**PERSONNEL POLICIES AND**

**PROCEDURES FOR**

**THE TOWN OF VIRGIN, UTAH**

**September 2023**

**PREFACE**

It is the policy of the Town of Virgin to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the Town of Virgin and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY THE TOWN OF VIRGIN EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE MAYOR OF the Town of Virgin.

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

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

The Town of Virgin reserves the right to change any of its policies and/or procedures at any time in the future for any reason. Therefore, if you have suggestions or comments concerning the content of this manual, please submit them, in writing, to the Town of Virgin' s Mayor for review. Thank you.

**INTRODUCTION**

Welcome,

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

Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees always feel a deeper understanding of their role in the organization when they realize that policies are uniformly administered. Please be advised that it is the obligation of each employee of the Town of Virgin to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, nation origin, age or disability.

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

Mayor

The Town of Virgin

**TABLE OF CONTENTS**

Contents

[PART I 8](#_Toc144842947)

[POLICIES 8](#_Toc144842948)

[SECTION I 8](#_Toc144842949)

[EQUAL EMPLOYMENT OPPORTUNITY (EEO) 8](#_Toc144842950)

[1.1 GENERAL POLICY 9](#_Toc144842951)

[SECTION II 9](#_Toc144842952)

[EMPLOYEE HIRING 9](#_Toc144842953)

[2.1 EMPLOYMENT 9](#_Toc144842954)

[2.2 RECRUITMENT 9](#_Toc144842955)

[2.3 SELECTION 10](#_Toc144842956)

[2.4 PLACEMENT 11](#_Toc144842957)

[2.5 VOLUNTEERS 13](#_Toc144842958)

[SECTION III 15](#_Toc144842959)

[ALCOHOL AND DRUG FREE WORKPLACE 15](#_Toc144842960)

[3.1 GENERAL POLICY 15](#_Toc144842961)

[3.2 EMPLOYEE RESPONSIBILITIES 15](#_Toc144842962)

[3.3 TESTING FOR REASONABLE SUSPICION AND RANDOM TESTING 15](#_Toc144842963)

[3.4 DISCIPLINARY ACTION 16](#_Toc144842964)

[SECTION IV 17](#_Toc144842965)

[HARASSMENT 17](#_Toc144842966)

[4.1 GENERAL POLICY 17](#_Toc144842967)

[4.2 PROHIBITED CONDUCT 17](#_Toc144842968)

[4.3 TYPES OF CORRECTIVE ACTION 18](#_Toc144842969)

[4.4 DISCIPLINARY ACTION 19](#_Toc144842970)

[4.5 MAINTAINING COMPLAINT FILES. 19](#_Toc144842971)

[4.6 VICTIM PROTECTION. 19](#_Toc144842972)

[SECTION V 20](#_Toc144842973)

[EMPLOYEE CODE OF CONDUCT 20](#_Toc144842974)

[5.1 PROFESSIONALISM 20](#_Toc144842975)

[5.2 PRIVILEGED INFORMATION 20](#_Toc144842976)

[5.3 CONFIDENTIALITY 20](#_Toc144842977)

[5.4 GIFTS AND GRATUITIES 20](#_Toc144842978)

[5.5 ATTENDANCE 20](#_Toc144842979)

[5.6 APPEARANCE 21](#_Toc144842980)

[5.7 SMOKING 21](#_Toc144842981)

[5.8 PERSONAL USE OF THE TOWN OF VIRGIN OFFICE ITEMS 21](#_Toc144842982)

[5.9 PURCHASING 21](#_Toc144842983)

[5.10 TIME CARDS 22](#_Toc144842984)

[5.11 CREDIT CARDS 22](#_Toc144842985)

[5.12 OUTSIDE ACTIVITIES 22](#_Toc144842986)

[5.13 POLITICAL ACTIVITY 22](#_Toc144842987)

[5.14 SECONDARY EMPLOYMENT 23](#_Toc144842988)

[5.15 SOCIAL MEDIA POLICY 23](#_Toc144842989)

[SECTION VI 28](#_Toc144842990)

[DISCIPLINARY ACTION 28](#_Toc144842991)

[6.1 GENERAL POLICY 28](#_Toc144842992)

[6.2 TYPES OF DISCIPLINARY ACTION TO BE TAKEN 28](#_Toc144842993)

[6.3 CAUSES FOR DISCIPLINARY ACTION. 29](#_Toc144842994)

[6.4 CONDUCTING AN INVESTIGATION 30](#_Toc144842995)

[6.5 IMPOSING DISCIPLINARY ACTION 30](#_Toc144842996)

[6.6 APPEAL PROCEDURES 31](#_Toc144842997)

[6.7 GRIEVANCE PROCEDURES 32](#_Toc144842998)

[SECTION VII 34](#_Toc144842999)

[TERMINATION OF EMPLOYMENT 34](#_Toc144843000)

[7.1 TYPES OF TERMINATION 34](#_Toc144843001)

[7.2 REQUIRED NOTICE PRIOR TO TERMINATION. 34](#_Toc144843002)

[7.3 TERMINATION PROCEDURES. 35](#_Toc144843003)

[7.4 COBRA 36](#_Toc144843004)

[SECTION VIII 37](#_Toc144843005)

[RECORD KEEPING 37](#_Toc144843006)

[8.1 GENERAL POLICY 37](#_Toc144843007)

[8.2 CONFIDENTIALITY 37](#_Toc144843008)

[8.3 PERSONNEL FILES REQUIREMENTS 37](#_Toc144843009)

[8.4 OTHER FILES REQUIREMENTS 38](#_Toc144843010)

[8.5 FEDERAL LABOR STANDARDS ACT (FLSA) MINIMUM WAGE REQUIREMENTS 38](#_Toc144843011)

[8.6 OTHER REQUIREMENTS 39](#_Toc144843012)

[SECTION IX 40](#_Toc144843013)

[PERFORMANCE EVALUATIONS 40](#_Toc144843014)

[9.1 GENERAL POLICY 40](#_Toc144843015)

[SECTION X 41](#_Toc144843016)

[EMPLOYMENT CLASSIFICATIONS/ COMPENSATION 41](#_Toc144843017)

[10.1 GENERAL POLICY 41](#_Toc144843018)

[10.2 EMPLOYMENT CLASSIFICATIONS 41](#_Toc144843019)

[10.3 EMPLOYEE STATUS 41](#_Toc144843020)

[10.4 WORK WEEK 41](#_Toc144843021)

[10.5 WORKDAYS 42](#_Toc144843022)

[10.6 WORK HOURS 42](#_Toc144843023)

[10.7 ATTENDANCE 42](#_Toc144843024)

[10.8 BREAKS AND LUNCH PERIODS 42](#_Toc144843025)

[10.9 BREASTFEEDING/LACTATION 42](#_Toc144843026)

[10.10 COMPENSATION TIME 43](#_Toc144843027)

[10.11 OVERTIME PAY 43](#_Toc144843028)

[10.12 ON CALL PAY 43](#_Toc144843029)

[10.13 DAILY LOGS OR TIME SHEETS 44](#_Toc144843030)

[SECTION XI 45](#_Toc144843031)

[SALARY PLANNING 45](#_Toc144843032)

[11.1 GENERAL POLICY 45](#_Toc144843033)

[11.2 PAY PLAN DEVELOPMENT AND ALLOCATION 45](#_Toc144843034)

[11.3 APPOINTMENT 45](#_Toc144843035)

[11.4 MERIT INCREASE 45](#_Toc144843036)

[11.5 SELECTIVE SALARY ADJUSTMENT 46](#_Toc144843037)

[11.6 COST OF LIVING ADJUSTMENTS 46](#_Toc144843038)

[11.7 PROMOTION 46](#_Toc144843039)

[11.8 ORDER OF SALARY CALCULATION 46](#_Toc144843040)

[11.9 REASSIGNMENT 46](#_Toc144843041)

[11.10 DEMOTIONS 46](#_Toc144843042)

[SECTION XII 48](#_Toc144843043)

[PAYROLL ADMINISTRATION 48](#_Toc144843044)

[12.1 PAY PERIODS 48](#_Toc144843045)

[12.2 PAY DAYS 48](#_Toc144843046)

[12.3 MINIMUM WAGE AND PAY SCALE SCHEDULE 48](#_Toc144843047)

[12.4 PAY DEDUCTIONS 48](#_Toc144843048)

[SECTION XIII 49](#_Toc144843049)

[REIMBURSABLE EXPENSES 49](#_Toc144843050)

[13.1 GENERAL POLICY 49](#_Toc144843051)

[13.2 TRAINING AND CONFERENCES 49](#_Toc144843052)

[13.3 TRAVEL POLICY 49](#_Toc144843053)

[SECTION XIV 51](#_Toc144843054)

[BENEFITS 51](#_Toc144843055)

[14.1 WORKERS COMPENSATION 51](#_Toc144843056)

[14.2 SOCIAL SECURITY/FICA 51](#_Toc144843057)

[14.3 INSURANCE 52](#_Toc144843058)

[14.4 STATE AND FEDERAL UNEMPLOYEMNT 52](#_Toc144843059)

[SECTION XV 53](#_Toc144843060)

[FAMILY AND MEDICAL LEAVE ACT 53](#_Toc144843061)

[15.1 GENERAL POLICY 53](#_Toc144843062)

[15.2 ELIGIBILITY 53](#_Toc144843063)

[15.3 LEAVE OPTIONS 54](#_Toc144843064)

[15.4 NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS 54](#_Toc144843065)

[15.5 BENEFITS AND EMPLOYMENT STATUS 54](#_Toc144843066)

[SECTION XVI 55](#_Toc144843067)

[LEAVES OF ABSENCE 55](#_Toc144843068)

[16.1 ABSENT WITHOUT LEAVE 55](#_Toc144843069)

[16.2 VACATION LEAVE 55](#_Toc144843070)

[16.3 HOLIDAY LEAVE 56](#_Toc144843071)

[16.4 SICK LEAVE 56](#_Toc144843072)

[16.5 INJURY LEAVE 57](#_Toc144843073)

[16.6 EMERGENCY LEAVE 58](#_Toc144843074)

[16.7 MILITARY LEAVE 58](#_Toc144843075)

[16.8 JURY LEAVE 58](#_Toc144843076)

[16.9 ADMINISTRATIVE LEAVE 58](#_Toc144843077)

[16.10 FUNERAL LEAVE 58](#_Toc144843078)

[16.11 LEAVE WITHOUT PAY 58](#_Toc144843079)

[16.12 DOCUMENTATION OF LEAVE 59](#_Toc144843080)

[GENERAL SAFETY 60](#_Toc144843081)

[17.1 GENERAL POLICY 60](#_Toc144843082)

[17.2 PROPER USE OF THE TOWN OF VIRGIN EQUIPMENT AND TOOLS 60](#_Toc144843083)

[SECTION XVIII 61](#_Toc144843084)

[UOSHA REQUIREMENTS 61](#_Toc144843085)

[18.1 GENERAL POLICY 61](#_Toc144843086)

[18.2 POSTING UOSHA NOTICES 61](#_Toc144843087)

[18.3 INSPECTION PROCEDURES 61](#_Toc144843088)

[18.4 ACCIDENT REPORTING PROCEDURES 62](#_Toc144843089)

# PART I

# POLICIES

## SECTION I

## EQUAL EMPLOYMENT OPPORTUNITY (EEO)

**GENERAL POLICY.** It is the policy of the Town of Virgin to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc., without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veterans’ status.

