

### **SECTION III: EMPLOYEE HIRING**

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1. **JOB DESCRIPTIONS.** Job Descriptions defining the essential duties along with the knowledge, skills, abilities, experience, educational requirements, etc. of the vacant position shall be drafted, amended, and approved by the Mayor, City Manager, and/or Department Head before a position is posted or otherwise advertised internally or externally. See also Section XII: Employment Terms, Subsection 17 associated with amendments to job descriptions that occur while a position is filled.
2. **RECRUITMENT PROCESS.** All recruitment shall be conducted in a non-discriminatory manner (see Section I: General Policies, Equal Employment Opportunity). The hiring process shall be coordinated through the HR Director with Department Heads, City Manager, and/or the Mayor making final hiring decisions.
  - A. **Internal Promotions.**
    - (1) It is the policy of Tremonton City to further the advancement of its employees. For the purpose of this policy, a promotion is defined as: 1) advancement to a different position within the department which has increased responsibilities and classification to a higher wage grade and/or 2) advancement to a position within the Department which has an increased or regular work schedule.
    - (2) Internal Job Opening Notices shall not be required when a Department Head, City Manager, or the Mayor are considering promoting an employee. The decision to promote an employee shall be based upon the following criteria which may include, but are not limited to, the following:
      - (a) The employee's past performance including performance evaluations, corrective action, and attendance records.
      - (b) The employee having the knowledge, skills, and abilities to perform the essential duties of the open position.
      - (c) The employee's qualifications including experience and/or education.
      - (d) The employee's WorkKey Assessment results and other ability tests when required. The WorkKey Assessments are facilitated by the Department of Workforce Services.
    - (3) Promotion interviews may be used as deemed appropriate by the Department Head or the City Manager.
    - (4) No promotions shall be completed without the authorization of the City Manager or Mayor.

- (5) Current City employees accepting a position through a promotion may be subject to a one (1) year probationary period in the new position as determined by the Department Head or City Manager.
- (6) If applicable, accrued sick leave and vacation shall not be paid out but shall remain the same with the promoted employee.
- (7) Years of service to Tremonton City shall not be interrupted by accepting a promotion.
- (8) A promoted employee shall receive a new job description. Compensation for a promoted employee shall be in accordance with Section XIII: Compensation Planning of this manual.
- (9) A promoted employee shall not be required to complete the provisional conditions of employment contained in the Potential Offer of Employment (see Potential Offer of Employment – Placement in Hiring Pool section below).
- (10) Temporary/Emergency and Substitute employees may be promoted to a permanent position with the City at the discretion of the Department Head and with approval from the Mayor or City Manager.

B. Internal Advertising.

- (1) It is the policy of Tremonton City to further the advancement of its employees. The Mayor, City Manager, or appropriate Department Head may decide to place Internal Job Opening Notices for a vacant position prior to posting an External Job Opening Notice.
- (2) Internal Job Opening Notices for vacant positions shall be announced in coordination with the HR Director using the Job Opening Notice (see Appendix Number 4 for details). Current City employees may be notified of the job opening through one or more of the following ways:
  - (a) Posting of the Internal Job Opening Notice in City facilities.
  - (b) Emailing the Internal Job Opening Notice to employees.
  - (c) Distributing the Internal Job Opening Notice with paychecks.
  - (d) Department Heads notifying employees within their department of the Internal Job Opening Notice.
- (3) Current City employees may request to be considered for vacant positions by submitting a completed City Job Application to the HR Director.

