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# **Lindon City Policies and Procedures Manual**

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# Introduction

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Welcome to Lindon City! We hope employment with Lindon provides you with a challenging and rewarding experience. The information contained in this manual was prepared to give employees a better understanding of the benefits, responsibilities, and obligations of employment with the City. Please read it thoroughly and retain it for future reference. Employees are expected to be familiar and comply with the policies and procedures described in this manual.

## **Policy Manual Creation and Applicability**

The Lindon City Policies and Procedures Manual (policy manual) is created and authorized as outlined in Lindon City Code, Chapter 1.20 (Policies and Procedures) to govern the administrative functions and employee policies of the City that are not otherwise outlined within Lindon City Code. The Manual should identify the organizational structure, rules, benefits, responsibilities, and obligations of employment with the City including policies on topics such as risk management, proper use of city property and equipment, purchasing and procurement, personnel policies, employee benefits, performance responsibilities, etc. These policies are applicable organization wide. As such, this manual supersedes and replaces all department-specific policies in the event of a current or future conflict. Additional department-specific policies and procedures are incorporated herein by reference, including the Lindon City Police Department Policy Manual (Lexipol manual), the Lindon City Aquatic Center policies and procedures, Lindon City Justice Court policies, Public Works safety policies and procedures, adopted OSHA policies, Lindon City Information Security and Acceptable Use Policy, etc.

*(Updated February 7, 2022 Resolution #2022-3-R)*

## **Utah Protection of Public Employees Act**

Employees are hereby noticed that by receipt of this policy manual they have been informed about and have been provided, through this internet hyperlink, a copy of the [Utah Protection of Public Employees Act](#) (Utah's "whistle blower" law) found in [Utah Code 67-21](#), which outlines reporting of governmental waste or violations of law and protection/rights of reporting public employees.

*(Updated June 1, 2020 Resolution #2020-15-R)*

## **Policies and Procedures Do Not Constitute a Contract**

The policies and procedures expressed in this manual, as well as those in other personnel and department materials which may be issued from time to time, do not create a binding contract, agreement, obligation or liability on the part of the City. The City disclaims any construction of this manual as, or implication of, an employment contract.

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

No supervisor, manager, or representative of the City other than the Mayor or City Administrator, has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the foregoing sections of the manual. Any actual employment agreement must be in writing and signed by the Mayor or City Administrator or signed by the Department Head after approval from the City Administrator.

*(Updated June 1, 2020 Resolution #2020-15-R)*

We wish you success in your position and hope that your employment relationship with the City will be an excellent experience. Should you have any questions about this manual, please contact our HR representative or the City Administrator.

# Lindon City Employees' Value Statement

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## **We Are Honest**

We give truthful accurate statements to the best of our ability;

## **We Are Responsible**

We give fairness, reliability, and devotion to our jobs serving the residents of Lindon;

## **We Are Respectful**

We honor and value each person's point of view, whether a fellow employee or member of the public;

## **We Are Professional**

We realize that each individual has their own perspective, and respond with tolerance, compassion, and generosity;

## **We Are Loyal**

We stand beside each other and defend the principles and standards of Lindon City.

**We Display the Qualities of Integrity.**  
**We Represent Lindon City to the World.**

# Lindon City Community Vision Statement

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It is Lindon City's Community Vision to provide for a strong, positive civic image and identity within a clean and attractive physical setting which seeks to preserve a high quality, open, rural living atmosphere which is also receptive to compatible services and amenities provided by some elements of urban living.

The Objectives of this Community Vision are to:

1. Recognize and promote Lindon as a dynamic Utah County community with a distinctive rural environment consistent with its traditional, family-oriented values.
2. Promote Lindon as a regional center for technology, commercial, and industrial facilities with excellent accessibility and a high-quality business environment.
3. Organize and develop land use areas to take full advantage of Lindon's strategic location in regard to the major rail, highway, and air amenities.
4. Preserve, protect and enhance the historical, cultural, and natural resources of the community.
5. Maintain the quality of existing and future neighborhoods and land use areas within the City through preservation of animal rights, community beautification, improved parks & trails, and other pursuits relating to provident living, recognizing all segments of our community (age, economic status, etc.).
6. Channel future growth and development into areas that can be efficiently and effectively served by public infrastructure and facilities.
7. Ensure that new development is of high quality and reflects quality architectural and site design standards consistent with its particular use and location.
8. Promote intergovernmental cooperation and communication regarding issues of future development within and around Lindon City.
9. Protect and maintain the rights of Lindon City residents to own and possess on their property, as is appropriate for property size, farm animals such as horses, cows, chickens, pigs, goats, sheep, etc., as well as cats and dogs; and provide these same rights to new residential developments.
10. Consider and provide for efficient public safety services either through a Lindon City Public Safety Department and/or contracting services from neighboring municipalities.

# Ethical Behavior Policy

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## Employee Code of Ethics

Employees shall annually sign and submit the Ethical Behavior Pledge Form (found in [Appendix A](#)) signifying that they will adhere to this Code of Ethics. The following list of ethical considerations, policies, and prohibited conduct applies to all employees and officers of Lindon City:

1. Matters for Disqualification from Acting on Lindon City Business.
  - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disclose said matter or disqualify him or herself from official action in those instances where conflict occurs;
  - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disclose said matter or disqualify him or herself from acting or participating;
  - c. Fail to disclose or disqualify him or herself from acting on any transaction which involves Lindon City and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
  - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Lindon City or any City agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Lindon City or City agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
  - a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Lindon City; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
  - b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
  - c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the City; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
  - d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with Lindon City, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.
3. Accept Gifts or Loans.

- a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
    - i. Unsolicited flowers, plants, and floral arrangements;
    - ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
    - iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
    - iv. Unsolicited food items given to a department when the contents are shared among employees and/or the public;
    - v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the City;
    - vi. Information material, publications, or subscriptions related to the recipient's performance of official duties;
    - vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
    - viii. Meals, beverages, and lodging associated with City approved meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the City;
    - ix. Travel costs, lodging, and tuition costs associated with City sanctioned training or education when not provided by a private entity under contract with the City;
    - x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization in which the employee or officer was invited as a representative of the City and other officials or employees of similar agencies are in attendance;
    - xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
    - xii. Campaign contributions; and
    - xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.
4. Disclose Privileged Information.
5. Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.
6. Financial or Beneficial Interest in Transactions.
7. Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Lindon City. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with Lindon City.
8. Nepotism.
  - a. Employees and Officers shall not violate [Utah Code § 52-3](#) and Lindon City Anti-Nepotism policies ([Section 5.5](#)) which prohibits employment and/or supervision of



relatives, with few exceptions.

9. Misuse of Public Resources or Property / Fraud Prevention.

- a. Employees and Officers shall not violate [Utah Code § 76-8-4](#), which delineates the unlawful use of public funds and destruction of property, including records, and [Section 3](#) of this manual regarding appropriate use of City Property & Equipment.
- b. All employees, and elected & appointed officials have a responsibility to prevent, detect and report any fraud, corruption, unlawful use of public funds or property, or similar suspicious activity. The City will promptly investigate any suspected fraudulent or related dishonest activity made against the city.
  - i. **Fraud** is defined as any intentional act or omission designed to deceive others, resulting in the victim suffering a loss and/or the perpetrator achieving a gain. Dishonest or fraudulent activities include, but are not limited to, the following:
    1. Forgery or alteration of documents (checks, bank draft, time sheets, invoices, agreements, etc.) or bank accounts belonging to the company or its subsidiaries;
    2. Misrepresentation of information on documents;
    3. Misappropriation of funds, supplies, or assets;
    4. Theft, disappearance, or unpermitted destruction of assets;
    5. Improprieties in the handling or reporting of money or financial transactions;
    6. Authorizing or receiving payments for goods not received or services not performed;
    7. Authorizing or receiving payment for hours not worked;
    8. Inappropriate use of the city's records and disclosing confidential and proprietary information to outside parties;
  - ii. **Corruption** is defined as the offering, giving, soliciting, or acceptance of an inducement or reward that may improperly influence the action of a person or entity. Some examples of corruption include: bribery, conspiracy, or extortion.
- c. Financial policies, procedures and internal controls shall be followed, including but not limited to, proper separation of duties related to accounting for and handling of public funds, proper handling of and use of city or state issued purchase cards, following of the city's purchasing and procurement policies, etc..
- d. **FRAUD HOTLINE:** If aware of any financial fraud or other fraudulent behavior by employees or officials of Lindon City, please call the City Administrator or City Attorney who can both be reached at 801-785-5043.

10. Outside Employment.

- a. Employees and Officers shall not retain secondary employment outside of Lindon City employment, which, as determined by the Lindon City Council, and according to [Utah Administrative Code R477-9-2](#):
  - i. Interferes with an employee's performance.
  - ii. Conflicts with the interests of Lindon City or the State of Utah.
  - iii. Gives substantial reason for criticism or suspicion of conflicting interests or duties.

11. Political Activity.

- a. Except as otherwise provided by State and Lindon City law & policies:
  - i. The partisan political activity, political opinion, or political affiliation of an

applicant for a position with Lindon City may not provide a basis for denying employment to the applicant.

- ii. A Lindon City officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
  - iii. A Lindon City employee may not engage in political campaigning or solicit political contributions during hours of employment.
  - iv. A Lindon City officer or employee may not use City equipment while engaged in campaigning or other political activity.
  - v. A Lindon City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
  - vi. A Lindon City officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
- b. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
  - c. Nothing in this chapter shall be construed to:
    - i. prohibit a Lindon City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
    - ii. Permit a Lindon City officer or employee partisan political activity that is prohibited under federal law.
  - d. No Lindon City officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Lindon City property.
  - e. No Lindon City officer or employee shall promise any appointment to any position with Lindon City as a reward for any political activity.
  - f. A Lindon City employee who is elected to an office with Lindon City shall terminate City employment prior to being sworn into the elected office.

## 12. Fair and Equal Treatment.

- a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, sexual orientation, national origin, political affiliation, or functional limitation as defined by applicable state or federal laws and Lindon City policies, if otherwise qualified for the position or office.
- b. No Lindon City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

## 13. Prohibited Conduct After Leaving Lindon City:

- a. No former employee shall, during the period of one (1) year after leaving Lindon City office or employment:
  - i. Disclose or use any privileged or proprietary information gained by reason of his/her City employment for his/her gain or anticipated gain, or for the gain or

anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;

- ii. Assist any person in proceedings involving an agency of Lindon City with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
- iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a Lindon City employee;
- iv. Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used.

(Updated Oct. 19, 2020 Resolution #2020-24-R)

# Section 1—Governmental Organization and Administration

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- 1.1 CITY STRUCTURE**
  - 1.1.1 City Administrator**
  - 1.1.2 Department Heads**
  - 1.1.3 Employees**
  - 1.1.4 Chain of Command**
- 1.2 CITY COUNCIL AGENDA**
- 1.3 OTHER AGENDAS**

## **1.1 CITY STRUCTURE**

Lindon City is organized as a six-member Council form of government as defined for Fourth Class Cities in the Utah Municipal Code, with an appointed City Administrator. Responsibilities and authority for the Mayor and City Council are outlined in [Lindon City Code, Title 2](#). Responsibilities and authority for non-elected staff and city employees are outlined in this Lindon City Policies and Procedures Manual (manual) as governed and authorized by [Lindon City Code, Chapter 1.20](#) and as follows in this manual.

### **1.1.1 City Administrator**

Under the general direction of the Mayor and City Council, the City Administrator acts as the Chief Administrative Officer of the City. The City Administrator is charged with the responsibility of administering and enforcing all City ordinances and city policies, and for the coordination of the activities of the various departments of the City for the express purpose of providing effective and efficient municipal services to the citizens.

The City Administrator acts as the Personnel Director, overseeing implementation of all Human Resource activities and implementation of personnel policies and procedures. The City Administrator also acts as the City Risk Manager and implements policies and procedures related to risk elimination, reduction, or transfer. In addition, the City Administrator acts as the Public Information Officer (PIO) for non-emergency events, with the Chief of Police, or his/her appointed designee, acting as the PIO during public emergencies or criminal investigations.

### **1.1.2 Department Heads**

Department organization and administrative structure within the City is established by the City Administrator, with each department having a Department Head. Department Heads may consist of positions such as Chief of Police, Public Works Director, Finance Director, Chief Building Official, Planning Director, Parks & Recreation Director, or other positions as determined by the City Administrator. These positions are held by specialized professionals who are directly responsible to the City Administrator for the efficient operation of their particular departments. The City Administrator can, by delegating authority and accountability to these Department Heads, use his/her time to better coordinate all City activities and services.

### **1.1.3 Employees**

The most vital element in any organization is its employees. Close identification with the major objectives of City growth and development and a desire to serve the general interest of the community are necessary characteristics of effective City employees. Employees should be familiar with the goals and guidelines found within the Lindon City Community Vision Statement and shall adhere to the Lindon City Employees' Value Statement.

### **1.1.4 Chain of Command**

Each employee must understand the requirements and responsibilities of their respective job in relation to the City organization as a whole. Effective communication is vital to create an orderly workflow and to allow the accomplishment of required duties. Each employee must understand and use the proper lines of communication. When a problem arises, the employee should address questions or concerns to the appropriate supervisor. If the problem is not adequately addressed at the supervisory level, the

employee should address concerns with the appropriate Department Head. In most cases, the problem can be addressed at this level. When necessary, the Department Head will communicate with the City Administrator to resolve problems or concerns.

If further review is necessary, the City Administrator will present the matter to the Mayor and City Council for consideration. All information on policies and procedures, Council decisions, rules and regulations, or other directions relating to the concern will be forwarded to the employees through the same line of communication, also known as the chain of command.

The Mayor and City Council members are encouraged to communicate problems and/or concerns through the City Administrator and should not typically seek out individual staff members without prior communication with the City Administrator or Department Head.

## **1.2 CITY COUNCIL AGENDA**

The City Council agenda is defined as the formal schedule of matters of business to be discussed by the City Council in a public meeting. The agenda is the method by which the Council considers matters of concern, passes laws, determines policies, hears citizen requests, holds public hearings, etc. Therefore, it is important that the agenda be prepared so as to give the Mayor and Council adequate time to study the issues prior to a public meeting. In general, all City Council agenda preparation, documentation, and follow-up will be completed by or under the direction of the City Administrator, or other designees, as follows:

1. Items to be placed on the agenda and considered by the City Council must be in the City Administrator's office in writing by noon on the Wednesday before the next City Council meeting.
2. All agenda items requiring any type of action on the part of City officials will be coordinated through the City Administrator's office.
  - a. Agenda action items requested by City Council members but not previously directed by a majority of the City Council in a prior public meeting shall be approved and authorized by the Mayor prior to preparing and posting the agenda. The Mayor's approval is not necessary for non-action items requested by City Council members, such as work sessions or discussion items.
  - b. Agenda action items requested by a majority of City Council members in a prior public meeting shall be placed on a future meeting agenda as soon as is practicable.
3. As regularly as possible, the agenda will be prepared and distributed to the Mayor and City Council members, department heads, and local media representatives by the Friday preceding the Council meeting.

## **1.3 OTHER AGENDAS**

Agendas for other advisory commissions and committees, such as the Planning Commission and Board of Adjustment, shall be prepared by the Department Head, or other designees, under the direction of the City Administrator.

# Section 2—Risk Management/Safety Rules & Regulations

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- 2.1 PURPOSE**
- 2.2 POLICY**
- 2.3 CITY COUNCIL REVIEW**
- 2.4 CITY DEDICATION TO SOUND RISK MANAGEMENT PRACTICES**
- 2.5 RISK MANAGER**
  - 2.5.1 Risk Management Committee**
- 2.6 CLAIM OR NOTIFICATION OF LAWSUIT**
- 2.7 ACCIDENT INJURY OR LOSS PROCEDURE**
- 2.8 EMPLOYEE RESPONSIBILITY FOR RISK MANAGEMENT**
- 2.9 DEPARTMENT HEAD AND SUPERVISOR RESPONSIBILITY FOR RISK MANAGEMENT**
- 2.10 DRIVERS LICENSE VERIFICATION**
- 2.11 VEHICLE SAFETY**
  - 2.11.1 Definitions**
  - 2.11.2 General Vehicle Safety**
  - 2.11.3 Driver Responsibility**
  - 2.11.4 Vehicular Accidents**
  - 2.11.5 Vehicle Backing**
  - 2.11.6 Vehicle Loading**
- 2.12 TRAFFIC CONTROL DEVICES**
  - 2.12.1 Placement and Maintenance of Traffic Control Devices**
  - 2.12.2 New Streets and Subdivisions**
  - 2.12.3 Emergency Sign Response**
  - 2.12.4 Traffic Control Device Requests**
- 2.13 PERSONAL-INJURY ACCIDENTS ON CITY PROPERTY**
  - 2.13.1 Procedures and Responsibilities**
- 2.14 EMPLOYEE SAFETY INCENTIVE AWARD PROGRAM**

## **2.1 PURPOSE**

Lindon City is committed to establishing, to the extent practical, a safe environment in which employees of the City and members of general public may use facilities in safety and security. Lindon City, its elected officials, appointed officials, employees and volunteers are dedicated to sound risk management practices.

## **2.2 POLICY**

It is the policy of Lindon City to set forth objectives of the City relating to risk management and to establish an orderly process and program for managing the risks of the City. This policy also creates a system of internal procedures providing a continuing reassessment of exposure to loss, loss-bearing capacity, and available financial resources to protect the City against such losses. All employees will be required to adhere to these policies. Department heads will ensure that these regulations are carried out.

## **2.3 CITY COUNCIL REVIEW**

These policies shall be reviewed by the City Council from time to time, as deemed necessary by the governing body.

## **2.4 CITY DEDICATION TO SOUND RISK MANAGEMENT PRACTICES**

All City operations will be conducted to avoid, eliminate, reduce, transfer, and manage associated risks. City goals include providing municipal services and a place of employment free from hazards, and to help protect the community from sustaining losses. In fulfilling this goal, the City has established the procedures set forth in this Section.

## **2.5 RISK MANAGER**

The City Administrator will serve as the Risk Manager for the City and is responsible to implement and administer a comprehensive safety and loss prevention program. The Risk Manager will also be responsible to identify risk exposure areas and take actions to avoid or prevent risk to the City. As necessary, the Risk Manager will represent the City on any insurance board or committee by which the City is represented.

### **2.5.1 Risk Management Committee**

The Risk Management Committee is responsible to develop methods to stimulate and maintain interest in the City's safety, risk management and loss prevention programs. The Risk Management Committee will review and discuss accident, injury and loss summaries and make risk management recommendations to the City Risk Manager and City Council. The Risk Management Committee will hold regular quarterly meetings. Employees involved in any accident or loss may be required to meet with the Risk Management Committee to discuss details of the incident. Special meetings may be convened when necessary to study and resolve specific problem areas. Procedures followed by the Risk Management Committee in the event of an accident, injury are outlined in the Procedures as outlined below.



## 2.6 CLAIM OR NOTIFICATION OF LAWSUIT

Once a claim or notification of a lawsuit is received, the Risk Manager or appointed designee will, within one business day notify the City insurance provider with the details of the claim or lawsuit. The City Attorney will also be notified when appropriate. The insurance provider, the Risk Manager, and the City Attorney, if necessary, will then decide an appropriate response to the claim or lawsuit.

Lindon City shall defend its employees against any loss or claim while they are performing the duties of the City and in those instances and with those exceptions and reservations set forth in [Utah code Annotated 63G-7-902](#), as may be amended from time to time.

*(Updated June 1, 2020 Resolution #2020-15-R)*

## 2.7 ACCIDENT INJURY OR LOSS PROCEDURE

*Definition of 'loss'.* For purposes of this section, 'loss' shall be defined as being deprived of \$300 in value or costing \$300 or more to repair or replace. Loss can include damage to equipment or property that is greater than \$300 in value or literal lost or stolen equipment.

Employees shall immediately, or as soon as possible, report all accidents, personal injuries, or loss to their Department Head. Department Heads shall document any incidents of accidents, personal injuries or loss and report employees involved in repetitive accidents, injuries, or loss to the Risk Management Committee for their consideration of possible disciplinary action.

The following procedure will be followed in the event of an accident resulting in an injury, or loss:

1. An employee involved in a vehicular or traffic accident while driving a City or personal vehicle on City business shall follow the procedures outlined in [the Policies and Procedures Manual Section 2.11.4](#) (Vehicular Accidents).
2. A Risk Management Committee meeting will be scheduled within 30 days of the date of occurrence.
3. The employee involved in the accident may be required to appear before the Committee to explain the details of the incident.
4. The Committee will review any accident reports, photographs of damage, witness statements, or other information relative to the accident.
5. The Committee will consider the following during the course of the review:
  - a. whether the accident, injury, or loss was preventable on the part of the employee;
  - b. whether any disciplinary action is warranted; and,
  - c. whether any lessons can be learned as a result of the accident, injury, or loss which may benefit the City or its employees and create a safer work environment.
6. The following criteria will be used by the Risk Management Committee in determining whether disciplinary action will be imposed;
  - a. Whether the employee was at fault in the accident, injury, or loss;
  - b. Whether the accident involved recklessness, negligence, malfeasance or any criminal act;
  - c. Whether the employee was under the influence of drugs or alcohol;
  - d. The severity of the accident, injury, or loss; and
  - e. Any at fault accidents, injuries, or losses involving the employee. Any employee involved in two or more at fault accidents may be subject to disciplinary action. The Committee

may also consider previous accidents, injury, or loss in making a determination regarding discipline.

7. Disciplinary action imposed by the Risk Management Committee could consist of any combination of the following:
  - a. Up to one year probation during which the employee would not be eligible for any pay increases or promotions;
  - b. Up to ten days off without pay;
  - c. The inability to drive a City vehicle for a period of time to be determined by the Department Head with input from the Risk Management Committee;
  - d. Completion of a traffic school program at the expense of the employee;
  - e. Completion of a defensive driving course at the expense of the employee;
  - f. An employee involved in three or more at fault accidents, injuries, or preventable losses may be subject to disciplinary action up to and including termination pursuant to disciplinary policy found in the Policies and Procedures Handbook, [section 5.24](#); or
  - g. Other disciplinary action deemed appropriate by the committee.
8. Each accident, injury, or loss will be considered on a case-by-case basis. The Committee will have the authority to impose the above disciplinary measures following an at-fault accident, injury, or loss or withhold disciplinary action if specific circumstances are determined to not warrant such action.
9. A letter documenting the decision of the Committee will be maintained in the employee's personnel file.
10. A record of the proceeding will be maintained in the office of the City Recorder.

(Updated Oct. 19, 2020 Resolution #2020-24-R; Loss amount increased by Accident Review Committee from \$100 to \$300 in spring 2022)

## **2.8 EMPLOYEE RESPONSIBILITY FOR RISK MANAGEMENT**

As a part of the City's Risk Management Program, each employee is expected to place safe conditions in the highest priority while performing daily tasks, including the following:

1. Using safety equipment which has been provided in performing daily work assignments;
2. Warning co-workers of unsafe conditions or practices they are engaged in which could result in an accident;
3. Operating only equipment or using tools for which training or orientation has been provided;
4. Reporting defective equipment immediately to a supervisor;
5. Reporting dangerous or unsafe conditions that exist in the work place, as well as throughout the City. This would include defective sidewalks, broken curbs, hanging tree limbs, loose handrails, open manholes, sunken sewers, missing, damaged or visually blocked signs, etc.;
6. Reporting all injuries or accidents regardless of severity;
7. Placing barricades or restricting unsafe areas that result from City work that could present a hazard to the public; and
8. Taking care not to abuse tools and equipment to maintain the safety and usability for as long as possible, as well as to ensure that they are in the best possible condition while being used.

## **2.9 DEPARTMENT HEAD AND SUPERVISOR RESPONSIBILITY FOR RISK MANAGEMENT**

Each Department Head or supervisor is responsible for the fulfillment of department goals and objectives as well as the health, safety and welfare of each employee in the department. Department

Heads and supervisors are responsible to thoroughly train subordinate personnel and enforce workplace safety practices. Department Heads and supervisors are expected to be proactive in identifying and eliminating potential safety hazards in their department through the use of safety inspections and proper maintenance of all equipment to minimize safety hazards. Department Heads are expected to set an example in workplace safety practices, and to give full support to City safety programs and practices.

## **2.10 DRIVERS LICENSE VERIFICATION**

Drivers will carry a valid driver license that corresponds to the type of vehicle being used when operating any City vehicle. Driving records of prospective employees will be reviewed to identify unsafe or uninsurable drivers. Each employee will be required to provide a copy of their driving record as a condition of employment. Driving records of all employees who operate vehicles for the City will be reviewed annually by the City. Employees with poor driving records will be prohibited from driving City vehicles and may be subject to termination.

Any employee who is required to drive a vehicle in fulfilling their employment responsibilities shall immediately notify their Department Head if their driving privileges become restricted, or are denied, suspended, or revoked for any reason. Notification to the City should also occur if an employee is taking medications that suggest limiting operation of vehicle and machinery or has a medical condition where driving should be restricted. This will allow the City to evaluate the situation and its impact on the employees' ability to perform essential duties.

Employees who operate vehicles requiring a Commercial Driver License (CDL) shall be responsible to obtain, keep active, and renew required CDL as necessary. A CDL is a license which allows its holder to drive a commercial motor vehicle (CMV.) A CMV is a motor vehicle used in commerce to transport passengers or property with a gross vehicle weight rating of 26,001 pounds or more, or a gross combination weight of 26,001 pounds or more, including a towed unit with a gross weight rating of 10,001 pounds or more. No employee shall operate equipment or vehicles requiring a CDL unless the employee has obtained the CDL.

To obtain a CDL a Department of Transportation Medical Certificate (DOT card) is required. However, employees may opt to obtain an approved medical waiver in order to acquire or renew their CDL. If any employee fails to secure a medical waiver or lets their DOT card lapse if they don't have a waiver, or otherwise fails to have an active CDL, the employee shall immediately notify their supervisor and shall immediately be suspended from operating any city equipment that requires a CDL. If the lack of a CDL limits the employee's ability to perform their job the employee may be suspended without pay until the license issue is corrected. Failure to obtain or maintain the CDL may result in disciplinary action up to, and including, termination.

*(Updated May 7, 2019 Resolution #2019-13-R)*

## **2.11 VEHICLE SAFETY**

### **2.11.1 Definitions**

Light Duty Truck: Any pickup truck, utility truck or one-ton truck.

Heavy Duty Truck: Any dump truck exceeding one ton, flatbed truck, truck mounted equipment, or heavy equipment.

### **2.11.2 General Vehicle Safety**

Each employee must make a concerted effort to use and treat City equipment in a manner which will facilitate the maximum usage possible for all City equipment. Each employee, whether driving a vehicle or traveling as a passenger, is responsible for the safe operation of the vehicle. City employees are required to act according to the guidelines set forth in this Section.

### **2.11.3 Driver Responsibility**

Before initial use of any vehicle, the driver will walk around and inspect the vehicle for damage or inoperable equipment which might create an unsafe situation. Any deficiency encountered will be promptly reported to the Department Head or supervisor. Appropriate action will be taken to correct the situation. Employees may not be required to operate an unsafe vehicle. Misuse, carelessness, or purposeful recklessness will be grounds for disciplinary action up to and including termination. Department Heads, or appointed designee, will maintain a complete list of all City-owned vehicles and will schedule routine service and maintenance for each vehicle.

