021-04/30/2022). The agenda item was listed as Budget Report-- 07/01/2022-04/30/2022 and correction on Budget Report on Agenda Item # 2-- **07/01/2021-04/30/2022.**

Mayor Lindhardt calls for a motion.

**Motion to approve Disbursement Listing 04/01/22 -04/30/22 and Budget Report 07/01/2021-04/30/22.**

**Motion made by Board Member Whitmore, Seconded by Board Member Sair.**

**Voting Yea: Board Member Lindhardt, Board Member Nielson, Board Member Sair, Board Member Whitmore**



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## MINUTES

### DISCUSSION AND ACTION

3. Expiration date on all will serve letters.

Tabled from meeting April 21, 2022.

Board Member Lindhardt explained reason to add an expiration to the will serve letters for six months to one year. Sair asks if there is currently an expiration date on will serve letter. The answer was no.

Chairman McGinnis is present and joined the meeting at 6:12 pm.

A. Chairman McGinnis has had discussions with Washington County Conservancy District about information on will serve letters and how they are dealing with the current lack of water in Southern Utah. St George has affidavit prior to any plat application or zone change application that water may not be available to the project. This would be good for the Board to adopt.

Board Member Lindhardt: This is a real challenge but we are notifying people upfront.

A. Chairman McGinnis: There is a misconception that a will serve letter is a guarantee for water. It is only available at the time of the letter. This will help alleviate the misconception.

Board Member Lindhardt called for a motion.

**Board Member Nielson made a motion that we move forward with putting a 6-month expiration date on will serve letters.**

**Motion made by Board Member Nielson, Seconded by Board Member Whitmore.**

**Voting Yea: Chairman McGinnis, Board Member Lindhardt, Board Member Nielson, Board Member Sair, Board Member Whitmore**

4. Add Town Administrator as check signer for SBSU accounts.

Board Member Lindhardt states this is to add Town Administrator to add as signer to account.

**Motion to add Town Administrator, Jauna McGinnis as check signer for SBSU accounts.**

**Motion made by Board Member Whitmore, Seconded by Board Member Nielson.**

**Voting Yea: Chairman McGinnis, Board Member Lindhardt, Board Member Nielson, Board Member Sair, Board Member Whitmore**



# BIG PLAINS WATER AND SEWER SPECIAL SERVICES DISTRICT

Item 1.

## DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, May 18, 2022 at 6:00 PM

### MINUTES

5. Add Authorized Individuals on PTIF Accounts--Resolution BPW-R-2022-03

Town Administrator, Jauna McGinnis states found that the old administration is still authorized.

**Motion to accept Resolution BPW-R-2022-03 to Add Authorized Individuals, Treasurer, Robin Whitmore and Town Administrator, Jauna McGinnis on PTIF Accounts.**

**Motion made by Chairman McGinnis, Seconded by Board Member Sair.**

**Voting Yea: Chairman McGinnis, Board Member Lindhardt, Board Member Nielson, Board Member Sair, Board Member Whitmore**

6. Adoption of FY2023 Tentative Budget, and set Public Hearing date.

Town Administrator, Jauna McGinnis states this is to Adopt Tentative Budget and set Public Hearing Date.

**Motion to adopt Tentative Budget FY 2023 and set hearing date on June 15, 2022 with change of \$17,000 to water benefits.**

**Motion made by Board Member Whitmore, Seconded by Chairman McGinnis.**

**Voting Yea: Chairman McGinnis, Board Member Lindhardt, Board Member Nielson, Board Member Sair, Board Member Whitmore**

#### REQUEST FOR A CLOSED SESSION

None

#### ADJOURNMENT

Adjourn 6:24pm.

**Motion made by Board Member Whitmore, Seconded by Chairman Member McGinnis.**

**Voting Yea: Chairman Member McGinnis, Board Member Lindhardt, Board Member Nielson, Board Member Sair, Board Member Whitmore**

Date Approved: \_\_\_\_\_

Approved BY: \_\_\_\_\_

Chairman Andy McGinnis

Attest BY: \_\_\_\_\_

Recorder/Clerk Jenna Vizcardo

**BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT****RESOLUTION NO. BPW-R-2022-07*****A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT FOR USE OF PERSONNEL AND EQUIPMENT BETWEEN BIG PLAINS WATER AND SEWER SPECIAL SERVICES DISTRICT AND THE TOWN OF APPLE VALLEY, UTAH AND AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT BETWEEN SAID DISTRICT AND SAID TOWN OF APPLE VALLEY***

**WHEREAS**, the Town, pursuant to Utah law, caused the creation of the District in order to provide for water services within the Town; and

**WHEREAS**, both the Town and the District are authorized under Utah law to enter into agreements for joint or cooperative action; and

**WHEREAS**, it is in the best interests of both the Town and the District to operate in an effective and efficient manner for the good of the citizens; and

**WHEREAS**, the Town is willing to allow the District to utilize certain Town personnel and physical resources in exchange for reimbursement to the Town.

**WHEREAS**, the District is willing to allow the Town to utilize certain District personnel and water in exchange for reimbursement to the District; and

**WHEREAS**, the previous interlocal agreement for personnel and physical resources, dated June 4, 2015, expired June 4, 2020; and

**WHEREAS**, the District and Town desire to repeal the interlocal agreement for use of water, dated July 1, 2016, for water.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Town that the Interlocal Agreement for Use of Personnel and Equipment, attached hereto as Exhibit "A" and by this reference incorporated herein, is hereby approved, as approved and executed on April 21, 2022 by the Town of Apple Valley, and the Chairman is hereby authorized to execute said agreement on behalf of the District.

RESOLVED this 2nd day June, 2022.

[Signature Block on Next Page]

**BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT**

\_\_\_\_\_

Chairman Andy McGinnis

Chairman Andy McGinnis voted \_\_\_\_\_

Board Member Frank Lindhardt voted \_\_\_\_\_

Board Member Kevin Sair voted \_\_\_\_\_

Board Member Barratt Nielson voted \_\_\_\_\_

Board Member Robin Whitmore voted \_\_\_\_\_

ATTEST:

\_\_\_\_\_

Jenna Vizcardo, Clerk-Recorder



# EMPLOYEE HANDBOOK

APPROVED JUNE 2, 2022

POLICY ACKNOWLEDGEMENT FORM

I acknowledge I have received a copy of the Employee Handbook which presents the policies, practices, benefits, and other pertinent information relative to my employment with the District.

