

SECTION XII: EMPLOYMENT TERMS

1. GENERAL POLICY. Tremonton City develops, maintains, and interprets the terms and conditions of employment for persons employed with the City.
2. EMPLOYMENT CLASSIFICATIONS. There are five classifications of employees within Tremonton City:
 - A. Full-time Employees. An employee hired for an indefinite period in a position for which the normal work schedule is forty (40) hours per week. Unless otherwise specified, Police Shift Officers are classified as Full-time Employees. See Section XVI Benefits of this manual for benefits which Full-time Employees shall qualify for.
 - B. Part-time Employees. An employee hired for an indefinite period in a position for which the normal work schedule is less than forty (40) hours per week. See Section XVI Benefits of this manual for benefits which Part-time Employees shall qualify for.
 - C. Part-time Recreation Employees. An employee hired for an indefinite period in a Recreation Program position for which the normal work schedule is less than forty (40) hours per week. See Section XVI Benefits of this manual for benefits which Part-time Recreation Employees shall qualify for.
 - D. Temporary/Emergency Employees. An employee hired for a position which is required for only a specific, known duration, usually less than four (4) months. See Section XVI Benefits of this manual for benefits which Temporary/Emergency Employees shall qualify for.
 - E. Firefighter/EMT Employees. An employee hired for call-out in response to fire, medical, and hazardous material emergencies. See Section XVI Benefits of this manual for benefits which Firefighter/EMT Employees shall qualify for.
3. EMPLOYMENT STATUS. To facilitate provisions of the Fair Labor Standards Act (FLSA), employees shall also be classified as either exempt or non-exempt, with respect to eligibility for overtime payment. They shall be defined as:
 - A. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes, shall be exempt from minimum wage and mandatory overtime payment regulations.
 - B. Non-exempt. Positions of a clerical, technical, or service nature, as prescribed by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.
4. AT-WILL EMPLOYMENT. Unless specified elsewhere, and for employees not covered by Utah Code 10-3-1105, all employment with Tremonton City is at-will, which means

there is no obligation on either the employee or Tremonton City to continue employment for any set length of time. Probationary and post-probationary at-will employees may be terminated at any time without cause, reason, or explanation. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of City employees. These personnel policies are not intended to be a contract of employment or a legal document.

5. WORK WEEK.

- A. For purposes of calculating overtime, the work week begins on Sunday at 0001 hours and ends on Saturday at 2400 hours.
- B. The work week for Police Shift Officers and Firefighter/EMT Employees shall be directed by the Mayor or City Manager.

6. WORK DAYS.

- A. Work days for full-time employees shall be Monday through Friday.
- B. Work days for Police Shift Officers and Firefighter/EMT Employees shall be directed by the Mayor, City Manager, Police Chief, or Fire Chief.
- C. Work days for all other employees shall be directed by the Mayor, City Manager, or Department Head.

7. WORK HOURS.

- A. Work hours for full-time employees shall be 8:00 a.m. through 5:00 p.m. with a one (1) hour lunch period or as set by the Department Head.
- B. Work hours for Police Shift Officers and Firefighter/EMT Employees shall be directed by the Mayor, City Manager, Police Chief, or Fire Chief.
- C. Work hours for all other employees shall be directed by the Mayor, City Manager, or Department Head.

8. ATTENDANCE. Employees shall be in attendance at their work stations or location during their scheduled working hours.

9. BREAKS AND LUNCH PERIODS.

- A. Full-time Employees:
 - (1) Breaks: Two (2) optional fifteen (15) minute paid breaks may be taken at the employee's election during a standard work day. Breaks cannot be used to extend the lunch period or shorten an employee's work hours. If

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

- (2) Lunch period: One (1) hour unpaid lunch period during a standard work day to be taken at the discretion of the Mayor, City Manager, or their Department Head to ensure continuity in the flow of work.

B. Police Shift Officers:

- (1) Breaks and lunch periods shall be taken at the discretion of the Mayor, City Manager, or Police Chief to ensure the continuity in the flow of work.

C. All other employees:

- (1) Breaks and lunch periods shall be taken at the discretion of the Mayor, City Manager, or their Department Head, to ensure continuity in the flow of work.

D. Nursing Mothers Break. Under the Patient Protection and Affordable Care Act (PPACA), employers covered by the Fair Labor Standards Act (FLSA) shall be required to furnish reasonable breaks and a secluded location for nursing mothers to express milk for their infants.

- (1) The Mayor, City Manager, or Department Head, in coordination with the employee, shall provide a reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth. Breaks shall be paid according to the City break policy. Extra time shall be allotted as needed.
- (2) The Mayor, City Manager, or Department Head shall provide a space, other than a bathroom, which is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.