### **2.11.4 Vehicular Accidents**

If a City employee driving a City vehicle, or driving a private vehicle on City business, is involved in an accident, the following guidelines shall be followed:

1. Stop the vehicle immediately and render assistance to any injured person; call 911 as necessary;
2. Obtain the name, address, telephone number and driver's license number of the drivers of other vehicles involved;
3. Obtain the name, address and telephone number of witnesses to the accident;
4. Obtain the name, address and telephone number of the other driver's insurance carrier;
5. Notify the Department Head or City Risk Manager immediately or as soon as possible. Vehicle operators shall be held accountable and subject to disciplinary action for failure to report a vehicular accident;
6. Contact the appropriate law enforcement agency as necessary;
7. If it is a vehicular accident where bodily injury, third party property damage or potential injury to third parties are involved, the vehicle operator shall submit to an alcohol breathalyzer or blood alcohol test *and* drug screen as soon as practical after the accident.
8. City employees may give their name, address, and license number to other drivers if it is requested. Under no circumstances are any statements or written accident reports to be given, except to law enforcement officers investigating the accident, the Risk Manager's office or a representative of the City's insurance carrier;
9. The employee involved in the accident will submit a Vehicle Accident Report Form to the City Risk Manager as soon as is reasonably possible following the accident; and
10. The accident will be reviewed by the Risk Management Committee (RMC) at the next RMC meeting.

### **2.11.5 Vehicle Backing**

It is recognized that backing a vehicle is inherently dangerous and must be done in the safest manner possible. City employees will be required to act according to the following guidelines when backing a vehicle on City property or while on City business:

1. Drivers are encouraged to back safely into parking spaces when and where possible. Backing into

parking spaces provides a clear view of the parking area along with potential obstacles. If backing into a parking space is not feasible, employees are encouraged to pull forward into a double space to allow the vehicle to be driven forward when exiting the parking space;

1. When backing a parked City vehicle is necessary, the driver shall walk completely around the vehicle before starting the vehicle. Drivers should look over their shoulder while backing. If looking over the shoulder is not possible, drivers should use the side and rear-view mirrors. When backing a heavy-duty truck, another employee should “spot” for the driver whenever possible; and
2. Failure to adhere to these guidelines will be considered a violation of City policy and may result in disciplinary action up to and including termination.

#### **2.11.6 Vehicle Loading**

It is recognized that loading a vehicle improperly may contribute to accidents and must be done in the safest manner possible. City employees will be required to adhere to the following guidelines:

1. When loading a light duty City truck, care must be taken to ensure that the load is balanced and will not shift in transit. Covers must be used if the load is one where there is a possibility of it blowing from the truck. Covers must be tied down securely;
2. When loading a heavy-duty City truck, the load must be balanced and care must be taken to not exceed the legal weight limit; and
3. Failure to adhere to these guidelines will be considered a violation of City policy and may result in disciplinary action up to and including termination.

### **2.12 TRAFFIC CONTROL DEVICES**

Lindon City will use the Manual of Uniform Traffic Control Devices (MUTCD) prepared by the Federal Highway Administration for the US Department of Transportation to guide the placement of traffic control devices. The purpose of the MUTCD is to provide uniform standards and design criteria for all traffic control devices including signs, signals, pavement markings and devices placed on, over, or adjacent to a street or highway.

#### **2.12.1 Placement and Maintenance of Traffic Control Devices**

The Public Works Department is responsible for the acquisition, placement and maintenance of traffic control devices and pavement markings. The Public Works Director, or appointed designee, shall see that traffic control devices are properly placed.

#### **2.12.2 New Streets and Subdivisions**

The Public Works Director, or appointed designee, is responsible to determine the proper traffic control devices needed in all new subdivisions and on newly constructed streets. The Planning Department is responsible to provide a preliminary plat to the Public Works Department after it has been approved by the City Council.

The Public Works Director, or appointed designee, will complete a Lindon City Work Order Form for installation of all new traffic control devices, and will oversee the installation of traffic control devices in all new subdivisions.

All traffic control devices should be inspected annually. Police, public works employees, building

inspectors and other city workers should be alert to signs that are down or blocked from view by foliage or other materials. Unsafe conditions should be reported immediately to the Public Works Department.

### **2.12.3 Emergency Sign Response**

All employees are required to immediately report any missing or downed signs. Employees will immediately notify the Public Works Department when a stop sign or other warning sign is missing, has been knocked down, or is obstructed from view. If it is after regular hours, the employee will call the Public Works Director or Police Department. The Public Works Department will have department personnel assigned to respond during non-duty hours to traffic control device problems when called by the police dispatcher. Action on other types of signs will be taken without undue delay.

### **2.12.4 Traffic Control Device Requests**

Any City department or resident may request that additional traffic control devices be installed. These requests will be submitted to the City Administrator through the Public Works Department. City Council approval is required after the City Administrator's consultation with the Public Works Director, City Engineer, and review of the MUTCD for changes involving stop signs, school zone signs, one-way streets, speed limits or where there is a major impact or change on the vehicular or pedestrian traffic.

## **2.13 PERSONAL-INJURY ACCIDENTS ON CITY PROPERTY**

The purpose of this section is to set policy for the administering and assisting of persons injured while on City property, in City vehicles, or in City buildings.

### **2.13.1 Procedures and Responsibilities**

1. If it appears the person is so seriously injured that an ambulance or doctor is necessary, call one immediately. If possible and necessary, determine the family physician and call him/her.
2. If a vehicle is involved in the accident, contact the appropriate law enforcement agency.
3. Obtain written statements from those who witnessed the accident.
4. As soon as the injured person is cared for, contact the City Risk Manager's office, write a report of what happened, and give it to the Risk Manager. The report filed should address the following:
  - a. Date of report;
  - b. Name of the person preparing the report;
  - c. Date and time of accident;
  - d. Location of the accident;
  - e. If possible, the name and address of injured person;
  - f. What you saw happen (be specific);
  - g. What you were told happened and by whom; and
  - h. Names and addresses of other people who might have witnessed the accident.
5. Forward the original of all reports and statements to the Risk Manager. Forward a copy to your Department Head.

## **2.14 EMPLOYEE SAFETY INCENTIVE AWARD PROGRAM**

The safety award program is created to recognize City employees who go for an entire year (1) with no "at-fault" accidents, injuries or claims and (2) who have not been determined to be responsible for

violation of a safety rule, policy, regulation, or practice. The goal of this program is to minimize employee injuries / workers comp claims, promote greater attention to safety work practices, control accident costs and maintain a strong safety culture within Lindon City. The initial award year is from December 1, 2019 through November 30, 2020 and will repeat each year as approved within the City Budget.

For purposes of the awards, employees are divided into three (3) Risk Categories with quarterly award amounts as listed:

Risk Category	Positions Included	Potential Award / quarter
High Risk	staff with higher work-related injury risks such as emergency vehicle operation, heavy equipment operators, utility laborers, etc. Examples – police officers, parks laborers, public works laborers, heavy equipment operators, etc.	\$12.50 (\$50/yr)
Medium Risk	staff with medium risk work duties. Examples – recreation staff, lifeguards, facilities maintenance, janitor, inspectors, etc.	\$7.50 (\$30/yr)
Low Risk	staff with low-risk work duties. Examples – office clerk, cashiers, attorney, dept heads/management, etc.	\$2.50 (\$10/yr)

Temporary part-time and Seasonal Employees are eligible for a pro-rated safety incentive award based on number of months worked (3-month minimum required).

#### Team Based Qualification:

Employees are divided into teams to promote encouragement among team members to follow safe work practices. Work related 'at-fault' preventable accidents or safety policy violation from any individual within a team will disqualify all of the team members from being eligible for the award for that quarter. Two or more work related accidents within a team per year will disqualify all of the team members from being eligible for the award for the remaining of the program year.

#### Teams:

1. Finance, Administration, Legal, Justice Court, facilities
2. Community Development (planning & building depts)
3. Parks & Rec Director, Parks & Rec office staff, senior center staff, Rec Supervisor, Rec staff, Parks Supervisor, Parks laborer, parks seasonal help
4. Aquatics Manager, lifeguards, Aquatic center staff
5. Public Works management, clerks, engineers, inspectors
6. Public Works streets and utility divisions (streets, water, sewer, storm water), PW seasonal help
7. Police Chief, Lieutenant, secretary, office clerks, detectives, emergency manager, SRO
8. Sergeant 1, patrol staff under assigned Sergeant
9. Sergeant 2, patrol staff under assigned Sergeant

#### Individual Qualification:

In addition to the Team Based qualifications as listed above in order to receive the Safety Incentive Award, individual employees shall also participate in a *minimum of two safety trainings per program year*. These safety trainings may include department safety training meetings, city-wide trainings, conference safety trainings, on-line training, or other appropriate safety trainings as approved by the Department Head. To receive credit for safety training participation individual employees must sign a

training attendance log to be kept by each Department.

**Supervisor Oversight:**

Supervisors are charged with the responsibility to assure that employees that do not perform their duties safely do not qualify for the safety incentive award. After consultation with Department Heads, Supervisors have discretion to determine the level of awards or to deny an award to an employee based on individual performance.

Safety violations, serious incidents and chargeable accidents may not only result in the total loss of the safety achievement recognition but may subject an employee to progressive disciplinary action according to Lindon City policy.

Supervisors will verify training dates, topics and attendance and recommend those that have earned awards to the Department Head, who will then certify the recommendation and forward to the Personnel Director by the end of each program year.

**Eligibility:**

Full-time employees, permanent part time employees, and seasonal employees are eligible to receive a safety incentive award if they have been employed with the City for a minimum of 3 months. Temporary part-time and Seasonal Employees are eligible for a pro-rated safety incentive award based on number of months worked (3-month minimum required).

**Recordable Accident or Safety Violation:**

For purposes of this program, a recordable accident or safety violation consists of any of the following:

- An injury or event which required an employee to receive medical attention and/or results in limitations placed on their job duties (i.e., light work duty). An injury, accident or illness which occurred while on the job must require treatment beyond first aid: such as special medical care by a physician, registered nurse, therapist, paramedic, etc. *(Example: For purposes of this program, a small cut received during work that is fixed with a band-aid is not considered a recordable accident. However, a cut that requires stitches or becomes infected and requires medical attention is a recordable accident.);* or
- A lost time accident that occurs when an employee is injured, harmed, or becomes ill while on the job and results in the employee missing one or more days beyond the day of the accident; or
- Physical injury, property damage, equipment or vehicle damage or accident that is deemed preventable by the Risk Management Committee; or
- Any violation or non-compliance with the safety practices, procedures and policies adopted by the Department and/or City. Safety violations may be written and issued after an incident/accident investigation. Recommendations for a safety violation may be offered by others but must be issued by the individual employee's supervisor or Department Head.

**Failure to Report an Incident/Accident/Injury:** Anyone failing to report to a Supervisor or Department Head any property damage accident or an injury that exceeds minor first aid treatment as soon as possible (during the shift or if on a call-out, at the start of the next scheduled shift) will automatically lose their entire incentive reward for that fiscal year.

Interpretation and application of this policy will be made on a case-by-case basis by the Personnel Director in coordination with the Risk Management Committee as needed.

*(Updated June 1, 2020 Resolution #2020-15-R)*





# Section 3—City Property and Equipment

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- 3.1 PROCEDURES AND RESPONSIBILITIES**
- 3.2 CITY OWNED PROPERTY RENTAL**
- 3.3 AUTHORIZED USE OF CITY VEHICLES**
  - 3.3.1 Vehicles Assigned to City Administrator, Police Chief, and Public Works Director**
- 3.4 PRIVATE USE OF CITY EQUIPMENT**
- 3.5 SURPLUS PROPERTY DISPOSAL**
  - 3.5.1 Surplus Firearms and Police Weapons**

### **3.1 PROCEDURES AND RESPONSIBILITIES**

The purpose of this section is to establish a policy which will allow City employees to know how to handle requests for use of City-owned equipment by parties outside the normal scope of City services and responsibilities.

### **3.2 CITY-OWNED PROPERTY RENTAL**

The City will reserve a picnic pavilion, Veterans Hall, Aquatics Center, or Community Center facilities for an individual or group upon receipt by Lindon City of a completed reservation application and proper deposit. A reservation can be made by contacting the Lindon Community Center. Rental rates are available in the annual budget.

Every person or group reserving any city park or public building shall respect the property and abide by common rules of courtesy such as:

1. Use the facility only for purposes for which it was designed;
2. Leave the area clean, neat, and orderly upon departure;
3. Respect the right of others, their reservation times, and any of the City's specifically posted rules and regulations at the facility; and
4. Conform to all provisions contained in the City's Ordinances.

Any damage done to a facility or park will be charged to the responsible group and that group shall be held legally liable for compensation of such.

Ceremonial scissors and stanchions used for ribbon cutting ceremonies are also available for rent.

### **3.3 AUTHORIZED USE OF CITY VEHICLES**

Authorized persons – defined by individual department heads, subject to approval of the City Administrator – are authorized to operate and/or ride in City vehicles. No one except City employees may operate City vehicles unless authorized by the City Administrator, or in cases of emergencies.

Additional policies for use of Police Department vehicles may be found in the Lindon City Police Department Policy Manual.

Persons who are assigned to be “on-call” for emergency situations may have use of a City take-home vehicle during the specific time they are “on-call” if the employee residence is within 30 minutes standard driving time from their primary work office. Such vehicles may be garaged at the employee's home but shall not be permitted to be driven further than 30 minutes away from Lindon City. (i.e., employee who lives 20 minutes away in Lehi can take an on-call vehicle home but shall not drive the on-call vehicle to Salt Lake City since that is further than 30 minutes from Lindon.)

City vehicles are not to be used by employees to ride from the yard, park building, City offices, etc. for lunch purposes. However, if the employee has a specific job assignment and goes directly from that job to lunch and back to the job site, then a City vehicle can be used.  
(Updated June 1, 2020 Resolution #2020-15-R)

### **3.3.1 VEHICLES ASSIGNED TO EMPLOYEES FOR THEIR SPECIFIC USE**

It is the policy of the City that the City Administrator, Police Chief, Public Works Director and Public Works Superintendents may use the City vehicle assigned to him/her within the restrictions outlined below. It is recognized by the City Council that these positions are, within reason, on-call and may be expected to respond 24 hours per day in the event of an emergency. Therefore, it is reasonable and appropriate to allow the personal use of assigned vehicles unless otherwise listed in employment contracts where use of a personal vehicle is part of a compensation package.

Use of a city vehicle for these positions includes reasonable personal use, the transporting of family members and others, and otherwise using the vehicle for reasonable travel needs as if it were his/her personally owned vehicle. The City is responsible for all vehicle expenses including, but not limited to, gas, oil, maintenance, repairs, and insurance. The employee is responsible to pay for any personal taxes/taxable benefits associated with this vehicle use policy. This vehicle use is subject to the following restrictions:

1. No personal travel is authorized beyond the boundaries of Utah County for anything other than City business.
2. The City vehicle shall not be used for personal activities that may cause significant wear or damage to the vehicle such as towing personal trailers or campers or boats, off-road use, hauling of yard materials or personal waste and debris, etc.
3. Except in the case of emergencies, only a City employee shall operate the vehicle.
4. The City's insurance carrier must be notified of this policy to affect appropriate coverage.
5. At the discretion of the City Administrator, a vehicle stipend may be negotiated in lieu of the city providing an actual vehicle for these positions where such stipend is reasonable and provides benefit to the city and employee.

(Updated Oct. 19, 2020 Resolution #2020-24-R)

(Updated April 5, 2021 Resolution #2021-7-R)

(Updated June 16, 2023 by City Administration)

### **3.4 PRIVATE USE OF CITY EQUIPMENT**

Except for de minimis use, and as otherwise permitted within this manual, it is the policy of the City that City facilities and equipment are not to be used for activities or projects outside the scope of the City's normal service delivery requirements. Facilities and equipment are not to be used for an employee's or elected official's personal use or benefit unless furthering the purposes of the City and delivery of its services.

Authorization for use by private parties or other public entities may be granted by the City Administrator or Public Works Director for those instances where the general benefit of the citizens of Lindon is apparent or in emergency situations. The City Administrator shall report these conditions to the Mayor and the City Council.

*(Updated June 1, 2020 Resolution #2020-15-R)*

### **3.5 SURPLUS PROPERTY DISPOSAL**

Property that becomes surplus to the needs of the City (equipment, tools, vehicles, etc. – but not including land or police firearms and weapons) shall be declared surplus by one of the following

methods:

1. If the property value is estimated at more than \$100 then the item shall be declared surplus by Resolution of the City Council and sold as outlined below; or
2. If the property value is estimated at less than \$100 then the item shall be declared surplus by Memo from the Department Head and City Administrator and sold as outline below; or
3. If the property is broken or beyond reasonable repair and/or considered junk, it may be declared surplus by Memo from the Department Head and City Administrator and disposed of at the discretion of the City.

Once property is declared surplus by methods 1 or 2 above, it shall be offered for sale to the public through listings on [www.publicsurplus.com](http://www.publicsurplus.com), or other similar web site with access available to the general public for bidding or purchase. The property will be offered for minimum bids, where applicable. If the minimum bid is not realized, staff may dispose of the property at their discretion including selling for less than the minimum bid.

Computer equipment such as hard drives, laptops, or tablets shall not be considered “surplus property” due to possible protected information still remaining on the computer equipment. Such equipment shall be destroyed or disposed of at the discretion of the Department Head at the end of the useful life of the equipment. Other computer equipment such as monitors, printers, etc. may be disposed of according to the Surplus Property Disposal policy outlined above.

### **3.5.1 SURPLUS FIREARMS AND POLICE WEAPONS**

So as to avoid the City becoming a fire arms dealer, surplus firearms and weapons are not to be sold by auction as with other surplus equipment. The Chief of Police may determine the means by which surplus police firearms and weapons are disposed of, to include but not be limited to: destruction, wholesale to a federally authorized firearms dealer, or as department gift to sworn officers who retire in good standing (deactivated duty pistol only).

A memo from the Chief shall identify any surplus firearms or weapons, the approximate value of the items and method for disposal. Said memo shall be kept on file at the Police Department for a minimum period of three years.

*(Updated June 1, 2020 Resolution #2020-15-R)*

# Section 4—Purchasing and Procurement

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- 4.1 POLICIES AND PROCEDURES
- 4.2 DEFINITIONS
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## 4.1 POLICIES AND PROCEDURES

The provisions of this Policy govern the purchase of goods and services by the City. Its primary purpose is to ensure best service, materials and construction at the most reasonable cost to the City. In addition, this Policy will assure the community that the procurement process of the City is committed to fair and equal opportunity with integrity and openness.

## 4.2 DEFINITIONS

Unless the context requires otherwise, the terms used in this Policy shall have the following meanings:

1. **Bidding:** Procedure used to solicit quotations on price and delivery from various prospective suppliers of specified supplies, equipment, and contractual services.
2. **Bid process:** The process used by the City to solicit and award bids or contracts. Examples of bid processes used in this Policy include formal competitive bidding (competitive bid), requests for proposals (RFP), and open market procedure (open market).
3. **City Administrator:** The City Administrator of Lindon City, Utah, or his or her designee.
4. **Lowest responsible bidder:** A bidder who:
  - a. has submitted a bid in compliance with the invitation to bid and within the requirements of the City's plans and specifications;
  - b. is the lowest bidder that satisfies, if applicable, the City's criteria relating to financial strength, past performance, integrity, reliability, quality of equipment, delivery times, and other factors that the City uses to assess the ability of a bidder to fully and in good faith perform the contract requirements;
  - c. has furnished, as may be required, a bid bond or equivalent in money as a condition to the award of a contract; and
  - d. furnishes a payment and performance bond as required by law.
5. **Public property:** Any item of real or personal property owned by the City.
6. **Supplies, materials, and equipment:** Any tangible object or thing furnished to or used by any City department or by any City employee in the performance of his or her duties. For purposes of brevity, supplies, materials, and equipment shall hereafter be collectively referred to as "supplies".

## 4.3 ADMINISTRATION

The City Administrator, or designee, shall administer the purchasing procedures outlined in this Policy. The City Administrator shall perform the following duties and have the following powers concerning purchasing matters:

1. Administer and maintain the purchasing procedures and other rules and regulations established by this Policy and its authority;
2. Recommend new or revised purchasing rules and regulations as are deemed desirable and in conformance with other statutory requirements, and to interpret the provisions of this Policy and applicable statutes;
3. Negotiate and execute contracts for the purchase of supplies and the provision of services;
4. To the extent possible, obtain full and open competition on purchases according to this Policy;
5. Keep informed of current developments in the field of purchasing, i.e., prices, market conditions, new products, etc.;

6. Prescribe and maintain such forms as are reasonably necessary to the operation of this Policy and other rules and regulations;
7. Supervise the inspection of all supplies to assure conformance with specifications;
8. Transfer surplus or unused supplies between departments as needed; and
9. Maintain a bidders' list, vendors' catalog file, or other records needed for the efficient operation of the purchasing procedures.

#### **4.4 PERSONAL PURCHASES**

Unauthorized personal procurements with city funds or through city accounts or obtained with city government discounted rates shall be considered cause for disciplinary action up to and including termination. City officials and employees shall not use opportunity for discounted or government rates to purchase goods or services for personal use, unless the supplier provides in writing that such goods or services are made available to all municipal officials and employees on the same terms, provided the official or employee pays for such items from his or her own money, and provided that these purchases will not improperly influence the officials, employees or a City department in the discharge of their duties or in making purchases of commodities. Any authorized personal procurements through city accounts shall not be tax exempt.

(Updated Oct. 19, 2020 Resolution #2020-24-R)

#### **4.5 PROHIBITION OF GIFTS OR REMUNERATIONS**

Every officer and employee of the City is expressly prohibited from accepting, directly or indirectly, from any person, firm, or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or other items with a value greater than the limits established in [Title 67 of the Utah Code](#), except where given for the use and benefit of the City.

#### **4.6 BID PROCESSES**

Except as provided in [Section 4.9](#), bids shall be accepted and awarded by the City Administrator pursuant to one of the bid processes outlined in this Section. The City shall substantially comply with the following guidelines for the specific bid process used:

1. **Competitive Sealed Bidding by Invitation (Competitive Bid - I).**
  - a. Description. 'Competitive sealed bidding by invitation' is a procedure in which vendors or contractors are selectively invited by the City to submit formal bids to provide a designated product or to complete a designated project in accordance with specifications provided by the City.
  - b. Appropriateness. Competitive sealed bidding by invitation is generally appropriate for smaller scale or simpler construction or public works projects and for the procurement of smaller or repeating orders of goods and services.
  - c. Invitation to bid. The City shall invite no less than three bidders to submit bids. Notice should include a general description of the articles to be purchased or the work to be performed, the location where bid plans and specifications may be secured, and the due date/time and place for bids to be submitted.
  - d. Bid procedure.
    - i. Sealed bids (or electronically submitted bids) shall be submitted as designated in the invitation with the statement "Bid for (item or project)" on the envelope (or



- in the heading of the electronic transmission).
    - ii. Bids may be opened informally by the City or Engineer, but results of the bids and/or information in the bids shall not be divulged to others responding to the same invitation to bid.
    - iii. Bids submitted to the City shall be evaluated on the basis of compliance with specifications and other relevant criteria.
  - e. Bid Award. (See [section 4.11](#) of this Policy)
- 2. **Competitive Sealed Bidding by Advertisement (Competitive Bid - A).**
  - a. Description. 'Competitive sealed bidding by advertisement' is a procedure in which vendors or contractors submit formal bids based on an advertisement soliciting bids, to provide a designated product or to complete a designated project in accordance with specifications provided by the City.
  - b. Appropriateness. Competitive sealed bidding by advertisement is generally appropriate for most large-scale construction or public works projects and for the procurement of large or repeating orders of goods and services. When contractor or product quality is a prime concern in awarding a project bid, the City may pre-qualify bidders according to a policy established by the City Administrator.
  - c. Notice advertising bids. The City shall provide notice of its invitation for bids. Notice should include a general description of the articles to be purchased or the work to be performed, the location where bid plans and specifications may be secured, and the time and place for opening bids. The notice inviting bids shall be provided at least ten (10) days prior to bid opening by one or more of the following methods:
    - i. Published in industry media or government websites;
    - ii. Delivered to responsible prospective bidders; or
    - iii. Posted or advertised in other manners deemed appropriate by the City Administrator in order to receive the greatest amount of responsible bidders.
  - d. Bid procedure.
    - i. Sealed bids (or electronically submitted bids) shall be submitted as designated in the notice with the statement "Bid for (item or project)" on the envelope (or in the heading of the electronic transmission).
    - ii. Bids shall be opened (or read, in the case of electronically submitted bids) in public at the time and place stated in the notice.
    - iii. Bids submitted to the City shall be evaluated on the basis of compliance with specifications and other relevant criteria.
  - e. Bid Award. (See [section 4.9](#) of this Policy)
- 3. **Requests for Proposals (RFP).**
  - a. Description. Requests for proposals (RFPs) are invitations for suppliers or contractors to submit a proposal on a specific product or service. The City awards the contract for the product or service based on criteria set forth in the request for proposals, or as otherwise determined by the City Administrator.
  - b. Appropriateness. RFPs may be used when required by law, or when the City Administrator determines that the use of formal competitive bidding is either impractical or not advantageous to the City. If the City is requesting a price to complete an already designed project or to purchase a specific product(s), it will generally be more appropriate to use the competitive sealed bids procedure rather than the request for proposals procedure. Professional services may be procured through the request for proposals procedure.
 

In making this determination, the City Administrator shall consider factors such as:

- i. whether there may be a need for price and service negotiation;
  - ii. whether there may be a need for negotiation during performance of the contract;
  - iii. whether the relative skills or expertise of the offerors will need to be evaluated;
  - iv. whether cost is secondary to the characteristics of the product or service sought, as in a work of art;
  - v. whether the conditions of the service, product or delivery are unable to be sufficiently described in the invitation for bids;
  - vi. whether the City is requesting the offeror to propose a method or strategy for completing the project; and
  - vii. whether there may be a need to negotiate completion times related to the project.
- c. Notice.
  - i. Proposals shall be solicited through a request for proposals.
  - ii. Public notice of the RFP shall be posted on the City web site at least ten (10) days before opening of the bids.
- d. Request for proposals. The request for proposals shall state the relative importance of price and other evaluating factors.
- e. Opening of proposals. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.
- f. Revision of proposals.
  - i. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.
  - ii. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revision may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.
  - iii. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- g. Award. Award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the City, taking into consideration price, the evaluation factors set forth in the request for proposals, and other criteria set forth in section 4.7 of this Policy as deemed appropriate by the City Administrator.

*(Updated February 7, 2022 Resolution #2022-3-R)*

**4. Open market procedure (Open Market).**

- a. Description: Open Market procedure consists of a Department Head or other employee searching out and soliciting the best available price for goods or services. This may be accomplished through internet searches, phone contacts, written bids, and proposals, etc. This process may include solicitation from a limited selection of providers of the good or service.
- b. Price Quotations. Purchases shall, whenever possible, be based on at least three (3) bids (price quotations) and shall be awarded to the lowest responsible bidder.
- c. Request for Quotations. Bids (price quotations) shall be solicited from prospective vendors by written or oral request, or may be obtained through internet, catalog, or other advertisements.
- d. Records. The person soliciting the price quotations shall keep a record of quotations

solicited, including vendor names, date of solicitation and price quoted, and shall include this information with the purchase order.

#### **4.7 ERRORS AND MISTAKES IN BID PROCESS**

The City Administrator may waive minor irregularities in bid procedures if he or she determines, in his/her sole discretion, that the minor irregularities do not have a material effect on the outcome of the bid process and that the process remains fundamentally fair to the City and all participants, as allowed by the procurement documents used in specific instances. In cases where the error has a material effect on the outcome of the bid process, the City Administrator may (1) reject all bids, (2) award the bid to the lowest responsible bidder (if the City elects to disqualify bidders who do not strictly comply with the bid specifications), or (3) correct mistakes in accordance with policies adopted by the City Administrator or in accordance with procurement rules in the State Administrative Code. Formal protests or appeals shall follow Section 4.10 of this Policy.