I understand that information contained in the handbook is subject to change or be replaced in the future. I understand that I am responsible to stay informed on any updates to this handbook and will be required to adhere to the up-to-date adopted policies.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
District Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
District Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# Big Plains Water and Sewer Special Service District Employee Handbook

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# **INTRODUCTION**

## **WELCOME**

Welcome to the Big Plains Water and Sewer Special Service District. To answer some of the questions you may have concerning the District and its policies in relation to employment, we have prepared this handbook. Please read it thoroughly and retain it for future reference.

**THIS HANDBOOK IS PROVIDED FOR GENERAL GUIDANCE ONLY. THE POLICIES AND PROCEDURES EXPRESSED IN THIS BOOK, AS WELL AS THOSE IN ANY OTHER PERSONNEL MATERIALS WHICH MAY BE ISSUED FROM TIME TO TIME, DO NOT CREATE A BINDING CONTRACT. THE DISTRICT DISCLAIMS ANY CONSTRUCTION OF THIS HANDBOOK AS, OR IMPLICATION OF, AN EMPLOYMENT CONTRACT.**

This handbook should not be construed to limit the District's right to discharge employees or to create any other obligation or liability on the District. The District reserves the right to unilaterally change or make exceptions to the policies and procedures stated in the handbook at any time for any reason.

No supervisor, manager, or representative of the District other than the Chairman has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the foregoing. Any actual employment agreement must be in writing and signed by the Chairman.

We have avoided the use of specific gender pronouns wherever possible. However, where such avoidance would lead to awkward sentences, we have used the masculine pronoun. This use should be considered to refer to both genders.

We wish you success in your position and hope that your employment relationship with the District will be a rewarding experience.

## **MISSION STATEMENT AND VALUES**

**“To provide safe and clean drinking water to the District residents  
as well as fire protection that meets State standards”**

District employees make up a team committed to the mission of the District enhanced with objectives like the following:

**Integrity:** We are committed to having the courage to do the right thing. We nurture trustworthiness and honesty.

**Excellence:** We are committed to ensuring high standards of performance, providing quality services in a courteous and timely manner.

**Stewardship:** We are committed to the residents within the District boundaries.

**Partnership:** We are committed to promoting a spirit of teamwork by strengthening participation and cooperation.

**Innovation:** We are committed to finding new and better ways to serve the public.

## **EMPLOYMENT POLICIES**

### EMPLOYEE CODE OF ETHICS

#### Prohibited Conduct

No current employee or officer, as specified, shall:

1. Disqualification from Acting on District Business.
  - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
  - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
  - c. Fail to disqualify him or herself from acting on any transaction which involves the District and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
  - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which the District or any District agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time the District or District agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
  - a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the District; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
  - b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any District funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.

- c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the District; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
  - d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with the District, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.
3. Accept Gifts or Loans.
- a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
    - i. Unsolicited flowers, plants, and floral arrangements;
    - ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
    - iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
    - iv. Unsolicited food items given to a department when the contents are shared among employees and the public;
    - v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the [entity];
    - vi. Information material, publications, or subscriptions related to the recipient's performance of official duties;
    - vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
    - viii. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the District;
    - ix. Travel costs, lodging, and tuition costs associated with the District sanctioned training or education when not provided by a private entity under contract with the District;
    - x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
    - xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
    - xii. Campaign contributions; and
    - xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.
4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

5. Financial or Beneficial Interest in Transactions.

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of the District. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with the District.

6. Nepotism.

a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

7. Misuse of Public Resources or Property.

a. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

8. Outside Employment.

a. Retain secondary employment outside of District employment, which, as determined by the Board, and according to Utah Administrative Code R477-9-2:

- i. Interferes with an employee's performance.
- ii. Conflicts with the interests of the District.
- iii. Gives reason for criticism or suspicion of conflicting interests or duties.

9. Political Activity.

a. Except as otherwise provided by law:

- i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with the District may not provide a basis for denying employment to the applicant.
- ii. A District officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
- iii. A District employee may not engage in political campaigning or solicit political contributions during hours of employment.
- iv. A District officer or employee may not use District equipment while engaged in campaigning or other political activity.
- v. A District officer or employee may not directly or indirectly coerce, command, or advise another District officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
- vi. A District officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation,

- opinion, committee, organization, agency, or person engaged in political activity.
- b. A District employee who has filed a declaration of candidacy may:
    - i. be given a leave of absence for the period between the primary election and the general election; and
    - ii. Use any vacation or other leave available to engage in campaign activities.
  - c. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
  - d. Nothing in this section shall be construed to:
    - i. prohibit a District officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
    - ii. Permit a District officer or employee partisan political activity that is prohibited under federal law.
  - e. No District officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Town of Apple Valley property.
  - f. No District officer or employee shall promise any appointment to any position with the District as a reward for any political activity.
  - g. A District employee who is elected to an office with the District shall terminate employment prior to being sworn into the appointed office.
10. Fair and Equal Treatment.
- a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
  - b. No District officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
11. Prohibited Conduct After Leaving the District:
- a. No former employee shall, during the period of one (1) year after leaving District office or employment:
    - i. Disclose or use any privileged or proprietary information gained by reason of his/her District employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
    - ii. Assist any person in proceedings involving an agency of the District with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
    - iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a District employee;
    - iv. Participate as a competitor in any competitive selection process for a District contract in which he or she assisted the District in determining the project or work to be done or the process to be used.

## Equal Employment Opportunity and Unlawful Treatment

### **Equal Employment**

Big Plains Water and Sewer Special Service District is an Equal Opportunity Employer.