- (4) Current City employees that submit a City Job Application for consideration for filling a vacant position, possessing the qualifications contained in the job description, shall be interviewed. The decision to fill a vacant position with a current City employee shall be based upon the following criteria, which may include, but are not limited to, the following:
  - (a) The employee's response to interview questions.
  - (b) The employee's past performance including performance evaluations, corrective action, and attendance records.
  - (c) The employee's knowledge, skills, and abilities to perform the essential duties of the open position.
  - (d) The employee's qualifications including experience and/or education.
  - (e) The employee's WorkKey Assessment test results and other ability tests when required. The WorkKey Assessments are facilitated by the Department of Workforce Services.
  - (f) No internal hiring for a vacant position shall be completed without the authorization of the City Manager or Mayor.
- (5) Current City employees accepting a new position may be subject to a one (1) year probationary period in the new position as determined by the Department Head or City Manager.
- (6) If applicable, accrued sick leave and vacation shall not be paid out but shall remain the same with the employee.
- (7) Years of service to Tremonton City shall not be interrupted by accepting a new position in another department within the City.
- (8) Current City employees accepting a new position shall receive a new job description. Compensation for an employee accepting a new position shall be in accordance with Section XIII: Compensation Planning of this manual.
- (9) Current City employees accepting a new position shall not be required to complete the provisional conditions of employment contained in the Potential Offer of Employment (see Potential Offer of Employment – Placement in Hiring Pool section below).

C. External Advertising.

- (1) The Mayor, City Manager, or appropriate Department Head in coordination with the HR Director are authorized to place External Job Opening Notices for vacant positions. External Job Opening Notices shall not be required:
  - (a) If an External Job Opening Notice for a position was posted within six (6) months of the same position re-opening. Job Applicants from the previous External Job Opening Notice may be chosen to re-interview for the vacant position or individuals previously placed in a hiring pool for the position may be reconsidered.
  - (b) When filling Temporary/Emergency, Substitute, and Part-time Recreation positions.
- (2) Each External Job Opening Notice (see Appendix Number 4 for details) shall contain a statement indicating that Tremonton City is an equal opportunity employer (see Section I: General Policies, Equal Employment Opportunity.)
- (3) External Job Opening Notices shall be advertised in the appropriate media and through any other channels the City administration deems appropriate, on at least three (3) separate days.
- (4) All External Job Opening Notices shall specify the name and the office of the person from whom job applications (see Appendix Number 5 for details) 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.

3. SCREENING PROCESS.

- A. Job Applications. All interested job applicants shall complete a City Job Application (see Appendix 5 for details).
- (1) All City job applications and resumes received for the job opening shall be forwarded to the HR Director in coordination with the Mayor, City Manager, and/or appropriate Department Head. Upon receipt, each City job application and resume shall be marked with the date it was received and placed in an application file for at least one (1) year (see Section X: Record Keeping, 7 A.)
  - (2) Completed City 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 may be required to provide a copy

of required certified educational transcripts, either copies of diplomas or certificates, with the application or upon hire.

- B. Job Applications from Former Employees. Job applications received from former employees shall be processed using the same procedures and standards that govern all other applications. The Mayor, City Manager, and/or appropriate Department Head, in coordination with the HR Director, shall review the former employee's personnel records and the circumstances surrounding the termination of previous employment with Tremonton City. Former employees who have been terminated for misconduct or resignation in lieu of an involuntary termination are not eligible for rehire.
- C. WorkKey Assessments. When necessary, job applicants may be required to take the WorkKey Assessments. The WorkKey Assessments are facilitated by the Department of Workforce Services.
- D. Other Ability Tests. Job applicants may be required to take other ability tests which Tremonton City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence shall exist, which may include, but is not limited to: mathematics and/or timed typing tests. When Tremonton City uses other ability tests, Tremonton City shall make reasonable accommodations for disabled applicants.
- E. Job Applicant Disqualification. An application may be rejected if the job applicant:
  - (1) Does not meet the minimum qualifications established for the position.
  - (2) Has falsified a material fact or failed to complete the City job application.
  - (3) Has failed to timely file a complete City job application.
  - (4) Has an unsatisfactory employment history or poor work references.
- F. Interviewing.
  - (1) The Mayor, City Manager, HR Director, and/or appropriate Department Head shall select applicants to interview from those who have passed the preliminary screening of job applications and ability tests. Job related duties and qualifications shall provide the basis for initial screening of job applicants. When choosing applicants to interview, the initial interviews shall be of those applicants who are deemed to be the most qualified for the position by the Mayor, City Manager, HR Director, and/or appropriate Department Head.