#### **4.8 PURCHASE ORDERS**

1. A purchase order (PO) shall be used whenever goods and services are to be acquired by outright purchase. The purchase order shall specify the nature of the goods or services to be acquired, the purchase price or estimate thereof, the vendor name and contact information, the department or division for whom the acquisition is being made, the general ledger number where the funding for the proposed purchase has been appropriated, and other provisions or information as may be appropriate. PO's shall be signed by the appropriate 'Approval Authority' as identified in [Table 1 of section 4.9](#). PO's shall then be submitted to the Accounts Payable Clerk for processing and payment.
2. Purchase orders are not required to be obtained for the following:
  - a. Purchase and/or payment of supplies or services valued less than \$2,500;
  - b. Purchase and/or payment of recurring services with the same or similar vendors (janitorial, IT services, grounds, attorney, engineering, facility maintenance, electrician, etc.);
  - c. Purchase and/or payment of supplies or services approved by the City Council through an RFP or Competitive Bid process;
  - d. Purchase and/or payment of routine, consistent expenses such as, but not limited to, payroll expenses, utility bills, water share assessments, or similar expenses; and
  - e. Other routine purchases and/or payments authorized by the City Administrator as being exempted from having to obtain a PO. The Accounts Payable Clerk shall keep records of any authorized PO exemptions.

#### **4.9 SPENDING APPROVAL LIMITS & CHOICE OF BID PROCESS**

1. Except as otherwise provided in this Policy or by provisions of State or Federal law, purchases of supplies or services shall follow one of the bid processes outlined in [section 4.6](#) of this Policy for the appropriate dollar amount thresholds listed in Table 1 of this section. The cost of the supplies or service shall not be divided to avoid bid requirements. Purchases of \$2,500 or less are not required to obtain a bid unless deemed appropriate by the Department Head. In cases where more than one alternative bid process is listed in [Table 1](#) as acceptable for a given dollar amount, any of the listed bid process alternatives shall be acceptable, and the City shall not incur any liability for choosing one alternative over another.

2. For Open Market and RFP bid processes, the City shall strongly consider procuring supplies and services from local providers (within Lindon City), after consideration of cost differences for comparable supplies and services.

<b>Table 1 - Spending Approval Limits &amp; Allowed Bid Processes</b>			
<b>Purchase Value or Contract Service Value</b>	<b>Bid Process</b>	<b>Purchase Order</b>	<b>Approval Authority</b>
\$2,500 or less	Not required	Not Required	Department Head
\$2,501 - \$10,000	Open Market	Required	Department Head and, Finance Director or City Administrator
	RFP, or Competitive Bid-(I or A)	Not Required	City Council
\$10,001 - \$20,000	Open Market	Required	Department Head and City Administrator
	RFP, or Competitive Bid-(I or A)	Not Required	City Council
\$20,001 - \$125,000 or amount established in UCA 11-39-101, whichever is greater	Open Market	Required	Department Head & City Administrator or City Council
	RFP, or Competitive Bid-(I or A)	Not Required	City Council
Greater than \$125,000 or amount established in UCA 11-39-101, whichever is greater	Competitive Bid-A	Not Required	City Council
State/Federal Contract Prices	Not required	Required if over \$2,500	Dependent upon purchase amounts listed above

*(Updated February 7, 2022 Resolution #2022-3-R)*

#### **4.10 EXCEPTIONS TO BIDDING REQUIREMENTS**

The bid process requirements set forth in this Policy do not apply in the following situations:

1. **Services.** Contracts for services provided to the City may be awarded at the discretion of the City Administrator, or his/her designee, without using the open market, RFP, or competitive sealed bids process.
  - a. Professional Services. Professional services include the following: accounting, auditing, architecture, banking, insurance, engineering, planning, appraisal, legal, court reporter, medical, education, research, consulting, and other services where the professional qualifications of the contractor are of prime importance. Professional service contracts shall be awarded based on professional qualifications, experience, willingness, and ability to meet the City's specific service requirements, cost of service, and other criteria deemed important by the City Administrator or his/her designee.
  - b. Recurring General Services. Recurring general services are typically performed by a service provider that has experienced knowledge of City systems, facilities or procedures or have performed multiple past projects for the City, and whose services are typically recurring in nature. Recurring general Services may include, but are not limited to: IT services, electrical, plumbing & HVAC repair services, janitorial, landscaping maintenance, culinary well contracting, solid waste disposal services, excavation & utility line maintenance services, pump repair services, etc. These services

may or may not be regulated by a contract or agreement. Periodic (every few years) Open Market or RFP's for these types of services are encouraged, but not required.

*(Updated February 7, 2022 Resolution #2022-3-R)*

2. **Sole Source Procurements.** Sole source procurement may be used only if the City Administrator determines that a service, product, or requirement is reasonably available only from a single supplier or contractor. Examples of circumstances which may necessitate sole source procurement are:
  - a. If there is only one vendor or supplier who can provide the needed product or service;
  - b. If the compatibility of supplies, accessories, replacement parts, or service is of paramount consideration;
  - c. If a sole supplier's product is needed for trial use or testing;
  - d. If the City is procuring utility services;
  - e. If the City seeks to add to, repair or maintain supplies owned by the City which may be more efficiently added to, repaired or maintained by a particular person or firm; and
  - f. If the City seeks supplies which, by reason of the training of City personnel or the inventory of replacement parts maintained by the City, is more compatible with the existing supplies owned by the City and if the supplies can only be acquired from a sole source. The justification for sole source procurement shall be included in the procurement documentation. The City Administrator may establish policies governing the negotiation of sole source procurements.
3. **Auction, closeout, bankruptcy sales.** If the City Administrator determines that supplies can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and if the City Administrator finds that a purchase at any such auction or sale will be made at a cost below the market cost in the community, a contract or contracts may be let, or the purchase made, without complying with the competitive bidding requirements of this Policy.
4. **Exchanges.** Exchanges of supplies between the City and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.
5. **Projects performed by City employees.** City employees may be used to complete City projects, provided that the City complies with State statutory requirements governing contracts for municipal public improvements.
6. **State bid list.** The City may purchase supplies from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office (or any agency of the Federal government) at the quoted price, without any solicitation or price quotation or invitation to bid. For such purposes, the quoted price shall be deemed to be the lowest price available for such items and the City need not follow any other bidding requirements.
7. **Utah Correctional Industries Division.** Goods and services produced by the Utah Correctional Industries Division may be purchased from the Utah Correctional Industries Division without following any of the bidding requirements set forth herein.
8. **Emergency Procurements.** In times of emergency, the City Administrator, or designee, may choose the most practical means available to procure needed goods and services. If the situation allows, the City Administrator shall attempt to achieve as much competition in the emergency procurement process as possible. Emergency procurement shall be limited to the services, supplies, and construction necessary to meet the emergency. For purposes of this paragraph, an emergency is a condition or situation which creates an immediate threat to the public health, safety, or welfare. Examples of conditions or situations which may constitute emergencies include earthquakes, floods, terrorist attacks, wars, epidemics, riots, road failures, utility failures, structure failures, and equipment failures.
9. **Unsuccessful Competitive Sealed Bidding.** If the bids received in response to a competitive

sealed bid process are unreasonable, noncompetitive, or in excess of available funds, and if the City Administrator determines that time or other circumstances will not permit the delay required to re-solicit competitive sealed bids, the City may procure the needed goods or services using the emergency procurement procedure.

10. **Internet Auction Sites.** The City may acquire supplies from internet auction sites without following formal purchasing procedures if the City Administrator determines that there is an established market price for the supplies and that the supplies can be acquired less expensively from an internet auction site.
11. **Used Supplies.** The City may acquire used supplies without following formal purchasing procedures if the City Administrator determines that there is an established market price for the used supplies and that it is beneficial for the City to acquire the used supplies.
12. **Ongoing Construction Work.** If a contractor has been hired to work in a given area by a person or entity other than the City, and if the City has work that needs to be completed in the area, and if the City Administrator determines that there is an established price for the type of work that the City needs completed and that the City can save on mobilization costs by hiring the contractor that is already in the area, then the City may negotiate with and contract directly with the contractor without following formal purchasing processes.
13. **Purchases by Other Governmental Entities.** If another governmental entity has, after a competitive process, awarded a bid to purchase supplies from a particular vendor within the preceding 180 days, the quoted price may be deemed to be the lowest price available for such items and the City need not follow formal purchasing procedures. Any such purchase must be approved by the City Administrator on a case-by-case basis.
14. **Federal or State Money.** In cases where federal or state money is being used, or in cases where federal or state procurement laws or procedures govern the types of goods or services being procured, the City shall follow the applicable federal or state procurement laws or procedures in lieu of the procedures set forth in this Policy.
15. **Donated Funds.** In cases where a donor or grantor has contributed funds to the City, the City may expend the funds in the manner designated by the donor or grantor in lieu of the procedures set forth in this Policy.
16. **Construction Manager/General Contractor Contracts (CMGC).**
  - a. The City Administrator shall be granted the discretion, when in the best interest of the City, to select a Construction Manager/ General Contractor or CMGC method of construction contracting for a particular project.
  - b. A "CMGC" or "Construction Manager/General Contractor" method means a modified Design Build process in which the City enters into a contract for both the design consultant and the contractor with the right to negotiate the price of construction during the design phase. The contract shall contain an option to go to a competitive bid process at the end of design if the negotiated price is not acceptable to the City.
  - c. When selecting the CMGC method, the City Administrator shall include in the contract file a written statement describing the facts that led to the selection of this particular method of construction contracting management for that project.
  - d. Before choosing a CMGC contract method, the City Administrator shall consider the following factors:
    - i. When the project must be ready to be occupied;
    - ii. The type of project;
    - iii. The extent to which the requirements of the procurement unit, and the way they are to be met are known;
    - iv. The location of the project;

- v. The size, scope, complexity, and economics of the project;
  - vi. The source of funding and any resulting constraints necessitated by the funding source;
  - vii. The availability, qualification, and experience of public personnel to be assigned to the project and the amount of time that the public personnel can devote to the project; and
  - viii. The availability, qualifications, and experience of outside consultants and contractors to complete the project under the various methods being considered.
- e. The CMGC shall be selected following a standard bidding process, unless an exception to the requirement to use a standard procurement process as defined in this Subsection exists and is noted in the construction file.
  - f. When entering into a subcontract that was not specifically included in the CMGC cost proposal, the construction manager/general contractor shall procure the subcontractor by using a standard procurement process, unless an exception to the requirement to use a standard procurement process as defined in this subsection exists and is noted in the construction file.

#### 4.11 BID AWARDS

1. **Rejection of Bids.** The City Administrator may, at his or her own discretion, reject and deny any and all bids presented, with or without cause, and may require the City to re-solicit for bids as set forth in this Policy.
2. **Lowest Responsible Bidder.** Except as otherwise allowed or required, the City Administrator shall award the contract or bid to the lowest responsible bidder as defined in section 4.2(4) of this Policy.
3. **Tie Bids.** If two (2) or more of the bids received are for the same total amount (quality and service being equal), the City Administrator may negotiate with the bidders and obtain the best bid possible and/or give preference to a bidder based within Lindon City.
4. **Single Bids.** The City Administrator may require a price or cost analysis if only one bid is received. The bidder may be required to furnish a detailed cost proposal, and the bid award shall be subject to subsequent negotiation.
5. **Bonds.** Before entering a contract, the City Administrator shall have authority to require performance, payment and other bonds deemed necessary in such amounts as deemed necessary to protect the interests of the City. The types and amounts of the bonds to be required shall be described in the notice inviting bids.
6. **Contracts.** Contracts for services or supplies may be signed by the Mayor or City Administrator.
7. **Change Orders.** Change orders of up to 20% over the original project cost estimate, and within the scope of funds budgeted by the City Council, may be approved by the City Administrator as deemed appropriate. Change orders exceeding 20% of the original project cost estimate shall be approved by the City Council.

#### 4.12 AGREEMENTS WITH OTHER AGENCIES

The City shall have the power to enter into joint purchase agreements with any or all other public agencies within the State for the purchase of any commodity, if the City Administrator finds the joint purchase agreement to be in the best interests of the City.

#### 4.13 SPECIAL RULES AND PROCEDURES REQUIRED BY STATE LAW

State law requires the City to follow specific bid procedures for specified types of supplies and services. This Section sets forth the requirements and cites the applicable State law. The City shall comply with the applicable State law, as amended, regardless of whether this Policy reflects the most recent version of State law.

1. **Procurement for Building Improvements or Public Works Projects.** The City shall follow the requirements of [Utah Code 11-39-101](#) et seq. for projects associated with Building Improvements or Public Works Projects. Utah Code shall govern in all cases of conflict with City policy below.
  - a. When the City embarks on Procurement for Building Improvement or Public Works Projects the City shall, in accordance with [UCA 11-39-102](#) as amended, cause:
    - i. Plans and specifications to be made for the Building Improvement or Public Works Project; and
    - ii. An estimate of the cost of the Building Improvement or Public Works Project to be made.
  - b. When the City's prepared estimate for Building Improvement or Public Works Projects exceeds the Bid Limit as defined in [UCA 11-39-101](#) the City shall follow the process and requirements prescribed in [UCA 11-39-101](#) et seq. for Procurement for Building Improvements and Public Works Projects.
  - c. When the City's prepared estimate for Building Improvement or Public Works Projects does *not* exceed the Bid Limit as defined in [UCA 11-39-101](#), the City shall follow the processes contained in this Policy as appropriate.
2. **Procurement for Class C Roads Improvement Projects.** The City shall follow the requirements of [Utah Code 72-6-108 through 110](#) for projects associated with Class C Roads. Definitions associated with Class C Road Improvements are contained in [Utah Code 72-6-109](#). Utah Code shall govern in all cases of conflict with City policy below.
  - a. When the City embarks on Procurement for Class C Road Improvement Project the City shall, in accordance with [UCA 72-6-108](#) as amended, cause:
    - i. Plans and specifications to be made for the Class C Road Improvement Project; and
    - ii. An estimate of the cost of Class C Road Improvement Project to be made.
  - b. When the City's prepared estimate for Class C Road Improvement Project exceeds the Bid Limit as defined in [UCA 72-6-109](#), the City shall follow the process and requirements prescribed in [UCA 72-6-108](#) for Procurement for Class C Road Improvement Project.
  - c. When the City's prepared estimate for Class C Road Improvement Project Projects does *not* exceed the Bid Limit as defined in [UCA 11-39-101](#), the City shall follow the process contained in this Policy as appropriate.

#### 4.14 APPEALS / PROTESTS

Any actual or potential provider who is aggrieved in connection with the solicitation or award of a contract of procurement may protest the procurement by filing a written statement with the City Recorder within three (3) business days of the closing of the bid, or award of the bid, whichever is applicable. Following such notification, the notice will be forwarded to the City Administrator or designee within fifteen (15) days of the procurement decision under protest. The notice shall contain the following information:



1. The protesting party's name, address, and daytime telephone number, the signature of the protesting party or the attorney for the protesting party, and the date the protest statement was signed; and
2. The relief sought, supported by a statement of fact and the recitation of the reasons and the legal authority in support of the protest sufficient to permit review.

The City may proceed with the protested procurement except that the City Administrator may suspend the procurement process for so long as he or she determines is appropriate. The City Administrator may designate another individual to assist in reviewing the matter, which assistance may include finding facts, analyzing the protest, and making recommendations.

The City Administrator or designee may request additional information from the protesting party or from other persons to make a determination. The protesting party shall provide all information reasonably needed to decide the protest except information which is protected from disclosure by law, or which could reasonably be expected to result in unfair, competitive injury to the protestor in spite of the protections for the protest or provided by law, including the [Utah Government Records Access Management Act, Chapter 63 G-2](#), Utah Code Annotated as amended.

The City Administrator or designee shall review and decide protests and shall issue a written determination to the protesting party within fifteen (15) days of receipt of the protest. If the City Administrator fails to issue a decision within fifteen (15) days after the receipt of the protest, said failure shall be considered in the equivalent of an order denying the appeal or protest.

#### **4.15 CITY CREDIT CARDS/PURCHASING CARDS**

1. General Guidelines.
  - a. The city Administrator and Department Heads are Issued, by the Finance Director, personalized credit cards and/or State purchasing cards and are authorized to carry the card with them
    - i. The cards are valuable property which requires proper treatment by users to protect it from misuse by unauthorized persons.
    - ii. If the card is lost or stolen Department Heads shall immediately notify the Finance Director who will contact the appropriate parties necessary to freeze or cancel the card.
  - b. Department Heads are responsible for coding each transaction to proper GL accounts upon receipt of the monthly credit or purchase card statement. Coded statements shall then be submitted to the Accounts Payable Clerk in a timely fashion.
  - c. All finance charges and late fees will be charged to departments incurring those charges.
  - d. Employees shall be held to spending limits approved by the Department Head even though the card limits may exceed authorized spending authority.
2. Approved Uses. The City's credit cards are intended for the following types of usage:
  - a. Unforeseen circumstances where obtaining a check is impractical;
  - b. On-line purchases of supplies, equipment, or materials not available through established purchase accounts
  - c. Authorized travel and training fees or registration (courses, seminars, conferences, etc.);
  - d. Lodging, rental car for out of state travel, etc.; or
  - e. Other purchases as approved by the Department Head.
3. Credit Card Violations. Violations of credit card use will lead to cancellation of card privileges and

may be cause for disciplinary action. Card violations include but are not limited to:

- a. Purchase of items for personal use;
- b. Use of the credit card for cash advances;
- c. Use of the credit card for purchase of more than the users authorized spending limit, or by splitting purchases into more than one transaction in order to exceed the authorized limit; or
- d. Failure to notify the City of lost or stolen cards.

#### **4.16 MEAL AND REFRESHMENT PURCHASING**

1. General Guidelines:

- a. Purchasing of occasional meals and/or refreshments with city funds is permissible for certain activities, meetings, and events. Department Heads shall use their discretion in determining when to purchase occasional meals or refreshments. Frequent or routine purchasing of meals is not permitted. Purchase of meals or refreshments should be kept to a reasonable financial level within budgeted funds of each department.
- b. Receipts shall be turned in for all meal and refreshment expenditures.
- c. Effort should be made to negotiate reasonable meal costs and limit the number of people who may need to attend a meeting or event where meals are anticipated. Purchase of extravagant meals and/or refreshments is prohibited (i.e., ordering Steak & Lobster for a working lunch meeting is not appropriate; ordering a sandwich and chips, or pizza would be a more appropriate meal).
- d. Purchase of alcohol is prohibited.

2. Approved Uses and Circumstances:

- a. Circumstances that may warrant purchasing of meals or refreshments include but are not limited to: meetings that conflict with or continue through reasonable meal times; refreshments at a public open house or city event; occasional working breakfast, lunch or dinner meetings that improve efficiency by combining work/meal times; occasional department training meetings; occasional employee recognition opportunities (birthdays, special achievements, retirement, summer/winter department social gatherings); meals provided to enable employee work to continue during a utility outage, repair or disaster; meals purchased while traveling for conferences or meetings that are further than 50 miles from the City.

(Updated June 1, 2020 Resolution #2020-15-R)

# Section 5—Personnel Policies

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## 5.1 PURPOSE

Lindon City is committed to a working relationship with employees based on mutual trust, ethical behavior, and responsibility.

## 5.2 POLICY

It is the policy of Lindon City to establish guidelines and restrictions which allow employees to be aware of various conditions of employment related to all positions within the City. All employees will be required to act according to the following guidelines:

## 5.3 PROCEDURE

The City Administrator acts as the Personnel Director unless otherwise designated. The Personnel Director is responsible to control, supervise, and give direction to Department Heads concerning personnel issues. The Personnel Director has authority to recommend appointments, promotions, demotions, or termination of any City officers or personnel in accordance with applicable personnel policy.

## 5.4 HIRING PROCEDURES

All employee positions will typically be hired through a process which may include, but is not limited to, panels of interviewers with participants which may be made up of staff, Department Heads, Council members (one of which is assigned to the department), and/or the Mayor.

Time limited seasonal and temporary employment position can be hired without a formal interview process at the discretion of the supervisors and Department Head.

All appointments shall be based upon specific abilities relating to each position as outlined in job descriptions.

### 5.4.1 Means of Recruitment

Employees may be recruited to fill positions in the City work force. The method of recruitment shall be recommended by the Department Head and approved by the Personnel Director before any recruitment is commenced. Employees may be recruited for positions in the following ways:

1. **Announcement For Public Recruitment.** Announcement of a position shall take place with publication using any of the following: the Lindon City website, the Lindon City Facebook page, the Utah League of Cities and Towns Job Bank, Utah Department of Workforce Services, and professional publications related to specific vacancies. Announcements may specify the title of the position, the nature of the work to be performed, education and technical preparation desirable for the performance of the work, application deadline, manner of making applications and other pertinent information.
2. **Open Public Recruitment.** Open public recruitment is not required for promotions or transfers within the City. However, notice to potentially eligible employees shall be given at least seven days prior to the closing date for applications. Notice shall be given as determined by the Personnel Director or Department Head and shall at least include posting the available position

on the City web site. The notice must state the position, application filing locations and closing date for applications. Employees interested in promotions or transfers shall fill out a new employment application.

3. **Promotion of an existing employee.** Employees may be promoted to a higher job classification upon recommendation from the Department Head and approval of the Personnel Director. Past and present job performance, especially as it relates to the following shall be considered:
  - a. Job knowledge and job skills;
  - b. Ability to perform the job (including physical fitness);
  - c. Dependability;
  - d. Judgment when faced with decisions;
  - e. Aptitude for and attitude on the job;
  - f. Ability to accept responsibilities;
  - g. Quantity and quality of work;
  - h. Initiative and resourcefulness;
  - i. Relationship with other employees and the public;
  - j. Supervisory abilities and skills (if applicable);
  - k. Promise of continued development (including relevant education);
  - l. Record of disciplinary actions; and
  - m. Record of absenteeism and tardiness.
4. **Transfer of an Existing Employee.** An employee may be transferred to another department if approved by the Personnel Director after considering the recommendations of the affected Department Heads and taking into consideration the same factors listed above. No employee shall be transferred to a position for which the person does not possess the minimum qualifications. An employee demoted to a position of less remuneration may appeal the transfer in accordance with the provisions of the Lindon City Administrative Policies and Procedures Manu.

#### 5.4.2 Selection Policies

1. **Employment Application.** All application forms must be signed by the applicant. The Personnel Director or Department Head may require proof of statements as they deem necessary. The City may reject any application which indicates that the person does not meet the minimum qualifications established for the position or where the application is defective or incomplete. Applications may also be rejected if the applicant:
  - a. Is found to have falsified his application;
  - b. After reasonable accommodation, is physically unfit to fully perform the duties of the position;
  - c. Uses illegal drugs;
  - d. Is not within the legal age limit prescribed by law for City employment;
  - e. Has been convicted of a crime or has other findings of significance after a background check; or
  - f. Has received a dishonorable discharge from the armed forces resulting from a general court martial.

Employment applications shall remain valid for 12-months after receipt by the City. Applicants who have previously submitted applications within 12-months of a new a job opening may be considered for a position without the City having to re-advertise the job opening.

(Updated August 2022 by Personnel Director)

2. **Interview.** Department Heads or designated supervisor will be responsible for interviewing prospective applicants for positions with the City. As part of the interview process Department Heads may give job-related written, verbal, or practical tests. Applicants may also be given practical tests on use of equipment, physical agility exams and be involved with role-playing exercises. During the interviews Department Heads may consider these test results as well as relevant education, training, and work experience, especially as it relates to the minimum qualifications, minimum requirements and physical agility standards which are required for the position. No questions may be asked relating to age, gender, sexual orientation, race, national origin, marital status, disability, political beliefs, religious affiliations, or regarding any other protected class.
3. **Background and Reference Checks.** Department Heads are encouraged to contact references listed on the employment applications. Background investigations will be conducted on all prospective employees, as well as volunteers working on an ongoing basis.
4. **Drug Test.** All prospective employees, as well as volunteers working on an ongoing basis, will be referred to a medical facility chosen by the City to conduct a pre-employment drug screen in accordance with the City's Drug-Free Workplace Policy.
5. **Selection.** The Personnel Director, or an appointed designee, will review the recruitment procedures for compliance with this section prior to final selection of the employee.
6. **Removal From Consideration.** Criminal conviction, drug test results indicating illegal drug use, or any other unsatisfactory background information may be cause to remove the applicant from consideration.
7. **Veterans Preference.** In accordance with Utah Code 71-10-2 as amended, Lindon City shall grant a veterans preference upon initial hiring to each preference eligible veteran or preference eligible spouse as specified below:
  - a. "Preference eligible" means: (a) any individual who has served on active duty in the armed forces for 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 or retired under honorable conditions; (b) a disabled veteran with any percentage of disability; (c) the spouse or unmarried widow or widower of a veteran; (d) a purple heart recipient; or (e) a retired member of the armed forces who retired below the rank of major or its equivalent.
  - b. "Active Duty" means active military duty and does not include active duty for training, initial active duty for training, or inactive duty for training.
  - c. "Disabled Veteran" means any individual who has: (a) been separated or retired from the armed forces under honorable conditions; and (b) established the existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the federal Department of Veterans Affairs or a military department.
  - d. "Veteran" means: (a) an individual who has served on active duty in the armed forces for 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 or retired under honorable conditions; or (b) any individual incurring an actual service-related injury or disability in the line of duty whether or not that person completed 180 consecutive days of active duty.

When a preference eligible individual applies for any career service position with the City and meets the minimum job requirements for the position, he/she will be invited to take any examinations or other numeric rating or ranking mechanisms (including an interview) used to

select an individual for the position. If the applicant receives a passing score, Lindon City shall give preference in hiring by adding to the applicants score as follows:

- a. 5% of the total possible score, if the individual is a veteran;
- b. 10% of the total possible score, if the individual is a disabled veteran or a purple heart recipient; or
- c. In the case of a preference eligible spouse, widow or widower, the same percentage the qualifying veteran is, or would have been entitled to.

When a preference eligible individual applies for any career service position with the City that does not require an examination, or where examination and/or interview results are other than a numeric score, the individual shall be given preference in interviewing and hiring for the position.

8. **Political Activity or Affiliation.** Partisan political activity, political opinion, or political affiliation of an applicant for a position with the City may not provide a basis for denying employment to the applicant.
9. **Department Head Employment Status.** All Department Head positions hired on or after January 1, 2017 will be at-will employees.

#### 5.4.3 Appointment

After the recruitment file has been reviewed by the Personnel Director, the Department Head may be authorized to hire the selected individual. Before commencing work the new employee will complete a W-4 form, and other employment documentation as required by State or Federal law. The new employee will be provided with or given access to a digital copy of the Lindon City Policies and Procedures Manual (may be provided through a link on the city website or similar manner).

1. **Orientation.** The Department Head or designated supervisor will be responsible for facilitating the adjustment of an employee to the work situation and for completing an orientation on the following items:
  - a. Provide a clear statement of the employee's duties and official relationships;
  - b. Introduce the employee properly to those with whom the employee will be working;
  - c. Instruct and guide the employee in learning to perform job functions;
  - d. Explain and issue, with a receipt, all items of equipment that must be returned upon end of employment. The property receipt must be signed by both the employee and the supervisor; and
  - e. Provide additional information which is job related.
2. **Probation.** All new employees, and current employees promoted to new or different positions, are subject to a 12-month probationary period during which time they may be terminated without recourse. After the probationary period, employee performance will be evaluated by the Personnel Director and/or the appropriate supervisor or Department Head. If performance is satisfactory, the employee will be taken off probationary status. If performance is unsatisfactory, the employee may be terminated, or a probationary extension may be imposed for up to an additional six months. Following any probationary extension period, a final determination will be made as to the employment status of the employee.

Under certain circumstances, the probationary period may be concluded after six months upon the recommendation of the Department Head and approval by the Personnel Director. Nothing herein shall be construed to establish the expectation that the probationary period will end at six months. New employees should typically expect a 12-month probationary period.