The District hires on the basis of the ability to perform a position's essential functions without regard to race; color; religion; sex; pregnancy, childbirth, or pregnancy-related conditions; national origin; age; disability; sexual orientation; gender identity; genetics; protected veteran status; or any other class protected by applicable federal, state, and local employment laws. The District expressly prohibits any form of unlawful employee harassment or discrimination based on the preceding factors. Unlawful interference with the ability of you to perform your expected job duties is not tolerated. If you require an accommodation, please notify human resources, or your supervisor. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

**Recruitment:** It is the District's policy to extend first consideration to current employees desiring to fill an open job position and then to residents of Apple Valley as preference. However, this does not guarantee employment. The successful applicant must be qualified to perform the essential duties of the position.

**Employment of Minors:** It is the District's policy not to hire any individual under the age of fourteen (14) for any position.

### **Sexual Harassment**

It is the District's policy to regard sexual harassment as a very serious matter and to prohibit it in the work place or among the work force by any person and in any form. The District also prohibits inappropriate sexual conduct which includes but is not limited to:

- Unwelcome sexual flirtations, advances, propositions, or touching;
- Verbal or written abuse of a sexual nature;
- Graphic verbal comments about an individual's body;
- Sexually degrading words used to describe an individual;
- Display in the work place of sexually suggestive objects or pictures; and
- Other conduct of a sexual nature which is inappropriate for the workplace.

### **Complaint Procedure**

Each employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise unlawful, and for respecting the rights of their coworkers.



If you feel you have been subjected to or witnessed any job-related harassment based on sex, race, or any other protected characteristic listed above, or believe you or someone else has been treated in an unlawful or discriminatory manner, you shall file an oral or written complaint of harassment, discrimination or retaliation or all of the above with the human resource representative, or your supervisor. If the investigation concludes that an employee has inappropriately harassed or discriminated against another person, appropriate disciplinary action will be taken against the offending employee up to and including termination.

The District prohibits any form of retaliation against you for filing a complaint under this policy or for assisting in a complaint investigation.

Medical Examinations

The District has the discretion to perform medical examinations to assess an employee’s ability to perform essential job-related functions. Results of an examination will not be used to discriminate against you if you can perform the essential functions of your position with or without reasonable accommodations.

The information obtained will be maintained in medical files separate from general employee personnel files.

Employees who refuse to consent to a physical evaluation or drug or alcohol screen are subject to disciplinary action up to and including termination. The reason(s) for refusal will be considered in determining the appropriate disciplinary action. No disciplinary action will be taken without first discussing the matter with the employee. Questions about medical examinations or drug or alcohol screenings should be directed to your human resource representative or supervisor. See Drug Free Workplace page 24 for more information regarding drug testing.

Employment of Relatives

Under certain conditions, the District restricts, and in some cases prohibits the hiring and promotion of current employees’ relatives to avoid actual or perceived conflicts of interest. The District will exercise sound business judgment and mitigating measures in the placement of related employees in accordance with Utah State Code Sections 52-3-1 through 52-3-4.

Employees may not participate in the hiring or supervision of their own relatives except when specifically permitted under state law. No relative of any current District employee may be hired unless the head of each involved employing department agrees that it will not cause a conflict or other problem in either department. For the purpose of this policy, a “relative” is defined as a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or a daughter-in-law.

## Personnel Files

The District maintains personnel files on each employee. These files contain documentation regarding all aspects of your tenure with the District, such as performance appraisals, beneficiary designation forms, disciplinary warning notices, and letters of commendation. If you are interested in reviewing your file, please contact human resources.

Your personnel file is a permanent record and the information entered in it will remain in it. You have the right to attach your own comments to anything in your personnel file.

To ensure your personnel file is up-to-date at all times, notify human resources of any changes in your name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements, emergency contacts, and so forth.

HIPAA Privacy Regulations: The District is compliant with the privacy portion of the Health Insurance Portability and Accountability Act (HIPAA). The privacy section requires the proper protection of personal health information (PHI). The District safeguards the access to all health documentation. Employees who have access to any PHI are required to comply with the privacy policy and will limit use of this documentation to the minimum necessary to accomplish their required work.

## Termination of Employment

If you desire to terminate your employment relationship with the District, you are urged to notify the District at least two (2) weeks in advance of your intended termination. Such notice should preferably be given in writing to your supervisor. Proper notice generally allows the District sufficient time to calculate accrued vacation, overtime, and/or other monies to which you may be entitled and to include such monies in your final paycheck.

For retirement, you are urged to provide the District with a minimum of two months' notice. This will allow ample time for the processing of appropriate pension forms to ensure commencement of retirement benefits in a timely manner of which you may be entitled and to fill the position of which you are retiring from.

All outgoing employees are required to complete and sign the "Separation of Employment Checklist Form" before they receive their final paycheck. The purpose of this form is to review eligibility for benefit continuation, ensure all necessary forms are completed, and to ensure all District property has been turned in.

An employee's employment with the District may terminate in different ways:

- A. Resignation: Employees may resign at any time as outlined above.
- B. De-facto Resignation: Employees who are absent from work for three consecutive days and are capable of providing notice, but fail to do so, are considered to have voluntarily resigned. See Job Abandonment below.

- C. Reduction in Force: The District may eliminate positions and terminate employees as a result of inadequate funding, budget shortfalls, workforce restructuring, changes in workload, or lack of work.
- D. Termination: Just as employees may terminate their employment at any time, the District may terminate the employment relationship without cause. Employees may be terminated as a result of poor performance, violation of District policies, or other conduct incompatible with District service.

### Job Abandonment

Any employee who is absent from work without giving notification and was capable of giving notification may be disciplined for failure to report to work. Discipline may include, but is not limited to, termination.

In rare situations, an employee may be absent from work due to a medical emergency or other unforeseen circumstances which keep the employee from providing timely notification of absence. In such instances, the employee or the employee’s representative should contact the supervisor as soon as possible to explain the situation.

### Performance Evaluations

Performance evaluations will consist of an objective review of the employee’s performance at designated intervals during employment. These evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions. All evaluations will become a permanent part of the employee’s personnel file.