**PROTECTION FROM LOSS AND LIABILITY (INDEMNITY)**

### 1.1 GENERAL POLICY

Town of Virgin will take all necessary precautions and steps in written contracts to prevent loss and liability arising from entering relationships with independent contractors using an Indemnity Provision Agreement, or Hold Harmless Agreement. No work shall be performed by any private contractor until:

1. A written contract between the Town of Virgin and the contractor has been entered into and signed by both parties.
2. The signed written contract has been co-signed by the city recorder.

C. Each contract with a private contractor should contain indemnity/hold harmless clauses which provide that:

1. All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.

2. All contractors must provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract.

3. Town of Virgin and its officials, employees, agents and volunteers must be named as additional insured on the liability insurance policy.

D. Each contract with a private contractor should contain provisions that ensure the contractor is carrying workers compensation insurance coverage.

1. Town of Virgin should require evidence of workers compensation insurance (or evidence of qualified self-insurance) from all contractors.

2. Town of Virgin should have the contractor show evidence of the contractors’ workers compensation coverage to Town of Virgin

## SECTION II

## EMPLOYEE HIRING

### 2.1 EMPLOYMENT

Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.

### 2.2 RECRUITMENT

All recruitment shall be conducted in a non-discriminatory manner.

A. Internal Promotions. It is Town of Virgin’s policy to give first consideration to current agency employees to fill a job position.

B. External Advertising.

a. Only the Mayor, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.

b. Each job opening notice should contain a statement indicating that the Town of Virgin is an equal opportunity employer.

c. All job opening notices must specify the name and office of the person from whom job applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.

d. Advertisements may state that job applicants residing in Town of Virgin or the surrounding area will be given hiring preference.

### 2.3 SELECTION

A. Nepotism. It is the policy of Town of Virgin to comply with the provisions of Utah’s Anti-nepotism Act, Utah code 52-3-1.

B. Employment of Minors. It is the policy of the Town of Virgin that no one under the age of fourteen (14) shall be hired for any position.

C. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all other applications. The Mayor will review the former employee’s personnel records and the circumstances surrounding termination of previous employment with the Town of Virgin

a. Former employees who have been terminated for cause are not eligible for rehire.

b. Applicants who are rehired shall be required to serve a orientation period.

D. Job Applications. All interested job applicants shall complete a Job Application.

a. All applications and resumes received for the job opening will be forwarded to the Mayor, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an Applicant’s File for at least one year.

b. Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant’s signature. The job applicant shall provide a copy of the required certified educational transcripts either with the application or upon hire (if required for the position).

E. Veteran’s Preference. Honorably discharged veterans who have served in the armed forces of the United States during a period of more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated under honorable conditions, and any un-remarried surviving spouse of such honorably discharged veterans shall be preferred for employment, either directly or by contract, if they possess equal qualifications to other applicants for that employment as recorded in Utah Code § 71-10-2, and § 71-10-3.

F. General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the General Aptitude Test Battery. If administration of the GATB is deemed necessary, it may be administered by Job Service.

G. Other Ability Tests. Job applicants may be required to take other ability tests which Town of Virgin deems necessary for a specific position. Job applications for certain positions may require skills for which a known level of competence must exist such as mathematics, key punch, and/or timed typing tests. When Town of Virgin uses other ability tests, Town of Virgin shall make reasonable accommodations for disabled applicants.

H. Job Applicant Disqualifications. An application may be rejected if the job applicant:

a. Does not meet the minimum qualifications established for the position.

b. Is physically or mentally unable to perform the essential duties and responsibilities of the position with reasonable accommodations (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant.)

c. Has falsified a material fact or failed to complete the application.

d. Has failed to timely file the application.

e. Has an unsatisfactory employment history or poor work references.

f. Has failed to attain a passing score, if any examination is required.

I. Interviewing.

a. The Mayor, or designee, will select applicants to interview from those who have passed the preliminary screening job application and ability tests. Job-related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.

b. Individuals conducting job interviews shall only ask questions that pertain to the job position. The Pre-Employment inquiry Guide should be reviewed by the interviewer before the interview begins. In addition, during the interview each interviewer completes an interview guide which is consistent with Town of Virgin’s. Equal Employment Opportunity policy.

J. Reference Checks. In order to facilitate reference checks, written permission shall be obtained from the applicant using the Applicants Consent to Release information form. Town of Virgin may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked, using Town of Virgin’s telephone and written reference check questionnaires.

### 2.4 PLACEMENT

A. Rejection Letters. Within five (5) working days after the job offer has been accepted, non- selected job applicants shall be notified. The Mayor, or designee, will send a Job Rejection Letter to each job applicant who was not selected for a job opening.

B. Job Offers. After a job applicant is approved by Town of Virgin, the Mayor shall notify the successful job applicant of their selection through a written Job Offer Letter. The written Job Offer Letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written Job Offer Letter and returns it to the Town of Virgin by the requested date. The original Job Offer Letter is then filed in the employee’s file and a copy is given to the new employee during orientation. Written Job Offer Letters should also include the following.

a. A clear statement of the job description.

b. The employee’s starting salary. Starting salary offers for exempt positions shall be figured for a specified period, such as a two-week period. Starting salary offers for non-exempt positions shall be figured at an hourly wage.

c. The employee’s job title.

d. The employee’s supervisor

e. Any relocation commitments, if applicable

f. Town of Virgin’s at-will employment policy

g. The employees starting date

h. The length of the employees’ orientation period.

i. Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.

C. Medical Examinations. Once Town of Virgin has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by Town of Virgin To determine a job applicant’s ability to fulfill essential job-related requirements. Only the Mayor may authorize such an interview or physical examinations. All costs for required medical interviews or physical examinations will be borne by Town of Virgin. The prospective employee must sign a written release of this information to Town of Virgin

D. Reinstatements. Employees who are reinstated into The Town of Virgin may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:

a. Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Town of Virgin within one year after date of termination.

b. Voluntary resignation. Employees who voluntarily terminate their employment with Town of Virgin may maintain their original anniversary date, subject to Mayor and/or city Council approval, if they are re-employed by Town of Virgin within six months of termination.

E. Hiring New Employees.

a. Required for all employees: The Mayor, or designee, is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on Town of Virgin’s policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours during the employees first day of work.

b. Additional Requirements for all part-time, temporary, and seasonal employees only: If applicable, the Mayor, or designee, is responsible for filling out a Part Time/ Temporary/Seasonal Employment Agreement.

c. Additional Requirements for Employment of Minors (employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certifications for each minor employed to show that the minor is the minimum age for the job.

d. Unless otherwise exempt, a minor employee must be paid according to the current statutory minimum wage per hour and overtime (currently one- and one-half times the employees regular wage after forty hours worked in a work week. Provisions of the Fair Labor Standards Act of 1938 as amended.

e. Employees fourteen (14) and fifteen (15) years old may not be employed:

i. During school hours, except as provided for in work experience and career exploration programs

ii. Before 7 a.m. except from June 1 through Labor Day.

iii. More than three (3) hours a day on school days.

iv. More than eighteen (18) hours a week in school weeks.

v. More than eight (8) hours a day, on non-school days

vi. More than forty (40) hours a week, in non-school weeks

vii. In any occupations found and declared to be hazardous.

viii. In the operation or tending of hoisting apparatus

ix. In the operation or tending of any power-driven machinery

x. Outside window washing that involves working from windowsills, and all work requiring the use of ladders, scaffolds, or their substitutes.

e. Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of Labor “shall find and by order declare to be particularly hazardous or detrimental to their health and wellbeing” as set forth in WH publication 1330, entitled Child Labor Requirements in Nonagricultural Occupations.

F. Orientation. Newly hired employees shall complete all required paperwork and receive orientation as new employees of Town of Virgin on their first day of work.

a. In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury that they are a U.S. Citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.

b. All new employees shall complete and sign a form W-4 Federal Withholding Statement.

c. All new employees should be given a tour of the workplace with a brief overview of company rules and benefits, if applicable for the position.

G. Orientation Period.

a. All new employees shall be subject to a six (6) month orientation period. During this period, orientation employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.

b. Orientation periods begin on the first day of employment and continue for six (6) months. Management will provide guidance to orientation employees so they understand work requirements.

c. An employee in the orientation period shall have a performance evaluation at the end of the orientation period (or a meeting with their manager to discuss their performance and expectations). This performance evaluation may be used to provide information to both the employee and management regarding the employee’s performance. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the orientation employee relative to their job/position.

### 2.5 VOLUNTEERS

A. “Court Ordered” Community Service Volunteer Labor is not authorized and shall not be accepted at Town of Virgin except on a case by case basis and approved by Town Council.

B. The Mayor, with approval of the City Council, may establish a program for the use of any volunteers.

C. Prior to accepting any volunteer services, the Mayor and the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.

D. A volunteer is considered an employee of Town of Virgin for the purposes of:

a. Workers’ compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.

b. Operating Town of Virgin owned vehicles or equipment when the volunteer is properly licensed to do so.

c. Liability insurance coverage offered to employees.

F. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with Town of Virgin

## SECTION III

## ALCOHOL AND DRUG FREE WORKPLACE

### 3.1 GENERAL POLICY

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

### 3.2 EMPLOYEE RESPONSIBILITIES

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

B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the Mayor within five days after the conviction.

C. No employee shall consume alcoholic beverages immediately before work, during work hours, while at work, during breaks, or during lunch.

D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.

E. No employee shall represent Town of Virgin in an official capacity while impaired by alcohol, illegal drugs, or medications.

F. No employee using medication that may impair performance shall operate a motor vehicle on behalf of Town of Virgin

G. If an employee is using prescription or non-prescription mediation 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, or medication shall notify the impaired employee’s supervisor and/or the Mayor.

### 3.3 TESTING FOR REASONABLE SUSPICION AND RANDOM TESTING

A. The supervisor, after discussion with the Mayor, may direct that an employee or volunteer submit to a drug screening test under circumstances in which the supervisor has a reasonable suspicion that the employee or volunteer is under the influence of drugs or otherwise in violation of this policy.

B. Circumstances which may constitute a basis for determining a reasonable suspicion include but are not limited to: a pattern of abnormal or erratic behavior (i.e. a significant change in absenteeism); the direct observation of the employee or volunteer using drugs, possession of drugs at the work site, or the noticeable presence of physical symptoms of drug use (i.e. dilated or pinpoint pupils, unusual changes in speech pattern, restlessness, rapid mood swings, bloodshot eyes, odor of alcohol, unusual euphoria, “nodding off”, needle marks, unusual aggressive or bizarre acts, or hallucinations).

a. Rehabilitation Testing: Employees who agree to enter a drug rehabilitation program, either in addition to or in lieu of disciplinary action, shall agree, as a condition of rehabilitation, to submit to such periodic or random drug testing as may appear appropriate. Such drug testing shall be conducted upon the advice of the rehabilitation treatment provider and shall be used to determine if the employee is making adequate progress towards successful rehabilitation.

b. Random Testing of Safety Sensitive Personnel: Employees who work in the following safety sensitive positions shall be subject to random drug tests as a condition of employment.

c. Miscellaneous Testing: Employees and volunteers shall be subject to such other drug testing as may be required by appropriate state or federal laws or regulations, including driver’s license examinations and other license or certification requirements. All such drug testing shall be considered a condition of employment.