(Updated June 1, 2020 Resolution #2020-15-R)

## **5.5 ANTI-NEPOTISM**

No person shall be allowed to work in a department wherein a member of the person's immediate family is employed as the Department Head; or wherein a member of the person's immediate family would have direct or indirect supervision or control over that person. "Immediate family" as used in this section means father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, stepchildren, step-parents, grandchildren, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law.

Seasonal and temporary positions which are limited in time and/or scope, as well as volunteer positions, are not subject to the terms of the anti-nepotism policy.

## **5.6 EQUAL OPPORTUNITY EMPLOYMENT**

It is the policy of Lindon City to comply with the guidance set forth in [Title VII of the Civil Rights Act of 1964](#), according to Public Law 92-261, passed March 24, 1972, and subsequent amendments thereto. It is also the policy of Lindon City to comply with the [Americans with Disabilities Act](#) passed July 26, 1990, and subsequent amendments thereto.

Lindon City will hire, promote, classify, transfer, discipline, and terminate all employees without reference to race, religion, gender, age, disability, sexual orientation, political affiliation or national origin. No class of job will be closed to any individual because of the above referenced criteria.

"Disability" refers to a qualified individual with a disability as defined in [Title 42 of the United States Code](#). The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, is able to perform the essential functions of a particular position. As required under the Americans with Disabilities Act, it shall be the judgment of Lindon City to determine what functions of a job are essential, and any written description of the job prepared by the City before advertising or interviewing applicants for the job shall be considered essential job functions. Personnel will be compensated on the basis of equal pay for equal work. No individual will receive reduced compensation for equal work on the basis of age, race, gender, religion, national origin, sexual orientation, political affiliation or disability.

Lindon City does not discriminate on the basis of disability in admission, access to, or treatment in City programs.

## **5.7 EMPLOYMENT STATUS**

### **5.7.1 Exempt Employees**

The following full-time or permanent part-time positions have been designated as being exempt positions (not over-time eligible; at-will) based on FLSA employment standards for Executive, Administrative, or Professional exemption status: City Administrator, Planning and Economic Development Director, Finance Director, Chief Building Official, Chief of Police, Police Lieutenant, Parks & Recreation Director, full-time Aquatics Manager, Public Works Director, City Engineer, Staff Engineer, City Attorney, Justice Court Judge, City Recorder, Treasurer/HR Specialist, and any other established Department Head or other exempt positions as meeting the criteria to be considered exempt and



identified on the actual job description.

Exempt employees are typically expected to supervise their own activities, as well as the activities of those under their supervision. Exempt employees are not compensated for hourly work and instead are compensated to complete specific job duties. As long as their job duties are successfully completed, and depending on their job description, they are not typically required to be at work during all regular business hours like most non-exempt, hourly employees. Exempt employees are authorized to flex their work schedules as may be deemed necessary to successfully complete their job duties and may work more or less than a typical 40-hour work week. (See [section 6.7.2](#) for additional policies regarding exempt employee leave time.)

Exempt positions will be reviewed periodically to determine whether exempt status should be withdrawn based on changes in duties and related factors.

Where services are obtained through contract or agreement with professional firms, such as attorney, engineer, accountant, etc., the terms of such contract or agreement will apply.  
(Updated Feb 6, 2018 Resolution #2018-5-R; Updated May 7, 2019 Resolution #2019-13-R; Updated Feb. 7, 2022 Resolution #2022-3-R)

#### **5.7.2 Regular Full-time Employees (non-exempt)**

1. Regular full-time status is achieved if an employee:
  - a. Is not hired on a temporary basis;
  - b. Has satisfactorily met the requirement for employment;
  - c. Has satisfactorily completed a probationary period of at least six months as outlined in [section 5.4](#);
  - d. Has worked an average of 40 hours or more per week annually; and
  - e. Has a job classification that qualifies for full time status.

#### **5.7.3 Regular Part-time Employees (non-exempt)**

1. The Mayor and City Council members are hereby designated as regular part-time employees. Other employees so designated must meet the following requirements:
  - a. Is not hired on a temporary basis;
  - b. Has satisfactorily met the requirements for employment;
  - c. Has satisfactorily completed a probationary period of at least six months as outlined in [section 5.4](#);
  - d. Has worked an average of less than 30 hours per week annually. In determining the average weekly hours worked, time taken off shall be held against the employee if such time was taken using accrued personal or sick leave or for time taken under the Family Medical Leave Act; and
  - e. Has a job classification that qualifies for part-time job classification.
2. Employees with an average annual work schedule of at least 30 hours but less than 40 hours per week will receive benefits on a pro rata basis for the hours worked, except that employees eligible for health care benefits under the Affordable Health Care Act shall receive full medical coverage. Benefits will begin or be applied for on the date of hire.

#### 5.7.4 Temporary & Seasonal Employees

Temporary and seasonal appointments, such as interns, lifeguards, or Public Works and Parks summer help, are made by Department Heads with approval of the Personnel Director to carry out seasonal or temporary work. Temporary and seasonal positions do not qualify for regular benefits and are employed as at-will positions.

Temporary and seasonal Amusement or Recreational employees (such as employees at the Lindon City Aquatics Center) are exempt from federal minimum wage and overtime provisions per the [Fair Labor Standards Act \(FLSA\) Section 13\(a\)\(3\)](#). These employees receive their standard, regular rate of pay regardless of the number of hours worked in a work period and are not compensated with overtime rates for work hours exceeding a typical work period (typ. 40 hrs. / week).  
(Updated April 5, 2021 Resolution #2021-7-R)

#### 5.8 CHILD LABOR EMPLOYMENT

It is the policy of Lindon City that no one under the age of sixteen (16) shall be hired for any position, with the exception of youth recreation and swimming programs during the summer—or other exceptions where 14- and 15-year-olds can be used prudently within federal and state government guidelines.

#### 5.9 PROHIBITION OF POLITICAL ACTIVITY

1. **No Political Activities During Employment Hours.** Except as provided by federal laws, no City employee or official shall engage in political campaigning or solicit political contributions of any kind during hour of employment. For purposes of this Section, hours of employment shall mean any time in which an official or employee is acting within the course and scope employment.
2. **No Use of Municipal Equipment for Political Purposes.** No City employee or official shall use municipal equipment while engaged in political activity.
3. **No Use of Influence or Position for Political Purposes.** No City employee or official shall, either directly or indirectly, use their position or employment status to coerce, command, or advise another municipal employee or official to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for political purposes.
4. **No Political Test or Requirement.** No City employee or official shall attempt to make, or infer or insinuate as much, that another employee or official's personnel status, or salary or compensation, is dependent upon the support or lack of support for a political party, committee, organization, agency or person engaged in political activity.
5. **Prohibition on Holding Elected City Position and City Employment Simultaneously.** An elected City official or an official appointed to the City Planning Commission cannot simultaneously hold any employment (whether full or part time) with Lindon City.
6. **No Restriction of Private Political Activities.** Nothing herein shall be construed to restrict the right of employees to hold membership in, and support a political party or candidate, to maintain political neutrality, or to attend political meetings outside of working hours, express an opinion on all political subjects outside the workplace, or on personal social media outlets, enjoy freedom from interference in voting, or to contribute freely to political causes.

#### 5.10 GARNISHMENTS

The City is opposed to employees receiving garnishments. Department Heads should discuss the matter

with such employees and arrange for improvement in the situation. [Section 70C-7-104 of the Utah Code](#), states that no employee may be discharged "because earnings have been subject to garnishment in connection with any one judgment." However, garnishment on more than one indebtedness judgment may justify the City in taking disciplinary measures.

#### **5.11 REDUCTION IN FORCE**

If specific circumstances, such as lack of funds or lack of work, dictate a necessary reduction in force, the Governing Body shall lay-off the necessary number of employees after conferring with the Personnel Director and Department Head(s) while considering length of service and performance.

#### **5.12 SEPARATION**

No employee may be dismissed from service as a result of a change in the elected administration of the City or for the political expediency of an elected official.

#### **5.13 RESIDENCY**

The City does not give preference in employment to Lindon taxpayers or their dependents, nor require establishment of residency within its corporate limits as a condition of employment for any position.

#### **5.14 TRANSFER, REASSIGNMENT, RESIGNATION, PROMOTION**

##### **5.14.1 Transfers**

A transfer is defined as a move from one department to another and should not be confused with the managerial function of moving personnel from one division or office to another within the same department by promotion, demotion or reassignment.

Transfers must be approved by Department Heads. A transferring employee must qualify for the job to which he/she is transferring. A transferred employee shall retain all accumulated sick leave and annual leave.

##### **5.14.2 Reassignment**

Employees who are reassigned shall be paid at the same salary that they received prior to reassignment. If such salary exceeds the maximum of the range for the position to which they are assigned, they shall receive the maximum for the pay step for the new position.

##### **5.14.3 Resignation**

Excessive turnover is costly and should be avoided. Competent employees who resign voluntarily should be interviewed by the Department Head and Personnel Director. In such instance, the employee should be encouraged to reconsider. If the reason for the resignation is a misunderstanding or mistake by the City, an effort shall be made to correct the situation. Employees who resign and desire to leave the City in good standing should give at least a two week notice.

#### **5.14.4 Promotion**

Any employee receiving a promotion shall start on the first step of the salary range of the class to which he/she is promoted, and be eligible for merit increases as elsewhere provided, unless the present salary level is equal to or exceeds the probationary step of the class to which he/she is promoted. If this occurs, the promoted employee shall receive a salary increase to the next higher step.

#### **5.15 WORKERS COMPENSATION**

Lindon City operates under the provisions of the State of Utah Worker's Compensation Act which provides that "any employee injured, or the dependents of any employee killed, during the course of his/her duties shall receive compensation for loss sustained on account of such injury or death, and for medical, nurse and hospital services, medicines, and funeral expenses."

Any injury occurring on the job must be reported to the supervisor immediately using forms prescribed by the State Labor Commission. Forms must be completed and submitted to the Personnel Director within seven days of the injury.

#### **5.16 CAREER DEVELOPMENT**

Employees are encouraged to take advantage of education and training benefits to improve job skills and to qualify for transfers and promotions. These benefits are limited to training and education which is relevant to the employee's current position or "reasonable" transfer and promotion opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than two years of additional education or training. These benefits will be available to all employees on a first-come first-serve basis, subject to the availability of budgeted funds.

Requests for education and training may be initiated by either the employee or the Department Head by completing and submitting an Employee Travel Request & Expense Disbursement Form (See [Appendix A](#)). Reference to training received should be made on the Performance Evaluation forms. Final decisions on requests for education and training will be made by the Personnel Director.

#### **5.17 PAYMENT OR REIMBURSEMENT FOR TRAVEL**

In state travel for training opportunities is preferred. If specific training is available only out of state, travel and associated expenses must be approved by Personnel Director.

Reasonable travel expenses on duly authorized trips on City business to attend conventions, conferences, and meetings will be paid for or reimbursed by the City. Travel expenses must be included in an annual budget for each department anticipating travel as part of the budget process. The following expenses will be considered for payment or reimbursement:

##### **5.17.1 Transportation Costs**

1. If a commercial airline is used, tourist or economy fare must be requested and used if available. First class will be allowed only if tourist or economy fares are not available.
2. For transportation needs, employees may use available city-owned vehicles and credit accounts when possible. Personal vehicles may be used if city vehicles are not available, or if the employee has a need for non-work-related transportation during the travel period (sightseeing,

etc.), or if judged economical or advantageous to the City by the Personnel Director or Department Head. Reimbursement for personal car use shall be at the rate per mile allowed by current federal reimbursement guidelines.

3. Other transportation costs, such as parking fees, toll road charges and emergency repairs for City vehicles will be paid or reimbursed with receipts.
4. Time spent traveling to and from occasionally required meetings or conferences that are 50 miles or greater from the Lindon City Center is compensable time (i.e., driving to and from St. George to attend a conference). This does not apply to daily or routine commuting to and from home and work.

### **5.17.2 Subsistence and Other Costs**

1. Subsistence, which consists of meals (excluding alcoholic beverages) and lodging will be paid or reimbursed as outlined. Meal expenses will be paid or reimbursed based on the [Utah State Travel Guidelines dollar amounts](#), and may be adjusted annually. The following criteria applies:
  - a. Meals provided by a conference or event will not be paid or reimbursed (i.e., if lunch is served at the conference the employee won't be paid a lunch stipend or reimbursed for lunch).
  - b. If a place of lodging serves a complimentary hot breakfast, then no breakfast stipend or reimbursement will be paid. (Continental breakfast is not considered hot breakfast)
  - c. Meal reimbursement will only occur if travel greater than 50 miles away from work is required before 6am for breakfast, or before 11am and after 2pm for lunch, or after 7pm for dinner.
2. Lodging will be reimbursed for reasonable accommodations to house the employee during an out-of-town event that is 50 miles or greater from the Lindon City Center. When able, conference rate lodging or similar accommodations should be utilized. Other lodging reimbursement that requires unique arrival/departure times may be approved by the Personnel Director.
  - a. If reimbursement is requested for lodging that is not solely for the employee (i.e., employee and family rent a larger unit for vacationing while employee attends a conference), then the employee will be reimbursed the average cost of three single-occupancy hotel rooms nearest to the conference location for the same dates of stay.
3. Conference registration fees and extraordinary expenses, such as purchase of incidental supplies or publications, will be paid by or reimbursed with receipts.
4. Money may be advanced for anticipated expenses upon request and submission of a Travel Request & Expense Disbursement Form.

*(Updated May 7, 2019 Resolution #2019-13-R)*

## **5.18 HARASSMENT POLICY**

### **5.18.1 Purpose**

Lindon City is committed to maintaining a work environment that encourages and fosters appropriate conduct among colleagues and respect for individuals, and each employee's values and sensibilities. Accordingly, Lindon City officers and administration are committed to enforcing its Harassment Policy at all levels within the workplace and creating an environment free from discrimination and harassment of any kind.

### 5.18.2 Policy

It is the policy of Lindon City to establish guidelines and restrictions to eliminate discrimination and harassment of any kind in the workplace. Employees of Lindon City will be required to act according to the following guidelines:

1. Any verbal, non-verbal or physical action may constitute harassment if it is based on a person's protected status. For the purposes of this policy, areas of protected status at Lindon City include race, color, national origin, religion, sex, sexual orientation, gender identity, disability, or age. Harassment based on protected classes may create an intimidating, hostile or offensive work environment that unreasonably interferes with work performance or negatively affects an individual's employment opportunities. Harassment based on any of these protected categories will not be tolerated. The following are examples of conduct which could be considered harassment:
  - a. Making derogatory comments, insults, suggestive remarks, or jokes regarding an individual's race, color, national origin, religion, gender, disability, age, or sexual orientation.
  - b. Conduct which has the purpose or effect of degrading, or creating an intimidating, hostile or offensive work environment related to an individual's race, color, national origin, religion, gender, disability, age, or sexual orientation.
  - c. Stating or implying that a particular employee's deficiencies in performance are attributable in whole or in part to their race, color, national origin, religion, gender, disability, age, sexual orientation.

The above is not to be construed as an all-inclusive list of prohibited acts under this policy.

In addition, severe and/or persistent aggressive or bullying type behavior directed toward another employee which is not related to protected classes may be cause for disciplinary action. Reports of aggressive behavior will be considered on a case-by-case basis.

2. Included in the Harassment Policy of Lindon City is sexual harassment. Sexual harassment is defined by the federal Equal Employment Opportunity Commission as "unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex-based nature where (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (2) an employment decision is based on an individual's acceptance or rejection of such conduct, or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment."
3. Prohibited acts of sexual harassment can take a variety of forms. The following are examples of conduct which could be considered sexual harassment:
  - a. Persistent or repeated unwelcome flirting, pressure for dates, sexual comments or touching.
  - b. Sexually suggestive jokes, gestures or sounds directed toward another or sexually oriented or degrading comments about another.
  - c. Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct, or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances.
  - d. The open display of sexually oriented pictures, posters, or other material which could be

- offensive.
- e. The use of City computers to import or forward e-mail or other items which are objectionable or obscene in nature.
- f. Retaliation against an individual for reporting or complaining about harassing conduct. Possible acts of retaliation may include changing work assignments, providing inaccurate work information, or refusing to cooperate or discuss work-related matters, as well as intimidation or questioning of an individual.

The above is not to be construed as an all-inclusive list of prohibited acts under this policy.

### **5.18.3 Procedures**

It is difficult to list every possible inappropriate situation. If a question arises concerning the implementation of these standards, an employee should consult with the Supervisor and/or Department Head to resolve any issues or answer any questions. Any employee who believes he/she has been subjected to harassment or hostile work environment based on any of the Protected Classes, or harassment of any kind has the right to file a complaint.

Mandatory reporting of harassment is required. Any employee who is aware of harassment occurring to others or has been informed about harassment of any kind occurring at the workplace is obligated to report the harassment to their Department Head or other supervisor. Failure to report harassment occurring in the workplace may result in disciplinary action up to and including termination.

(Updated June 1, 2020 Resolution #2020-15-R)

Minor violations of this policy can often be resolved through discussion with the Supervisor/Department Head. If the Supervisor/Department Head has participated in the harassment or satisfactory results are not obtained, or if the violation is serious, the following procedure is to be followed:

1. If an employee of Lindon City feels they have been harassed or discriminated against based on any Protected Class, including sexual harassment, the following procedure will be followed:
  - a. Document the harassment, including dates, times, names of individuals involved, specific setting, etc.
  - b. Complete and submit a Discrimination/Harassment complaint form available from the Personnel Director (see [Appendix A](#)).
  - c. Submit the completed form and report the incident to the Personnel Director or the Human Resource Manager.
2. Upon receiving the written complaint of harassment or discrimination, the Personnel Director will proceed as follows:
  - a. Once a complaint has been received, the Personnel Director will initiate an investigation within five working days of notification. If the Personnel Director is the subject of the investigation, it will be performed by the Human Resource Manager. The investigation will include an interview with the employee who made the initial report, the person towards whom the suspected harassment was directed if that person is someone other than the complainant, and the individual accused of the harassment. Any other person who may have information regarding the alleged harassment may also be interviewed. To the extent possible, confidentiality will be maintained, while ensuring a thorough investigation.
  - b. Upon completion of the investigation, the Personnel Director or Human Resource Manager will prepare a written report within ten working days from notification of the suspected harassment unless extenuating circumstances prevent it, in which case the

report shall be prepared as promptly as possible and the complainant shall be notified as to the reason for the delay. The report will include a finding that harassment did occur, did not occur, or that there is inconclusive evidence as to whether harassment occurred. When requested, a copy of the report will be given to the employee who made the initial report, the employee to whom the harassment was directed, and the employee suspected of the harassment.

- c. Disciplinary action will be taken against any employee found to have engaged in harassment of any other employee. Lindon City has the right to apply any level of discipline, up to and including termination, depending on the nature and severity of the offense. Where a hostile work environment has been found to exist, Lindon City will take all reasonable steps to eliminate the conduct creating such an environment.
3. All information relating to any report of harassment which is reported to and handled by the Supervisor /Department Head will be forwarded to the Personnel Director for documentation.

#### **5.18.4 Supervisors**

Commission of an act of harassment by a supervisor with respect to any employee under the supervisor will result in a written reprimand, suspension, or termination, depending upon the nature and severity of the misconduct. Supervisors are required to report any acts of harassment they become aware of. Failure to report such incidents will be cause for disciplinary action up to and including termination.

#### **5.18.5 Citizens, Contractors, and Vendors**

Any vendor, citizen or contractor deemed to be harassing a City employee will be dealt with according to the provision of State and Federal law. Those having a business association with the City may have the association terminated for acts of harassment.

#### **5.18.6 Consensual Relationships**

Consensual relationships between employees working in the same department are strongly discouraged but not prohibited. Lindon City employees are expected to be aware of their professional responsibilities and avoid apparent or actual conflict of interest, favoritism, or bias. If a supervisor and employee enter a consensual relationship, the person in authority can no longer supervise or evaluate the work of the individual with whom they are in a relationship. The person in authority is responsible to take steps to resolve the conflict by consulting with her/his supervisor to identify who can supervise and evaluate the work of the individual with whom they share a consensual relationship. Furthermore, care should be taken to ensure that the relationship does not interfere with either employee's work performance, and that the nature of the relationship does not affect either employee negatively according the sexual harassment guidelines. The Personnel Director or Department Head should be notified of consensual relationships between City employees, including a written statement signed by both parties that the relationship is consensual and welcome. The City Personnel Director or Department Head should also be notified in the event that the consensual relationship is terminated. The City reserves the right to terminate any supervisor in a consensual relationship with another City employee if it is deemed necessary to avoid potential or perceived conflicts of interest or harassment issues.



## **5.19 PERSONAL APPEARANCE POLICY**

### **5.19.1 Purpose**

This policy has been developed to encourage the proper dress and grooming of Lindon City employees. Proper appearance contributes to the morale of all employees and can affect the business and professional image the City presents to patrons, visitors, and vendors.

### **5.19.2 Policy**

It is the policy of Lindon City to establish basic guidelines concerning the personal appearance of employees. In order to maintain a professional atmosphere, all employees are expected to maintain the following minimum standards:

1. Employees must be able to perform their job duties without interfering with the performance of other employees. Therefore, employees must maintain a high standard of personal hygiene, including no offensive odors during work hours. This includes strong perfumes or colognes which may present a health hazard to other employees or patrons.
2. Employees must wear clothing appropriate to their employment. Appropriateness may vary depending upon the nature of work performed and the degree of public contact. However, radical departures from conventional community dress and grooming standards are not permitted, regardless of the nature of the job performed.
3. Employees must wear clothing that is clean and neat. Employees are prohibited from wearing clothing styles which are disruptive or interfere with the work environment and professional appearance of City employees including but not limited to, clothing which is offensive, clothing that advertises alcohol, tobacco, drugs, sexually suggestive material, or commercial products, as well as clothing that is torn, ragged, or cut-off. Additionally, tight fitting clothing, short skirts revealing any area above mid-thigh, low-cut blouses or tops that reveal cleavage or chests, tank tops, or shirts or pants that reveal the stomach or back area during movement are not permitted.
4. Excessive ornamentation such as body piercing for the wearing of non-traditional jewelry, such as multiple earrings, studs in the nose, lips, eyebrows, or tongue, is not permitted during work hours. When possible, tattoos should be covered while at work. Wearing of jewelry of any kind should be kept to a minimum for the purposes of safety.
5. Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length. Exotic hairstyles, such as Mohawks, spikes, or hair that is unnatural in color (pink, green, blue, etc.) can be disruptive and are discouraged.

### **5.19.3 Procedure**

It is difficult to list every possible inappropriate situation. If a question arises concerning the implementation of these standards, an employee should consult with the Supervisor and/or Department Head to resolve any issues. The Department Head will make the final decision regarding correction or discipline.

Employees who violate these standards will receive verbal instruction from their Supervisor or Department Head regarding appropriate appearance. If it is determined that a violation of this policy has occurred, the employee will be sent home and directed to return to work with proper appearance on

the direction of the Supervisor or Department Head. Under such circumstances, employees will not be compensated for the time away from work and shall not be eligible to use or apply other paid time off. Subsequent violations of a similar nature are cause for further disciplinary action up to and including termination.

## **5.20 WEAPONS POLICY**

### **5.20.1 Purpose**

Lindon City is committed to maintaining a workplace that is free of violence. This obligation includes the regulation of recognized hazards which contribute to violence or could cause serious harm. While Lindon City desires to maintain an environment free of dangerous weapons, the City recognizes that the regulation of the possession and carrying of firearms is reserved solely to the state legislature and adopts the following provisions subject to such regulations and provisions in the state code.

### **5.20.2 Policy**

It is the policy of Lindon City to establish clear guidelines regarding the possession and use of weapons during hours of employment. For purposes of this Section hours of employment shall mean any time in which an official or employee is acting within the course and scope of their employment or duties. All Lindon City employees and officials will be required to adhere to the following provisions:

1. **Strict Compliance with State and Federal Law.** If an official or employee elects to carry a firearm during hours of employment, they shall strictly obey all state and federal laws and regulations pertaining to the carrying or possession of a firearm, either concealed or otherwise.
2. **Houses of Worship and Private Property.** During hours of employment, Lindon City employees are restricted from possessing or carrying any firearm into any house of worship or onto any private property where the owner, or person with apparent authority, makes it known, either through actual or constructive notice, that firearms are prohibited on such property.
3. **Unattended Weapons.** No official or employee may leave any firearm, or other dangerous weapon as defined by section 76-1-601, unattended or unsecured on City property or within a City vehicle or equipment. A firearm or dangerous weapon will be considered to be secured only if it is securely locked in private vehicle or has a secured gun lock that prevents the firearm from being discharged.
4. **Discharge of Firearms Prohibited.** While the state legislature has reserved the right to regulate the carrying and possession of firearms, in [§ 10-8-47](#), it has delegated to municipalities the authority to regulate the use or discharge of firearms. As such, no official or employee may discharge any firearm during hours of employment.
5. **Exceptions.** The only exceptions to this policy are police officers, security guards or other persons who are required to carry a weapon in the performance of their duties.

### **5.20.3 Procedure**

Any employee who becomes aware of a violation of this policy is required to immediately notify the Personnel Director.

Failure to abide by this policy may result in discipline up to and including termination. Further, carrying a weapon onto City property in violation of this policy will be considered an act of criminal trespass and

will be grounds for immediate removal from city property, and may result in prosecution.

## **5.21 FMLA (FAMILY MEDICAL LEAVE ACT) POLICY**

### **5.21.1 Purpose**

Lindon City supports a work environment that offers solutions to the complex issues individuals face in balancing their work and family commitments. FMLA requires covered employers to provide up to twelve weeks of unpaid, job protected leave per year to eligible employees for certain family and medical reasons.

### **5.21.2 Policy**

It is the policy of Lindon City to outline the specific requirements for the use of the Family Medical Leave Act (FMLA) according to standards established by the United States Government. Employees are eligible if they have worked for a covered employer for at least one year, and for at least 1,250 hours over the previous twelve months, and if there is a qualifying status change. Qualifying status changes include:

- a. a serious personal health condition that prevents an employee from performing his or her job;
- b. care of a child during the first year following birth, adoption, or foster care placement;
- c. care of an immediate family member who has a serious health condition; or
- d. a chronic health condition which requires intermittent absences from work.

Leave taken for one of the reasons stated above will be designated FML. FML is not intended to cover short-term illnesses that do not meet the definition of a serious health condition, where treatment and recovery are brief.

Qualifying immediate family members include: spouse, daughter, or son, step daughter, step son, foster child, or other persons for whom the employee is legally responsible.

### **5.21.3 Procedure**

FMLA request forms are available from the Personnel Director (see Appendix A). When a qualifying status change is anticipated, verbal notice should be given as far in advance as possible, followed by a written request submitted thirty days prior to the leave. When an incident is immediate or unforeseen, notice should be given as soon as is practical, within one to two days of when the need for leave becomes known to the employee.

Appropriate documentation of the qualifying status change should accompany any request for FML. Documentation for a serious health condition requires a written statement from a medical doctor. Appropriate documentation, such as court records, must also be submitted for qualifying status changes related to adoption or foster care placement.

Following submittal of FML request forms and documentation, the Personnel Director will notify the employee if the request meets the guidelines necessary for FML eligibility using the FMLA Response Form (see [Appendix A](#)). If FML is granted, the employee will be required to furnish a report every two weeks of their status and intent to return to work. If circumstances of leave change and the employee

will be able to return to work earlier than the date indicated in the original request, two days' notice is required before returning to work. In the event that leave will extend beyond the date originally requested, additional documentation may be required at the discretion of the Personnel Director.