Probationary/New Employees: Probationary periods begin on the first day of employment and continue for 90 days. Performance evaluations shall be conducted on probationary employees following the end of their probationary period. Results of such evaluations shall not obligate the District to any particular course of action.

All Other Classes of Employees: Performance evaluations will be conducted annually on or about the employee’s anniversary date of hire.

## **COMPENSATION POLICIES**

## Classification of Employment

For purposes of employee recruitment, hiring and separation, salary administration, and eligibility for employee benefits, the District classifies its employees as follows:

| <b>Employment Classification</b>          | <b>Schedule</b>         | <b>Service Limitation</b> | <b>Health Benefits</b> | <b>Retirement Plan</b> | <b>Statutory Benefits</b> |
|---|-------------------------|---------------------------|------------------------|------------------------|---------------------------|
| Appointed                                 | Varies                  | Term                      | None                   | None                   | None                      |
| Full-Time Regular                         | 30 or more hours/week   | No                        | Yes                    | Yes                    | Yes                       |
| Part-Time Regular                         | Less than 30 hours/week | No                        | None                   | None                   | Yes                       |
| Seasonal/Temporary                        | Varies                  | Yes                       | None                   | None                   | Yes                       |
| Volunteers                                | Varies                  | No                        | None                   | None                   | None                      |
| Probationary                              | Varies                  | Yes                       | None                   | None                   | Yes                       |
| Independent Contractors (Not an employee) | Varies                  | Yes                       | N/A                    | N/A                    | N/A                       |

### Full-Time Regular:

- Hired to work 30 or more hours a week (not seasonal/temporary).
- May be terminated at any time at the will of the District, excepting employees with contracts being subject to contract specifications.
- Eligible for health, leave and retirement benefits.

### Part-Time Regular:

- Hired to work less than 30 hours a week (not seasonal/temporary).
- May be terminated at any time at the will of the District.
- Not eligible for health, leave and retirement benefits.

### Seasonal/Temporary:

- Hired as temporary, seasonal or emergency employee.
- Cannot work more than 270 days at a time.
- May be terminated at any time at the will of the District.
- Not eligible for health, leave and retirement benefits.

### Volunteer:

- Hired as temporary individuals at the discretion of the Board to complete tasks as necessary from time to time.

- May be terminated at any time at the will of the District.
- No compensation.
- Provided the protections as an employee, i.e., workers compensation, liability insurance, operation of District vehicles/equipment

#### Probationary:

- All new employees shall be subject to a 90-day probationary period.
- May be terminated at any time at the will of the District.
- Not eligible for health and retirement benefits.

#### Independent Contractors:

- Independent contractors hired to perform professional or other specialized services for the District are not employees of the District and do not qualify for District benefits. Contractors must provide proof of Workers Compensation coverage or a waiver as part of the contract.

To facilitate provisions of the Fair Labor Standards Act, employees are classified as either Exempt or Nonexempt.

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

## Compensation

Compensation is based on market standards and level of experience. The District seeks to maintain a high quality public work force by considering the comparative pay and benefits needed to compete in the labor market. The District may alter pay rates or compensation methods at any time at its discretion.

An employee's compensation can change in the following ways:

1. General Increase: The District may at their discretion grant a general compensation increase to employees to reflect market trends and changes in cost of living.

2. Performance Increase: Full and part-time employees working more than 20 hours per week are eligible for a performance increase based upon performance and the recommendation of the employee's applicable supervisor.

### Regular Pay Procedures

You will normally be paid by check or direct deposit on a biweekly basis, usually on a Friday. If a scheduled payday falls on a District observed holiday, you will usually be paid on the day preceding the holiday.

### Working Hours and Breaks

Work Week: The work week begins on Sunday morning at 12:00 a.m. and ends Saturday evening at 12:00 a.m.

Work Days/Hours: Work days and hours for full-time employees are as designated by the District Board. All other employees are as designated by the supervisor.

Lunch Periods: Each employee working at least an eight (8) hour day is entitled to a one-hour unpaid lunch period. Part-time employees working five (5) or more hours a day are entitled to at least a 30-minute unpaid lunch period. Supervisors may authorize longer periods. The lunch schedule generally should be between the hours of 11:00 a.m. and 2:00 p.m.

Rest Breaks: Each employee is entitled to a 15-minute paid rest break around the midpoint of each 4-hour segment worked. Rest breaks cannot be combined with a lunch period or otherwise saved, nor used to extend a lunch period or shorten work hours.

### Recording Work Hours

All non-exempt employees are required to record time worked and absences on an approved time sheet. Failure to accurately record your hours may result in loss of pay and possible discipline. Exempt employees should record work hours only by exception (i.e., sick, vacation). All time sheets are due on the Monday of the payroll week and must be signed by the employee.

### Overtime Pay

Non-exempt employees are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. Those who are Exempt are protected from improper or illegal salary deductions.

Non-Exempt: If you are classified as a non-exempt employee, you will be paid one and one-half times your regular hourly rate of pay for all hours worked beyond 40 hours in the work week.

You may agree with your supervisor in advance to accrue compensatory time in lieu of paid overtime.

The maximum amount of compensatory time an employee may accrue is 240 hours (or 160 hours of actual overtime work). Compensatory time accumulates at the overtime rate of one and one-half hours for every overtime hour worked. The District may pay accrued compensatory time at any time.

Any leave time taken during a work period does not count toward your hours worked for overtime purposes.

Employees required to work on District recognized holidays will be paid one and one-half times their regular hourly rate.

If it is necessary to work overtime greater than one (1) hour to complete your responsibilities, you must get prior approval from your supervisor.

Exempt: If you are classified as an exempt employee, you will be paid on a salary basis. The District will not knowingly make improper or illegal deductions from your paycheck. If an improper deduction has been made, bring it to the attention of human resources.