- (2) Individuals conducting job interviews shall only ask questions that pertain to the job position and questions related to the job applicant's ability to successfully perform the functions of the position. The Pre-Employment Inquiry Guide (see Appendix Number 6 for details) may be reviewed by the interviewer before the interview begins. In addition, during the interview, each interviewer may complete an Interview Guide (see Appendix Number 7 for details), which is consistent with Tremonton City's Equal Employment Opportunity policy (see Section I: General Policies, Equal Employment Opportunity).
- G. Reference Checks. In order to facilitate reference checks, written permission shall be obtained from the job applicant using the Applicant's Consent to Release Information Form (see Appendix Number 8 for details). Tremonton City may contact the references for each job applicant and ask job and performance related questions, which include similar questions for each job applicant checked, using Tremonton City's Telephone and Written Reference Check Questionnaires (see Appendix Number 9 and 10 for details). Tremonton City may also investigate job applicants through social media.

#### 4. SELECTION PROCESS.

- A. All recruitment shall be conducted in a non-discriminatory manner (see Section I: General Policies, Equal Employment Opportunity).
- B. Nepotism. It is the policy of Tremonton City to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.
- C. Rejection Letters. The HR Director, in coordination with the Mayor, City Manager, and/or appropriate Department Head, shall send a Job Rejection Letter (see Appendix Number 11 for details) to each job applicant who was not selected for a job opening when appropriate.
- D. Potential Offer of Employment – Placement in Hiring Pool. The HR Director, in coordination with the Mayor, City Manager, and/or appropriate Department Head, shall notify the successful job applicant(s) of a Potential Offer of Employment through a written Potential Offer of Employment Letter (see Appendix Number 48 for details). The written Potential Offer of Employment Letter shall clearly state that placement in a hiring pool is contingent upon passing the provisional conditions of employment (i.e., medical examinations, drug/alcohol screening, and background investigation). Additionally, the written Potential Offer of Employment Letter shall be signed by the candidate stating that he or she has read and fully understands the nature of the Potential Offer of Employment. The original Potential Offer of Employment Letter is then filed in the employee's personnel file (see Section X: Record Keeping, 3 B.). After successful completion of the provisional conditions of employment contained in the Potential Offer of

Employment, applicants may be placed in a pool of other qualified applicants for six (6) months for future hire as vacancies occur.

- (1) Medical Examinations. Once Tremonton City has extended a potential offer of employment to the job applicant(s), a physical examination shall be conducted, except for those hired as Part-time Recreation Employees, by a licensed physician chosen by Tremonton City or a mutually agreed upon licensed physician to determine a job applicant's ability to fulfill essential job related requirements. The licensed physician shall be given a copy of the job description and a copy of the Pre-Employment Evaluation Program form (see Appendix 33). Upon completion of the physical examination, the licensed physician shall complete and return the Pre-Employment Evaluation Program form to the HR Director with his or her recommendation as to whether the applicant can fulfill the essential job related requirements as contained in the job description. All costs for required medical physical examinations shall be borne by Tremonton City. The job applicant shall sign a written release of this information to Tremonton City contained in the Pre-Employment Evaluation Program form (see Appendix 33).
- (2) Drug Screening. Once Tremonton City has extended a potential offer of employment to the job applicant(s), a drug screening shall be conducted, except for those hired as Part-time Recreation Employees. The drug screening results shall be signed by the drug screening company's Medical Review Officer (MRO) and emailed to the HR Director. The MRO shall contact the HR Director by telephone if a positive drug screening returns to give his or her recommendation. All costs for required drug screenings shall be borne by Tremonton City. The job applicant shall sign a written release of this information to Tremonton City, which is contained in the paperwork provided by the drug screening company.
- (3) Background Investigation. Once Tremonton City has extended a potential offer of employment to the job applicant(s), a background investigation by the City's Police Department shall be required to be performed on all job applicants, except for those hired as Part-time Recreation Employees. Job applicants shall be required to complete the City's Background Questionnaire (see Appendix 49 for details) for review by the City's Police Department. After the Police Department has reviewed the background questionnaire, it shall provide a letter to the HR Director with the findings of the background investigation. The job applicant shall sign a written release of this information to the City, which is included in the Background Questionnaire (see Appendix 49).