### 3.4 DISCIPLINARY ACTION

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

## SECTION IV

## HARASSMENT

### 4.1 GENERAL POLICY

Harassment includes bullying, intimidation, direct insults, malicious gossip, and victimization. We can’t create an exhaustive list, but the following policy outlines some instances that we consider harassment. Sexual harassment is illegal, and we will seriously investigate relevant reports. If an employee is found guilty of sexual harassment, they will be subject to the Town’s disciplinary policy, which may include termination. It is the policy of the Town of Virgin that;

A. The giving or withholding of tangible job benefits based on the granting of sexual favors (Quid pro Quo) and any behavior or conduct of sexual/gender based nature, which is demeaning, ridiculing or derisive and results in a hostile abusive or unwelcome work environment constitutes sexual harassment.

B. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.

C. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.

D. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action against the accuser.

E. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.

F. Records and proceedings of sexual harassment claim, investigations, or resolutions are confidential and shall be maintained separate and apart from employee’s personnel file.

G. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievances procedures during orientation and in-service training.

### 4.2 PROHIBITED CONDUCT

1. Sample prohibited acts:
   1. Any deliberate, unwanted, or unwelcome behavior of sex/gender based nature, whether verbal, non-verbal, or physical.
   2. Sabotaging someone’s work on purpose.
   3. Commenting derogatorily on a person’s ethnic heritage or religious beliefs.
   4. Starting or spreading rumors about a person's personal life.
   5. Ridiculing someone in front of others or singling them out to perform tasks unrelated to their job (e.g., bringing coffee) against their will.

B. Two major categories of sexual/gender harassment are:

a. Quid Pro Quo, or the granting or conditioning of tangible job benefits or the granting of sexual favors.

b. Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:

i. Level One: Sex role stereotyping

1. Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.

2. Comments or written material reinforcing traditional historic perceptions regarding gender.

ii. Level Two: Gender harassment/discrimination

1. Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.

2. Creating an environment that demonstrates a demeaning, ridiculing or derisive attitude toward a specific gender.

iii. Level Three: Targeted or individual harassment

1. Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.

2. Offensive conduct may be verbal, visual, or physical, including unwanted physical touching of a non-criminal nature.

iv. Level Four: Criminal touching.

1. The intentional unwanted touching of the breasts, buttocks, genitals or other body parts.

2. Forcible sexual abuse.

### 4.3 TYPES OF CORRECTIVE ACTION

Any employee who is being harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

A. Informal Action.

a. Employees who are experiencing an unwelcome or hostile work environment shall notify their supervisor.

b. This notification may be:

i. Verbally, in person

ii. In writing, signed or unsigned.

iii. Through another supervisor, verbally or in writing. The victim may:

1. Ask the supervisor for assistance in determining what to say and how to approach the offending employee.

2. Request the supervisor to accompany the victim when the victim gives the offending employee notice.

3. Ask the supervisor to give notice to the offending employee, accompanied by the victim.

4. Ask the supervisor alone to provide notice to the offending employee.

B. Formal Action

a. Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level Four as described above, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.

b. Formal complaints should be in writing and specify:

i. The identity of the victim.

ii. The identity of the offending employee

iii. The offensive behavior that the employee engaged in

iv. The frequency of the offensive behavior

v. Damage the victim suffered as a result of the offensive behavior.

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

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

d. The victim should submit formal written complaints to their immediate supervisor, If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to the next highest supervisor, the department head, the Mayor, or designee.

### 4.4 DISCIPLINARY ACTION

Employees found guilty of harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case, as well as the offending employee’s work history.

### 4.5 MAINTAINING COMPLAINT FILES.

A. Information related to any harassment complaint, proceeding, or resolution shall be maintained in separate and confidential harassment complaint files. This information shall not be placed or maintained in any employee’s personnel file.

B. Information contained in the harassment complaint files shall be released only with the written authorization of the victim and the Mayor, or designee.

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

### 4.6 VICTIM PROTECTION.

A. Individual complaints, either verbal or written, are confidential.

B. Victims of alleged sexual harassment shall NOT be required to confront the accused outside of a formal proceeding.

C. The accused shall NOT contact the victim regarding the alleged harassment.

D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in any investigation, proceeding or hearing.

a. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.

b. Retaliation is an additional and separate disciplinary offense.

c. Retaliation may consist of, but is not limited to, any of the following

i. Open hostility

ii. Exclusion or ostracism

iii. Special or more closely monitored attention to work performance

iv. Assignment to demeaning duties not otherwise performed during the regular course of the employee’s duties.

## SECTION V

## EMPLOYEE CODE OF CONDUCT

### 5.1 PROFESSIONALISM

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

Employees are expected to be present, meaning, they are engaged in work activities during work hours. Employees are allowed to make personal calls during work hours and are able to take care of personal things during work hours, however, these issues should be kept as minimal as possible. Employees should refrain from excessive cell phone use, i.e. time spent on personal texts, social media, entertainment, etc. “Excessive” is determined by the employee’s direct supervisor. Employees that overuse this privilege may be subject to disciplinary action.

### 5.2 PRIVILEGED INFORMATION

The Town of Virgin employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by a Town plan or activity, this situation must be reported to the Mayor immediately. Each employee is charged with the responsibility of ensuring that only information that should be made available to the general public is released as defined in the Government Records Access and Management Act.

### 5.3 CONFIDENTIALITY

Fellow employees have an unquestionable right to expect all personal information about themselves, their illness, and their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.

### 5.4 GIFTS AND GRATUITIES

The Town of Virgin employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with the Town of Virgin, or from any person within or outside the Town of Virgin’s employment whose interests may be affected by the employee’s performance or nonperformance of official duties. The Town of Virgin employees will not accept gifts or gratuities except under circumstances allowed by the Utah Employee Ethics Act 67-16

### 5.5 ATTENDANCE

Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify his/her supervisor prior to the scheduled work time. If the employee is ill or has an emergency, he/she should notify a supervisor (immediate supervisor preferred) as soon as possible on each day of absence.

### 5.6 APPEARANCE

The Town of Virgin reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

### 5.7 SMOKING

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

### 5.8 PERSONAL USE OF THE TOWN OF VIRGIN OFFICE ITEMS

A. Computer equipment.

a. Personal use of The Town of Virgin owned computer systems is permitted only when all the following criteria are met.

i. The use offers an opportunity for the employee to increase the employee’s job-related knowledge and skills.

ii. The employee is not compensated for the work performed, unless the employee has received prior written approval by the Mayor

iii. The employee pays for the cost of consumables and other attendant expenses (paper, computer on-line/access charges, etc.).

iv. The employee uses the computer system after hours, or on the employee’s personal time.

v. The employee does not use the computer system for permanent storage of data.

vi. The use does not conflict with the employee’s job responsibilities or normal Town business.

vii. The use has been approved by the Mayor.

B. Postage Meters. No employee shall be allowed to use Town owned postage metering machines at any time for posting and mailing of any material of a personal nature.

C. FAX and Copy Machines. Any employee desiring to use Town owned FAX or copy machines for items of a personal nature may do so after paying for such use at the rate which is in effect at the time of use.

D. Telephone Calls.

a. Employees are expressly prohibited from making long-distance telephone calls of a personal nature on Town owned telephones.

b. It is expected that all employees will use Town owned telephones for local personal calls judicially. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.

### 5.9 PURCHASING

When a procurement involves the expenditure of federal assistance funds, the Town of Virgin shall comply with all applicable federal laws and regulations.

A. Purchase Orders.

a. Any purchases that are not part of the daily expense of running the office and are not approved within the current budget, or expenses over $500 require approval by the Mayor, or designee, prior to the purchase.

### 5.10 TIME CARDS

A. All hourly employees of the Town of Virgin are required to maintain an accurate and legible record of all their hours worked for Town of Virgin on timecards.

B. Timecards will be signed and dated by the employee, and forwarded to the Mayor, or designee, as directed for review and payment.

C. Time will be round up or down to 15-minute increments using the 7-minute rule.

### 5.11 CREDIT CARDS

The Town of Virgin credit cards shall be used for official business only and shall not be used for the personal convenience of an employee.

### 5.12 OUTSIDE ACTIVITIES

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

A. Pursue the outside activity on the employee’s own time.

B. Pursue the outside activity away from the Town’s offices.

C. Discourage any phone, mail, or visitor contact related to the outside interest at Town offices.

D. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.

E. Except as provided in paragraph 8, not use data processing equipment, postage metering machines, copier, other Town of Virgin owned equipment or supplies for the outside interest.

### 5.13 POLITICAL ACTIVITY

A. An employee shall not engage in political activity during work hours, unless on approved leave.

B. An employee shall not be coerced to support a political activity, whether funds or time are involved.

C. An employee shall not use Town of Virgin owned equipment, supplies or resources, and other attendant expenses (paper, computer online and access charges etc.) when engaged in political activity.

D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.

E. An employee shall not use the employee’s title or position while engaging in political activity.

F. If an employee decides to run for town office, and is elected, the employee must resign their position as an employee before being sworn into public office.

### 5.14 SECONDARY EMPLOYMENT

A. Town of Virgin employment is primary.

a. Employment with the Town of Virgin shall be the employee’s primary employment. Town of Virgin employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.

b. Employees are required to provide written notification to the Mayor, or designee, using the Employee’s Notice of Secondary Employment before starting any secondary or outside employment. This notification should include the following information:

i. The employers name, business name, and business address

ii. A general overview of the type of business engaged in by the secondary employer.

iii. The specific duties engaged in by the employee at their secondary employment.

B. The Town of Virgin’s approval process

a. The Mayor, or designee, shall review the information contained in the Employees Notice of Secondary Employment and determine whether the employee’s secondary employment is approved or denied. Factors to consider include, but are not limited to the following:

i. That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with the Town of Virgin. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.

ii. That the secondary employment could invoke a conflict of interest with their employment with the Town of Virgin

iii. That the secondary employment is immoral or unethical.

b. This decision shall be communicated in writing to the employee, using the same Employee’s Notice of Secondary Employment.

c. The employee:

i. Shall abide by that decision.

ii. May appeal the decision to the City Council, whose decision shall be final.

iii. May voluntarily resign their employment with the Town of Virgin.

### 5.15 SOCIAL MEDIA POLICY

The purpose of this policy is to provide guidelines and clarification for participation in both the Town of Virgin-hosted social media and for employee’s personal use of social media when the employee’s Town affiliation is known, identified, or presumed. This policy is not intended to guide personal online communications when employees do not associate or identify themselves with the Town of Virgin.

While this policy does not attempt to articulate all required or proscribed behavior, it does seek to assist in such judgment by providing guidelines. The same principles and guidelines that apply to employees in general apply to activities online. However, due to the nature of the internet, more accountability is to be expected. If you are unclear about the acceptable content or use of social media seek clarification from your supervisor beforehand.