10. JOB RELATED TRAINING AND CONFERENCES. Employees may be either encouraged or required to obtain training through attendance at job related training courses, conferences, seminars, or certification courses in areas that shall enhance their job performance. Department Heads shall approve attendance for conferences, seminars, or certification courses in advance based upon such factors as department priorities, employee work schedules, budgeted funds, and other factors. Employee's attendance at out-of-state national conferences and seminars shall be in accordance with the City's Travel Policy contained in Section XV: Reimbursable Expenses. The employee shall be compensated as follows:

- A. Non-Exempt Employees. Non-Exempt employees shall receive their regular hourly pay for travel to, attendance at, and travel from training or conferences. Department Heads shall work with non-exempt employees who travel to flex

travel time and attendance at conferences within the week it was worked (see subsection 12). If flexing time is not possible, Non-Exempt Employees shall be compensated at the rate of one and one-half (1 and ½) times their regular hourly pay if hours worked exceed forty (40) hours in that week (see subsection 14).

- B. Exempt Employees. Exempt Employees shall receive their regular pay for travel to, attendance at, and travel from training or conferences.
 - C. For reimbursable expenses associated with job related trainings and conferences, please see Section XV: Reimbursable Expenses.
11. **COMPENSATORY TIME.** In limited circumstances, Full-time Employees may be granted compensatory time in lieu of paid overtime when approved by their Department Head. Compensatory time shall be used within the same pay period or the following four (4) pay periods after which it was earned. Compensatory time is earned at a rate of one and one-half (1 and ½) hours for each hour in which the employee would be eligible for overtime payments.
12. **FLEX-TIME.**
- A. Flex-time allows an employee to work a schedule that varies from either the position's regular work day or regular work hours. Flex-time does not allow for an employee to work more hours than the total hours that is allotted to be worked for a position in a work week. As such, flex-time is paid at the employee's regular hourly rate and shall be accrued and used within the same work week with the exception of those Police Shift Officers which shall accrue and use flex-time within the same pay period.
 - B. The Mayor, City Manager, or Department Head may approve the use of flex-time to accommodate personal time needed by an employee for appointments or other personal issues requiring the employee's absence. Flex-time is typically granted when the employee does not have other accrued leave to cover the employee's absence. The duties associated with some positions do not allow for flex-time. No flex-time is to compromise the safety of individuals. A task requiring two or more persons shall not be permitted to be done by one employee. Flex-time is to be the exception and not the rule.
13. **DONATION OF PAID ANNUAL LEAVE/SICK LEAVE.** Full-time Employees may donate unused annual leave or sick leave to another Full-time employee if the need is medically related and that employee's leave time balance has been depleted. The process and standards associated with donation of paid annual leave or paid sick leave shall be as follows:
- A. The employee requesting a donation of paid annual leave or paid sick leave shall fill out a Request for Donation of Leave Time Form (see Appendix 45) that authorizes the HR Director to send out an email in the employee's behalf to notify other City employees of their request for a donation. There shall be no expectation

from the employee making the request for a donation that fellow employees shall make a donation.

- B. There shall be no expectation for any employee to donate paid annual leave or paid sick leave. Employees donating unused leave shall fill out the Donation of Leave Time Form (Appendix 36) to be placed in the employee's personnel file. At the time of donation, employees shall maintain a balance of at least eighty (80) hours of paid sick leave and forty (40) hours of paid annual leave. All donations shall be paid to the recipient at the recipient's own regular hourly rate.
- C. No paid annual leave or paid sick leave hours may be donated to an employee while on short-term or long-term disability leave (see Section XVI: Benefits Subsection 4 and 5).

14. OVERTIME PAY.

- A. For Police Shift Officers and Firefighter/EMT Employees who work for a Department with five (5) or more employees, overtime pay shall apply for over eighty (80) hours physically worked in a fourteen (14) day work period and shall be compensated at the rate of one and one-half (1 and ½) the regular hourly rate of the employee. Overtime is still calculated if the employee uses paid annual leave or paid holiday leave during the eighty (80) hour work period. For Police Shift Officers, if a paid sick day falls within a work period, the employee shall physically work over eighty (80) hours before overtime shall be paid.
- B. For Police Shift Officers who work for a Department with less than five (5) employees, the Fair Labor Standards Act (FLSA) does not apply and, therefore, overtime pay shall not be paid for any hours worked in any work period.
- C. For all other employees, overtime pay shall apply for over forty (40) hours physically worked in a work week and shall be compensated at the rate of one and one-half (1 and ½) the regular hourly rate of the employee. Overtime is still calculated if the employee uses annual leave during the forty (40) hour work week. For all other Full-time employees, if a paid sick day falls within a work week, the employee shall physically work over forty (40) hours before overtime shall be paid.
- D. If a Full-time employee, who is not a Police Shift Officer, works on a paid holiday because of an emergency situation, they shall, regardless of paid annual or paid sick leave used during the week:
 - (1) Receive their regular straight-time pay plus double time for hours physically worked.
 - (2) Or, with approval of the Mayor or City Manager, be allowed to take the holiday off at a later date.