- E. Final Job Offers. After job applicants have completed the provisions contained in the potential offer of employment, the applicant who has passed the provisions with the most proficiency and is deemed by the City to be the most qualified for

the position shall be notified by the HR Director, in coordination with the Mayor, City Manager, and/or appropriate Department Head, through a written Final Job Offer Letter (see Appendix Number 12 for details). The written Final Job Offer Letter shall clearly state that the offer is not valid until the candidate signs the written Final Job Offer Letter and returns it to Tremonton City by the requested date. The original Final Job Offer Letter is then filed in the employee's personnel file (see Section X: Record Keeping, 3 B) and a copy is given to the new City employee during orientation. Written Final Job Offer Letters shall also include the following:

- (1) The employee's job title.
- (2) The employee's starting hourly wage or salary. Starting wage offers for non-exempt positions shall be figured at an hourly wage. Starting salary offers for exempt positions shall be figured for a specified period, such as a two-week period.
- (3) A clear statement of the job description or a copy of the complete job description.
- (4) The employee's supervisor.
- (5) Any relocation commitments, if applicable.
- (6) Tremonton City's at-will employment policy (see Section XII: Employment Terms).
- (7) The employee's start date.
- (8) The length of the employee's probationary period.
- (9) The location of a copy of the Tremonton City Personnel Policies and Procedures Manual.

F. Rehires. Employees who are rehired by Tremonton City shall be required to serve a one (1) year probationary period. Former employees who are rehired shall maintain their original anniversary date for benefit programs governed by the anniversary date.

## 5. ORIENTATION PROCESS.

A. Orientation. Newly hired employees shall receive an orientation on their first day of work that provides basic information on Tremonton City's pay policy, leave policy, benefits, work hours, etc. All new employees shall be given a tour of the work place and be introduced to other employees. Additionally, new employees



shall be informed of the location of copies of the Tremonton City Personnel Policies and Procedures Manual.

- B. New Hire Paperwork. The HR Director shall provide the newly hired employee with the New Employee Orientation Packet (see Appendix Number 15 for details) to be completed by the employee. The New Employee Orientation packet contains all pre-employment forms, benefit applications, and enrollment forms.
- C. Employment Eligibility Verification. In accordance with the Immigration Reform and Control Act of 1986, all employees shall complete and 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 by completing an Employment Eligibility Verification Form (Federal I-9 Form) (see Appendix 13 for details). As part of the form, employees shall present documents of identity and eligibility to work in the United States within three (3) days of employment. If an employee cannot present the required documents or receipt of new issue within three (3) days, employment with the City shall be terminated.

Once the I-9 is completed, the HR Director shall enter the I-9 information into the E-verify System. E-verify is an internet based system that compares information given on the I-9 form with the Social Security Administration and Department of Homeland Security databases to confirm identity and eligibility to work in the United States. A photo matching step occurs automatically for certain documents such as a Permanent Resident card, etc. This prompts the HR Director to confirm that the photo in E-verify and the photo on the identification given are identical.

Once the information is entered, one of three results may appear from the comparison.

- (1) Employment Authorized. Information entered matches the Department of Homeland Security (DHS) and/or Social Security Administration (SSA) records. Case is closed, employee is eligible to work.
- (2) SSA Tentative Non-confirmation. Information entered does not match the SSA records. This does NOT mean the employee is not authorized to work in the United States. This may occur because of:
  - (a) Citizenship was not updated with the SSA.
  - (b) Name change was not reported to SSA.
  - (c) Name, Social Security Number, or date of birth is incorrect in SSA records.
  - (d) SSA record contains another type of mismatch.