A. Definitions

1. Content Owner(s)- person(s) approved by the Mayor to post information regarding their program, department, or the town on an official Town of Virgin-hosted social media platforms.
2. Moderator- Assigned by Mayor approval as the individual(s) responsible for moderating comments and postings by internal and external users on Town of Virgin-hosted Social Media Platforms, including deleting comments and postings that do not meet the criteria set forth in this policy.
3. Social Media Platforms or Social Media- Technology tools and online spaces for integrating and sharing user-generated content in order to engage constituencies in the town’s mission/goals and allow them to participate in content and community creation: Examples include: Facebook, Twitter, LinkedIn, Google+, YouTube, Instagram, Blogs, websites, and others.
4. Town of Virgin Social Media Platforms- Any account set up and approved by the Town of Virgin on a Social Media platform to represent the Town as an “official” source of information.
5. Policy
   1. The Town of Virgin will have written policies and procedures that address issues related to the use of Social Media for both business purposes and social (personal) purposes by an employee of the Town when a relationship with the Town of Virgin is either established, presumed, or implied.
   2. All social media content and use must be lawful and must comply with all of the Town of Virgin’s policies including, but not limited to, HIPAA, copyright laws, harassment, and discrimination laws, and any Electronic Communications Policy.

Business Purposes:

1. The Town of Virgin uses Social Media for business purposes to increase its visibility and build relationships in our community with various stakeholders, including: community members, persons served, other service/community organizations, legislators and elected officials, employees, potential employees, advocates, volunteers, and donors.

Personal (Social) Purposes:

* 1. Social Media is largely about connecting, helping others, and having fun and is also a valuable resource to learn and to contribute. Each individual is responsible for whether they participate in social media and what they post online, even while not at work if they identify themselves as a Town of Virgin employee, either explicitly or implied. Individuals are expected be helpful and supportive and be respectful towards their employers, co—workers, and even competitors. No employee posting shall imply that they are speaking on behalf of the Town of Virgin or that their opinions are those of the Town. The Town of Virgin believes in good communication between employees, community partners, clients/potential clients, and the general public.

C. Procedures

Business Purposes:

1. Institutional representation for the Town of Virgin on social media will be authorized by the Mayor. Requests for official use of social media platforms may be requested by programs, departments, special events for specific purposes that meet the goals of the Town of Virgin and may be submitted through the Town Council for approval. This would apply to individual departments or program websites, Facebook pages, Twitter accounts, etc. Any sites or pages existing without prior authorization as required above are subject to review when discovered and may be amended or removed.
2. The Mayor shall identify an individual as a Moderator to oversee, plan, coordinate, and moderate the use of Town of Virgin-hosted social media platforms. That individual will identify goals for the use of social media and steps toward meeting those goals to ensure that social media efforts support the mission and goals of the Town. This individual will also moderate content and postings by both internal and external users, including deleting comments and postings that do not meet the criteria set forth in this policy. Violations of this policy and potential violations will be brought to the attention of the Mayor and/or Town Council.
3. Content Owner(s) are responsible for posting and using content and maintaining compliance with all Town of Virgin policies as well as other rules and regulations pertaining to online content.
   1. Content Owner(s) should keep abreast of changes in policies or functionality of the social media platforms and maintain compliance with the terms of service for each platform.
   2. Content Owner(s) should respect copyright and disclosure laws. Proprietary financial, intellectual property, or similar sensitive or private content shall not be revealed.
   3. Content Owner(s) ensure that content is current and accurate.
   4. Content owner(s) share in responsibility for constantly monitoring postings and comments to social media sites that they post to and for deleting postings that do not adhere to our policies.
   5. Content owner(s) will coordinate with the Mayor and/or Town Council for guidance regarding how to best respond to negative posts directed towards the Town of Virgin on social media.
   6. Whenever possible, accounts will be set up to block Private Messages or other communications that are not visible to the community as a whole.

Personal (Social) Purposes:

1. Employees should not be accessing social media sites during work hours unless it is a function of their job and they have been authorized to do so whether they are using Town of Virgin equipment or their own. Employees may access social media sites while on a break or during their lunch period. Appropriate caution should be taken when accessing anything on the internet at work in order to avoid potential risks, including security risks and other threats such as viruses, worms, and etc.
2. It is strongly recommended that you *use a disclaimer* if you publish a blog, post a comment, or share an image and it has something to do with the work that you do at the Town of Virgin or you acknowledge/imply that you are an employee of the Town.

The following standard legal disclaimer language may be used:

“The postings on this site are my own and do not represent the Town of Virgin’s positions, strategies, or opinions.”

OR

“DISCLAIMER: This is a personal Website, produced on my own time and solely reflecting my personal opinions. Statements on this site do not represent the views or policies of my employer, past or present, or any other organizations with which I may be affiliated.”

Note to managers and elected officials—this standard disclaimer does not by itself exempt managers and elected officials from a special responsibility when blogging or posting. By virtue of their position, managers and elected officials must consider whether personal thoughts they publish may be misunderstood as expressing the Town of Virgin positions. A manager should assume that his or her employees (as well as others in the organization and community) will read what is written. Personal social media is not the place to communicate about Town of Virgin business or policies.

1. General guidelines for social/personal media use (when you associate yourself in some way with the Town of Virgin) include the following:
   1. Be helpful and supportive. You are encouraged to share your insights, express your opinion, and share information as appropriate, especially when it is helpful to others.
   2. Do not misrepresent your position or credentials when associating yourself with the Town of Virgin on social media. Do not give advice or the appearance of giving advice beyond your credentials and experience and what would be appropriate on social media and within your professional code of ethics.
   3. Please post knowledgeably, accurately, and use appropriate professionalism.
   4. Be quick to correct your own mistakes and admit when you are wrong.
   5. Do not use ethnic slurs, insults, obscenities, bullying or engage in other conduct that would be unacceptable at work or in social situations.
   6. Be considerate of other’s privacy and topics that could be considered personal.
   7. Do not pick fights
   8. Make it clear that the words and thoughts you write online are your own and not your employer’s.
   9. Speak in the first person (I, not We) when referring to your work.
   10. Be aware that your actions captured via images, videos, posts, tweets, or comments can reflect on the reputation and/or perception of the Town of Virgin.
   11. You are legally liable for anything you write or present online.
   12. Unless given specific permission, you are not authorized to speak on behalf of the Town of Virgin or to represent that you do so.
   13. Employees can be appropriately disciplined and/or have litigation brought against them for commentary, content, videos, or images that are defamatory, pornographic, proprietary, harassing, libelous, or can create a hostile work environment.
   14. Ensure that your social media activity does not interfere with your work commitments.
   15. When appropriate, please direct others to the official website and social media accounts of the Town of Virgin for information.
   16. The official Town logo may only be used on company-approved sites or blogs
   17. If you have any questions on what has been released to the public or what can be released, speak with your supervisor, the Mayor, or a member of the Town Council. Do so before releasing information that could potentially harm the Town of Virgin, our current or potential clients/employees, community partners, and the community in general.

D. Violation

1. Any employee found to be in violation of this policy is subject to disciplinary action up to and including termination of employment.

E. Emerging Technologies

a. This policy does not address the specific details of technologies that are yet to be invented or implemented with the Town of Virgin. This policy should be sufficient to allow you to determine the acceptable use of any new or emerging technology. If you have any questions regarding appropriate use of a particular technology not specifically covered in this policy, please contact your supervisor, the Mayor, or a member of the Town Council.

## SECTION VI

## DISCIPLINARY ACTION

### 6.1 GENERAL POLICY

A. It is the policy of the Town of Virgin that management will inform its employees about what is expected at work, what constitutes employee misconduct, what management and employee may do to correct any misconduct, and what the employee’s rights are if disciplined.

B. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Town government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.

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

D. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee’s Personnel Record.

### 6.2 TYPES OF DISCIPLINARY ACTION TO BE TAKEN

A. Verbal Warning

a. Whenever grounds for disciplinary action exist, and the Mayor, or designee, determines that more sever action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.

b. Whenever possible, sufficient time for improvement should precede additional disciplinary action.

B. Written Reprimand.

a. The Mayor, or designee, may reprimand an employee for cause. The Mayor, or designee, shall furnish the employee with a:

i. Written Employee Reprimand Notification setting forth the reasons.

ii. A copy of the Employee Written Reprimand Notification signed by the Mayor and the employee shall be permanently placed in the employee’s personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

C. Suspension.

a. The Mayor, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.

b. When suspending an employee, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, “Imposing Disciplinary Action”.

c. On or before the effective date of the suspension, the Mayor, or designee, shall furnish the employee with a written Employee Suspension Notification setting forth the reason(s) for suspension.

d. A copy of the Employee Suspension Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee’s personnel file. If the employee refuses to sign the form, the Mayor or designee, will so state.

e. An employee on suspension shall be responsible for making full contributions to their employee medical insurance benefits.

D. Demotion.

a. The Mayor, or designee, may demote, or reduce in grade, an employee for cause or provide for reasonable accommodation in appropriate circumstances.

b. When demoting an employee, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, “Imposing Disciplinary Action”.

c. On or before the effective date of the demotion, the Mayor, or designee, shall furnish the employee with a written Employee Demotion Notification setting forth the reason(s) for demotion.

d. A copy of the Employee Demotion Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee’s personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

E. Transfer.

a. The Mayor, or designee, may transfer an employee (with the exception of an orientation employee) by furnishing the employee with a written Employee Transfer Notification

b. A copy of the Employee Transfer Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee’s personnel file. If the employee refuses to sign the form, the Mayor or designee, will so state.

F. Termination.

a. The Mayor, or designee, may terminate an employee for cause.

b. When terminating an employee for cause, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled; “Imposing Disciplinary Action”.

c. On or before the effective date of the termination for cause, the Mayor, or designee, shall furnish the employee with a written Employee Termination Notification setting forth the reasons(s) for termination.

d. A copy of the Employee termination Notification, signed by the Mayor, or designee, and employee, shall be permanently placed in the employee’s personnel file. If the employee refuses to sign the form, the Mayor, or designee, will so state.

### 6.3 CAUSES FOR DISCIPLINARY ACTION.

A. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following;

a. Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.

b. Violation of the code of personal conduct.

c. Conduct which endangers the peace and safety of others or poses a threat to the public interest.

d. Unjustified interference with work of the other Town of Virgin employees.

e. Misconduct

f. Malfeasance

g. Misfeasance

h. Nonfeasance

i. Incompetence

j. Negligence

k. Insubordination

l. Failure to maintain skills

m. Inadequate performance of duties

n. Unauthorized absence

o. Falsification or unauthorized alteration of records

p. Violation of Town of Virgin policies.

q. Falsification of employment application

r. Discrimination in hiring, assignment, or promotion

s. Sexual harassment

t. Violation of the personnel policies and procedures

u. Use of alcohol or drugs, other than medications prescribed by a physician.

v. Falsifying Town of Virgin records

w. Knowingly marking the time slip of another employee, authorizing one’s time slip to be marked by another employee, unauthorized alteration of time slip.

x. Unauthorized possession of firearms, weapons, or explosives on Town of Virgin property

y. Carelessness which affects the safety of personnel

z. Threatening, intimidating, coercing, or interfering with fellow employees on the job or the public at large.

aa. Theft or removal of any Town of Virgin property or property of any employee from the work area premises without proper authorization.

bb. Gambling or engaging in a lottery at any Town of Virgin work area

cc. Misusing, destroying, or damaging any Town of Virgin property or the property of any employees.

dd. Deliberately restricting output.

ee. Sleeping during working hours, with the obvious exception of firefighter employees.

ff. Fighting (verbal or physical) on Town of Virgin premises

gg. Any act that might endanger the safety or lives of others.