Regardless of notice by the employee, FML time will automatically start after three consecutive days of sick leave use and/or three consecutive days of absence for qualifying FML status. Paid leave, such as sick leave, vacation leave, and compensatory time will run concurrently with FML. Total leave cannot exceed twelve weeks per year beginning on the date FML begins. Eligible FML leave may be taken concurrently during a 12-week period, intermittently over the 12-month period, or on a reduced work schedule over the 12-month period. Only the amount of leave actually taken will be applied to the 12-week period of leave.

Employment benefits will be maintained during the leave period. When leave is concluded, the individual will return to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Any request for FML must meet the standards established by this policy and the Family Medical Leave Act of 1993.

*(Updated May 7, 2019 Resolution #2019-13-R)*

## **5.22 COMPUTER AND INTERNET USE**

### **5.22.1 Purpose**

This policy has been developed to encourage the proper use of computers, laptops, tablets, cell phones, smart phones, security cameras, or similar electronic devices, including electronic mail, use of city Wi-Fi and internet systems (hereafter collectively referred to as "computers") provided to employees by the City to assist in efficient performance of job functions. This policy is also intended to balance the needs of the City and its employees by creating a safe and non-offensive workplace while also ensuring that employees are well informed that there is no expectation of privacy when using city computers.

*(Updated June 1, 2020 Resolution #2020-15-R)*

### **5.22.2 Policy**

It is the policy of Lindon City to establish basic guidelines concerning the appropriate use of computers within the City. These computers have been provided by the City to employees for the purposes of performing functions such as communication, information exchange, and research and are the property of Lindon City.

Information, software, computer files, images, videos, security footage and similar data on city computers is city property and only authorized for city use. Unauthorized access, viewing, and/or distribution of city data of any kind is prohibited. Violations of this policy may lead to disciplinary action up to, and including, termination of employment.

*(Updated June 1, 2020 Resolution #2020-15-R)*

### **5.22.3 Guidelines**

An employee of the City should be aware that the City reserves the right to inspect at any time the contents of any computer, file, e-mail file, voice mail, internet usage, or other equipment provided by

the City. Reasons for such inspections may include, but are not limited to:

- a. System, hardware or software problems;
- b. General system failure;
- c. A lawsuit against the City;
- d. Suspicion of a crime or violation of policy; or
- e. The need to perform work or provide a service when the employee is unavailable.

#### **5.22.4 Computer Use**

As stated above, the City reserves the right to review, at any time, all files on any computer owned by the City. Upon request all passwords must be given to the City when the files, websites or data are password protected.

Minimal use of City computers to send or receive personal e-mails or brief and infrequent use of the internet for personal reasons is allowable, provided that such use does not interfere with the employee's work responsibilities or is completed on the employee's own time or break periods. Inappropriate uses of city computers may include, but is not limited to, playing video games, watching movies or lots of non-work-related videos, downloading large amounts of music or other data for personal use, frequent personal use of social media, frequent use of messaging apps that are not work related, etc. Employees are directed to use computers and internet access wisely and not let them become a distraction at the workplace.

With Department Head approval, some employees may be allowed to take tablets and/or laptops home and use them for minimal personal use during non-work hours. However, such equipment remains the property of the City and are subject to all rules and conditions set forth in these guidelines. For personal cell phone/smart phone use, see [section 5.23](#) (Cell Phone Use). Other personal use of City computers is authorized only if approved by the appropriate Department Head or the Personnel Director. Employees should note that such personal use on city computers is discoverable. There should be no expectation of privacy, even for personal use permitted by this section.

Certain uses of city owned computers, including internet and e-mail systems, are prohibited and include, but are not limited to, the following:

- a. Political activity as outlined in [section 5.9](#) - Prohibition of Political Activity;
- b. Commercial or business activities not related to the City;
- c. Sending obscene or suggestive messages;
- d. Sending, viewing, or downloading pornography or other offensive graphic images or videos;
- e. Storage of large amounts of personal data such as photographs, music, or other files;
- f. Personal use of City computers for a private business;
- g. Threats or harassment;
- h. Slander or defamation; or
- i. Any illegal activities.

(Updated June 1, 2020 Resolution #2020-15-R)

(Updated April 5, 2021 Resolution #2021-7-R)

### **5.22.5 Enforcement**

Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including termination. This policy will be enforced with restraint and in a reasonable manner, and will be used only when there is a compelling reason to do so.

Any employee who becomes aware of a violation of this policy by another employee should report the violation to the Personnel Director or Department Head.

### **5.22a TELEWORK / REMOTE WORK**

#### **5.22a.(1) Purpose**

This policy has been created to provide opportunity for and regulate telework options within the workplace. Telework is defined as working remotely away from an assigned office by use of digital technology or phone. Telework can enable employees' greater flexibility to complete work when able, increase morale, reduce commute time and costs, reduce city equipment and facility needs, and enhance productivity. It is understood that not all positions within the City may be able to telework as some jobs require a physical presence to complete job duties (police, public works laborers, receptionists at public entryways, grounds keepers, lifeguards, etc.).

#### **5.22a.(2) Policy**

This policy is created to provide guidance to employees whose job duties enable them to telework and where such an arrangement benefits the city and employee. Employee compensation, benefits, and work responsibilities will not change due to an approved telework arrangement.

Employees are expected to adhere to the following guidelines when teleworking:

- Telework must be approved by a supervisor and/or department head.
- Teleworking employees must be able to perform their job duties without creating a substantial burden upon other employees.
- Employee telework work schedules and hours will be consistent with regular in-office work schedule and will not significantly change without the approval of a supervisor or department head.
- Employees who telework are required to work the same number of hours per week as they would be required if at their regular place of work unless otherwise approved by a supervisor and/or department head. Time off taken for vacation, sick leave, or other personal leave time shall be reported while teleworking.
- While away from the office teleworking, employees must comply with all Lindon City organizational rules, policies, and procedures.
- Employees will be required to receive and respond to phone calls and electronic communication at their telework location.
- If a position is eligible for comp-time or overtime pay, an employee in such a position must get advance approval from their supervisor to work more than 40 hours per week while teleworking. Overtime while teleworking should be an uncommon occurrence.
- Employees who are teleworking shall not hold business related visits or in-person meetings with business affiliates or co-workers at their home or other remote telework site.
- Employees approved to telework are responsible to:

- Maintain a safe working environment;
- Protect any city-issued computers, tablets, vehicles or other city equipment in their possession (including not leaving digital equipment overnight in an un-garaged vehicle);
- Install and maintain anti-virus protection software on any personal computer equipment used to telework or remote into work; and
- Safeguard confidential work-related information and documents.

#### **5.22a.(3) Enforcement.**

Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including termination. This policy will be enforced with restraint and in a reasonable manner and will be used only when there is a compelling reason to do so. An employee who becomes aware of a violation of this policy by another employee shall report the violation to the appropriate department head or Personnel Director.

(Updated October 19, 2020 Resolution #2020-24-R)

### **5.23 CELL PHONE USE**

#### **5.23.1 Purpose**

This policy has been developed to encourage the proper use of cell phones while operating a City vehicle or private vehicle on City business, and to balance the communication needs of the city in creating a safe and open workplace. These policies regarding cell phone/smart phone use are in addition to policies regulating cell phone/smart phone use as found in [section 5.22](#).

(Updated June 1, 2020 Resolution #2020-15-R)

#### **5.23.2 Policy**

It is the policy of Lindon City to establish basic guidelines concerning the use of cell phones while driving in city vehicles and operating private vehicles on city business for the safety of the driver, passengers, and other drivers on the road; and to establish a policy whereby the City and the employee share in the cost of city provided cell phones.

#### **5.23.3 Cell Phone Use**

When operating a City vehicle or driving a private vehicle on City business, employees will minimize the use of cell phones. If taking or making a call while driving, the employee will be required to act in compliance with [Utah State Code 41-6a-1716](#); Handheld Wireless Communication Device as follows:

- Wireless communication devices are defined as a wireless telephone, text messaging device, or laptop computer
- Prohibited activities while operating a moving vehicle on the highway include; write, read or send a written message, dial a phone number, access the internet, view or record a video, or enter data into the device.
- Exceptions to the prohibited activities listed above include using a handled device for voice communication, viewing a GPS or navigation app, during a medical emergency, reporting or

requesting assistance relating a safety hazard or criminal activity, use of a hands-free or voice operated technology system integrated into the vehicle.

- Use by law enforcement or emergency service personnel within the scope of their employment also constitutes an exception to the prohibited activities.

#### **5.23.4 Cost Sharing**

In specific situations, and with Department Head approval, employees using a cell phone in the course of their duties may use their personal cell phone on a personal account for City business. In this case, the City will reimburse the employee \$10 per month to compensate for cost associated with City business.

With Department Head approval, some employees may use a cell phone issued and paid for by the City. It is understood that personal calls, emails, text messages, etc. may occur on the City issued phone. The City allows such personal use of the city issued cell phone, except that the employee is prohibited to use the cell phone to engage in political activity or otherwise violate Section 5.9 'Prohibition of Political Activity' and use of the phone is also subject to Section 5.22 'Computer and Internet use'. In this case, the employee will pay \$10 per month through payroll deduction to compensate the City for the cost of personal use of the cell phone.

If an employee is provided a City issued cell phone and desires an upgraded or more expensive phone, the employee is responsible to pay the cost difference between a base model phone and the upgrade phone, as determined by the City. The payment by the employee may be in the form of upfront payment or withholding from regular paychecks. The phone remains the property of Lindon City except as follows:

1. If the phone is no longer needed, or the employee leaves employment of the City, and the phone has remaining trade-in or resale value the City will trade-in or sell the phone and the employee will be repaid a proportional amount of the trade-in or resale value based on the proportion of the original cost of the phone for which the employee paid, or the employee may purchase and keep the phone for the cost of the trade-in or resale value; or
2. If the phone is no longer needed and determined to have no trade-in or resale value, and if declared surplus property by the Department Head, it may be kept by the employee.

*(Updated Feb. 6, 2018 Resolution #2018-5-R)*

*(Updated June 1, 2020 Resolution #2020-15-R)*

#### **5.23.5 Enforcement**

Violations of the cell phone "use" portion of this policy will be reviewed on a case-by-case basis and may result in disciplinary action up to and including termination. Violation of these standards constitutes a Class C Misdemeanor or a Class B Misdemeanor if the violation causes serious bodily injury to another person. A second or subsequent conviction of the same violation within the past three years also constitutes a Class B Misdemeanor.

#### **5.24 DISCIPLINARY PROCEDURES**

It is the responsibility of each employee to observe regulations necessary for the proper operation of City government functions. Administrative procedures have been established for handling disciplinary measures. As a part of any disciplinary action, employees will be counseled as to the action which precipitated the discipline, and improved job performance which will correct the unacceptable situation



or behavior. Employees will also be given an opportunity to respond to the allegations and provide a written statement regarding the disciplinary action.

Employees may not be discharged, suspended without pay, or demoted because of the employee's political or religious beliefs.

The following levels of discipline may be applied as appropriate to the situation:

#### **5.24.1 Verbal Warning**

Whenever grounds for disciplinary action exist, and the supervisor or Department Head determines that more severe action is not required, the Department Head should verbally communicate to the employee the observed deficiency. Verbal Warnings will be documented by the Department Head using a Disciplinary Action form signed by the Department Head and the Employee. The documentation will include the date and time of the conversation, and a brief description of the conversation. The Disciplinary Action form will be forwarded to the Personnel Director for documentation purposes. The documentation will be placed in the employee's personnel file for a period of two years. Records of verbal warnings will be removed from an employee's personnel file after the two-year period provided no additional disciplinary action has occurred. Disciplinary action consisting of a verbal warning may not be appealed.

#### **5.24.2 Written Reprimand**

A Department Head may reprimand an employee in writing. Written reprimands are to be documented on a Disciplinary Action form signed by the Department Head and the Employee. The documentation will consist of the date and time of the reprimand, a detailed description of the deficiency, and any expected corrective action on the part of the employee. The Disciplinary Action form will then be forwarded to the Personnel Director. The documentation will be retained permanently in the employee's personnel file. Disciplinary action consisting of a written reprimand may not be appealed.

#### **5.24.2(a) Probation**

A Department Head may, with the written approval of the Personnel Director, place an employee on probation as a disciplinary measure. On or before the effective date of the probationary period, the employee will be notified using a Disciplinary Action Form stating the reasons for the probation, the length of the probation, and the objectives that must be met during the probationary period to restore the employee to a non-probationary status, and to avoid further disciplinary action. Action taken will be documented by the Department Head using a Disciplinary Action Form signed by the Department Head and the Employee. Disciplinary action consisting of imposition of a probationary period may not be appealed.

#### **5.24.3 Pre-Disciplinary Hearing**

Prior to imposing disciplinary actions of Suspension without pay (of more than 2 days), Demotion, or Termination of an employee, a pre-disciplinary hearing will be held with the employee, the Department Head and the Personnel Director. The employee will be notified of the date and time of the hearing using a Notice of Pre-Disciplinary Hearing form. At the Hearing, the employee will have the opportunity to present information which may have an impact on the decision to take disciplinary

action. Following the hearing, the employee will be notified of what disciplinary action, if any, will be taken using a Disciplinary Action Form, or if no disciplinary action will be taken.

#### **5.24.5 Suspension Without Pay**

A Department Head may, with the written approval of the Personnel Director, suspend an employee without pay for up to, but not exceeding ten calendar days as a disciplinary measure. On or before the effective date of the suspension, the employee will be notified using a Disciplinary Action Form of the reasons for the suspension without pay, the length of the suspension, and the objectives that must be met during the suspension in order for the employee to be reinstated, and to avoid further disciplinary action. Disciplinary action consisting of suspension without pay for 2 days or less does not require a pre-disciplinary hearing and may not be appealed. Action taken will be documented by the Department Head using a Disciplinary Action Form signed by the Department Head and the Employee.

#### **5.24.6 Demotion**

A Department Head may, with the written approval of the Personnel Director, demote or reduce in salary any employee for disciplinary reasons. On or before the effective date of the demotion, the employee will be notified using a Disciplinary Action Form of the reason for the demotion, and objectives which must be met to avoid further disciplinary action. Action taken will be documented by the Department Head using a Disciplinary Action Form signed by the Department Head and the Employee.

#### **5.24.7 Termination**

A Department Head may, with the written approval of the Personnel Director, terminate an employee for disciplinary reasons. The City reserves the right to terminate any employee proven to be in violation of any policy set forth in this manual, depending on the nature and severity of the offense. Action taken will be documented by the Department Head using a Disciplinary Action Form signed by the Department Head and the Employee.

Following is a summary of possible actions which may be cause for termination:

- a. Insubordination;
- b. Conviction of a crime of moral turpitude or dishonesty or felony while an employee of the City;
- c. Indulging in offensive conduct or using offensive language;
- d. Deliberate or careless conduct endangering the safety of the public or other employees;
- e. Inducing or attempting to induce any City employee to commit an unlawful act, or violate City regulations, official policy, or department directives;
- f. Using, threatening, or attempting to use personal or political influence to secure special consideration as a City employee;
- g. Incompetency or inefficiency in the performance of job duties resulting in two consecutive unsatisfactory ratings on performance evaluations;
- h. Carelessness or negligence with City monies or property;
- i. Theft or intentional destruction of City property;
- j. Intentional falsification of personnel records, time reports, or other City records;
- k. Being under the influence of intoxicants or drugs while on duty;
- l. Sleeping on duty except as may be provided for in official City regulations;
- m. Change in ability to comply with the job description;

- n. Failure to notify the Department Head and Personnel Director of a change in the status of the employee's driver's license;
- o. Revocation of an employee's driver's license;
- p. Excessive absenteeism or tardiness;
- q. Excessive horseplay and related activities which create safety hazards;
- r. Violations of city policies & procedures or safety rules and practices;
- s. Poor work attitude and/or behavior that negatively impacts other employees or customers;
- t. Smoking in posted or unauthorized areas;
- u. Failure to report to work without notifying the Supervisor or Department Head, unless it is not possible to give such notice;
- v. Inattentiveness or carelessness to work and work details, failure to start work at the designated time, quitting early, or leaving work without authorization from the Supervisor or Department Head; or
- w. Vending, soliciting, or collecting contributions on City time or premises without proper authorization.

This list should not be construed to be all-inclusive. It is difficult to list every possible situation which may be cause for termination.

## **5.25 SUSPENSION, DEMOTION OR TERMINATION APPEALS PROCEDURES**

### **5.25.1 Employee Appeals Authority**

The City shall contract with an appointed independent Employee Appeals Authority who will hear appeals of Suspension, Demotion or Termination. This individual may be an attorney from another municipality or firm that has experience with municipal employee policies and regulations.

### **5.25.2 Appeals of Suspension, Demotion or Termination**

It shall be the policy of Lindon City to comply with the appeal procedure outlined in [section 10-3-1106 of the Utah State Code](#).

In the case of suspension, demotion or termination, a full-time regular employee, who is not an appointed, at-will, or probationary employee, has the right to appeal the decision to the Employee Appeals Authority. The appeal must be in writing and filed with the City Recorder within ten days of the demotion or termination. The City Recorder will then refer the matter to the Employee Appeals Authority which will receive evidence and fully hear and determine the matter. The employee shall be entitled to appear in person and to be represented by counsel (at the employee's expense), to have a public hearing, to confront any witness's whose testimony is to be considered, and to examine any evidence.

In the event that Employee Appeals Authority does not uphold the suspension, demotion or termination, the City Recorder shall certify the decision to the affected employee, and also to the Personnel Director and/or Department Head. The employee shall be paid his salary, commencing with the next working day following the certification by the City Recorder of the decision of Employee Appeals Authority, provided the employee reports for his/her assigned duties the next working day.

## **5.26 SUSPENSION PENDING INVESTIGATION AND DECISION**

At the sole discretion of the City, an employee may be suspended (with or without pay) pending an investigation. If after an investigation the employee is found guiltless, the employee shall be restored to his or her position and compensated for any lost pay.

## **5.27 GRIEVANCE PROCEDURE**

It is the policy of Lindon City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which do occur.

Whenever a grievance other than for disciplinary action arises or is directed to the attention of the Department Head, the Department Head shall discuss all relevant circumstances with the employee and address the grievance to the extent the Department Head deems advisable and possesses authority.

If the Department Head fails to settle the grievance in a satisfactory manner, the employee shall provide a written grievance with the Department Head's decision to the Personnel Director within ten days of the notice to the employee of the Department Head's decision. The Personnel Director shall promptly discuss all relevant circumstances with the employee and Department Head and address the grievance to the extent the Personnel Director deems advisable and possesses authority.

If the Personnel Director fails to settle the grievance in a satisfactory manner, the employee shall within ten days of the notice of the Personnel Director's decision file with the Personnel Director a written appeal explaining the basis for the appeal. The Personnel Director shall transmit the appeal and a brief explanation to the Employee Appeals Authority.

The Employee Appeals Authority shall schedule a hearing with the parties within 15 working days after the Personnel Director's receipt of the grievance. The Employee Appeals Authority shall render a written decision to the employee within five working days after conclusion of the hearing. The Employee Appeals Authority shall render its findings and decisions to all concerned parties, in writing, which decision shall be final and binding.

## **5.28 CONFLICTS OF INTEREST**

### **5.28.1 Disclosure Statement**

All City employees, elected officials, and appointed officials are required to submit an annual disclosure statement regarding conflicts of interest or potential conflicts of interest related to their position with the City. The disclosure form is included in [Appendix A](#).

### **5.28.2 Referring to a Partner Agency**

In the event that a current or former City Employee or an immediate family member of a current or former City Employee, including current or former Elected or Appointed Officials, is involved in any legal action or incident involving or investigated by the Lindon City Police Department, the case shall be referred to a partner agency, such as Pleasant Grove City or Orem City, for investigation and/or prosecution. Any legal action or incident involving or investigated by the City which affects a vendor with whom the City conducts substantial business, or a contracted professional serving the City, shall also be referred to a partner agency. This policy will not apply to minor infractions, or in the event of an

emergency situation. In the case of an emergency situation, the case shall be referred to a partner agency as soon as practicable for investigation and/or follow up. Immediate family member shall mean husband, wife, son, daughter, father, mother, sibling, or any equivalent stepfamily member or in-law family member.

# Section 6—Employee Compensation & Benefits

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# EMPLOYEE COMPENSATION—

## 6.1 COMPENSATION

*(Additional compensation programs may be found in the compensation programs section of the annually adopted city budget). (Updated June 1, 2020 Resolution #2020-15-R)*

### 6.1.1 Cost of Living Allowance (COLA)

Cost of living allowances (COLA) may be considered each fiscal year when it is determined from an appropriate index, and other determining factors, that such an increase is warranted, and after considering the impact of such an increase on the City budget. If approved by the Governing Body as part of the annual budget, COLA increases will be effective at the beginning of the first pay period of July.

### 6.1.2 Merit Increases

A regular full time or regular part time employee may qualify for a merit increase effective January 1 each year. The City Council will consider approval of Merit Pay Increases as part of annual budget adoption in June of each year, with an additional fiscal evaluation occurring in December each year prior to implementation of merit increases for payment beginning in January of each year. The six-month fiscal review prior to implementation of Merit Increases is intended to protect the City from experiencing financial constraints in the event that budgeted revenue is less than anticipated. When approved by the City Council, Merit Pay Increases will be implemented using the Evaluation Score Table as follows:

**Table 6-1**

Table of Evaluation Scores and Merit	
Final Score	Merit
7 or higher	Full Merit / next pay step
*6 – 6.9	*Pay Range steps 1-5 must score 6.0 or higher for full merit / next step; *Pay Range steps 6 or above = No merit. Must score 7 or higher for next step
4 – 5.9	No Merit
1 – 3.9	Probation

1. A regular full time or regular part time employee may qualify for a merit (step) increase effective at the beginning of the first pay period in January each year, based on the following criteria:
  - a. After an annual performance evaluation employees will be eligible for a merit increase (as approved in the annual budget by the City Council) based on the following Performance Evaluation criteria:
    - i. Employees currently working in Step 1 through Step 5 on the pay scale will be moved to the next step on the pay scale for obtaining an evaluation score of 6.0 average or better.
    - ii. Employees currently working at steps 6 or higher in their respective pay range, with an evaluation score of 7.0 average or better, will be eligible to receive the full merit increase (move to next pay step) based on [Table 6-1](#) above.



- b. As listed in [section 6.1.10](#) 'Salary Advancement', in the case of an exceptional employee, after full written justification and review, he or she may be moved to a higher step within the same pay range upon Department Head recommendation and Personnel Director approval.
  - c. Employees are eligible for a step increase, beginning on the first pay period in January, following completion of their probationary period, except as identified in (e) of this section.
  - d. An employee may not receive a merit/step increase while on probation.
  - e. An employee may not receive a merit/step increase within six months of receiving a prior merit/step increase, except when due to promotion or 'Salary Advancement' as listed in [section 6.1.10](#).
2. *Returning Seasonal / Temporary Employees.* Merit increases for returning seasonal employees and/or temporary part-time employees may be provided on a case-by-case basis as budgeted and approved by the Department Head at the beginning of each season or temporary work period (i.e., start of new pool season; start of new soccer season, etc.). Cost of Living Allowance (COLA) increases for seasonal and temporary employees are not implemented until the following January even if the COLA is approved during the term of employment (i.e., if a citywide COLA is approved to be effective the first pay period in July, the pay rate for a seasonal lifeguard or summer public works laborer won't increase until the first pay period of the following January).
3. Performance Evaluation Report forms with evaluation criteria are found in [Appendix A](#).  
(Updated Feb. 6, 2018 Resolution #2018-5-R; Updated June 1, 2020 Resolution #2020-15-R; Updated Oct. 19, 2020 Resolution #2020-24-R)

#### **6.1.2(a) Merit Pay Bonus Program**

In addition to traditional performance-based merit/step increases for employees within their pay range, a one-time merit bonus pay opportunity is provided for employees who have reached the high end of their pay scale. The Merit Pay Bonus program is an incentive to keep seasoned employees from leaving or retiring after 'topping out' and a way to emphasize continued performance-based wage increases. This one-time payment, subject to budgetary approval, will be based upon the same performance scoring criteria as other employees who have not reached the high end of their pay range.

The bonus is paid at two time periods *after* the work is performed by the employee and based on results of the Performance Evaluation from the prior work year. Merit Pay Bonuses will be 2% of the annual pay (based on highest step in pay range) and will be paid in two lump sums: one payment in the first pay period in June and the second payment in the first pay period in December. The lump sums are not prorated based on time worked, meaning the employee must have worked the entire period in his/her current position prior to the payment of the lump sum portions (approximate six months each period). (i.e., an employee who is topped out on the pay scale and scores a 7.0 or higher on their performance evaluation in Dec 2020, and who works all of 2021 calendar year, would be eligible for a 2% lump sum bonus with half of it paid in June 2021 and the other half paid in Dec 2021. If, during 2021, the employee leaves employment, retires, is promoted to a new position with higher pay step, etc., he/she is not eligible for any portion of the Merit Pay Bonus unless having had worked approximately six months in that position (Jan through June) for first half of bonus; or an additional six months for second half of bonus (July through December)).

(Updated June 1, 2020 Resolution #2020-15-R)

### 6.1.3 Work Period

1. Except as listed below for the Police Department, the City's standard 40-hour work week begins Saturday at 12:00am and ends the following Friday at 11:59pm. FLSA non-exempt employees may not deviate from this 40-hour work week.
    - a. Police Department: Coinciding with Lindon City's two-week pay period, the Police Department work period begins Saturday at 00:00 and ends 14 days later on Friday at 23:59. This allows for an 80-hour work period. Any shift clocked in before the work period ends on Friday at 23:59 will have all consecutively worked hours counted towards the 80-hour work period in which the clock-in occurred. FLSA non-exempt Police Department employees shall account for a minimum of 80 hours of work time each two-week pay period. Overtime is not accrued until an employee exceeds 80 hours of work during the 14-day period.
  2. City Center offices are typically open Monday through Friday from 8 a.m. to 5 p.m. The City Council may adopt alternative business hours for Public Works, Parks & Recreation, or other facilities as deemed appropriate to best accommodate the public and provide for more efficient work hours for employees.
  3. Department Heads may approve flexible starting and ending times for employees as long all staffing needs are met and standard public services are accommodated during regular business hours. Telecommuting may be approved by Department Heads per [section 5.22a](#).
  4. An employee is required to be at work on time. An employee who is late, regardless of the reason, including inclement weather, shall, with Department Head approval, make up the lost time by using accrued leave, leave without pay or adjusting their work schedule to make up the time.
  5. Employees shall account for all hours worked through an approved employee timecard system or other method authorized by the Department Head. Failure to properly document hours worked may be cause for termination.
    - a. An employee's time worked shall be calculated in increments no smaller than 5 minutes.
  6. Time worked does not include travel time to and from work. For employees with take-home vehicles (including on-call vehicles and Police Department vehicles), unless responding to a call, time worked does not include travel time to and from work (even if a radio is on; see [29 CFR 553.221](#)).
- (Updated April 5, 2021 Resolution #2021-7-R)

### 6.1.4 Lunch and Break Periods

1. Except as listed below, each full-time workday shall include a minimum of 30 minutes non-compensated lunch period, unless otherwise authorized by the Department Head.
  - a. Lunch periods may be used to shorten a workday if approved as part of a flexible work schedule by the Department Head.
  - b. Law Enforcement Officers within the Police Department are compensated for meal periods during their work shift as they are considered on-duty for their entire shift (inclusive of meal and break periods).
2. An employee may take one 15-minute compensated break period for every four hours worked.
  - a. Break periods may be accumulated on the same day of work to accommodate a longer mid-day lunch period if approved by the Department Head (example: 1.5-hour lunch period as opposed to 1 hour lunch period).
  - b. 15-minute break periods may not be accumulated on the same day of work to

accommodate a shorter workday.