In this situation the employee shall be notified as soon as possible. The employee then chooses to either contest the case result, or not contest. When an employee chooses to contest, he or she shall visit the SSA within eight government workdays. If the employee does not meet with the SSA within the eight government workdays, the City shall terminate employment. If the employee chooses not to contest, the City shall terminate employment with no civil liability.

After the employee has met with the SSA, the SSA shall issue an employment authorized, SSA Final Non-confirmation (employment shall be terminated), SSA continuance, Verification in Process or Review and Update Employee Data.

- (3) DHS Verification in Process. When information added does not match DHS records, the HR Director and the employee do not need to take any action at this time as DHS automatically is notified and shall respond within twenty-four (24) hours. DHS shall return with one of three results:

- (a) Employment Authorized. Employment is authorized. Case is closed.
- (b) DHS Tentative Non-confirmation. Information entered does not match the DHS records. This does NOT mean the employee is not authorized to work in the United States. This may occur because of:
  - (1) Name, A-number, and/or I-94 numbers are incorrect in DHS records.
  - (2) Identification Photo document differs from the photo in DHS records.
  - (3) Information was not updated in the employee's DHS records.
  - (4) Citizenship or immigration status changed.
  - (5) Record contains another type of error.

This situation is the same as the SSA. The employee shall be notified as soon as possible and determine whether they want to contest or not contest.

- (c) DHS Case in Continuance. Means the employee has visited with the office and more time has been granted to review the records and for the employee to present further information.

After the employee has met with the DHS, the DHS shall issue an employment authorized or DHS Final Non-confirmation (employment shall be terminated.)

D. Probationary Period.

- (1) All new employees shall be subject to a one (1) year probationary period. During this period, probationary 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 (see Section IX: Termination of Employment).
- (2) Probationary periods begin on the first day of employment and generally continue for one (1) year. Supervisors shall provide guidance to probationary employees so they understand work requirements. Under special circumstances, including leaves of absence, performance issues, or failure to obtain required certifications a probationary period may be extended. An extension shall be requested at least one (1) week in advance of the end of the probationary period and all extensions shall be approved by the Mayor or City Manager. Employees receiving a probationary period extension shall receive notice of the extension through the Probationary Period Extension Acknowledgement Letter (see Appendix Number 50), which shall be signed by the employee and placed in the employee's personnel file.
- (3) An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and supervisor regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate the supervisor to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

6. EMPLOYMENT OF MINORS.

- A. A Department Head may elect to employ a minor in a paid or volunteer position between the ages of 14 and 18 years with the approval of the Mayor or City Manager and in accordance with Title 29 of the Code of Federal Regulations (29 CFR Part 150).
- B. Minors age 14 and 15 years may be a City employee or volunteer so long as:
  - (1) Occupation Standard. The job engaged in by the minor age 14 and 15 years has not been determined as hazardous by the Secretary of Labor (Info on hazardous occupations is available from a local Wage and Hour

Division (<http://www.dol.gov/whd/america2.htm>) and in 29 CFR Part 570 ([http://www.dol.gov/dol/cfr/Title\\_29/](http://www.dol.gov/dol/cfr/Title_29/)); and