### 6.4 CONDUCTING AN INVESTIGATION

A. The Mayor or designee shall conduct an investigation into the allegations which form the grounds for disciplinary action.

B. During an investigation to determine the facts upon which disciplinary action may be imposed, the Mayor, or designee, may place an employee on administrative leave.

C. Disciplinary action shall not be imposed until a Loudermill hearing, with appropriate written notice, has been completed by the Mayor, or designee. The investigation shall include an opportunity for the employee to respond to the allegations.

Note - The term ‘Loudermill rights' refers to those**employee rights which state that most public employees have a property right in their jobs.** Pursuant to such rights, an employee cannot be dismissed without due process. It also gives the employee a right to a pre-termination hearing that provides them the opportunity to present their part.

### 6.5 IMPOSING DISCIPLINARY ACTION

A. The Mayor shall conduct disciplinary action in a consistent manner.

B. Each employee shall be afforded prior access to the Town of Virgin’s rules, policies and procedures

C. The employee shall receive timely notice of the pre-disciplinary meeting, overview of allegations, and potential disciplinary action.

D. Prior to imposing the disciplinary action, the employee shall have the opportunity to review the disciplinary action with the Mayor, or designee. The employee shall have the opportunity to respond to the allegations. The employee’s written response, if any, and other related documents shall be placed in the employee’s personnel file.

E. In determining the type and severity of the disciplinary action, the Mayor, or designee, may consider aggravating and mitigating circumstances such as: the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employees work record; the effect on the Town of Virgin operations; and/or the potential of the misconduct to harm person(s) or property.

F. For disciplinary action other than a verbal reprimand, the Mayor, or designee, shall notify the employee, in writing, of the findings of the investigation. The written statement shall include:

a. The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.

b. Any prior disciplinary action imposed

c. The disciplinary action to be imposed

d. The effective date and duration of the disciplinary action

e. The corrective action necessary for the employee to avoid further disciplinary action

G. Suspension, demotion, transfer, or termination of an employee shall require the approval of the Mayor.

H. The Mayor, or designee, may note the disciplinary action on their personal notes at the time the disciplinary action is imposed and/or on the employee’s performance evaluation form.

### 6.6 APPEAL PROCEDURES

A. Orientation employees have no appeal rights.

B. Employees have no “verbal warning” appeal rights

C. Employees have no “written reprimand” appeal rights

D. Appealing to an Appeals Board.

Upon written receipt of an employee transfer or termination notice, some employees have the right to first appeal the disciplinary process and action imposed by the Mayor, or designee, to an Appeals Board. Employees within their orientation period do not have appeal rights.

a. An employee must submit their written notice of appeal to the Town of Virgin’s clerk within ten (10) days or an employee will be deemed to have waived all appeal rights.

b. The Appeals Board shall be made up of five (5) members.

* + 1. Two (2) of the members will be from the Town of Virgin’s City Council. The Appeals Board Chairperson will be one of the Town of Virgin’s City Council members.

ii. Three (3) of the members will be employee representatives. Employee representatives will be elected by popular vote. Each Town of Virgin employee will vote for three (3) employee representatives from Town of Virgin’s employees. The top three (3) vote-getters will become the employee representatives. If sufficient Town of Virgin employee representatives are not available, comparable members may be chosen from the community who are mutually agreeable to both the Town of Virgin and the employee.

b. If the Appeal Board overturns the Employee Disciplinary Action:

i. The Appeals Board may also reinstate any loss of pay associated with the Employee Disciplinary Action.

ii. The Mayor, or designee, shall remove the record of the disciplinary action from the employee’s personnel file.

E. Appealing to Town of Virgin’s City Council.

Upon written receipt of an employee suspension, demotion, transfer, or termination notice, some employees have the right to appeal the disciplinary process and action imposed by the Mayor to the Town of Virgin’s City Council (exceptions include orientation employees and eligible employees who must first appeal to an appeals board in accordance with 6.E above.)

a. An employee must submit a written notice of appeal to the Town of Virgin’s clerk within ten (10) days or an employee will be deemed to have waived all appeal rights.

b. If the Town of Virgin’s City Council overturns the employee disciplinary action:

i. The Town of Virgin’s City Council may also reinstate any loss of pay associated with the employee disciplinary action.

ii. The Mayor, or designee, shall remove the record of the disciplinary action from the employee’s personnel file.

c. If the Town of Virgin’s City Council upholds the employee disciplinary action, an employee has no additional appeals rights.

### 6.7 GRIEVANCE PROCEDURES

**GENERAL POLICY**

A. Employees who perceive that they have a grievance against the Town of Virgin should exhaust the administrative procedure set forth in the body of this policy before addressing their grievance through any other forum. An employee may file a grievance about any perceived work-related injustice or oppression resulting from an act occurrence, omission, condition, or unfair labor practice. Issues addressable throughout the grievance process include, but are not limited to:

a. Employee-supervisor relationships

b. Duty assignments not affecting job classification.

c. Shift and job location assignments.

d. Working conditions

e. Practices affecting granting of leave.

B. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following:

a. Name of employee.

b. Date the occurrence or action underlying the grievance occurred.

c. Nature of the grievance.

d. Historical information related to the grievance.

e. Requested resolution.

f. Signature of the employee filing the grievance and date filed.

C. Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event giving rise to the grievance, or within ten (10) days of the employees acquiring knowledge of the occurrence or event giving rise to the grievance.

D. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.

E. If an administrator is unable to answer the grievance within the specified time period due to exigent circumstances, the administrator may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is considered unacceptable, the employee may appeal the decision to the next level of appeal.

F. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.

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

a. Immediate supervisor.

b. Department head

c. City administrator/Mayor

d. Mayor

e. City Council

H. the decision of the City Council constitutes the final level of appeal and is final and non-appealable.

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

FILING

A. No document relating to a grievance shall be placed in the employee’s personnel file.

B. If any disciplinary action against an employee is rescinded as a result of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee’s personnel file and modified record of the disciplinary action shall be placed in the employee’s personnel file.

## SECTION VII

## TERMINATION OF EMPLOYMENT

### 7.1 TYPES OF TERMINATION

Any involuntary termination or termination of an employee who may feel “pressured into a voluntary termination”, also known as a “constructive termination”, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee’s “due process” property rights are not violated.

A. Retirement. Retirement is acceptable as long as it is truly voluntary. The purpose of the Town of Virgin’s retirement program is to provide employees with income benefits upon completion of successful careers.

B. Voluntary Resignation. When an employee wishes to leave the Town of Virgin, they will complete a notice of voluntary resignation form and present it to the Mayor.

C. Resignation, in Lieu of Involuntary Termination, Agreement. The Mayor, or designee, may conclude that an employee should be involuntarily terminated for any reason or for cause. The employee may be given the option to voluntarily resign.

D. Involuntary Termination. The Mayor, or designee, may conclude that an employee should be involuntarily terminated for any reason or for cause.

E. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in the Town of Virgin because of lack of work or lack of funds, the Town of Virgin may attempt to minimize layoffs by readjustment of personnel through reassignment of duty in other work areas.

F. Medical. The Americans with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an “otherwise qualified individual with a disability”. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.

G. Death. If an employee of Town of Virgin dies, their estate, receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/or sick leave) as of the date of death.

### 7.2 REQUIRED NOTICE PRIOR TO TERMINATION.

A. All employees must notify the Town of Virgin at least two (2) weeks before retiring or voluntarily resigning to be eligible:

a. To receive pay for unused, accrued vacation leave (if applicable).

b. To receive pay for vested sick leave (if applicable).

c. For rehire.

B. The Town of Virgin does not have a requirement to give any prior notice to an employee before terminating their employment with the Town. When the Town of Virgin terminates their employment, the Town of Virgin will determine whether any pay for unused, accrued vacation leave (if applicable) or pay for vested sick leave (if applicable) will be paid to the terminated employee.

C. Unused, accrued vacation leave (if applicable) and vested sick leave (if applicable) will always be paid for terminations of employment involving reductions in force/layoffs, medical terminations, and deaths.

### 7.3 TERMINATION PROCEDURES.

A. A notice of voluntary resignation form ~~s~~igned by the employee and Mayor, or designee, may be utilized in voluntary resignations.

B. Involuntary terminations/separations for cause require the Town of Virgin to provide their terminating employees with written notification of due process, if the employee is eligible to appeal.

C. A resignation in lieu of involuntary termination agreement signed by the employee and the Mayor, or designee, may be utilized in negotiated terminations. A resignation in lieu of involuntary termination agreement does not require the Town of Virgin to provide their terminating employees with written notification of due process.

D. The following steps should be taken for Voluntary Retirements:

a. Employees who desire retirement should notify the Town of Virgin three months in advance.

b. The Town of Virgin would communicate the status of each employee’s retirement benefits. Upon request for retirement benefits, the Town of Virgin should notify the administrator of the retirement program and appropriate state and federal regulatory agencies.

c. The Town of Virgin should carefully explain to the employee what the options are (such as COBRA and Retirement Plan Options).

d. The Town of Virgin should give the employee ample time to review the retirement plan.

e. The Town of Virgin should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.

E. The following steps should be taken for reductions in force/layoffs:

a. Determine whether the Town of Virgin is required to follow statutory guidelines related to the reduction in force/layoff. If the Town is required to follow statutory guidelines; policy, procedure, and actual practice must comply with said guidelines.

b. If the Town of Virgin is facing a possible reduction in labor force, the Town of Virgin should explain the situation to its employees, advising them of the possibility that reductions in force/layoffs may become an economic necessity for the Town.

c. In the selection of employees for the reduction in force/layoff, the following guidelines should be considered.

i. Selection should be based upon the employee’s ability to perform the work assignments within the affected department.

ii. Seniority should govern the selection when ability is equal.

iii. Emergency, temporary, and orientation employees should be laid off first.

iv. Full Time employees should be the last to be laid off, when possible, in inverse order of their length of service.

v. Before any reduction in force/layoff, the Town of Virgin should determine whether it is subject to the requirements of the worker adjustment and retaining notification act, 29, U.S.C. 2101, et seq.

vi. If the Town of Virgin cannot give advanced notice of a reduction in force/layoff to the employee, two weeks’ severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.

d. Written reductions in force/layoffs notices should contain the following information.

i. Statement of reason for layoff

ii. Anticipated date of layoff

iii. The Town of Virgin’s option regarding employee’s placement in another position.

F. Outstanding Pay

a. Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable); or pay for vested sick leave (if applicable)

b. Under Utah State Law, the required timing of the final payment at termination is:

i. A voluntary resignation. Within one (1) pay period of effective resignation date.

ii. An involuntary termination, separation for cause. Within one (1) workday of last day worked.