- c. Except as outlined in 2(a) of this section, unused 15-minute break periods are not accruable.
3. Law Enforcement Officers (L.E.O.'s) within the Police Department are required to meet certain physical fitness standards as part of their regular duties. With Department Head approval, and as shift coverage adequately allows, L.E.O.'s may be permitted to exercise for up to two (2) hours per work week as compensable time. This paid exercise time must be taken within the regular shift hours worked and is not overtime eligible if an L.E.O. has exceeded more than 80 hours during the 14-day work period. Missed exercise time due to shift demands or other scheduling conflict is not accruable or compensable.

(Updated April 5, 2021 Resolution #2021-7-R)

### **6.1.5 Overtime**

From time-to-time Department Heads or other management may require employees to work overtime. Overtime work shall occur only in emergency situations. The practice of overtime work shall be kept to an absolute minimum. All overtime work must have prior approval of the Department Head.

For classified employees (non-exempt employees as defined by Fair Labor Standards Act (FLSA) guidelines), any time worked over forty (40) hours in one regular work week will be considered overtime, with the following exceptions:

- Temporary and seasonal Amusement or Recreational employees:
  - These employees, such as those working at the Aquatics Center, are exempt from federal overtime provisions (see details in [section 5.7.4](#) of this manual).
- Police Department Specific Overtime policies:
  - All overtime work must have approval of the Department Head or scheduling supervisor.
  - Police Department employees have a 14-day work period (see [section 6.1.3\(1\)\(a\)](#)) for which they must account for 80 hours of work. Any time worked over eighty (80) hours within the work period is considered overtime.
  - Specially funded shifts (such as State funded DUI shifts) will be compensated at a rate of 1.5x regular pay as long as funding is available for the higher rate of pay. This higher rate of pay is not considered overtime pay unless the employee has exceeded 80 hours of work within the work period. Specially funded shifts worked after 80 hours of work has occurred within the same work period are not paid overtime in addition to the higher rate of pay (i.e., 1.5x pay rate is not doubled if working a DUI shift after having already exceeded 80 hours work in a work period).
  - Special event shifts will only be considered overtime and compensated at a higher rate of pay if the employee has already exceeded 80 work hours during the work period.
- Only hours actually worked may be calculated when determining if an employee is eligible for overtime. Hours calculated as time worked does not include holidays observed by the City, vacation leave, sick leave, bereavement, compensatory time used, or a Personal Holiday taken, but does include call-out time and jury duty if scheduled during regular work hours. Overtime will be paid on a time and one-half (1.5x) regular pay basis and will be in the form of compensatory time off (comp time), except for the following:
- Police Department: overtime is typically paid as monetary compensation at 1.5x rate, or when monetary compensation is required or allowed as otherwise specified in this manual;

- For the following departments and/or divisions, overtime will be paid as monetary compensation at 1.5x rate or the employee can elect to be paid in the form of compensatory time off (comp time):
  - Parks & Recreation (permanent part-time and full-time employees only)
  - Protective Inspections (building inspectors)
  - Public Works

The decision whether to allow compensatory time or overtime pay will be at the discretion of the Personnel Director, after consultation with the Department Head. Nothing in this or any other City policy shall be construed to give an expectation or right to continued or future overtime hours.

The maximum accumulation of comp time will be 240 hours for all employees except law enforcement officers, whose maximum accumulation of comp time is 480 hours, unless otherwise mandated by FLSA guidelines. An employee who has accrued the maximum number of compensatory hours shall be paid monetary overtime compensation (1.5x regular pay) for any additional overtime hours of work. The City may prohibit an employee who has accumulated the maximum amount of comp time from working additional overtime hours. The City may require an employee to use accumulated compensatory time before vacation, sick, or personal holiday time can be used. Payment for unused compensatory time shall be made in the event of separation from service for any reason.

Exempt employees (as defined herein and by FLSA guidelines) required to work beyond the regular work period shall be compensated in accordance with the Administrative Leave section.

(Updated April 5, 2021 Resolution #2021-7-R; *Updated February 7, 2022 Resolution #2022-3-R; Updated Aug. 15, 2022 by City Council Action*)

#### **6.1.6 Weekends and Holidays**

Many positions are required to work on weekends and holidays (i.e., police, lifeguards, parks & recreation staff, etc.).

- Weekends:
  - All overtime eligible employees scheduled or required to work on weekends will not be paid overtime unless they have exceeded forty (40) hours of work during the regularly defined work week (or 80 hrs. in 14-day period for Police Dept).
- Holidays:
  - For all overtime eligible benefited employees who are scheduled to work on a city paid holiday (see Section 6.12 for City holidays and holiday policies), the following applies:
    - Employee shall be compensated at one and one-half times (1.5x) regular pay rate for the hours worked when the shift starts on a city paid holiday; plus
    - Employee shall be compensated for eight (8) hours holiday pay at regular rate; and
    - The holiday pay rates apply to any non-exempt benefited employee scheduled for the holiday shift.

(Updated April 5, 2021 Resolution #2021-7-R)

#### **6.1.7 On-call**

The Public Works Director, or designee, will provide 24 hour on-call coverage to receive and respond to all calls after hours.

One qualified and trained employee will be assigned to be on call for a seven-day period. The Department Head will determine if the employee is qualified. The (on-call) coverage will coincide with the work week (starts Saturday at 12:00 a.m. and ends the following Friday at 11:59 p.m.). During this time, the on-call employee shall not consume alcohol, or use any drug that may impair the judgment or ability of the employee to perform assigned duties (See [section 7](#), Drug Free Workplace).

The assigned on-call employee will be provided with a vehicle and-cellular phone. To accommodate being available to receive all calls, the employee will be allowed to use the vehicle for reasonable personal use, subject to the same use restrictions found in [section 3.3.1](#), and provided the employee always carries the pager and/or phone issued by the City when using the vehicle and does not drive the vehicle further than 30 minutes from Lindon City. While on-call, the employee must be able to report to work within 30 minutes (including traffic congestion).

Employees assigned to be on-call will receive weekly on-call pay of \$235 per week. Parks & Recreation Department employees assigned to empty garbage after facility rentals will receive one lump pay amount of \$30 per weekend. On-call pay will not be adjusted for inflation but will be evaluated from time-to-time to ensure the on-call pay is reasonable. With approval from the Department Head, on-call employees may elect to receive the equivalent vacation time in lieu of monetary on-call pay.

In order to reduce response time of snow removal during winter storm events, if snow is forecasted within a 24-hour period, snowplows may be taken home at night if the employee residence is within one-mile radius of the City limits. The plow is to be parked at a safe location on the employees' property and may not be used for any personal use except returning to work. The employee shall not use the plow for snow removal on personal property or other non-public property. The action of taking a snowplow home after work hours does not constitute being 'on-call' in regard to receiving on-call pay, unless an individual has been specifically assigned as the 'on-call' employee. Employees will not be compensated for commute times to-and-from their place of residence.

(Updated Oct. 19 2020 Resolution #2020-24-R)

(Updated February 7, 2022 Resolution #2022-3-R)

### **6.1.8 Call-Out**

Non-exempt employees who are required to work outside the scope of normal office hours to assist with unscheduled, emergency situations shall, unless otherwise specified in this manual, receive monetary compensation or compensatory time at the time-and-a-half rate (1.5x rate) for each hour worked. The employee shall be compensated for a minimum of one hour of work for each 'call-out'. All call-out hours will be paid on a time and one-half basis regardless of the number of hours worked during the regular work week. Hours worked by an employee coming in early or staying late to finish a project or other non-emergency work activity are not eligible as call-out or overtime hours worked unless the employee has exceeded 40 hours during the work week (or 80 hrs. in 14-day period for Police Dept).

With direction from the Department Head, employees who are on-call may call other employees for assistance. Other employees who are 'called-out' will be compensated per the call-out policies in this section but shall not receive 'on-call' pay. If other employees are not reasonably available to respond to needed assistance, the on-call employee may continue to contact employees from other departments who may be available and/or qualified to assist in the matter. During emergencies, the Personnel Director or Department Head may compel employees to report to work or otherwise respond to call-out situations. Failure of any employee to report to work during emergency callouts will be reviewed on a

case-by-case basis and may result in disciplinary action up to and including termination.

If an employee is required to return to work after having left the premises, all time spent responding to calls, including travel time to and from work, shall be compensated at the time-and-a-half rate as hours worked.

Any employee who is called back to work during non-scheduled emergency work hours and has recently consumed alcohol or drugs which may impair the ability of the employee to safely perform his/her duties shall notify the supervisor of the impairment and shall not report to work (See [section 7](#), Drug Free Workplace).

Scheduled, non-emergency, work activities that are not during regular office hours, in which an employee was given at least 24-hours' notice of the activity, are not eligible for call-out / overtime pay unless the employee has worked more than 40 hours during the work week (or 80 hrs. in 14-day period for Police Dept), and has the approval to receive overtime pay (or comp time) from the Department Head. This policy section regarding scheduled non-emergency work does not apply to scheduled cemetery interments performed outside of regular Public Works office hours (typically 7:00am to 3:30pm, Mon-Fri). Cemetery interments performed outside of regular office hours are considered call-out work time and compensated at the time-and-a-half rate (1.5x rate) for each hour worked.  
*(Updated February 7, 2022 Resolution #2022-3-R; Updated Aug. 15, 2022 by City Council Action)*

#### **6.1.9 Administrative Leave**

Exempt employees who as part of their normal duties spend more than forty (40) hours a week in work assignments are eligible to receive Administrative Leave. This leave is not accruable nor is it vacation. Administrative Leave must be taken during same work week as the extended workdays unless specifically approved by the Personnel Director.

#### **6.1.10 Salary Advancement**

Increases within the same pay range based on the meritorious or superior performance of job duties as indicated by a performance evaluation are available upon recommendation of the Department Head and Personnel Director. A "Salary Advancement" is separate from a "Merit Increase." Advancement above an existing pay range is considered a job pay reclassification and can only be approved by the City Council after recommendation by the Personnel Director.  
*(Updated Feb. 6, 2018 Resolution #2018-5-R)*

#### **6.1.10(a) Salary Scale**

Employee salary advancement shall be based on a pay scale with steps as adopted in the annual city budget each year. Advancement through the steps of the pay range is dependent on favorable performance evaluations through the years of an employee's employment (see Table 6-1). Given favorable performance evaluations and budgeted merit increases, an employee may advance a full single step for each year of employment in the assigned pay range. The City Council may approve a merit increase for each fiscal year based on budgetary constraints. The current Salary Scale is available in the Employee Compensation section of the annual budget.  
*(Updated June 1, 2020 Resolution #2020-15-R)*

#### **6.1.11 Separation Pay**

When employees terminate, they shall be required to return all tools, keys, equipment, and other property and to clear all financial obligations prior to receiving their final paycheck. For dismissals for cause, the employee must adhere to the above policy within 48 hours from notice of termination and will be required to sign a "Release and Covenant Not to Sue" when appropriate. Any obligations not cleared within the appropriate time will be deducted from the final paycheck. Final paychecks shall include compensation for all unused annual leave and qualified overtime, but shall not include accrued sick leave, other than for retiring employees.

#### **6.1.12 Severance Pay**

When a full-time employee is separated from City employment due to a reduction in force through no fault of the employee, and when such separation requires immediate action preventing a two-week notice, the employee shall be paid two weeks of severance pay in lieu of the two-week notice.

#### **6.1.13 Pay Advancement**

The City will not make pay advances to employees.

#### **6.1.14 Pay Days**

Pay days shall be every other week. Pay shall be up to and include Friday of the second week. Paychecks will be disbursed the following Wednesday.

#### **6.1.15 Direct Deposit**

Employees will be paid through direct deposit into a savings or checking account.

### **6.2 PAY SCALE COMPENSATION PLAN**

A copy of the current Pay Scale is available in the Compensation Section of the Annual Budget.

#### **6.2.1 Initial Appointment**

1. All positions in the City are assigned a Pay Range in Lindon City Salary Scale. Initial Appointment shall be at the first step of the salary range. The Personnel Director may approve appointment to a higher step within the same range if:
  - a. An employee cannot be recruited for the position at the beginning rate; or
  - b. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same step.

#### **6.2.2 Classification**

All City positions are comparatively evaluated on a set of common factors and assigned a grade encompassing a specific salary range on a salary plan. All employees hired on a regular full-time basis will receive compensation according to the classification of the position for which they are hired. Most employees will be hired at step 1 of the salary plan and will progress through the salary range based on

performance warranting such advancement. Recommendations for advancement must be approved by the Personnel Director.

The City typically completes a salary study every two to three years which focuses on similar job duties and classifications in neighboring municipalities of similar size in Utah and Salt Lake counties. Based on results of the study, job classifications and pay ranges may be adjusted as appropriate.

### **6.2.3 Reclassification**

1. If the duties and responsibilities of a position change significantly, the Department Head should submit a written request for reclassification to the Personnel Director. The Personnel Director will perform an analysis of the position and make a final recommendation for or against reclassification, with final approval made by the City Council.
2. If circumstances arise requiring removal of a position from the Staffing Plan, job security shall be attempted by:
  - a. Returning the employee to a previous position, if possible;
  - b. Promoting the employee based on merit and qualification, if reasonable;
  - c. Transferring the employee to another department to fill a position for which the employee is qualified or may become qualified, if possible; or
  - d. Terminating the employee if none of the above alternatives is feasible.

*(Updated Feb. 6, 2018 Resolution #2018-5-R)*

### **6.3 OUTSIDE EMPLOYMENT**

No employee may engage in outside employment which in any manner interferes with the proper and effective performance of official duties or which results in a conflict of interest. It is necessary that an employee give priority to employment with the City.



# EMPLOYEE BENEFITS

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**Note** - Permanent, full-time employees are compensated with a variety of benefit programs. Permanent part-time positions working less than 30 hours per week, and seasonal employees are non-benefited positions, and do not receive compensation through benefit programs. Permanent full-time employee benefits are outlined in the following sections.

## **6.4 INSURANCE BENEFITS**

### **6.4.1 Medical and Life Insurance Benefits**

Subject to annual review and budgetary constraints, the City shall provide health insurance, and may provide dental, long-term disability and life insurance for regular full-time employees and their dependents. Per the Affordable Care Act, the City shall also provide health insurance benefits to those employees working more than thirty (30) hours per week annually.

All benefits of full-time City employees or employees eligible for health care benefits under the Affordable Health Care Act begin or are applied for on the date of hire.

The City studies benefit costs each year during the annual budget approval process. Changes to insurance providers may be made each year if a more cost-effective alternative is identified. Allowable enrollment dates vary between insurance providers. Therefore, if the insurance provider under contract with the City allows enrollment on the date of hire, health and dental insurance benefits will begin on the date of hire. If the insurance provider under contract with the City requires the enrollment date to be the first of the month, health and dental insurance benefits will begin the first of the month following the date of hire. Employees will be notified of the effective date of coverage at the time new-hire paperwork is completed.

Current insurance benefit offerings are approved in the annual city budget and/or as outlined in the annual insurance enrollment package provided to employees. The City provides a specified benefit allowance (in dollars) and the employee may choose how to allocate their benefit allowance for medical, dental, life and other supplemental insurance premiums, as well as health savings accounts and other qualifying tax advantaged spending accounts. Employees will be responsible to pay the amount of their selected benefit costs in excess of the benefit allowance through payroll deductions. Any unused portion of the benefit allowance will go through the employee's paychecks and into their choice of URS Savings Plans, Health Savings Account, or other approved method of distribution.

(Updated June 1, 2020 Resolution #2020-15-R; Updated August 2022 by Personnel Director)

### **6.4.2 Benefit in Lieu of Insurance Coverage**

Employees who have coverage under a Health Insurance Policy through another source may elect to receive a Benefit in Lieu of Insurance rather than enrolling in the Health Insurance Policy offered by the City as secondary coverage.

All employees hired to benefited positions prior to January 1, 2015 electing the Benefit in Lieu of Insurance Coverage will receive \$500 monthly. Employees hired to benefited positions on or after

January 1, 2015 may elect to receive \$300 monthly. Benefits in Lieu of Insurance Coverage will be paid into a 401k or 457 retirement account through Utah Retirement Systems, or the employee may elect to have the cash amount paid into their monthly paycheck. Applicable taxes and withholdings will apply to cash amounts paid to an employee.

Employees may also choose to use all or a portion of the \$500 or \$300 monthly payment to pay other benefit costs, such as dental, dental, life, accident, or vision insurance premiums, or have the funds deposited into a qualifying Health Saving Account or Flexible Spending Account.

The Benefit in Lieu of Insurance is available to employees only when the employee has insurance coverage through another source and is not intended to be an incentive to go without medical insurance. Proof of other insurance coverage may be required prior to paying this benefit.

## **6.5 SOCIAL SECURITY**

The City matches all employee contributions to the Social Security program, as administered by the Federal Government.

## **6.6 EMPLOYEE RETIREMENT SYSTEM**

### **6.6.1 Utah Retirement Systems**

All employees of the City working twenty (20) hours or more per week, and receiving benefits such as health insurance or paid holiday, sick or vacation time, are required to participate in the Utah Retirement Systems. Utah Retirement Systems sets the rate of contribution for the retirement plan.

Benefits eligible employees hired by a participating employer prior to July 1, 2011 participate in Tier 1 of the Utah Retirement Systems. Benefits eligible employees hired by a participating employer on or after July 1, 2011 participate in Tier 2 program of the Utah Retirement System. Elected and appointed officials (city council members, planning commissioners, or other paid citizen appointees) are designated as non-benefited part time employees and are ineligible for retirement benefits under the Tier 2 program. No retirement contributions are made for benefit ineligible part-time employees under Tier 2.

(Updated June 1, 2020 Resolution #2020-15-R)

### **6.6.2 Retirement Savings Account Contribution**

Subject to annual review and budgetary constraints, the City will pay 1.5% of regular full time employee's gross wage into a 401K or 457 retirement account on behalf of the employee.

If an employee elects to make a voluntary contribution to a retirement savings account, the City will also pay a matching contribution of up to 1.5% of the employee's wage into a retirement savings plan through Utah Retirement Systems, for a maximum City contribution of 3% of the employee's wage. The employee matching contribution shall be paid into the retirement savings plan through payroll deduction.

## 6.7 ANNUAL VACATION LEAVE

### 6.7.1 Annual Vacation Leave

Employees are encouraged to take annual leave each year as it is earned. Employees shall earn vacation time as follows:

YEARS OF SERVICE	Non-Exempt Annual Hours Earned	Typ. hrs per pay period	Other Exempt Annual Hours Earned	Typ. hrs per pay period	Executive Exempt Annual Hours Earned	Typ. hrs per pay period
0 to 2	80	3.08	100	3.85	160	6.15
3 to 5	96	3.69	120	4.62	160	6.15
6 to 10	120	4.62	140	5.38	160	6.15
11+	160	6.15	160	6.15	160	6.15

Vacation time will be earned and credited each pay period at the applicable rate. There are typically 26 pay periods (every two weeks) per year. Vacation may not be taken until earned. Only regular full-time employees are eligible for vacation time. Vacation will not accrue to an employee while on leave without pay.

(Updated April 5, 2021 Resolution #2021-7-R)

### 6.7.2 Exempt Employees

For purposes of vacation accrual 'Executive Exempt' employees include Department Heads, City Attorney, City Engineer, and Justice Court Judge. However, the Justice Court Judge does not receive annual vacation leave as a part-time position. All other exempt positions are considered 'Other Exempt'.

Exempt employees shall schedule their annual leave in harmony with their area of responsibility, assuring that no City services will be omitted in their absence. Exempt employees are authorized to flex their work schedules as may be deemed necessary to successfully complete their job duties and may work more or less than a typical 40-hour work week. However, exempt employees shall be required to use accrued time off (vacation, sick, etc.) if they work less than two hours per workday and will not work 34 or more hours in the work week. An absence from a full workday or a work day when less than two hours is worked by the exempt employee requires the use of accrued time off unless 34 or more hours have been worked in the same work week.

(Updated May 7, 2019 Resolution #2019-13-R)

(Updated February 7, 2022 Resolution #2022-3-R)

### 6.7.3 General Procedures

The following guidelines apply to all employees when taking annual leave:

1. There is no limit to the number of vacation hours that can be accrued. However, the City may, at the discretion of the Department Head or City Administrator, require employees with accrued annual vacation leave in excess of two years of earned leave to use the leave which is in excess of two years.
2. Annual leave will be scheduled with the Department Head so as to meet the operating requirements of the City and, insofar as possible, the preference of employees. Seniority, within the various departments, shall apply in case of conflict with leave schedules.

3. Annual leave will accrue if an employee works for more than one department, but employment must be continuous. Annual leave shall not accrue during any period when an employee is on leave without pay status; however, employees on a leave with pay status will continue to accrue annual leave.
4. Holidays shall not constitute a day of annual leave. When an authorized holiday falls within the time period of an employee's annual leave, the employee will be entitled to one additional day beyond the specified annual leave period.
5. No employee will be granted annual leave for a period in excess of two weeks at any one time except by prior arrangement with the Department Head and City Administrator. Employees requesting annual leave from two to five working days must do so at least one week in advance. Employees requesting annual leave for a period longer than five working days must do so at least two weeks in advance.
6. Upon termination of employment with the City, an employee's accrued vacation leave will be paid with the final paycheck.
7. Annual leave and sick leave shall start to accrue at the beginning of the employee's first full bi-weekly pay period and shall not be credited for less than a full bi-weekly pay period.

## **6.8 SICK LEAVE**

### **6.8.1 Eligibility**

Each regular full time benefited employee earns 96 hours (12 days) of sick leave each year and is credited each pay period at the applicable rate. There is no limit to the number of sick leave hours that can be accumulated. Sick leave will not accrue for an employee while on leave without pay except for an on-the-job injury or absence from work based on the Family Medical Leave Act.

### **6.8.2 Authorized Use of Sick Leave**

Sick leave is available for a full time City employee for any illness or disability which renders the employee incapable of working, excluding any disability sustained in the course of performing gainful employment while off duty.

Illness or disability in the immediate family of an employee requiring the presence of the employee to provide care for the family member shall constitute a covered illness or disability. Immediate family members shall mean spouse, child, stepchild, or other dependent of the employee, such as foster child or a child of whom the employee has legal guardianship.

Any illness or disability for which the employee receives Worker's Compensation Insurance payments shall be excluded from sick leave coverage for the period of time that the employee is entitled to the Worker's Compensation payments.

Abuse of these sick leave provisions will not be tolerated. Disciplinary action will be taken where there is abuse of sick leave.

Verification from a doctor confirming that the employee is unable to work may be required for lengthy absences due to illness or injury, as well as an estimated time when the employee is expected to return to work.

Sick leave will not be approved for sickness, disease or disability caused by intemperance or illegal

conduct. Intemperance is defined as the habitual or excessive use of alcoholic beverages or liquor.

### **6.8.3 Reporting Sickness**

The employee or a member of the employee's immediate family must notify his/her supervisor of absence from work prior to or within one half hour after the scheduled reporting time. The employee will keep his/her supervisor informed as to his/her illness daily if the disability persists.

### **6.8.4 Sick Leave Records**

The City will maintain official records of sick leave accumulation and use. Sick leave may not be taken before it is accrued. FML time will automatically start after three consecutive days of sick leave use and/or three consecutive days of absence for qualifying FML status.

*(Updated May 7, 2019 Resolution #2019-13-R)*

### **6.8.5 Conversion for Retiring Employees**

Upon retiring from City employment, an employee may convert up to 50% of 60 days (480 hours) of his/her unused accumulated sick leave. A maximum of 30 days (240 hrs.) unused accumulated sick leave is available to be converted upon retirement. Accumulated sick leave in excess of 480 hours is not available for the 50% conversion upon retirement. Upon retirement the employee can apply the converted sick leave to his/her final pay check, or have it deposited to a 401k or other retirement savings account, or it may be applied towards continued medical insurance premiums (after retirement) on the city's medical coverage plan, but in no case shall the retired employee stay on the city's medical insurance plan for longer than twelve months after retirement unless required through COBRA or other state or federal program. Certain tax implications may apply to use of this benefit. Employees must be on the City/State Retirement Program in order to qualify for this conversion.

No sick leave conversion will be allowed upon termination other than for reason of retirement.

*(Updated May 7, 2019 Resolution #2019-13-R)*

### **6.8.6 Pregnancy**

Women who are pregnant or have related conditions shall be treated the same as all other employees on the basis of their ability or inability to work, taking into account the Family Medical Leave Act

### **6.8.7 Vacation and Sick Leave Buy-back**

Vacation buy-back: Employees that have accrued more than 120 hours of vacation leave may sell back to the City any amount of vacation hours over their 120-hour balance. Employees may not sell back vacation leave hours that will take them below the 120 hour balance. This vacation sell-back is only permitted to occur twice per year: once during the month of November (at the same pay period that the Sick Leave Buy-back payment is processed), and once during any other pay period chosen by the employee. Notification of the desired sell-back must be provided to the payroll clerk when timecards are submitted for processing of the pay period. The November sell-back amount will be paid through a separate check from regular payroll. The additional sell-back during another time of the year will be added to the payroll amount for that pay period and not paid through a separate check.

Sick leave buy-back: In an effort to provide financial protection for employees who experience serious illness or injury, employees are encouraged to accumulate 480 hours (5 years @96 hours per year) of paid sick leave. Employees with more than 480 hours of accumulated sick leave may sell, or convert to vacation leave, half of their sick leave from the previous 12 months. Employees with more than 288 hours (3 years @96 hours per year) of accumulated sick leave may sell, or convert to vacation leave, one-fourth of their sick leave from the previous 12 months. Employees may not sell back sick leave hours that would take them below the 480-hour or 288-hour minimum balances. The sick leave buy-back is typically paid in November of each year.

These sell-back provisions are strictly voluntary. An employee may decide to continue accumulating paid vacation or sick leave as a hedge against long term illness.

*(Updated Nov. 20, 2018; Resolution #2018-22-R)*

*(Updated February 7, 2022 Resolution #2022-3-R)*

*(Updated September 19, 2022; Resolution #2022-18-R)*

### **6.8.8 Donation of Sick Leave**

Employees may donate accrued sick leave to another employee. Requests for donation of sick leave should be made only in extraordinary circumstances, such as an extended illness or serious injury of an employee or an immediate family member of an employee covered under the sick leave policy. The employee requesting donation of sick leave from other employees should initiate the request by submitting the Sick Leave Donation Request Form, found in Appendix A, to the City Administrator. The City Administrator will disseminate the request to employees through Department Heads. Any employee who wishes to donate sick leave to the employee making the request will fill out the donor portion of the request form and return it to the Department Head. All donations of sick leave will be kept confidential.

Use of donated sick leave is subject to the following:

1. Donated sick leave will be available only after the employee has exhausted all other paid leave including sick leave, vacation leave and compensatory time off.
2. FMLA time starts automatically after three days of donated sick leave use and runs concurrently with use of donated sick leave time.
3. Use of donated sick leave may not exceed 90-days in any 12-month consecutive period.
4. An employee may only request donated sick leave once in any 12-month consecutive period.
5. Donation of sick leave time will not decrease eligible sick leave buy-back time of a donating employee.

*(Updated Feb. 6, 2018 Resolution #2018-5-R)*

### **6.9 BEREAVEMENT LEAVE**

Leave with pay may be granted to employees to attend the funeral of a member of his/her immediate family. Such leave shall not be charged against accrued annual or sick leave.

The amount of time granted for funeral leave will be governed by the individual circumstance and at the discretion of the City Administrator, but not to exceed 3 days.

For purposes of this section, "Immediate Family" shall mean wife, husband, children, parents,

grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, brothers, or sisters of the employee.

Leave without pay may be granted by the City Administrator to attend funeral services of extended family members or close personal friends. Employees may opt to use vacation time to attend funerals of individuals not covered under the bereavement leave policy, or for leave in excess of the 3 days permitted under this policy.