# LEAVE

## Holidays

Each year the District provides thirteen (13) paid holidays if the holiday falls on a regularly scheduled work day as follows:

- January 1 – New Years’ Day
- January (3<sup>rd</sup> Monday) - Martin Luther King Jr Day
- February (3<sup>rd</sup> Monday)– Presidents’ Day
- May (Last Monday) – Memorial Day
- July 4 – Independence Day
- July 24 – Pioneer Day
- September (1<sup>st</sup> Monday) – Labor Day
- October (2<sup>nd</sup> Monday) – Columbus Day
- November 11 – Veteran’s Day
- November 4<sup>th</sup> Week (Thursday/Friday) – Thanksgiving Day
- December 24 – Christmas Eve ½ Day
- December 25 – Christmas Day
- December 31 – New Year’s Eve ½ Day

If holidays fall on Saturday, then the preceding Friday is usually the recognized holiday. If it falls on Sunday, then the following Monday is usually the recognized holiday.

## Vacation

A reasonable period of time away from the job is conducive to the good health and well-being of the employee and can have a refreshing effect that is to the advantage of both employee and employer. The District grants annual paid vacation to full-time employees at the following rates:

| SERVICE                           | ACCRUAL   |
|-----------------------------------|---|
| One (1) month to one (1) year     | Five (5) work days accrued at the rate of 1.54 hours per work period.     |
| One (1) year up to five (5) years | Ten (10) work days accrued at the rate of 3.08 hours per work period.     |
| Over five (5) years               | Fifteen (15) work days accrued at the rate of 4.62 hours per work period. |

Vacations may be taken as weekly periods, individual days or hourly increments as long as the periods chosen meet with department approval. Vacation leave requests should be submitted a reasonable time in advance of the desired time off.



Employees are required to take their earned vacation. No payments will be made in lieu of taking vacation, except for accrued vacation at the time of termination.

### Bereavement Leave

The District grants up to 24 hours paid work time in the event of the death of your spouse, child, parent, siblings, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or a daughter-in-law, or another relative who has been living in your residence. Part-time employees time will be prorated based on the number of hours you are regularly scheduled to work. Employees may use vacation or compensatory time to supplement bereavement leave or to attend the funeral of other family members. Requests for bereavement leave should be made as soon as possible to your immediate supervisor.

### Jury Duty and Witness Leave

Every employee is entitled to a leave of absence when subpoenaed or ordered to appear as a juror or witness by the Federal Government, State of Utah, or political subdivision thereof. Full-time employees may use accrued vacation leave or compensatory time to supplement this leave. Part-time employees will be given time off without pay and/or may use accrued compensatory time off while serving.

### Military Leaves of Absence

Full-time employees may use accrued vacation, compensatory time, or leave without pay for military or reserve duty. You will be granted a military leave of absence for the period of military service, in accordance with applicable federal and state laws. A copy of your military orders should be submitted as soon as possible. Your eligibility for reinstatement after your military duty or training is completed is determined in accordance with applicable federal and state laws.

All benefits, including retirement benefits, will be administered in compliance with federal and state laws and consistent with the District's approved compensation plan.

### Leave Without Pay

Employees are advised to accumulate leave to have available for unexpected reasons such as vacation opportunities, family events, injury, or illness. The use of unpaid leave is discouraged. Requests must be submitted to the supervisor for approval. Vacation accrual will be prorated during the leave of absence.

## Absence Without Leave

No employee may be absent from duty without permission of their supervisor. All employees should notify the supervisor prior to an absence. However, in emergency situations where prior notification is not possible, the employee should notify their supervisor as soon as possible.

If a pattern (two or more) of unexplained or unexcused absences develops, employees may be subject to a disciplinary action to correct the problem.

An employee absent for three (3) consecutive days without notice to their supervisor will be assumed to have resigned voluntarily, and will be terminated accordingly.

# **EMPLOYER BENEFITS**

## **Workers Compensation**

- A. All employees are covered by workers compensation which provides medical reimbursement and disability benefits for a job-related illness or injury. An employee does not accrue benefits while receiving workers compensation payments.
- B. Employees may use accrued vacation to make up the difference between workers compensation benefits and their base pay.
- C. Medical Attention: An employee who sustains a bona fide, on -the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and Where the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier. Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan.
- D. Initial Reporting of Illness or Injury: Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the supervisor immediately. The proper form should be completed and sent to the insurance carrier within seven (7) days of the date of injury.
- E. Reporting While Off the Job: While on leave because of a bona fide, on-the-job injury or illness, an employee must contact their supervisor to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
- F. Return to Service: All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.
- G. At the time of final release or settlement of a worker's compensation claim, if no vacancy exists; and, if a reasonable effort which has proven unsuccessful, has been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.
- H. Do not falsify any work injury report and report only injuries that occur on the job. Falsifying workers' compensation claims will merit discipline up to and including termination and may result in criminal and/or civil action by the insurance company.

## Social Security/FICA

All employees are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the employee and the District will be made in accordance with the provision of the law.

## Paid Benefits (This may be changed at any time at the discretion of the District.)

- A. Medical Health/Dental/Vision Insurance: It is the policy of the District to provide medical health, dental and vision insurance for full-time employees. The rate paid by the District is 100% of the employee portion plus 50% of the family portion. The employee is responsible for 50% of the family portion.
- B. Life insurance: A basic life insurance policy is provided free of charge for each full-time employee, their spouse and children. The employee may voluntarily elect to increase coverage at the expense of the employee.
- C. HSA: It is the policy of the District to provide for \$134.62 per paycheck for a single employee and \$156.25 per paycheck for an employee with family in HSA benefits. The Employee may contribute up to the maximum prescribed by law.
- D. State and Federal Unemployment: All employees are covered by the benefits of State and Federal Unemployment.
- E. RETIREMENT BENEFITS. The Town fully funds an employee pension plan through the Utah Retirement System (URS) for certain classes of employees as follows:
  - 1. ELIGIBLE:
    - a. Regular full-time employee. Eligibility begins after probationary period.
    - b. URS Tier 1 Employees: Based on the monthly pay established annually by the URS, currently \$1,148.
    - c. URS Tier 2 Appointed Officers are Part-Time Ineligible
    - d. URS Tier 2 Elected Officers are Part-Time Ineligible.

# **EMPLOYEE CONDUCT**

## **Guidelines for Appropriate Conduct**

As an integral member of the District team, you are expected to accept certain responsibilities, adhere to acceptable business 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 of others but also demands that you refrain from any behavior that might be harmful to you, your coworkers, and/or the District, or that might be viewed unfavorably by current or potential customers or by the public at large.