G. The terminating employee will return any supplies or equipment, which are the property of the Town of Virgin, to the Town of Virgin at termination.

H. All terminating employees should complete an exit interview form with the Mayor, or designee. The exit interview form should be signed by the employee and Mayor, designee.

### 7.4 COBRA

The Town of Virgin does not currently offer a group health insurance option to the employees, and is therefore not subject to COBRA law.

## SECTION VIII

## RECORD KEEPING

### 8.1 GENERAL POLICY

Federal law requires employers to keep detailed data about their employees.

### 8.2 CONFIDENTIALITY

Employee records are maintained in compliance with the law.

A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.

B. The Town of Virgin’s policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.

C. Employees have the opportunity to review their own files in the presence of the Mayor, or designee, on the Town of Virgin’s premises during regular business hours.

### 8.3 PERSONNEL FILES REQUIREMENTS

A. General

a. Personnel files are maintained on each employee and kept by the Mayor, or designee. The record copy (original) of all appropriate personnel information as set forth hereafter, related to an employee shall be filed in the employee’s personnel file.

b. No information from a record placed in an employee’s personnel file will be communicated to any person or organization except by the Mayor, or their designated representative.

c. Employees, or their representative designated in writing, may examine the employee’s personnel file upon request during normal working hours at the Town of Virgin when a supervisor requires access to the personnel file or an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the Mayor, or designee.

B. Contents

a. An employment record; including the employee’s job application, resume, interview forms, Employment Eligibility Verification (for I-9), Employee’s Withholding Allowance Certificate (form W4), etc.

b. A signed copy of the employee’s acknowledgement of receiving a copy of the personnel policies and procedures manual: and the performance standard for the position of the employee currently occupies.

c. Election form to disclose or keep confidential, the employee’s home address and home telephone number.

d. All personnel action forms, including:

i. Performance evaluations.

ii. Promotions or transfers.

iii. Salary rate changes.

iv. Disciplinary action taken. The employee will be asked to sign the disciplinary action form. IF the employee refuses to sign this form, the Mayor, or designee, will so state.

v. Any information the employee wants included in response to any of the above actions.

vi. Records of citations for excellence or awards for good performance.

vii. Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and of leave usage are kept for employees by the Mayor, or designee. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the Mayor, or designee, to obtain information regarding their current leave usage.

viii. Record of any other pertinent information having a bearing on the employee’s status.

C. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, phone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the Mayor, or designee, to file in their personnel file.

D. Giving References. The Town of Virgin limits information given in reference to the following:

a. Verification that the employee worked, full or part time, for the Town of Virgin during a stated period.

b. A description of the position held.

c. Verification that the employee achieved the given salary range.

### 8.4 OTHER FILES REQUIREMENTS

Records related to the items listed below should be kept for a period of at least one (1) year. In addition, records should be examined annually to keep the files current and to remove those records that management feels should be kept longer.

A. Job applications

B. Test papers completed by the job applicants or candidates for any position.

C. Results of any pre-employment physical exams and mobility exams should be kept for a period of at least four (4) years.

D. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.

E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.

### 8.5 FEDERAL LABOR STANDARDS ACT (FLSA) MINIMUM WAGE REQUIREMENTS

The Town of Virgin should keep the following data on all employees for a

period of at least two (2) years.

A. Employee’s gender

B. Time and day work week begins

C. Hours worked each day and total hours worked each week

D. Total daily or weekly straight time earnings

E. Total additions to or deductions from, wages, paid each pay period, including an explanation of items that make up additions and deductions

F. Date of payment and pay period covered.

G. Total overtime above regular compensation for work week

### 8.6 OTHER REQUIREMENTS

There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

A. OSHA record of injuries

B. ERISA record of pensions

C. IRCA requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

## SECTION IX

## PERFORMANCE EVALUATIONS

### 9.1 GENERAL POLICY

It is the general policy of the Town of Virgin to provide continuous and contemporaneous feedback to employees. Employees are also encouraged to provide continuous and contemporaneous feedback to their supervisor and other members of management. Supervisors and members of management are expected to create “manager’s notes” and write down the main points of all feedback, coaching, and counseling conversations with employees. These notes should be stored in the employee’s personnel file.

## SECTION X

## EMPLOYMENT CLASSIFICATIONS/ COMPENSATION

### 10.1 GENERAL POLICY

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

### 10.2 EMPLOYMENT CLASSIFICATIONS

There are four classifications of employees within Town of Virgin:

A. Full time. An employee hired for an indefinite period of time for which the normal work schedule is thirty (30) hours per week. Full-time employees qualify for specific Town of Virgin benefits.

B. Part time. An employee hired for an indefinite period in a position for which the normal work schedule is less than thirty (30) hours per week. Part-time employees may or may not qualify for specific Town of Virgin benefits.

C. Temporary. An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for the Town of Virgin benefits.

D. Seasonal. An employee hired for a position which is required only for certain months, typically June through September. Seasonal employees do not qualify for Town of Virgin benefits.

### 10.3 EMPLOYEE STATUS

To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect to eligibility for overtime payment. They shall be defined as:

A. Exempt. Positions that are compensated as a “salaried employee”. Positions of managerial, administrative, or professional nature, as defined by Federal and State Labor Statutes, which are not covered by provisions for minimum wage and mandatory overtime payment regulations.

B. Nonexempt. Positions that are compensated as an “hourly employee”, 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.

C. Orientation Employee. Employees are given 6 months after date of hire to become oriented with their job and responsibilities. Orientation employees may or may not be eligible for benefits depending on their classification. Orientation employees do not have appeal rights for adverse employment decisions such as demotion, suspension, and or termination.

D. Career Service Employee. After completion of the 6-month orientation, the employee is considered a Career Service Employee and has appeal rights for adverse employment decisions such as demotion, suspension, and or termination.

### 10.4 WORK WEEK

A. Begins on Mondayat 0001 hours.

B. Ends on Sunday at 2400 hours.

### 10.5 WORKDAYS

A. Full Time: Monday – Friday

B. Part Time: As directed by the Mayor or designee.

C. Alternate schedules: As directed by the Mayor or designee.

### 10.6 WORK HOURS

A. Full time: 8:00 a.m. – 12:00 / 1:00 p.m. – 5:00 p.m.

B. Part time: As directed by the Mayor or designee.

C. Alternate hours: As directed by the Mayor or designee.

### 10.7 ATTENDANCE

Employees shall be in attendance at their workstations during normal working hours.

### 10.8 BREAKS AND LUNCH PERIODS

A. Full time.

a. Breaks: Two (2) optional fifteen-minute paid breaks during the standard workday. Breaks cannot be used to extend the lunch period or shorten an employee’s work hours.

b. Lunch periods: One (1) hour unpaid lunch period during a standard workday.

B. Part time. As directed by the Mayor or designee.

C. Employee breaks and lunch periods will be taken at the discretion of the Mayor, or their supervisor, to ensure continuity in the flow of work.

D. If employees choose to work through their paid breaks, it is their decision to do so and no extra compensation will be given for the extra time worked.

### 10.9 BREASTFEEDING/LACTATION

1. This policy outlines the reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk.
2. For up to one year after a child’s birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. The Town of Virgin has designated a room at each location for this purpose. Refrigeration units are available in all work locations. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to express milk must coordinate a schedule for breaks, the location and use of the room, and the need for alternative refrigeration equipment with their program manager. Employees who work off-site or in other locations will be accommodated with a private area as necessary.
3. Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

### 10.10 COMPENSATION TIME

A. Compensation time may be given in lieu of overtime at the Town of Virgin’s discretion. The Mayor, or designee, will schedule when an employee’s compensation time will be used. Written employee requests, to use their accumulated compensation time during specific dates and times, must be approved by the Mayor, or designee.

B. The town requires that after employees have accumulated specific maximum amounts of compensatory time during any work period (40 hours of accumulated comp time), overtime must be paid.

C. Compensation time will be accumulated at the overtime rate of one and one-half (1 ½) hours for every hour worked, for all overtime hours worked.

D. An employee must be permitted to use compensatory time on the date requested unless doing so would “unduly disrupt” the operations of the agency.

E. At the time of termination an employee must be paid the higher of (1) his or her final regular rate of pay or (2) the average regular rate during his or her last three years of employment for any time remaining “on the books” when termination occurs.

### 10.11 OVERTIME PAY

A. For employees engaged in public safety activities, such as Police and Fire Departments with five (5) or more employees; overtime pay would apply for over two hundred twelve (212) hours (Fire) and one hundred seventy one (171) hours (Police) worked in a work period consisting of twenty eight (28) consecutive days, and shall be compensated at the rate of one and one half (1 ½) the regular hourly rate of the employee. Following this requirement, overtime pay would apply for over one hundred six (106) hours (Fire) and eighty six (86) hours (Police) worked in a work period consisting of fourteen (14) consecutive days.

B. For employees engaged in public safety activities such as Police and Fire Departments with less than five (5) employees, the FLSA does not apply and, therefore, overtime pay shall not be paid for any hours worked in any work period.

C. For employees not engaged in public safety activities; overtime pay would apply for over forty (40) hours worked in a work week and shall be compensated at the rate of one and one half (1 ½) the regular hourly rate of the employee.

D. For employees not engaged in public safety activities; if a holiday, vacation, sick day falls within a work week, the employee must work forty (40) hours over and above these hours before overtime must be paid. If an employee works on a holiday because of an emergency situation, they will:

a. Receive their regular straight time pay for the time worked, plus holiday pay.

b. Or with the approval of the Mayor, or designee, be allowed to take the holiday off at a later date.

E. Overtime shall be approved by the Mayor, or designee, in writing before working. Violation of this policy may result in disciplinary action, up to and including termination.

### 10.12 ON CALL PAY

1. On Call
   1. When an employee is waiting to be engaged to work, i.e. not physically on the city’s premises actively at work, but required to respond within 30 minutes, the employee is eligible for On Call Pay. On Call Pay does not count towards Overtime hours or hours for benefits eligibility. On Call Pay is paid on a per shift basis based on the current schedule.
2. Call Out
   1. When an employee who is paid on an hourly basis is called back to work, the employee will be paid for 2 hours at their regular rate of pay, regardless of if the task takes less than 2 hours to complete. If the task takes longer than 2 hours the employee will continue to be paid their regular rate of pay and will keep track of their time according to normal payroll procedures.

### 10.13 DAILY LOGS OR TIME SHEETS

Each hourly employee is required to maintain and sign, as verification of accuracy, daily logs or time sheets showing all hours worked, including overtime, and to submit the daily logs or time sheets to their immediate supervisor for examination. These daily logs or time sheets will then be on file in the employee’s personnel file.

## SECTION XI

## SALARY PLANNING

### 11.1 GENERAL POLICY

The Mayor, in conjunction with the City Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for the Town of Virgin which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and shall be determined with due regard to the following considerations:

A. Ranges of pay for other positions

B. Prevailing rates of pay for similar employment in both public and private organizations

C. Cost of living factors.

D. Other benefits received by employees.

E. The financial policy and economic conditions of the Town of Virgin.

### 11.2 PAY PLAN DEVELOPMENT AND ALLOCATION

A. The mayor, or designee, shall conduct a study of salary levels of comparable positions in the public and private sector and shall make adjustment recommendations to City Council at least every three years. Implementation of adjustments are subject to the availability of funds.