- E. Overtime shall be approved by the Department Head before worked. Department Heads shall only approve overtime when overtime funds have been appropriated.

15. ON-CALL PAY.

- A. On-Call Positions. Some City employment positions require, as an essential function of the job, to be on an on-call status that is to be available to come back to work outside of the employee's regular shift or otherwise report to work to respond to emergency situations. Employees who fill these employment positions shall be required to be on-call status on either an intermittent or regularly scheduled basis. Departments Heads shall identify, within the job description, employment positions required to be on-call status as a condition of employment.
- B. On-Call Requirements. Department Heads shall provide employees who are required to be on-call status with a schedule of the times and dates that the employee shall be on an on-call status. In addition, the following requirements apply:
 - (1) Unless otherwise advised, the employees on an on-call status shall not be required to remain on City premises. However, the employee shall remain available by telephone, text, or pager while off-site and respond to any notification to report to work.
 - (2) If an emergency requires the employee to return to the City, they shall do so within a reasonable maximum response time, appropriate for the work situation or emergency, as determined by their respective Department Head. While employees are on an on-call status, the employee shall remain free of the influence of alcohol or illegal drugs. In addition, the employee shall not take any prescription drug while on an on-call status that adversely affects their ability to safely and effectively perform their job duties. If an employee has a medical condition and has concerns about complying with this requirement, the employee shall consult with the Human Resources Director.
 - (3) If the employee has a personal conflict and is unable to be on an on-call status during their assigned period, it is the employee's obligation to find a replacement and notify their Department Head of the employee's replacement for being on an on-call status.
 - (4) Employees who are on an on-call status who fail to respond when called and/or who fail to find a replacement shall be subject to disciplinary action in accordance with Section VII: Disciplinary Action.
- C. On-Call Pay. Employment positions shall receive on-call status pay as designated on the Tremonton City Compensation and Classification Plan. The respective Department Head shall determine the duration that an employment position shall be on an on-call status.

If an employee is called to work or respond to an emergency while they are on an on-call status, the employee is paid for their physical worked hours, subject to a minimum of one (1) hour for the on-call response. Commuting time to and from the job site is counted as physical hours worked. An employee's physical time worked while on an on-call response shall be calculated at the employee's regular rate of pay. Overtime compensation is applicable only when the total physical hours worked by an employee is in excess of the number of hours needed to be classified as overtime as contained in the Overtime Pay section of this policy. The period of time that an employee is on an on-call status is not counted as hours physically worked and is not eligible towards the calculation of receiving overtime.

16. TIME CARDS.

A. Non-Exempt Employees.

- (1) All Non-Exempt Employees are required to maintain and sign, as verification of accuracy, time cards showing all hours worked, including overtime, and noting any hours taken for paid sick leave, paid annual leave, or paid holidays.
- (2) Time cards shall be signed and dated by the employee and their Department Head and forwarded to the HR Director by the Monday following the end of the pay period for payment (see Appendix 35). These time cards shall then be filed in the employee's personnel file per the City's Records Retention Schedule.

B. Exempt Employees.

- (1) Exempt Employee's time cards shall reflect an eighty (80) hour pay period (forty (40) hours per week) noting any hours taken for paid sick leave, paid annual leave, or paid holidays.
- (2) Exempt employees shall not deduct time off for any reason (paid sick and paid annual leave included) if they have worked any portion of the work day. When using paid annual and paid sick leave, see Section XVIII: Leave of Absence 2. I. and 3. H of this manual.
- (3) Time cards shall be signed and dated by the Exempt Employee and forwarded to the HR Director by the Monday following the end of the pay period for payment. Signature by the City Manager is not required. (See Appendix 35). These time cards shall then be filed in the employee's personnel file per the City's Records Retention Schedule.

17. JOB DESCRIPTIONS. Job Descriptions defining the essential duties along with the knowledge, skills, abilities, experience, educational requirements, certifications, licenses, etc. may be amended and refined at any time by the Mayor, City Manager, and/or

Department Head to meet new regulatory requirements and the changing needs of Tremonton City. Employees shall be required to fulfill essential duties or obtain additional knowledge, skills, abilities, experience, educational requirements, certifications, licenses, etc. When a job description is amended, and at the sole determination of Tremonton City, the City shall provide reasonable resources, means, and time period for employees to meet and fulfill the changes in a job description. Said amendments to job descriptions, as authorized by this section, shall not be associated or amount to any type of an Involuntary Transfer of Positions as allowed in Section VII Disciplinary Action. See also Section III Employee Hiring, Subsection 1 associated with amendments to job descriptions that occur while a position is vacant.

- A. Employees whose job description requires the obtainment of certification(s) and/or license(s), which certification(s) and/or license(s) require testing from an outside agency and/or entity, may be given time to study for testing during regular work hours. Study time for testing shall be at the sole discretion of the employee's Department Head.