#### **6.10 UNAUTHORIZED LEAVE**

Any absence from duty that is not covered by an authorized grant-of-leave shall be recorded as leave without pay and shall be the basis for disciplinary action and for a deduction of pay.

#### **6.11 MILITARY LEAVE**

1. Leave may be granted for a period of active Military Service. Military Service shall mean service in any of the uniformed services of the United States, including active duty, inactive duty training and physical qualification, and service in the National Guard, whether called under federal authority or by the Governor of the State of Utah.
2. The right to reemployment under the Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to all City employees without regard for their position as full-time, part-time, or seasonal employee and regardless of probationary status or whether they are exempt or non-exempt employees. The right to compensation during short-term military leave as set forth in [section 6.11.1](#) applies only to full time employees.
3. Extended military leave is defined as any leave of six months or more, and short-term military leave is any leave of less than six months in duration.

(Updated February 2022 by Personnel Director/City Attorney)

##### **6.11.1 Short-term Military Leave**

- a. Short term military leave is authorized for permanent City employees pursuant to the following conditions:
  - a. Permanent employees are entitled to eleven working days military leave per year without total loss of compensation. Any employee requesting such leave must provide the City Administrator with a copy of the military orders placing him/her on active-duty status;
    - i. Compensation from the City is understood to mean the amount of the employee's pay, calculated at the standard hourly wage for 8 hours a day, for each day missed due to Military Service, less the amount of compensation received by the employee from their Uniform Services or National Guard unit;
    - ii. Employees are required to furnish to the City Administrator written verification of the amount of compensation received by the employee from the Uniform Services or National Guard unit prior to the pay period following the employee's return to work;
  - b. The City will continue to provide benefits, including health insurance and the accrual of personal time and sick leave, as may apply, to the employee during their short-term

military leave. An employee will not be disqualified for merit increases or promotions solely because of their absence from work due to Military Service.

- c. Except in emergencies, employees who are seeking short-term military leave shall notify their immediate supervisor at least four weeks in advance and shall indicate in writing their intention and anticipation with regard to periods of active duty. Such written notification shall be made part of the individual employee's personnel file.
- d. Upon completion of Military Service, employees who have been absent for 30 days or less shall not be required to report for work until they have had at least one full day after arriving home to recover from deployment or training. Employees who have been absent for more than 30 days, but less than six months shall not be required to report to work until they have had at least one full week after arriving home to recover from deployment.
  - i. Time off between the end of the deployment or training and returning to work shall be without pay. The employee may use personal time to cover this period if available.
  - ii. If the employee suffers an injury or illness as a result of their Military Service, the time to report for work shall be extended by the amount of time it takes the employee to recuperate and recover.
  - iii. The period for reporting to work may not be extended more than two years.
- e. If, due to an injury or illness arising from or related to their Military Service, an employee is no longer qualified or able to perform all the duties of their position, the employee will be placed in the closest comparable position for which they are qualified.
  - i. If possible, the City will make reasonable accommodations necessary for the employee to perform the essential tasks of the position for which they qualify.

(Updated February 2022 by Personnel Director/City Attorney)

#### **6.11.2 Extended Military Leave**

Extended military leave without pay may be granted to employees who enlist, are drafted, or are recalled to active Military Service in the uniformed services of the United States of America in accordance with the provision of USERRA.

1. During extended military leave an employee who qualifies for health insurance may seek to stay on the City health insurance plan pursuant to the following conditions:
  - a. If the employee, or their dependents, are not eligible for health insurance through their Military Service, the City shall pay the premiums for the first six months of the extended military leave.
    - i. An employee and/or their dependents must have been enrolled in the City's health insurance plan prior to deployment in order to be eligible for this benefit.
  - b. After the initial six months, an employee may elect to remain on the City health insurance and reimburse the City for cost of the premium at a rate of 102% of the monthly price of the premium. (2% represents reimbursement for administrative costs.)
    - i. Reimbursements to the City must be made on a monthly basis and may not be deferred or accrued until the end of the extended leave.
    - ii. Failure to reimburse the city in a timely manner will result in a termination of health insurance coverage.
  - c. Access to City provided health insurance will end on the earlier of either:
  - h. The expiration of the 24 months of active service; or



- iii. If the employee's Military Service has ended, the last day the employee is eligible to request reemployment, provided they have not made the request for reemployment at that point.
- 2. Former employees are entitled to reemployment with the City pursuant to the following conditions:
  - a. Period of Extended Leave. The extended leave of absence may not exceed a period of five cumulative years from the date of entry into employment with the City. (Unless the employee is involuntarily detained longer or there is a declaration of war or of a national emergency.);
  - b. Successful Completion of Service. The employee must have satisfactorily completed the period of active service in the uniform services and must furnish to the City a certificate to that effect;
  - c. Time to Request Reemployment. Any employee leaving active Military Service must request reemployment in their prior position, or to a position of comparable status and compensation, within 90 days of completing Military Service.
    - i. If, for reasons beyond the employee's control, it is impossible or unreasonable to make the request for reemployment with the required time frame, the employee must do so within 24 hours after becoming able to make the request.
    - ii. The period for requesting reemployment may not extended more than two years.
  - d. Pay Rates. On reemployment pay rates will be set at a rate equal to what an employee's pay would have been had they not taken extended military leave.
    - i. In calculating this rate, the City will consider raises that would have been received if not for the employee's absence, based on their employment history at the time the leave begins, as well as COLA raises and other job market adjustments that may have been made in their absence.
    - ii. Bonuses and other performance incentives, such as safety wards or awards for completed trainings, which have been given to other employees during the extended military leave will not be taken into consideration.
  - e. Time Counted as Being Employed. Upon reemployment, time spent on extended military leave shall be counted towards calculating time periods for retirement benefits (subject to Utah Retirement Systems authorization) and longevity wards.
  - f. Waiver of Right to Reemployment. If the employee declines an offer of employment for their prior position, or for a vacancy in an equivalent position, their reemployment rights will be deemed waived and forfeit.
    - i. The City shall not be required to wait for the employee to request reemployment in order to extend an offer of employment as contemplated in this Subsection.
  - g. Disability. If, due to an injury or illness arising from or related to their Military Service, an employee is not qualified to perform all the duties of the former position, the employee will be placed in the closest comparable position for which they are qualified.
    - i. If possible, the City will make reasonable accommodations necessary for the employee to perform the essential tasks of the positions for which they qualify.
  - h. Discharge of Employees. An employee who is reemployed under USERRA may not be discharged, except for cause, for a period of one year after the date of reemployment.

(Updated February 2022 by Personnel Director/City Attorney)

## 6.12 HOLIDAYS

Full-time benefited employees are eligible to receive 96 hours of holiday pay per calendar year (12 holidays compensated at 8 hours of regular pay rate per holiday). The following days have been designated by the City as paid holidays for benefited employees:

New Year's Day – January 1;  
Martin Luther King Jr. Day – 3rd Monday in January; Presidents Day – 3rd Monday in February;  
Memorial Day – Last Monday in May;  
Independence Day – July 4th; Pioneer Day – July 24<sup>th</sup>;  
Labor Day – 1st Monday in September; Thanksgiving Day – 4th Thursday in November;  
Day after Thanksgiving – Day after 4th Thursday in November;  
\*Christmas Eve – December 24<sup>th</sup> or other day prior to Christmas selected by City Administrator (\*1/2 day only (up to 4 hours); Offices close at noon);  
Christmas Day – December 25<sup>th</sup>;  
Day before or day after Christmas - as selected by City Administrator; and  
Personal Holiday\*\* – in recognition of Juneteenth, but may be used on any day in the calendar year as selected by employee.

The following terms apply to holidays and holiday pay:

1. If a holiday falls on a Saturday, the holiday will be observed on the Friday before the holiday. If a holiday falls on a Sunday, the holiday will be observed on the following Monday.
2. Per Section 6.1.6 'Weekends and Holidays', all overtime eligible benefited employees who are scheduled to work on a city paid holiday, the following applies:
  - a. Employee shall be compensated at one and one-half times (1.5x) regular pay rate for the hours worked when the shift starts on the actual holiday date or the observed holiday date, but in no case shall the employee receive 1.5x pay on both the actual and observed holiday (i.e., 1.5x pay rate is only permissible on the observed holiday if both actual holiday and observed holiday are worked); plus
  - b. Employee shall be compensated for eight (8) hours holiday pay at the regular rate on the observed holiday date; and
  - c. The holiday pay rates apply to any non-exempt benefited employee scheduled for the holiday shift.
3. \*\* The personal holiday is provided to employees in recognition of Juneteenth but may be used on any day in the calendar year as selected by employee and approved by the Department Head. Personal holidays are not accruable and must be used within the calendar year in one 8-hour day / block of time. A new personal holiday is provided at the start of each new calendar year.
4. \* This time off is paid as a courtesy by the City and does not count towards the 96 hours of holiday time for benefited employees and is not accruable except as follows: For benefited employees scheduled or obligated to work over the Christmas Eve ½ day courtesy leave, with approval of a Supervisor or Department Head, they may take up to 4 hours paid time off within the same pay period as the Christmas Eve courtesy leave will occur or the pay period immediately following Christmas Eve. This allowance does not apply if the employee has scheduled time off over the Christmas Eve ½ day. This time off is paid as straight time and is not overtime eligible.

(Updated April 5, 2021 Resolution #2021-7-R)

*(Updated February 7, 2022 Resolution #2022-3-R)*

### **6.13 JURY DUTY**

An employee who in obedience to a summons or notice to appear as a juror or to a subpoena or direction by proper authority, appears as a witness for the Federal Government, the State of Utah, a political subdivision thereof, or testifies in their capacity as a Lindon City official, officer, or employee in private litigation matters shall be entitled to the difference between regular compensation and the compensation or fees received (in excess of traveling expenses) as a witness or juror. (Typically, an employee who has been paid for jury duty, while also being paid regular city employment wages, simply signs the jury service payment / check over to the City).

Time absent by reason of subpoena in private litigation or by some party other than the Federal Government or a subdivision thereof, to testify in an unofficial capacity, but as an individual, shall be taken as leave without pay or vacation leave, at the discretion of the employee.

### **6.14 EMPLOYEE PARTICIPATION IN PROFESSIONAL ORGANIZATIONS**

It is the policy of Lindon City to encourage participation by City employees in those professional and technical organizations which will further knowledge and professional contacts for the benefit of the City as well as the employee.

It is the purpose of this directive to outline the procedure by which employees can join professional and technical organizations with the City participating in the cost associated with those memberships. In most instances, both the City and the employee will benefit from an employee belonging to professional and technical organization. Procedures for requesting participation in professional organizations is as follows:

1. At the budget preparation stage, each Department Head will list as part of their budget request a funding amount for training of personnel. The request will be evaluated as part of the annual budget approval process.
2. No fee for a professional or technical organization will be paid by the City unless authorized by the Department Head and included in the annual fiscal budget.

### **6.15 DIFFERENTIAL PAY FOR PROFESSIONAL CERTIFICATION**

It is the policy of Lindon City to provide differential pay for specific professional certifications which contribute directly to the ability of an employee to provide a broader range of professional services to the community or to provide a current service at a reduced cost.

The purpose of this policy is to recognize and reward employees who improve their skills, knowledge, and proficiency in carrying out their assigned functions through on-going or additional training and certification.

#### **6.15.1 Guidelines**

1. Professional and regulatory certifications that are relevant to their division or department and which qualify an employee for differential pay must represent an increased level of training and skill required to perform the regularly assigned duties of the position. These certifications often

require Continuing Education Unit Credits (CEU's) in order to keep the certification current and/or valid.

2. The City Administrator and the Department Head shall evaluate requests for differential pay. The Department Head must approve cross-training and certifications outside of the employee's division or department.
3. Employees eligible to receive differential pay must submit proof of the initial certification and of all renewals and/or recertification to the City Administrator through the Department Head.
4. The differential pay shall be effective the first pay period after proof of certification has been submitted. It shall terminate the pay period in which the employee is no longer certified.
5. The Department Head shall be responsible to maintain records of all certifications and expiration dates and to terminate the differential pay if proof of re-certification has not been provided.

(Updated June 1, 2020 Resolution #2020-15-R)

### **6.15.2 Approved Differentials**

Approved differentials are as follows:

1. All non-exempt field employees, and Public Works Director, in the Public Works department who become certified with the State of Utah as a Grade I, II, III, or IV Systems Operator, or obtain other certifications listed below, are eligible to receive monthly differential pay as follows:
  - a. Grade I—\$20/month
  - b. Grade II—\$40/month
  - c. Grade III—\$60/month
  - d. Grade IV—\$125/month
  - e. Backflow/Cross Connection—\$40/month
  - f. APWA Public Works Inspector Certification—\$50/month

(Differential pay rates for grade levels and other certifications are not cumulative. The maximum amount a public works employee can receive per month is \$165 for any combination of certifications)

2. Employees in the Parks Division may receive monthly differential pay for the following certifications:
  - a. Certified Arborist (International Society of Arboriculture (ISA))—\$50/month
  - b. Certified Playground Safety Inspector (National Recreation & Park Association)—\$25/month
3. The Risk Manager is eligible to receive a \$100 per month differential pay upon certification as an Associate in Risk Management (ARM).
4. The Finance Director, Assistant Finance Director and Treasurer are eligible to receive monthly differential pay as follows:
  - a. Certified Public Finance Administrator—\$40/month; and
  - b. Certified Government Finance Manager—\$40/month
5. Employees in the Building Division may receive monthly differential pay for the following certifications:
  - a. ICC Certified Building Official—\$50/month
  - b. ICC Fire Code Inspector—\$50/month
  - c. ICC Plans Examiner—\$50/month
  - d. ICC Accessibility Inspector/Plans Examiner—\$25/month
  - e. ICC Structural Steel & Welding Special Inspector—\$25/month

- f. ICC Pre-stressed Concrete Special Inspector—\$25/month
  - g. ICC Structural Masonry Special Inspector—\$25/month
- (The maximum combined differential pay for employees of the building department is \$175 per month.)
- 6. The Community and Economic Development Director and other Planners are eligible to receive a \$100 per month differential pay upon certification by the American Institute of Certified Planners.
  - 7. The City Recorder and Deputy Recorder are eligible to receive monthly differential pay as follows:
    - a. Certified Municipal Clerk—\$40; and
    - b. Master Municipal Clerk—\$40
  - 8. The Storm Water Supervisor and Storm Water Operator(s), or SWPPP inspector(s), are eligible to receive a \$40 per month differential pay upon certification by the Utah State Environmental Quality Department as a Registered Storm Water Inspector (RSI).

(Updated June 1, 2020 Resolution #2020-15-R; Updated August 2022 by Personnel Director)

## **6.16 TUITION REIMBURSEMENT**

Employees are encouraged to take advantage of education and training benefits to improve their job skills and to qualify for transfers and promotions. These benefits are limited to training and education which is relevant to the employee's current position or "reasonable" transfer and promotion opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than two years of additional education or training. However, Lindon City will not be obligated to reward education and training through promotion, transfer, reassignment or salary increase.

Final decision on requests for education and training will be made by the City Administrator. These benefits will be available to all employees on a first-come first-serve basis, subject to the availability of budgeted funds.

*(Updated February 7, 2022 Resolution #2022-3-R)*

### **6.16.1 Eligibility Requirements**

- a. Employee must have an exemplary record and perceived longevity potential;
- b. Employee must have completed 3 months of full-time service at the time of application. Rehired employees must have completed 3 months of full-time service as of their new hire date;
- c. The courses must be job-related. Consideration will be made as to how the courses will benefit the employee on the job. Written justification which shows correlation between course content and job requirement should be attached to the application;
- d. Employees must have the approval of their Department Head and the City Administrator before the course starts. Approval will be given on a course by course basis;
- e. Any other funding to subsidize the course (scholarships, grants, veterans programs, etc.) must be disclosed and copies of documents provided. Proportional reimbursement will be decided on a case-by-case basis; and
- f. Employees must be able to make their own payment arrangements before the tuition due date as reimbursement will not occur until after the end of the course.

*(Updated February 7, 2022 Resolution #2022-3-R)*

### **6.16.2 Application and Approval Process**

- a. The employee must meet the Eligibility Requirements listed above.
- b. Fill out the tuition Reimbursement Application Form. In signing this form, employees acknowledge their understanding and responsibilities prior to receiving approval for course work.
- c. Write a Letter of Justification that shows correlation between course content and job requirements.
- d. Approval must be received before the course begins. Applications must be submitted for consideration and approval with the annual budget process. Any approved tuition reimbursement payments must be approved with the annual budget.
- e. The employee will submit the Application and Letter of Justification to their Department Head. The Department Head and City Administrator will review the request. The Employee will be notified by the Department Head whether the request has been approved or denied.
- f. Approval for courses unrelated to the employee's job may be given if the course is required in order to earn a degree which is related to the employee's job.

*(Updated February 7, 2022 Resolution #2022-3-R)*

### **6.16.3 Reimbursement Guidelines**

- a. Course attendance and preparation shall be on the employee's own time. The Department Head may authorize irregular work schedules.
- b. The employee will be reimbursed 75% of tuition, fees, books, and other previously approved costs at the end of the course provided they receive a "C" grade or better and/or an instructor's certification of passing in a pass/fail course.
- c. The maximum reimbursement per employee per fiscal year is \$1500.00 for undergraduate work and \$2000.00 for graduate work.
- a. Reimbursement is dependent upon available budgeted funds.
- b. For reimbursement, the employee must submit a Tuition Reimbursement Request Form (found in [Appendix A](#)), the final grade and all receipts for tuition, fees, books, and other previously approved costs to the Department Head.
- c. Employees will receive no reimbursement when, prior to completing course work they; are terminated for cause or violating expected rules of conduct, or, voluntarily separate from the City, or, receive disciplinary action other than verbal warning.
- d. Prior to each course or semester, the employee will be required to sign a contract acknowledging the above criteria.
- e. This program would be processed through the Accounts Payable system.

### **6.16.4 Employee Repayment Requirements**

Employees who participate in the Tuition Reimbursement Program agree to continue working for Lindon City in a full-time capacity for at least three years following the end of the course. If an employee terminates, whether voluntarily or involuntarily (except in cases of reduction-in-force), the employee must pay the tuition reimbursement back to the City on a monthly prorated basis. As an example, an employee was reimbursed \$600 for a class, but quit 12 months after completing the class. The employee would be required to repay 67% of the reimbursement back to the City. If multiple courses were reimbursed prior to an employee quitting, each course will be prorated separately according to the course's completion date. Any reimbursement due from the employee upon termination will be

deducted to the extent available from the final paycheck and any leave time pay due the employee at termination.

#### **6.16.5 Tax Considerations**

There may be tax implications to persons receiving tuition support. Employees are responsible for such taxes, if any, and should seek counsel from a tax professional.

#### **6.17 AQUATICS CENTER PUNCH PASS**

Subject to annual review, Lindon City elected officials, appointed officials, full time employees and permanent part time employees are provided a 30-visit punch pass for use of the Lindon Aquatics Center and 50% off one additional 30 visit punch pass.

Seasonal employees and interns are provided a 10-visit punch pass for use of the Aquatics Center.

Members of the Board of Adjustments receive a 50% discount on a 30-visit punch pass to the Aquatics Center.

This policy does not include discounts for additional day passes, party room rentals, or other services or programs at the Aquatics Center. Flow Rider use for city officials and employees will be charged at the same rate as the general public.

The current Aquatics Center punch pass benefit is outlined in Resolution 2016-12-R. This benefit will be reviewed annually by the City Council and may be updated as necessary.

#### **6.18 FACILITY RENTALS**

Full-time and permanent part-time employees, Planning Commissioners and Elected Officials are entitled to four (4) free rentals of city facilities per calendar year, excluding the Aquatics Center facilities. Facilities available for rent include park pavilions, Veterans Hall, and Community Center rooms. Use of free rentals of City facilities is subject to availability. Free rentals are primarily intended for family or social purposes and shall not be used for profit generating business ventures.

(Updated Oct. 19, 2020 Resolution #2020-24-R)

*(Updated February 7, 2022 Resolution #2022-3-R)*

#### **6.19 FITNESS ROOM USE**

Full time and permanent part-time employees and their spouse or partner are provided use of the Public Safety weight room equipment at the Community Center without charge. Police & Fire / EMS employees also have unlimited access to the weight room in the Public Safety Building.

#### **6.20 LONGEVITY AWARDS**

Full-time and permanent part-time employees will be recognized for years of service with the City at a rate of \$10 per year of service. Longevity awards will be presented to employees for every five years of service, beginning on year 5. Awards will typically be presented annually in December. Awards will be paid in the form of gift card or cash. For purposes of this longevity award only, permanent part-time employees that move to a full-time position will have their hire date continue to be recognized as the

date they started in their permanent part-time position.

*(Updated February 7, 2022 Resolution #2022-3-R)*

#### **6.21 UNIFORM ALLOWANCE**

For qualifying full-time positions, employees may receive up to \$150 annually to purchase work clothing and/or to be used as a supplemental uniform allowance as approved within the City budget.



## Section 7—Drug Free Workplace

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- 7.1 INTRODUCTION
- 7.2 EMPLOYEE ACTIONS AND CONDUCT
- 7.3 PRE-EMPLOYMENT TESTING
- 7.4 RANDOM TESTING
- 7.5 REASONABLE SUSPICION TESTING
- 7.6 POST ACCIDENT TESTING
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- 7.11 NOTIFICATION OF TEST RESULTS
- 7.12 CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT AND RETURN TO WORK REQUIREMENTS
- 7.13 CONFIDENTIALITY OF TEST RESULTS
- 7.14 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS
- 7.15 TOBACCO USE

## **7.1 INTRODUCTION**

It is the policy of Lindon City to establish and maintain a work environment that is free from the effects of drug and alcohol use, to protect City employees, equipment, and the public by prohibiting employees under the influence of drugs or alcohol from working, and to assure compliance with city, state, and federal regulations.

In balancing the interests of the City, the employee, and the welfare of the public, the City finds that fair and equitable testing for drugs and alcohol in the workplace and the establishment of proper employee conduct to be in the best interest of all parties.

## **7.2 EMPLOYEE ACTIONS AND CONDUCT**

For purposes of this policy manual, the following definitions have been established:

- “employee” includes all full-time, part-time, seasonal, or temporary employee, including elected and appointed officials, and any volunteer working for and on behalf of the City.
- “on-the-job” is defined as whenever an employee is conducting city business or representing city interests, or is on city property, or in a city vehicle, or in a private vehicle while on city business, or at a city worksite.

The illegal use, sale, or possession of narcotics, illegal drugs, or controlled substances by any employee while on the job is prohibited. All such activities prohibited by law shall be reported to the Police Department and may result in criminal prosecution.

The use, sale, or possession of alcohol by any employee while on the job is prohibited.

Off-the-job drug use and/or alcohol consumption which affects an employee’s job performance or which jeopardizes the safety of employees, the public, or city equipment is prohibited.

While on the job, it is prohibited for employees to have any measurable concentration of alcohol in their system or to have any of the drugs listed in this policy in their system at a level that would produce a positive drug test result.

Any employee who is on-call shall not consume alcohol or any drug which may impair his/her ability to perform assigned duties. Any employee who is called back to work during non-scheduled work hours and has recently consumed alcohol or drugs which impair his/her ability to safely perform his/her duties shall notify the supervisor of the impairment and shall not report to work.

An employee who is convicted of a drug or alcohol related offense shall, within 48 hours, provide notice, to the City, in writing, of the conviction.

An employee who violates any of the above provisions shall be subject to disciplinary action up to and including termination in accordance with this policy and the City’s personnel policies and procedures.

### **7.3 PRE-EMPLOYMENT TESTING**

Final candidates, who are not already employed by the City, shall be required to pass a drug test as a prerequisite to obtaining employment or appointment to any full-time or part-time position within the City.

In accordance with federal regulations, employees who move into jobs that require a Commercial Driver's License (CDL) shall be required to pass a drug test as a prerequisite to appointment.

Candidates shall sign a consent and medical release authorization form before being tested. For candidates under 18 years of age, the consent and medical release form shall be signed by the candidate's legal guardian.

A pre-employment drug screen test shall remain valid for 11-months after the date the test results were received by the City. Returning seasonal workers need to complete a new drug screen test if re-hired in subsequent seasons.

Candidates receiving a positive drug test result shall be removed from the applicant pool and shall not be considered for the position for which application was made. Any candidate rejected for employment as a result of a positive test may reapply for employment with the City at any time in the future, for any position.

The candidate shall be provided an opportunity to meet with the City Administrator to comment and provide input regarding the results of any positive test and seek a second confirmation test as provided in this policy.

*(Updated February 7, 2022 Resolution #2022-3-R)*

### **7.4 RANDOM TESTING**

Employees who perform safety-sensitive duties as determined by the City Administrator such as, but not limited to, police officers, public works and parks laborers, operators of heavy equipment or city vehicles, lifeguards, etc., shall be subject to random drug and alcohol testing. In addition, employees who are required to possess a commercial driver's license (CDL) shall be subject to random drug and alcohol testing in accordance with federal regulations.

Testing dates shall be unpredictable and shall be spread reasonably throughout the year. The selection process for random testing shall be based on a scientifically valid method (i.e., a computer-based random number selection system.)

Employees participating in a random drug and alcohol test shall be required to sign a consent and medical release authorization form before being tested. For employees under 18 years of age, the consent and medical release form shall be signed by the employee's parent or legal guardian.

If the results of the drug or alcohol test show any measurable concentration of alcohol in their system, or show any of the drugs listed in this policy in their system at a level that would produce a positive drug test result, the employee shall be subject to disciplinary action, up to and including termination, pursuant to this policy and the City's personnel policies and procedures.

*(Updated Feb. 6, 2018 Resolution #2018-5-R)*

*(Updated June 16, 2023 by City Administration)*

## **7.5 REASONABLE SUSPICION TESTING**

The City may require employees to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" means an articulate belief, based on specific facts and a reasonable assumption drawn from those facts, that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. A work-related accident;
4. Direct observation of drug or alcohol use;
5. Presence of the physical symptoms of drug or alcohol use (e.g., glassy or bloodshot eyes, the odor of alcoholic beverages or marijuana on the employee or in the work area, slurred speech, poor coordination and/or reflexes, unsteady walk, uncontrolled shaking, or small tremors in the hands); or
6. Drug paraphernalia, remains of marijuana cigarettes, or plastic sandwich bags with non-food residue inside.

Coupled with any of the above, the following may also be used to document reasonable suspicion.

1. Increased absenteeism, inattentiveness, or absentmindedness;
2. Frequent need for work breaks;
3. Unexplained secret meetings with other employees or other persons during work hours; and
4. Increased hostility toward the public or other employees.

Any employee who believes that another employee is under the influence of drugs or alcohol shall notify any of the following individuals immediately: the supervisor, the Department Head, and the City Administrator.

After having reasonable suspicion that an employee has violated this policy, the supervisor, Department Head, or City Administrator has the authority to require the employee to submit to an immediate alcohol and/or drug test.

Once the determination has been made to test the employee, the following process shall be followed:

1. The supervisor shall contact the City Administrator who shall contact the drug and alcohol test provider and schedule a test to be administered immediately;
2. Documentation of reasonable suspicion observations shall be made by the person making the request (Supervisor, Dept Head, or City Administrator);
3. The employee shall complete and sign a consent and medical release authorization form. For employees under 18 years of age, the consent and medical release form shall be signed and notarized by the employee's parent or legal guardian;
4. The employee shall be taken immediately by the supervisor or other assigned employee to an appropriate testing facility. Under no circumstances shall the employee travel to the testing site facility alone;

5. If the employee cannot be taken to an appropriate testing facility, the test provider shall be notified of the location of the employee;
6. After the drug and/or alcohol test, the employee shall be removed immediately from duty;
7. The employee shall be placed on administrative leave, with pay, until the test results are available, and a preliminary review has been conducted; and
8. If the results of the drug and/or alcohol test are positive, the employee shall be subject to disciplinary action, up to and including termination, in accordance with this policy and the City's personnel policies and procedures.