B. The Mayor, or designee, shall assign each position level to a pay range based upon the level’s relationship to other levels as defined in the position level plan and by market data.

### 11.3 APPOINTMENT

A. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the Mayor with the concurrence of the City Council may approve hires up to the range of midpoint, as warranted by job qualifications and experience subject to the availability of funds.

B. The Mayor shall not authorize hiring above the midpoint of the pay range except in unusual circumstances and with prior approval from the City Council.

### 11.4 MERIT INCREASE

A. The Mayor, upon approval of the City Council, shall adopt merit increase guidelines effective January 1 of each calendar year subject to funding in the approved budget.

B. Full-time and part-time employees are eligible to receive a merit increase.

C. Temporary, seasonal, or orientation employees at or above the pay range maximum and employees whose performance is rated less than successful shall not be eligible or receive a merit increase.

D. A part time employee is eligible to receive a merit increase in the same amount of elapsed calendar time on the job as a full-time employee.

E. The Mayor must complete an employee’s performance evaluation within thirty (30) days preceding the effective date of a merit increase.

F. A merit increase shall not exceed the range of maximum assigned to a position level.

### 11.5 SELECTIVE SALARY ADJUSTMENT

A. They Mayor may recommend a selective salary adjustment in order to mitigate an inequity caused by merit increase freeze or other similar circumstances.

B. The Mayor shall submit a written rationale supporting the recommendation to the Town Council.

C. A selective adjustment is subject to the availability of funds and guidelines established by the Town Council.

### 11.6 COST OF LIVING ADJUSTMENTS

When the City Council grants a cost-of-living adjustment which exceeds an across the board pay plan adjustment, the cost of living adjustment shall not exceed the new range maximum or the new longevity scale maximum for an employee in longevity status.

### 11.7 PROMOTION

A. At the discretion of the City Council, a minimum 2% increase shall be granted to an employee receiving a promotion. If the new salary is below the minimum of the new range, it shall be increased to the new minimum.

B. The Mayor, with the concurrence of the City Council, may approve an increase up to the midpoint of the new range when a promotion results from a competitive recruitment to a new position level. Such an adjustment shall be based on exceptional qualifications and subject to the availability of funds.

### 11.8 ORDER OF SALARY CALCULATION

Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:

A. Cost of living adjustment.

B. Merit.

C. Selective adjustment

D. Promotion

### 11.9 REASSIGNMENT

Except when due to a demotion or disciplinary action, an employee who is reassigned shall be paid the same salary received prior to the assignment.

### 11.10 DEMOTIONS

### 

Management may dismiss or demote an employee for cause under Utah Subsection R477-10-2(2)(e) and Section R477-11-1, and through the process outlined in this rule.

**A.**  Management may dismiss or demote a orientation employee or career servicefor any or for no reason without right of appeal, except under Sections 67-21-3.5 and 67-19a-402.5.

**B.**  An agency head may not dismiss or demote a career service employee from a career service position unless:

**(1)** the agency head or designee notifies the employee in writing of the specific reasons for the proposed dismissal or demotion

**(2)** the agency head or designee grants the employee up to five working days to reply

**(3)** the agency head considers any reply submitted by the employee before imposing discipline

**(4)** the agency head provides the employee an opportunity to be heard by the agency head

**(i)** This meeting is limited to the specific reasons raised in the notice of intent to demote or dismiss.

**(ii)** At the meetings the employee may present, either in person, in writing, or with a representative, comments or reasons as to why the proposed disciplinary action should not be taken. The agency head or designee is not required to receive or allow other witnesses on behalf of the employee.

**(iii)** The employee may present documents, affidavits, or other written materials at the meeting. However, the employee is not entitled to present or discover documents within the possession or control of the department or agency that are private, protected, or controlled under Section 63G-2-3.

1. After complying with Subsection (2), the agency head may dismiss or demote the employee upon a finding of adequate cause or reason. The agency head notifies the employee in writing of the decision and the reasons for the decision.

## SECTION XII

## PAYROLL ADMINISTRATION

### 12.1 PAY PERIODS

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

### 12.2 PAY DAYS

The FLSA does not state when employees must be paid. Town of Virgin’s pay days are as follows:

Employees will be paid every two weeks.

### 12.3 MINIMUM WAGE AND PAY SCALE SCHEDULE

The FLSA requires that The Town of Virgin pay an employee at least the current minimum wage, as a gross wage, minus the legally required pay deductions.

### 12.4 PAY DEDUCTIONS

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

1. Mandatory:
2. Social Security
3. Federal Tax
4. State Tax
5. Optional
6. Credit Union Loan
7. Credit Union Savings
8. Employer
9. Garnishments
10. Group Life Insurance
11. Pension Fund
12. Savings Plan
13. Stock Purchase Plan
14. Union Dues
15. United Fund
16. United States Savings Bonds

## SECTION XIII

## REIMBURSABLE EXPENSES

### 13.1 GENERAL POLICY

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

### 13.2 TRAINING AND CONFERENCES

If required to attend training, seminars, conferences. Briefings, or gather information; an employee will be compensated in addition to paying any tuition or fees, as follows:

1. Weekday Travel – Employees will receive their regular workday pay for travel to, attendance of, and travel from training or conferences on Monday through Friday.
2. Weekend Travel – Employees will be compensated at the rate of one and one-half (1 ½) times their regular workday pay if hours worked exceed forty (40) hours in that week.

### 13.3 TRAVEL POLICY

1. All travel outside of the Town of Virgin limits during Town of Virgin work hours shall be authorized by the Mayor. A log of all such travel exceeding a thirty (30) mile radius of the Town of Virgin shall be kept. This log shall include the reason for the trip, the time the employee departed, the time the employee returned, and the vehicle used.
2. Travel for legitimate Town purposes inside of the Town, vehicles may be authorized when the use of the vehicle does not detract from the operational needs of Town of Virgin. Overnight use of Town vehicles for travel purposes shall be authorized by the Mayor.
3. If travel is outside the range of service of the Town’s repair shop, travel costs in conjunction with the use of Town vehicles shall be paid by the employee with receipts being kept for reimbursement.
4. 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 trip. If such payment in advance is not possible, the Town of Virgin shall reimburse the employee the actual amount of 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 accommodation shall be turned in to the Town of Virgin by the employee as a verification of attendance no matter what form of payment.
5. 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 Mayor based upon this record. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions. In lieu of reimbursement for milage and the assignment of Town vehicles, specific employees may be authorized a monthly travel allowance, according to regulations approved by the city council.
6. All registration fees, etc. will be paid in advance by check. If this is not possible, the employee will be reimbursed for their own expenditures for registration fees, etc. After presentation of valid receipt in conjunction with the previously authorized travel.
7. Per diem will be granted to the employee on either a half day, full day, or per meal basis, with dollar amounts pre-approved and established on an annual basis by the Town Council. Travel that is eligible for per diem must be presented and approved by the mayor prior to the travel dates.

## SECTION XIV

## BENEFITS

### 14.1 WORKERS COMPENSATION

1. All employees are covered by worker’s compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers’ compensation payments. For exact compensation coverage check the workers’ compensation contract on file with the Mayor.
2. Employees may use accrued vacation or sick leave to make up the difference between workers’ compensation benefits and their base pay.
3. 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 will be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker. (Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan.)
4. Initial reporting of Illness or Injury – Reporting the accident or illness is critical to qualification for payment under worker’s compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the Mayor immediately. After Form 122 is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of the injury.
5. Reporting while off the Job – While on leave because of bona fide, on-the-job injury or illness, an employee must contact their supervisor or the Mayor to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
6. 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 to perform duties not contained within their current job classification.
7. 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 to be unsuccessful, has been made to place the employee in another position, they may be terminated and paid any accrued benefits due them.

### 14.2 SOCIAL SECURITY/FICA

All employees whether regular, part-time, or temporary are covered by the benefits of Old Age, Survivor and Disability Insurance as provided for by law. Contributions of the employee and the Town of Virgin will be made in accordance with the provisions of the law.

### INSURANCE

1. Medical Health Insurance – It is the policy of Town of Virgin to provide each Full Time employee a lump sum of money to help pay for their own medical insurance (to be sought out and paid for by the employee). The amount of money is determined each year by the Town Council as part of the budgeting process.
2. Retirement – The Town of Virgin will provide each Full Time employee with a lump sum of money which they can then contribute to their own retirement account (IRA, Roth, etc). The amount of money is determined each year by the Town Council as part of the budgeting process.

### 14.4 STATE AND FEDERAL UNEMPLOYEMNT

All employees whether regular, part-time, or temporary are covered by the benefits of the State and Federal unemployment. Contributions of the employee and Town of Virgin will be made in accordance with the provisions of the law.

## SECTION XV

## FAMILY AND MEDICAL LEAVE ACT

### 15.1 GENERAL POLICY

It is the policy of the Town of Virgin to offer Family Medical Leave (FMLA) to all employees that qualify as per the definitions listed below. Leave will be measured using the “12 month period measured backward” method.

1. The Family and Medical Leave Act of 1993 requires many employers, including “public agencies” to provide up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for “eligible” employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member. Covered family members includes: spouse, children, and parents.
2. A single “public agency” is further defined under Section 3 (x) of the Federal Labor Standards Act to include the Town of Virgin
3. A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
4. “Intermittent leave” or a “reduced leave schedule” for medical reasons can be taken under this policy “when medically necessary”. Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and Town of Virgin mutually agree to that arrangement.
   1. Intermittent leave is leave that is not taken consecutively.
   2. A reduced leave schedule is a leave schedule that reduces the usual number of hours per work week or hours per workday.
5. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
   1. During the single 12-month period for service member care leave, an eligible employee is entitled to a combined total of 26 workweeks of service member care leave and leave for any other FMLA-qualifying reason, provided that the eligible employee may not take more than 12 workweeks for any other FMLA-qualifying reason during this period. For example, in the single 12-month period an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of service member care leave, but could not take 16 weeks of leave to care for a newborn child and 10 weeks of service member care leave.

### 15.2 ELIGIBILITY

To be “eligible” for FMLA leave, an employee must:

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

### 15.3 LEAVE OPTIONS

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

### 15.4 NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS

The employee may be required to provide advanced leave notice and medical certification. FMLA leave may be denied if the following are not met:

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

### 15.5 BENEFITS AND EMPLOYMENT STATUS

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

## SECTION XVI

## LEAVES OF ABSENCE

### 16.1 ABSENT WITHOUT LEAVE

Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the Mayor.

1. Any employee who is absent for three (3) or more consecutive days without authorized leave shall be deemed to have resigned without notice. Where extenuating circumstances are found to have existed, however such absence may be covered by the Mayor or subsequent grant of leave with or without pay as the circumstances dictate.