Whether you are on duty or off, your conduct reflects on the District. Consequently, you are encouraged to observe the highest standards of professionalism at all times. It is the responsibility of each employee to comply with these standards, for performance of their duties.

All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

## **Conflicts of Interest**

In compliance with State statutes, the following is prohibited:

- Improperly using private, controlled, or protected information acquired by reason of your position with the District, or securing special privileges or exemptions for yourself or others.
- Using or attempting to use your official position to secure special privileges for yourself or others.
- Knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly, any gift or loan for yourself or another if the gift or loan tends to influence you in the discharge of your official duties.

These prohibitions do not apply to:

- An occasional non-monetary gift having a value of less than \$50
- An award publicly presented
- Any bona fide loan made in the ordinary course of business

## **Information Reporting and Whistle Blowing**

Whistle Blowing: As a public employee, you have a responsibility to formally inform appropriate administrative officials if you become aware of, or reasonably suspect the waste of public funds, property, manpower, or a violation of law, relating to your employment. You should give written notice to, or otherwise formally inform, the appropriate administrative official as soon as possible when you become aware of the suspected waste or violation. An

appropriate administrative official is your immediate supervisor, unless you reasonably believe the supervisor cannot or will not fairly and constructively report the problem. If that is the case, you may report the incident to the Chairman, human resource representative, District attorney, or you may notify the State Auditor.

**Assist Investigations:** You have a duty to participate in an investigation, hearing, inquiry, or other form of administrative review by the District arising from a report of the existence of any waste of public funds, property, manpower, or violation of law as may be requested by District officials.

### Outside Employment

Some types of outside employment may create a conflict of interest with your District job or interfere with your performance in the District. If you wish to take a second job, you should discuss it with your supervisor.

Employees may not regularly engage in outside employment during normal work hours established.

### Personal Use of District Property

#### **Computer System, Internet and E-mail Use**

The Internet can be misused in a variety of ways, including but not limited to:

1. Downloading files that contain viruses, thereby endangering District information services;
2. Accessing objectionable material;
3. Wasting work time by performing unauthorized research or accessing non-business related information and people or for computer games, or online games.

#### Individual Responsibilities:

Internet users are responsible for complying with this and all other District policies when using the District's resources for accessing the Internet. Violation of this policy is grounds for disciplinary action, up to and including termination.

#### General Policies for Use of the Entity's Computer System, Including the Internet:

An employee does not have a right to privacy when using the Internet via District resources and employees should not expect or assume any privacy regarding the content of email communications. The District reserves the express right to monitor and inspect the activities of the employee while accessing the Internet at any time, and to read, use and disclose e-mail messages. In addition, all software, files, information, communications, and messages (including emails) downloaded or sent via the Internet using District resources are the District's records and property of the District; such records are subject to potential review and disclosure

under the public disclosure law of the State of Utah. Even after an email message has been “deleted,” it may still be possible to retrieve it. **It is your responsibility to not delete any emails, unless it is spam or junk, from any email account belonging to the District.**

The District has the right to restrict or prohibit any employee from Internet access for violation of the policy. Violations may also result in disciplinary action, up to and including termination.

Internet use via District resources is for District business. Except as outlined here, use of District’s computer, Internet and email services are for District business only. Some limited personal use is permitted, so long as it does not result in cost to the District, does not interfere with the performance of duties, is brief in duration and frequency, does not distract from the conduct of District business and does not compromise the security or integrity of District information or software. Such limited use shall not occur on “paid time,” but is permitted immediately before or after work hours and during an employee’s breaks. Examples of allowable personal use include accessing a weather report or news item on the Internet, or transmitting email to a family member to assure safe arrival at home. Any personal use of District’s computer, Internet and email services must comply with all applicable laws and District policies, including anti-discrimination policies and Internet usage policy.

Internet use must comply with applicable laws and District policies including but not limited to all federal and state laws, and District policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of District resources, information and data security.

All Internet use must be consistent with the District’s Personnel Policies Manual.

The District’s computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of District business. Employees are prohibited from gaining unauthorized access to another employee’s email messages, or sending messages using another employee’s password.

In order to prevent potential District liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of the District.

The District has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. The District may disclose all such information to any party (inside or outside the District) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer system to send, receive or store any information they wish to keep private. Employees should treat the computer system like a shared file system—with the expectation that files sent, received, or stored anywhere in the system will be available for review by any authorized representative of the District for any purpose, as well as the public if a proper request is made for public records.

Good judgment should always be employed in using the District’s email and Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Email inconsistent with the District’s policies must be avoided. For example, it is

prohibited to make jokes or comments which could offend someone on the basis of gender, race, age, religion, national origin, disability or sexual orientation. These comments would be in direct conflict with the District’s policies prohibiting discrimination and harassment. Accordingly, employees should create and send only courteous, professional and businesslike messages that do not contain objectionable offensive or potentially discriminatory material.

Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the District. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email cannot be retracted. Even after deletion at a workstation, email can be retrieved and read.

The safety and security of the District’s network and resources must be considered at all times when using the Internet. Any programs from a non-current source (i.e., software that is not purchased in original diskette or CD ROM format) or which involve executable or binary files must not be downloaded or installed without prior permission from the District Administrator and without being properly scanned for viruses.

Employees are not to share or reveal individual passwords to anyone.

There is a wide variety of information on the Internet. Some individuals may find information on the Internet offensive or otherwise objectionable. Individual users must be aware that the District has no control over available information on the Internet and cannot be responsible for the content of information.