- (2) Hour Restrictions. The hours in which the jobs engaged in by a minor age 14 and 15 years are confined to periods which shall not interfere with their schooling and to conditions which shall not interfere with their health and well-being. Permissible jobs shall be confined to the following periods:
  - (a) Outside of school hours, meaning such periods as before and after school hours, holidays, summer vacations, weekends, and any other day or part of a day when school is not in session as determined by the local public school district in which the minor resides when employed;
  - (b) Not more than forty (40) hours in any one (1) week when school is not in session;
  - (c) Not more than eighteen (18) hours in any one (1) week when school is in session;
  - (d) Not more than eight (8) hours in any one (1) day when school is not in session;
  - (e) Not more than three (3) hours in any one (1) day when school is in session, including Fridays;
  - (f) Between 7 a.m. and 7 p.m. in any one (1) day, except during the summer (June 1 through Labor Day) when the evening hour shall be 9 p.m.
  - (g) Those enrolled in an approved Work Experience and Career Exploration Program (WECEP) may work up to twenty-three (23) hours in school weeks and three (3) hours on school days (including during school hours).
- (3) Federal law requires employers shall keep records of the dates of birth of employees under age 18, their daily starting and quitting times, their daily and weekly hours of work, and the occupations engaged in. It is the responsibility of Department Heads to ensure that a minor's starting and quitting times, daily and weekly work totals, and the occupations engaged in are on their timecards and are in compliance with the hour restrictions noted above.
- (4) Employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an officially-issued employment or age certificate for each young worker to show that the minor has the

minimum age for the job. Age or employment certificates issued under most state laws are generally acceptable for this purpose. See 29 CFR 570.5 (<http://www.dol.gov/cgi-bin/leave-dol.asp?exiturl=http://s.dol.gov/87&exitTitle=www.gpoaccess.gov&fedpage=yes>).

- C. Minors age 16 and 17 years may be a City employee or volunteer so long as the occupation engaged in has not been determined as hazardous by the Secretary of Labor (see subsection B. (1) for more information on hazardous occupations). Minors age 16 and 17 years are not subject to restrictions on hours.
- D. Employees age 18 or older are not subject to restrictions on jobs or hours.

## 7. VOLUNTEERS.

- A. Volunteers are considered government employees for certain purposes as set forth in Utah Code Annotated § 67-20-3.
- B. Volunteers shall complete a Registration Form (Appendix Number 31) and Memorandum of Understanding Agreement (Appendix Number 32) defining the nature and terms of the volunteer services. The registration form contains the required information for Workers Compensation reporting and meets the requirements of the specific volunteer program. Copies of this form shall be sent to the HR Director for review and approval.
- C. Volunteer positions shall require background checks into criminal and, if applicable, driving history and/or proof of licensure or certification, by completing the Application for Criminal History Record Review (see Appendix 51) when deemed appropriate by the City Manager or Mayor.
- D. A volunteer may not donate any service to a City department unless the volunteer's services are approved by the City Manager or Mayor as set forth in Utah Code Annotated § 67-20-4.
- E. The Department Head, City Manager, or Mayor may decline the services of a volunteer for any reason. Volunteers have no grievance or appeal rights.
- F. Volunteers may be allowed to operate City vehicles if the volunteer holds a valid State of Utah Driver's License and CDL if applicable.
- G. City employees who supervise volunteers shall provide clear direction, in writing if necessary, as to the requirements and duration of any services donated.
- H. A City employee shall not be a volunteer within his or her own department. A City employee may volunteer for another City department provided the following provisions apply:

- (1) The services are entirely voluntary, with no coercion by a City representative, no promise of advancement made, and no penalty for not volunteering;
  - (2) The activities are predominantly for the employee's own benefit;
  - (3) The employee volunteer serves without contemplation of pay;
  - (4) The activity does not take place during the employee's regular working hours or scheduled overtime hours;
  - (5) The volunteer time is insubstantial in relation to the employee's regular work hours;
  - (6) The assignment does not involve the same type of service that the employee is employed to perform.
- I. Volunteers between the ages of 14 and 18 years are subject to the City's policies on Employment of Minors. The City shall not employ any volunteer under the age of 14 except as temporary volunteers (church groups, boys and girl scouts, etc.) that are engaged in a short-term volunteer project.
- (1) Temporary Volunteers. If a temporary volunteer is an official volunteer (approved by the Mayor or designee) they are covered under Workers Compensation.
  - (2) Temporary volunteers that are under the age of 14 shall not perform tasks that have been determined as hazardous by the Secretary of Labor (see the Employment of Minors section for additional details).