### 16.2 VACATION LEAVE

1. Each full-time employee shall receive annual leave at the following rate:
   1. For 1 month to 2 years of service, 10 work days of annual vacation shall accrue a the rate of .833 days per month for each month worked.
   2. From 2 years to 10 years of service, 15 work days of annual vacation shall accrue at the rate of 1.25 days per month for each month worked.
   3. For over 10 years of service, 20 days of annual vacation shall accrue at the rate of 1.66 days per month for each month worked.
2. Persons hired on a part-time, seasonal, or temporary shall accrue annual leave at the rate of .125 hours of leave for each 20 hours worked.
3. An individual who starts work between the first (1st) and the fifteenth (15th) of the month will receive credit for that month. An individual who starts work between the sixteenth (16th) and the last day of the month will accrue leave time beginning on the first (1st) day of the following month.
4. Individual department heads will issue approval or disapproval on all annual leave requests.
5. The maximum annual leave which can be accrued and carried forward from calendar year to calendar year is two hundred forty (240) hours; three hundred sixty (360) may be banked for over 10 years of service. Any accrued annual leave in excess of two hundred forty (240); three hundred sixty (360) hours for over 10 years of service, shall be forfeited immediately on the pay period in which the overage occurred.
6. A holiday which falls during an employee’s annual leave shall be counted as paid holiday and not as annual leave.
7. An employee who is separated from employment shall be compensated for all accrued annual leave.
8. All annual leave requests should be submitted a reasonable time in advance of the desired time off to the Mayor. If an excessive (being the number of requests if granted that would render the department or organization ineffective) number of employees request leave for the same time period, it shall be granted in order of application (first-come-first-served) at the discretion of the Mayor.
9. Official vacation records will be maintained and kept current by posting at least once per month by the Mayor, or designee.
10. Vacation usage will be reported by the Mayor, or designee, using attendance forms.

### 16.3 HOLIDAY LEAVE

1. Holidays which apply to full-time non-exempt employees are:
2. New Year’s Day January 1st
3. MLK Day 3rd Monday in January
4. Presidents Day 3rd Monday in February
5. Easter Sunday Date determined yearly
6. Memorial Day Last Monday in May
7. Independence Day July 4th
8. JuneteenthDay June 19th
9. Pioneer Day July 24th
10. Labor Day 1st Monday in September
11. Columbus Day 2nd Monday in October
12. Veterans Day November 11th
13. Thanksgiving 4th Thursday in November
14. Christmas December 25th
15. \*Note: Any day designated by the Governor as a State Holiday will be observed
16. If any of the above holidays fall on a Saturday, then the preceding Friday shall be the holiday. If any of the above holidays fall on a Sunday, then the following Monday is the holiday.
17. Full-time non-exempt employees will be compensated for non-worked hours, on the above mentioned holidays, for 8 hours at their regular rate of pay.
18. If the full-time non-exempt employee works on any of the above-mentioned holidays, they are to be paid their regular hourly wage in addition to the 8 hours.

### 16.4 SICK LEAVE

1. Purpose – Sick leave shall not be considered as a privilege which an employee may use at their discretion but shall be allowed only in case of necessity and actual sickness or disability of the employee or immediate family of the employee.
2. Use of Sick Leave – Sick leave may be used at any time with the approval of the Mayor for any of the following reasons:
   1. When the employee is unable to perform their regular duties or other temporary work to which they may be assigned.
   2. Visits to hospitals, clinics, doctors and dentists’ offices for diagnosis or treatment of illness or injury or examination. The minimum time that may be taken for any of these purposes is on (1) hour.
3. Eligibility – Sick leave shall be available to all full-time employees. Seasonal, temporary, provisional, and emergency employees are not eligible for sick leave. Sick leave will not be granted to employees during their first ninety (90) calendar days of employment, except for emergency circumstances.
4. Accrual – Sick leave is accrued at the rate of one (1) day per month for full time employees (12 days per year) or one half day per month (.5) for part time employees (6 days per year) working at least 20 hours per week. The maximum amount an employee may carry over from one year to the next is 30 days.
5. Use – Sick leave shall be charged against employees in not less than one (1) hour increments. Advanced sick leave is not allowed.
6. Termination – An employee who is terminated shall not be compensated for unused accrued sick leave.
7. Payments
   1. In order to qualify for sick leave payments, an employee must notify the Mayor, or designee, no later than one (1) hour after normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The Mayor, or designee, should also be kept advised of the employee’s progress and expected date of return to duty.
   2. Any absence for illness beyond accrued sick leave will result in the employee being carried on annual leave status until all annual leave has expired, then be carried in a leave-without-pay status.
8. Certification of Illness – For sick leave in excess of three (3) consecutive working days, or if abuse or sick leave is indicated, the Mayor, or designee, may require a certificate from the attending physician stating that such illness prevented the employee from working.
9. Reporting Absences – An employee will be paid only when the employee (or a member of his immediate family if the is incapacitated) notifies the Mayor, or supervisor, or designee, within one (1) hour after the employee’s scheduled reporting time. Continued reporting for more than a one-time absence will be accomplished as directed by the Mayor, or designee. The reasonableness of an absence of one (1) day or more. This type of request should be the exception, not the rule.

### 16.5 INJURY LEAVE

Any employee injured on the job, however slightly, must report the fact to their supervisor or the Mayor. It shall be the duty of the injured employee’s supervisor, or the Mayor, to obtain information regarding the accident or injury and to complete and submit such reports as are required by the Mayor. Unused sick leave or vacation leave may be granted in accordance with applicable rules and regulations. During injury leave periods, vacation leave, sick leave, or time toward yearly performance evaluation shall not accrue unless an exception is granted by the Mayor, with the approval of the City Council. However, injury leave for periods greater than six (6) months shall in no case be granted. Furthermore, eligibility for such leaves requires compensation regulations.

### 16.6 EMERGENCY LEAVE

The Mayor, or their designated representative, may allow an employee reasonable time off, not to exceed three (3) working days with pay, in case of emergency. Time will be charged to sick leave. The City Council shall have the authority to grant longer leaves in unusual circumstances in which an emergency exists. During emergency leave period in excess of three (3) calendar days, vacation leave, sick leave, or time toward yearly evaluation shall not accrue.

### 16.7 MILITARY LEAVE

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

### 16.8 JURY LEAVE

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

### 16.9 ADMINISTRATIVE LEAVE

An employee may be granted administrative leave with pay to perform authorized duties in connection with Town of Virgin business, to attend trade or professional meetings which relate to official duties, or to participate in recognized and authorized training programs.

### 16.10 FUNERAL LEAVE

The Mayor, or their designated representative, shall grant an employee up to three (3) days of funeral leave with pay to attend the funeral of the employee’s spouse, child, step-child, daughter or son-in-law, grandparent, spouse’s grandparent, brother or sister. Such leave shall not be charged against accrued sick or annual leave.

### 16.11 LEAVE WITHOUT PAY

1. Upon recommendation of the Mayor and approval of the City Council, an employee may be granted leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of a leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to report promptly at the expiration of such leave without pay shall be considered a resignation without notice.
2. A leave without pay shall not constitute a break service. However, during leave without pay in excess of thirty (30) calendar days, vacation leave, sick leave, and time toward annual performance evaluation shall not accrue.
3. Leave without pay shall be granted for education purposes when the employee’s course of study will be of direct benefit to the Town of Virgin, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period.
4. To attend a funeral not covered by the funeral leave policy.
5. To attend to an ill or injured member of the employee’s immediate family for which such an absence is not covered by sick leave.
6. Employees are expected to apply for absences in advance and in writing, giving as much detail about the absence as is necessary so that the Mayor, or designee, may decide whether the leave without pay is warranted.

### 16.12 DOCUMENTATION OF LEAVE

Some of the above absences must be supported by the copy of the official paperwork causing the absence. Such paperwork must be submitted to the Mayor, or their designated representative, as soon as possible. In some cases where official paperwork isn’t available, the Mayor, or their designated representative, may request that the employee supply additional information in writing to support the absence.

SECTION XVII

## GENERAL SAFETY

### 17.1 GENERAL POLICY

The following general safety rules will apply in all agency workplaces. 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.

1. Proper licensing and extreme caution are required by employees operating any type of power equipment.
2. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
3. Employees will avoid wearing loose clothing or jewelry while working on or near equipment and machines. Long hair will be properly secured.
4. All accidents, regardless of the severity, personal or vehicular, shall be reported immediately to the supervisor/manager.
5. Defective equipment will be reported immediately to the supervisor or Mayor.
6. Employees will not operate equipment or use tools for which licensing and training has not been received.
7. In all work situations, safeguards required by State and Federal Safety Orders will be provided.

### 17.2 PROPER USE OF THE TOWN OF VIRGIN EQUIPMENT AND TOOLS

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

1. Employees must receive the proper training including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee’s job description.
2. A commercial driver’s license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver’s license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver’s license at four year intervals.
3. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
4. Employees shall keep the agency vehicles which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

## SECTION XVIII

## UOSHA REQUIREMENTS

### 18.1 GENERAL POLICY

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

### 18.2 POSTING UOSHA NOTICES

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

### 18.3 INSPECTION PROCEDURES

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

1. If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
2. The employee will inform the inspector that the employee will contact the Mayor, supervisor, or designee, who will accompany the inspector during any inspection.
3. The Mayor should make sure that all employees know who they are required to contact, including all alternates, in the even an UOSHA inspector shows up on the job site.
4. If the UOSHA inspector does not reveal the appropriate credentials at the outset to the inspection, the Mayor, or designee should ask the inspector to reveal his credentials and should then examine them before allowing an inspection of the job site.
5. The Mayor, or designee, should not refuse an inspection of the job site where the inspector does not have a warrant to inspect. The inspector will usually not have trouble obtaining a warrant for an inspection. Refusing to allow an inspection may create a negative atmosphere which may be more harmful to the Town of Virgin. This may result in harsher penalties if violations are discovered by the inspector.
6. If the credentials are appropriate, and before beginning the inspection, the Mayor, or designee, should ask the inspector if the reason for the inspection was due to an employee complaint. The Mayor, or designee, should request a copy of the complaint. This will help the Town of Virgin correct any safety problems.
7. The Mayor, or designee, should accompany the inspector during the entire inspection of the job site.
8. The Mayor, or designee, should take notes throughout the entire inspection. The Mayor, or designee, should note every comment and observation made by those participating in the inspection. The Mayor, or designee, accompanying the inspector should not volunteer any unsolicited information.

### 18.4 ACCIDENT REPORTING PROCEDURES

1. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the Mayor or their supervisor, who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by the Mayor, or designee, shall be subject to disciplinary action, up to and including termination.
2. The Mayor, or designee, will investigate the job-related injury to determine the cause of the injury.
3. The Town of Virgin shall contact UOSHA within twelve (12) hours of the occurrence of any job-related death, disabling, serious, or significant injury, and/or any occupational disease.
4. The Town of Virgin shall file the required report with UOSHA withing seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
5. The Town of Virgin shall keep a copy of the UOSHA file.
6. The Town of Virgin shall give the employee a copy of the UOSHA report and explain the employee’s rights and responsibilities concerning work-related injury or occupational disease.
7. If an employee later dies as a result of a work-related injury, the Town of Virgin shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.

I have read and understand the Personnel Policies and Procedures manual for The Town of Virgin and agree to the terms specified therein.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name

Signature Date