Prohibited Uses of the Internet:

The following is a non-exclusive list of prohibited uses of the Internet and email:

- Commercial use – any form of commercial use of the Internet is prohibited;
- Solicitation – the purchase or sale of personal items or non-business items through advertising on the Internet is prohibited;
- Copyright violations – the unlawful reproduction or distribution of copyrighted information, regardless of the source, is prohibited;
- Discrimination / Harassment – the use of the Internet to send messages or other content which is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers is prohibited;
- Political – the use of the Internet for political purposes is prohibited;
- Aliases / Anonymous messages / misrepresentation – the use of aliases or transmission of anonymous messages is prohibited. Also, the misrepresentation of an employee’s job title, job description, or position with the District is prohibited;
- Social networking sites – the accessing and/or creation of social networking sites, such as Facebook, Twitter, Instagram, Blogs and similar sites is prohibited for non-entity business purposes;
- Instant messaging;
- Misinformation / Confidential Information – the release of untrue, distorted, or confidential information regarding District business is prohibited;



- Viewing or Downloading of Non-Business Related Information - the accessing, viewing, distribution, downloading, or any other method for retrieving non-District related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, sexually explicit sites, chat rooms and bulletin boards;
- Unauthorized attempts to access another's network or e-mail account;
- Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;
- Spamming email accounts from the District's email services or District machines.

Nothing in this section prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes.

Office Equipment/Consumables: Office equipment may be used incidentally for personal purposes so long as it does not interfere with the employee's work. It should preferably occur during the employee's personal time. All consumables or other costs shall be paid for. The use must not involve any activity that reflects adversely on the District or is incompatible with public service. Any violations will result in disciplinary action, up to and including termination. Depending on the specific nature of the offense, the violation could also result in criminal prosecution or civil action.

### Reimbursable Expenses

With prior approval, legitimate expenses will be reimbursed by the District to the employee. Receipts will be required. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check.

### Clean Air Policy

In order to maintain a safe and comfortable working environment, tobacco and e-cigarette usage in District offices, facilities, and vehicles is prohibited.

### Workplace Violence

The District is committed to preventing workplace violence and to maintaining a safe work environment for employees, vendors and the visiting public. Therefore, the District prohibits violent behavior. Prohibited conduct includes but is not limited to: unlawful violent acts, fighting, stalking, harassment, intimidation, abusive language, or other similar violent conduct. The District does not tolerate any of the aforementioned conduct, unlawful threats of violence or actual violence in any form.

An employee who believes he has been subjected to or threatened with violence in the workplace; or is aware of another individual who has been subjected to or threatened with violence in the workplace, can report this information following the "Complaint Resolution Procedure" in the next section of this handbook. Supervisors should record, investigate, and report instances of threats or violence in violation of this policy to human resources, the District, and/or law enforcement, as appropriate.

A District employee who is found to be responsible for threats of or actual violence, or any other conduct that is in violation of this policy may be subject to disciplinary and legal action, up to and including termination of employment.

### 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 you or the District, you should follow the procedure described below for bringing your complaint to management's attention.

**Step One:** Discuss the problem with your supervisor. If not appropriate, you may proceed directly to Step Two. If you have a claim of discrimination involving a protected class such as race; color; religion; sex; pregnancy, childbirth, or pregnancy-related conditions; national origin; age; disability; sexual orientation; gender identity; genetics; protected veteran status; retaliation; harassment; workplace violence; or other unlawful treatment, you should report it immediately to the appropriate person.

**Step Two:** If your problem is not resolved after discussion with your supervisor or if discussion with your supervisor is inappropriate, you are encouraged to request a meeting with the next level of management. In an effort to resolve the problem, facts will be considered and an investigation conducted. You will normally receive a response regarding your problem within 10 calendar days of the report.

This District does not tolerate any form of retaliation against employees availing themselves of 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 or demeanor) where the District concludes disciplinary action to be appropriate.

### Drug Free Work Place

In accordance with the Federal Drug Free Workplace Act of 1988, the District provides for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

### **Employee Responsibilities**

- A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.

- B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor within five (5) days after the conviction.
- C. No employee shall consume alcoholic beverages immediately before work or during work hours including breaks or lunches.
- D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
- E. No employee shall represent the District in an official capacity while impaired by alcohol, illegal drugs, or medication.
- F. No employee using medication that may impair performance shall operate a motor vehicle, equipment, or engage in safety sensitive functions while on duty.
- G. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.
- H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify their supervisor.

### **Drug Testing**

**Pre-Employment Testing:** All employees may be subject to random drug testing. Refusal to consent to a drug test will result in appropriate disciplinary action, including termination.

**Post-Accident Investigation:** In any circumstance in which an employee is involved in a reportable motor vehicle accident or, any accident which results in property damage, personal injury or death, a drug and alcohol test shall be given to the employee as part of the accident investigation. The presence of alcohol, drugs or their metabolites in the test, or the employee's refusal to submit to the test, shall result in appropriate disciplinary action, including termination.

**Reasonable Suspicion Testing:** A supervisor may direct an employee submit to a drug and alcohol test under circumstances in which the supervisor has reasonable suspicion that the employee is under the influence of drugs or alcohol, or otherwise in violation of this policy. Circumstances which may constitute reasonable suspicion include, but are not limited to:

- Observation of the employee using drugs or alcohol;
- A pattern of abnormal or erratic behavior;
- Possession of drugs or alcohol at the work site or discovery of drugs, drug paraphernalia or alcohol in the vicinity of the employee or his possessions;
- Unsatisfactory time and attendance patterns;
- Third-party eyewitness account of drug use;

- The noticeable presence of physical symptoms of drug or alcohol use (i.e., dilated or pinpoint pupils, unusual changes in speech patterns, lack of coordination, impaired motor skills, odor of alcoholic beverage, restlessness, rapid mood swings, bloodshot eyes, unusual euphoria, nodding off, needle marks, unusually aggressive or bizarre acts, or hallucinations);
- Drug-related investigation, arrest or conviction;
- Receipt of information from reliable sources;
- Evidence of drug and alcohol test tampering.

### **Disciplinary Action**

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

### Safety And Health

The District is committed to providing a safe and healthy working environment. The District makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

You are expected to place safe work practices and identification of unsafe conditions in highest priority while performing your daily tasks.

### District Vehicle Use

If you drive a District vehicle, you must have a valid Utah driver's license and a good driving record. You are responsible for checking the fluid levels and overall condition of the vehicle on a daily basis. If there is anything that needs to be repaired, you are responsible for scheduling the maintenance or repair.

### Personal Vehicle Use

At times employees are required or expected to travel on District business using their personal automobiles. The District will reimburse you at the current State authorized rate when required to do so.

- A. All travel outside of the Apple Valley limits during Apple Valley work hours shall be authorized by the Town Administrator. A log of all such travel exceeding a thirty (30) mile radius of Apple Valley shall be kept. This log shall include the reason for the trip, the time the employee departed, and the time the employee returned, and vehicle used.
- B. Travel for legitimate Apple Valley purposes in Apple Valley vehicles may be authorized when the use of the vehicle does not detract from the operational needs of Apple Valley. Overnight use of Apple Valley vehicles for travel purposes shall be authorized by the Town Administrator.
- C. If travel is outside the range of service of Apple Valley’s repair shop, travel costs in conjunction with the use of Apple Valley vehicles shall be paid by the employee with receipts being kept for reimbursements.
- D. All hotels or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid in advance of the trip. If such payment in advance is not possible, Apple Valley shall reimburse to the employee the cash amount of the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into Apple Valley by the employee as a verification of attendance no matter what the form of payment.
- E. Use of an employee’s personal vehicle may be authorized when circumstances warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to the Town Administrator based upon this record. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions (currently fifty five (55) cents per mile).
- F. All registration fees, etc., will be paid in advance by check. If this is not possible, the employee will be reimbursed for their own expenditure for registration fees, etc. after presentation of a valid receipt in conjunction with previously authorized travel.

- G. The amount of twenty eight dollars (\$28.00) shall be granted as the maximum daily per diem allowance for Apple Valley employees engaged in travel on the Apple Valley's behalf. No per diem shall be authorized for spouses of employees or others traveling with the employee at their own expense (Please note: the Town Administrator, however, may authorize the cost of a double rather than a single hotel room to accommodate the travel of a spouse with an employee). Receipts shall not be required for per diem advancements or compensation unless the employee requests reimbursement above the authorized amount.
- H. Travel that requires less than a full day shall be compensated by the following specific per diem allowances:
- (1) Breakfast: Six dollars (\$6.00) maximum, when departing before 7:00 a.m.
  - (2) Lunch: Eight dollars (\$8.00) maximum.
  - (3) Dinner: Fourteen dollars (\$14.00) maximum, when returning after 7:00 p.m.
  - (4) These amounts may be either an advance, after submission and approval of travel request, or reimbursed after presentation of receipts.

### Credit Card Policy

It is the cardholder's responsibility to:

- Make only authorized purchases as prescribed by the District purchasing policy and approved budget.
- Retain receipts for all transactions.
- Keep the credit card and corresponding account information secure. Immediately report any lost or stolen credit card and/or account information to the District.
- Sign the back of the issued card.
- Return the card upon termination.

It is accounts payable responsibility to:

- Reconcile the credit card statement upon its arrival.
- Report fraudulent charges or any discrepancies in the credit card statement in a timely manner

Prohibited credit card purchases:

- Any merchant, product, or service normally considered to be inappropriate use of District funds.
- Purchase of items for personal use or consumption.

- Alcohol
- Any use not in conformity with the purchasing policy.

## Disciplinary Action

Disciplinary action, up to and including termination, may be imposed for misconduct.

Types of disciplinary action are as follows:

- A. Verbal Warning: Whenever grounds for disciplinary action exist and more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee. Sufficient time for improvement should precede additional disciplinary action.
- B. Written Reprimand: The supervisor shall furnish the employee with a written form of reprimand setting forth the reasons and solution to the demonstrated deficiency. The form shall be signed and permanently placed in the employee's personnel file. If the employee refuses to sign, the supervisor will so state.
- C. Suspension: The supervisor may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause. The employee will be furnished with a written notification setting forth the reason(s) for suspension, with a signed copy to be placed permanently in the employee file. If employee refuses to sign, the supervisor will so state. An employee on suspension will be responsible for making full employee contributions to their employee medical insurance benefits.
- D. Demotion: The supervisor may demote an employee for cause. The employee will be furnished with a written notification setting forth the reason(s) for demotion, with a signed copy to be placed permanently in the employee file. If employee refuses to sign, the supervisor will so state.
- E. Transfer: The supervisor may transfer an employee. The employee will be furnished with a written notification setting forth the reason(s) for the transfer, with a signed copy to be placed permanently in the employee file. If employee refuses to sign, the supervisor will so state.
- F. Termination: The supervisor may terminate an employee for cause, excepting part-time and non-permanent employees who may be terminated without cause and without written notification. The employee will be furnished with a written notification setting forth the reason(s) for the termination, with a signed copy to be placed permanently in the employee file. If employee refuses to sign, the supervisor will so state.

**BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT**

**RESOLUTION NO. BPW-R-2022-06**

***A RESOLUTION ADOPTING THE PERSONNEL POLICY AND PROCEDURES MANUAL (EMPLOYEE HANDBOOK)***

**WHEREAS**, the Big Plains Water and Sewer Special Service District ("District") has discovered that a published Personnel Policy and Procedures Manual (Employee Handbook) has not been adopted; and

**WHEREAS**, the District Board deems it necessary and appropriate that such Personnel Policy and Procedures Manual (Employee Handbook) be adopted; and

**WHEREAS**, at a meeting of the District, duly called, noticed and held on the 2nd day of June, 2022, and upon motion duly made and seconded:

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the District that the Personnel Policy and Procedures Manual (Employee Handbook) is hereby adopted in its entirety as presented and attached hereto.

**PASSED** this 2<sup>nd</sup> day of June, 2022.

**BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT**

|                        |                              |             |
|------------------------|------------------------------|-------------|
| _____                  | Chairman Andy McGinnis       | voted _____ |
| Chairman Andy McGinnis | Board Member Frank Lindhardt | voted _____ |
|                        | Board Member Kevin Sair      | voted _____ |
|                        | Board Member Barratt Nielson | voted _____ |
|                        | Board Member Robin Whitmore  | voted _____ |

ATTEST:

\_\_\_\_\_  
Jenna Vizcardo  
Clerk