## **7.6 POST ACCIDENT TESTING**

An employee who is involved in a vehicle accident while performing duties that require the possession of a CDL shall be required, except when incapacitated and unable to consent because of the accident, to submit to a drug and alcohol test in the following situations:

1. The accident results in personal injury or the loss of human life; or
2. The accident results in third-party property damage; or
3. The employee receives a citation under state or local law for a moving traffic violation arising out of the accident.

## **7.7 REFUSAL TO CONSENT**

### **7.7.1 Candidates**

A job candidate who refuses to consent to a drug and alcohol test shall be removed from the applicant pool and shall not be considered for the position for which application was made.

### **7.7.2 Employees**

An employee who refuses to consent to a drug and alcohol test when requested in accordance with the provisions of this Section, or an employee who is under 18 years of age and who's parent or guardian refuses to consent, shall be subject to disciplinary action, up to and including termination, pursuant to this policy and the City Personnel Policies and Procedures. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

## **7.8 DRUGS TO BE TESTED**

For the purposes of this policy, "drug test" shall mean a urinalysis test given to detect the presence of the following drug groups, and a positive result shall be in accordance with the levels established by the Department of Health and Human Services:

- a. Amphetamines (e.g., speed);
- b. Barbiturates (e.g., Amobarbital, Butabarbital, Phenobarbital, Secobarbital);
- c. Benzodiazepines;
- d. Cocaine;
- e. Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone) or any synthetic derivative;
- f. Opioids or any synthetic derivative (e.g., Dextromethorphan, Oxycodone, Fentanyl/fentanyl, Methadone);

- g. Phencyclidine (PCP);
- h. Propoxyphene;
- i. \*THC (Marijuana); and
- j. Lysergic acid diethylamide (LSD)

\*Per [Utah State Code 26-61a-11](#), the city shall treat an employee's use of medical cannabis in medicinal dosages in accordance with State law.

For purposes of this policy, "alcohol test" shall mean a breath test given to detect the presence of any measurable amount of alcohol. For confirmation purposes, the Intoxilizer currently being used by the Police Department and certified by the State shall be used in accordance with the guidelines established by the Utah Department of Public Safety.

(Updated June 1, 2020 Resolution #2020-15-R)

## **7.9 TESTING PROCESS**

1. The City shall utilize a reputable provider that is a National Institute on Drug Abuse (NIDA) certified laboratory or similar testing facility for collecting the urine samples and conducting the drug and alcohol tests.
2. All collection, custody procedures, and documentation for the urine samples shall be in conformance with state and federal laws and regulations.
3. Breath tests for alcohol shall be conducted by a qualified Breath Alcohol Technician on equipment that meets the standards established under state and federal regulations. Prior to administering alcohol tests, the breath alcohol technician shall complete a course of instruction for the operation of an Evidential Breath Testing Device that has been approved by the National Highway Traffic Safety Administration.

## **7.10 CONFIRMATION OF TEST RESULTS**

1. A positive drug test result shall be tested a second time using a procedure which shall be technologically different than the initial screening test, using the same urine sample. Only upon confirmation by the additional test shall the urinalysis results be considered positive.
2. All positive drug tests shall be reviewed by a medical review officer (MRO), a licensed physician responsible for receiving lab results. The MRO shall evaluate positive test results in light of a person's medical history, current legal use of medications, diet, and any other possible explanations for the result. Generally, the MRO shall speak directly with the tested person and provide him/her an opportunity to give an explanation. After considering all of the information, the MRO shall verify the positive test or, in the alternative, conclude that the employee has a legitimate explanation for the positive test result and declare the test to be negative.
3. An employee whose drug test results are positive may, at his/her own expense, have another confirmation test conducted on the same urine sample by a NIDA certified laboratory. The MRO shall then review the second confirmation test and, after considering all of the information, verify the positive test or declare the test to be negative.
4. A breath test which indicates any measurable amount of alcohol shall be followed by a confirmatory test at an interval of at least 15 minutes and no longer than 20 minutes following the initial test. If consistent with the initial test, the confirmatory test shall be the final result. If the confirmatory test is not consistent, the test shall be considered negative.

5. If an employee's or applicant's drug or alcohol test results are positive, he/she shall be notified of the results in writing by the City within ten working days after receiving the results. The letter of notification shall identify the particular substance found and its concentration level.
6. In conformance with [Utah Code 34-38-14](#) '*Employee not a person with a disability*', an employee or prospective employee whose drug or alcohol test result is confirmed as positive in accordance with this chapter may not, because of those results alone, be defined as a person with a disability for purposes of [Title 34A, Chapter 5, Utah Antidiscrimination Act](#).

#### **7.11 NOTIFICATION OF TEST RESULTS**

After the City receives the test results, it shall notify the Department Head of the results. This disclosure shall state whether the test is positive or negative, the particular substance found, and the concentration level of the particular substance. In addition to the Department Head, the disclosure may also be given to those applicable individuals who have to make executive, supervisory, employment, or legal decisions regarding the employee and the employee's relationship to the City. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant or upon subpoena.

#### **7.12 CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT AND RETURN TO WORK REQUIREMENTS**

Temporary employees (seasonal workers) shall have their employment terminated immediately upon notice of a positive test result.

The first time a full or part-time employee receives a positive drug or alcohol test, the following actions shall be taken:

1. The employee shall face disciplinary action up to and including termination as outlined in Policies and Procedures [section 5.24](#);
2. All disciplinary actions shall be executed in accordance with this policy and Policies and Procedures [section 5.24](#). The employee shall have the opportunity to discuss the proposed discipline during the pre-disciplinary Hearing as outlined in [section 5.24.3](#);
3. When necessary, the employee shall be encouraged to consult with a counselor at his/her own expense. Return to work shall be allowed only upon producing a return-to-work release from that counselor;
4. Prior to the employee returning to work, the employee shall be required to sign a return-to-work agreement. The return-to-work agreement shall outline the terms and conditions under which the employee can resume his/her duties. The agreement shall require that the employee refrain from using drugs or alcohol, receive treatment monitored by the City, and be subject to future periodic testing; and
5. Prior to returning to work, the employee shall be required to pass a drug or alcohol test (whichever is applicable) and shall submit to the City a Certificate of Sobriety from a reputable substance abuse program that the employee is sober, has successfully completed a treatment program, and has the potential for full recovery. This certification shall be signed by a licensed professional medical practitioner that specializes in substance abuse.

If a full or part-time employee receives a second positive test within a three-year period, he/she shall be terminated from employment. For good cause, upon request of the Department Head, the City

Administrator may waive the requirement for termination.

### **7.13 CONFIDENTIALITY OF TEST RESULTS**

Records and information concerning an employee's or applicant's drug or alcohol test shall be classified as private under the Government Records Access Management Ordinance of Lindon City. The information described herein shall be the property of the City.

A physician-patient relationship is not created between an employee or prospective employee and the City, or any person performing the test, solely by the establishment of a drug or alcohol testing program in the workplace.

### **7.14 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS**

State and federal regulations may require additional procedures not included within this policy for employees who are working in federally regulated positions, such as those positions that require a CDL. In such cases, the City shall comply with those regulations. Written notice of the procedures and requirements shall be provided to all applicable employees.

### **7.15 TOBACCO USE**

In order to maintain a professional appearance and avoid negative impacts on others, employees are prohibited from use of cigarettes, electronic cigarettes or other "vaping" devices, or smokeless tobacco products within City buildings, facilities, and vehicles or while on duty or in contact with the public and representing the City. Employees who choose to use tobacco products may use such products on personal time (breaks; meal breaks) if 20' or further from any city facility or public building.

(Misc. updates throughout Chapter - June 16, 2023 by City Administration)



# Section 8—Social Networking Websites and Blogs

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- 8.1**     **PURPOSE**
- 8.2**     **POLICY**
- 8.3**     **ENFORCEMENT**

## 8.1 PURPOSE

Lindon City understands that social networking websites and blogs, such as Facebook and Twitter, can be useful tools in disseminating information on various City topics and events. The City has established the following policies for employee use of social networking websites.

## 8.2 POLICY

1. Employees desiring to establish social networking accounts in order to publish information as an official representative of the City shall obtain approval by the City Administrator for each networking account. Social networking accounts that represent the City in an official capacity may be established for use only by the Mayor, the City Recorder, department heads and their staff, as approved by the City Administrator.
2. The City should be discrete in selecting networking sites that have limited advertisements and non-related pictures or links - as unrelated pictures and postings could be construed as being associated or sanctioned by Lindon City.
3. Employees that have personal blogging or social networking accounts not approved by the City Administrator who desire to post comments or information concerning the City must make it clear that the views and opinions they express about work-related matters are their own, have not been reviewed or approved by the City, and do not necessarily represent the views and opinions of the City.
4. Employees engaging in online social networking and blogging activities are expected to remain respectful of the City, its employees, its services, its residents, and its contract agents. Material should not be posted that is obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive, hateful, embarrassing to another person or entity, provides false information, entails crude or obscene language or sexual content, supports, or opposes political candidates or political organizations or ballot propositions, promotes illegal activity, advertises commercial services or products, or infringes on copyrights or trademarks. Further, employees should not engage in on-line activity that reflects or may reflect negatively on the City, its elected or appointed officials, affiliates, employees, clients, partners, vendors, and suppliers, or contains any content prohibited by the City's policies and procedures. Proper consideration should be given to avoid topics that could be inflammatory, such as religious or political views.
5. Social networking sites should be used in a positive manner and should not be the forum typically used to respond in-depth to negative or complicated issues. Participants should be invited to speak with City staff in person regarding such matters.
6. Employees should not disclose private or confidential information – or information obtained in a setting for which the information was meant to be private.
7. Employees networking accounts representing the City should properly identify themselves somewhere within the website with their name (or department when relevant) and should not post information on behalf of the City as an anonymous masked “cover-name”.
8. Posts should be accurate with employees being mindful of spelling, punctuation, and grammar. If errors in posts are found, employees should be up front about the mistake and correct the error quickly by posting new messages that clearly indicate the error.
9. Employees should ensure that online networking activities do not interfere with their daily job commitments and duties. Other adopted City policies regarding computer uses shall be adhered to. Privileges of using networking websites for official City related matters may be revoked by the City Administrator for any abuse of time and/or posting of inappropriate material or messages.

### **8.3 ENFORCEMENT**

Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including termination. This policy will be enforced with restraint and in a reasonable manner and will be used only when there is a compelling reason to do so including, but not limited to, embarrassment to or damage of Lindon City's reputation and public perception or the disclosure of information that is private or protected as defined in the Government Records Access Management Act.

# Section 9—Records Management Policies

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- 9.1 PURPOSE
- 9.2 POLICY
- 9.3 PROCEDURE
- 9.4 RETENTION SCHEDULE

## **9.1 PURPOSE**

Lindon City is committed to meeting required retention schedules as set for in the Government Records Access Management Act (GRAMA). Lindon City is also committed to providing access to all public records and creating transparency in all aspects of government operations.

## **9.2 POLICY**

It is the policy of Lindon City to establish guidelines governing the management, retention, and destruction of all government records.

## **9.3 PROCEDURE**

1. The City shall follow the classification and retention schedule set forth in Subsection 9.4. Any record, or records series, not specifically identified or designated in Subsection 9.4 shall be kept and retained pursuant to the model retention schedule as established in GRAMA and maintained by the Utah State Archives and Records Department.
2. Each City Department Head is responsible for management, retention, and destruction of the records of their individual departments. The Department Head may delegate the day-to-day management of records to department staff.
3. Annual destruction of records will be scheduled between January 15 and February 28.
4. Destruction will be completed by on-site shredding or transferred to the incinerator with Police Department evidence which is ready for destruction.
5. On the date of destruction, each Department Head will provide a written inventory of records destroyed to the City Recorder.
6. Frequently requested public records will be made available for public access on the City website as much as possible.
7. Any citizen requesting a copy of a record (GRAMA request) is required to complete a records request form and pay any associated fees for processing the request.
8. Records requests forms will be forwarded to the City Recorder. The City Recorder is responsible to process the request in cooperation with the department with control of the record.
9. All citizen requests will be completed as soon as possible, but no later than ten business days after the request is received. If processing the request within the ten-day period is not possible, the citizen requesting the records must be contacted prior to the end of the ten-day period and notified of the date the records will be available.
10. Any email message received by a City employee or official which is relevant to any City business shall be retained in electronic format until final action, including any appeal period, is complete.

## **9.4 RETENTION SCHEDULE**

City records shall be classified and retained pursuant to the provisions of this Subsection.

1. Permanent Retention: Records deemed to have historical value and importance shall be retained permanently. The Records officer may transfer permanent records to the State Archives for retention if necessary. The following Records shall be retained permanently:
  - a. Articles of Incorporation: Records related to the organization and establishment of the city, including annexation and boundary adjustments;
  - b. General Plan: Records of the comprehensive plan for municipal development adopted by the City Council;
  - c. Ordinances and Resolutions: Records of the official legislative actions of the City Council;
  - d. Public Minutes: Approved minutes of the Lindon City Council, Lindon City Planning Commission, and the Lindon City Board of Adjustment;

- e. Building Permits: Permits issued by building officials authorizing the construction, demolition, or remodeling structures and buildings, including inspections reports and certificates issued by the City;
  - f. City Histories: Chronological records of activities of the city and its departments, including photographs, newspaper clippings, flyers, program notes, brochures, and other items related to activities of the city and its citizens; and
  - g. Agency History Records: Records prepared specifically to document the organization or modification of governmental entities, including histories, functional information, and organizational files.
2. Seven Year Retention. The following records shall be retained for a period of seven years:
- a. Real Estate Acquisition Records: Documentation of the purchase of real property by Lindon City, including contracts, correspondence and deeds;
  - b. State or Federal Grants: Documentation of monetary grants applied for and received from federal or state sources, including Community Development Block Grants (CDBG), which documentation includes original applications, contract agreements, and annual and final performance reports;
    - i. The retention period for these records shall begin to run at the completion of the project or program, including any warranty period.
  - c. System Studies Final Reports: Final reports of various studies of program analysis, or project studies of city operations or public activities created by private or public agencies; and
  - d. Commercial Building Plans: Blueprints and specifications submitted by building contractors and owners when applying for a building permit for a commercial building or structure.
3. Three Year Retention. The following records shall be retained for a period of three years:
- a. Census Information Files: Copies of US Census Bureau forms completed by the city regarding government employment and tax revenues. Used to compile state and national statistical reports, meeting the requirements for federal revenue sharing and publication of financial information with the public; and
  - b. Publications: Records issued by Lindon City for public distribution at the expense of the city entity, including annual reports and policy and procedure manuals.
    - i. The retention period for these records shall begin to run upon the publication of a subsequent volume or amendment of the publication or a retraction of the publication.
4. Two Year Retention. The following records shall be retained for a period of two years:
- a. Executive Correspondence. Correspondence, regardless of format that provides information relating to official actions to facilitate or promote functions, policies, procedures, or programs of Lindon City and which document the actions of executive decision makers made regarding city interests. Executive decision-makers may include the Mayor, the City Administrator, or other department heads identified by the City Administrator;
  - b. Feasibility Studies. Studies conducted before the installation of any significant technology or equipment, including specific studies and system analysis for the initial establishment or major modification of such systems;
  - c. Public Relations Records. Records created for the distribution to news media or the public, including speeches, press releases, public announcements, and similar records; and
  - d. Policy and Procedure Case files. Records related to policy and procedure issuance with documentation of the policies' formulation, including issues related to routine administrative functions. (e.g., payroll, procurement, and personnel).
    - i. The retention period for these records shall begin to run upon a policy or procedure being superseded or rescinded.
5. One Year Retention. The following records shall be retained for a period of one year:

- a. Notary Bond Files: Documentation of City employees providing the City services as Notaries Public, including development certificates, copies of bonds, and related correspondence; and
    - i. The retention period for these records shall begin to run upon the expiration of a Notary's certification.
  - b. Unsuccessful Grant Application. Record related to the rejection or withdrawal of the grant application, including memoranda, correspondence, and other records related to the decision to reject or withdraw the grant proposal.
    - i. The retention period for these records shall begin to run upon the denial or withdrawal of a grant application.
- 6. 90 Day Retention. The following records shall be retained for a period of 90 days:
  - a. Temporary Correspondence: Correspondence, regardless of format, related to matters of short-term interest and which contain no final contractual, financial, or policy information, including routine requests for information, unofficial notices for meetings and events, request for supplies, approvals to attend training or scheduling activities, duty rosters or work assignments, schedules, appointments or activity logs and working copies of documents which are not considered drafts and records relating to daily activities that do not reflect policy or official actions;
  - b. Temporary Tracking Records: Records documenting temporary transactions which tracks information regarding services rendered, movement of people, materials, including Internet website visitor information; and
  - c. Temporary Work Files and Notes: Records containing unique information in notes or drafts assembled and used repair or analyze other documents, including information, understanding, and context of the formulation of City staff's actions, decisions, or responses in administrative functions and which are not part of a record otherwise defined by the Chapter.
- 7. No Retention Period Required. The following documents do not to be retained by the Records Officer:
  - a. Documents or records that do not meet the criteria of a "record" as defined by state law, including personal notes and communications, temporary drafts made for personal use, materials copyrighted and owned by an individual in a private capacity, daily calendars kept for personal use, information protected by the attorney-client privilege or nongovernmental publications or documents.

(Updated August 17, 2020 - Ordinance #2020-13-O)

(Updated June 16, 2023 by City Administration)

## APPENDIX A

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**LINDON CITY DISCIPLINARY  
ACTION FORM**

Disciplinary action is necessary at times when an employee's behavior is negatively impacting his or her work, the work of his or her co-workers, or the workplace. This disciplinary warning form documents the discipline warning and the counseling discussion that accompanied the discipline warning. This form will be maintained in the personnel file of the subject employee.

**PROGRESSIVE WARNING FORM**

Employee Name: \_\_\_\_\_

Date of Action: \_\_\_\_/\_\_\_\_/\_\_\_\_/ Department: \_\_\_\_\_

Reason for Disciplinary Action: (Check all that apply)

☐ Quality ☐ Safety ☐ Conduct ☐ Attendance ☐ Insubordination ☐ Misc.

You are receiving this disciplinary warning because of the following actions: (attach documentation if necessary).

Unless this problem is corrected, further disciplinary action will be taken up to and including the termination of employment. The current level of discipline is noted below.

☐ Verbal Warning ☐ Written Reprimand ☐ Suspension for a period of \_\_\_\_ days without pay.

☐ Probation for a period of \_\_\_\_\_. ☐ Demotion ☐ Termination of Employment

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Administrator's Signature

\_\_\_\_\_  
Date

I have received this disciplinary action form and understand that unless this problem is corrected, further disciplinary action will be taken up to and including the termination of my employment. I have also received a copy of the Discipline Appeal and Grievance Policy of the City.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

## COUNSELING DISCUSSION PLAN

Describe the behavior or incident which created the need for this disciplinary action:

Describe the desired behavior which will correct the unacceptable situation or behavior:

Employee Statement:

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

## **DISCIPLINARY APPEAL AND GRIEVANCE PROCEDURE**

### **DISCIPLINARY ACTION**

An employee whose conduct constitutes grounds for disciplinary action may be subject to any of the following levels of discipline:

Verbal warning  
Written reprimand  
Probation  
Suspension without pay  
Demotion  
Termination of Employment

Disciplinary action will be applied at a level appropriate to the action which constituted grounds for the discipline. Disciplinary levels may increase for disciplinary matters which are not resolved at the previous level of disciplinary action.

### **PRE-DISCIPLINARY HEARING**

Whenever a full-time regular employee who is not an appointed, at-will, or probationary employee, is subject to possible suspension without pay for more than two days, demotion, or termination, a pre-disciplinary hearing shall be held prior to imposing disciplinary action. The employee shall be given written notice of the hearing which includes an explanation of the charges against the employee and notice that discipline up to and including termination is being considered. The pre-disciplinary hearing shall be conducted by the Personnel Director (City Administrator) and the Department Head for the purpose of allowing the employee to respond to the charges and present information the employee feels is relevant to the decision. A decision as to the disciplinary action to be taken, if any, shall be made by the Personnel Director and Department Head and the employee shall be notified in writing within a reasonable time after the hearing. If disciplinary action is imposed, the employee will be provided with a written explanation of the disciplinary action.

### **APPEALS OF SUSPENSION WITHOUT PAY, DEMOTION OR TERMINATION**

In the case of suspension without pay that is greater than two days, demotion, or termination, a full-time regular employee who is not an appointed, at-will, or probationary employee has the right to appeal the decision to the Employee Appeals Authority (appointed independent individual per [Section 5.25.1](#)). The appeal must be in writing and filed with the City Recorder within ten days of the demotion or termination. The City Recorder will then refer the matter to the Employee Appeals Authority which will receive evidence and fully hear and determine the matter. The employee shall be entitled to appear in person and to be represented by counsel (at the employee's expense), to have a public hearing, to confront any witness's whose testimony is to be considered, and to examine any evidence.

In the event that Employee Appeals Authority does not uphold the suspension without pay, demotion or termination, the City Recorder shall certify the decision to the affected employee, and also to the Personnel Director and/or Department Head. The employee shall be paid his salary, commencing with the next working day following the certification by the City Recorder of the decision of Employee Appeals Authority, provided the employee reports for his/her assigned duties the next working day.

### **SUSPENSION PENDING INVESTIGATION AND DECISION**

At the sole discretion of the City, an employee may be suspended (with or without pay) pending an investigation. If after an investigation the employee is found guiltless, the employee shall be restored to his or her position and compensated for any lost pay.

## **GRIEVANCE PROCEDURE OTHER THAN FOR DISCIPLINARY ACTION**

It is the policy of Lindon City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which do occur.

Whenever a grievance other than for disciplinary action arises or is directed to the attention of the Department Head, the Department Head shall discuss all relevant circumstances with the employee and address the grievance to the extent the Department Head deems advisable and possesses authority.

If the Department Head fails to settle the grievance in a satisfactory manner, the employee shall provide a written grievance with the Department Head's decision to the Personnel Director within ten days of the notice to the employee of the Department Head's decision. The Personnel Director shall promptly discuss all relevant circumstances with the employee and Department Head and address the grievance to the extent the Personnel Director deems advisable and possesses authority.

If the Personnel Director fails to settle the grievance in a satisfactory manner, the employee shall within ten days of the notice of the Personnel Director's decision file with the Personnel Director a written appeal explaining the basis for the appeal. The Personnel Director shall transmit the appeal and a brief explanation to the Employee Appeals Authority.

The Employee Appeals Authority shall schedule a hearing with the parties within 15 working days after the Personnel Director's receipt of the grievance. The Employee Appeals Authority shall render a written decision to the employee within five working days after conclusion of the hearing. The Employee Appeals Authority shall render its findings and decisions to all concerned parties, in writing, which decision shall be final and binding.

**LINDON CITY**  
**NOTICE OF PRE-DISCIPLINARY HEARING**

Employee's Name \_\_\_\_\_ Title \_\_\_\_\_

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

This is to inform you that disciplinary action up to and including possible termination is being considered against you as a result of the following incident:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A pre-disciplinary hearing has been scheduled to discuss this matter on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. The hearing will be held in the office of the City Administrator. Please bring any information you feel may be relevant to this issue to the hearing. Attached to this notice is a copy of the Disciplinary Appeal and Grievance procedures of the City.

\_\_\_\_\_  
City Administrator Signature

\_\_\_\_\_  
Department Head Signature

## LINDON CITY ANNUAL CONFLICT OF INTEREST DISCLOSURE

Utah statute (UCA 10-3-13) requires all elected or appointed officers and employees of municipalities to disclose any compensation they get for assistance in transactions involving Lindon City and any substantial interest they have in any businesses that are regulated by Lindon City, businesses that do work for Lindon City, or investments they have in any business that might create a conflict of interest with their duties working for Lindon City.

### Employee Information

UCA 10-3-13 requires the name and address of the municipal employee.

- Please enter your name: \_\_\_\_\_
- Please enter your address: \_\_\_\_\_

### • Business Interest

UCA 10-3-13 defines a substantial interest as, "the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity." For instances where the substantial interest in a business does not exceed \$2,000, disclosure is not required.

- Do you have a substantial interest in a business to disclose?  
☐ Yes ☐ No
- Please disclose the nature of your business interest:
  - ☐ I get compensation for assisting third parties with transactions involving Lindon City.
  - ☐ I myself, my spouse, or my minor children own 10% of the outstanding stock in a corporation or a 10% interest in any other business entity that is regulated by Lindon City.
  - ☐ I myself, my spouse, or my minor children own 10% of the outstanding stock in a corporation or a 10% interest in any other business entity that does work for Lindon City.
  - ☐ I myself, my spouse, or my minor children have investments in a business or businesses that could create a conflict of interest with my duties working for Lindon City.
- Please enter the business name: \_\_\_\_\_
- Please enter business address: \_\_\_\_\_
- Please enter the business phone number: \_\_\_\_\_
- What position do you hold at the business? \_\_\_\_\_
- What is the value of your interest in the business? \_\_\_\_\_

Please enter the percentage you own.

- Please describe your interest in the business:
- Do you have another business interest to disclose?  
☐ Yes ☐ No
- If you have more than 5 substantial interest in businesses, please email Chase Adams at [cadams@lindoncity.org](mailto:cadams@lindoncity.org) for further instructions.
- Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_

**LINDON CITY**  
**HARASSMENT COMPLAINT FORM**

Thank you for bringing your concern to our attention. We will try to promptly resolve your complaint. Experience suggests that first discussing your concern with your supervisor often meets with mutual success, but, if the supervisor has engaged in, or condoned the harassment, you are not required to discuss this matter with your supervisor.

Have you discussed this situation with your supervisor? ☐ Yes ☐ No

If there was no such meeting, what was your reason for not bringing it to your supervisor's attention?

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If you did discuss this matter with your supervisor, please state your supervisor's response to the complaint.

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**COMPLAINT**

1. Please use the attached form to document all persons involved in the alleged harassment, including dates, times and locations of incidents and events related to this report.
2. Please state what action or change you feel would be appropriate in resolving this matter. (Attach additional sheets if necessary)

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

\_\_\_\_\_  
Date

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CITY USE ONLY

Received by \_\_\_\_\_

Date received \_\_\_\_\_

Disposition \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**LINDON CITY**  
**DISCRIMINATION/HARASSMENT INCIDENT REPORT**

**Person alleging discrimination/harassment**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Department \_\_\_\_\_

Supervisor/Department Head \_\_\_\_\_

**Person against whom allegation of discrimination/harassment is being made**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Department: \_\_\_\_\_

Supervisor/Department Head: \_\_\_\_\_

**Person referring the complaint (if different than the person alleging discrimination/harassment)**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Department: \_\_\_\_\_

Supervisor/Department Head: \_\_\_\_\_

**Please use the remaining space on this page (including the back) to describe the events and/or behaviors that are the subject of the complaint. Include any offices or individual you have talked with, the names of witnesses, as well as dates, times and locations.**

**LINDON CITY**  
**FAMILY MEDICAL LEAVE REQUEST**

Name \_\_\_\_\_

Date \_\_\_\_\_

I am requesting Family Medical Leave based on the following qualifying status change:

- ☐ A serious health condition, which prevents me from performing my job.
- ☐ Care of a child during the first year following birth, adoption, or foster care placement.
- ☐ Care of an immediate family member who has a serious health condition.

In the space provided, please give a brief overview of the qualifying status change.

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Beginning date of leave request \_\_\_\_/\_\_\_\_/\_\_\_\_

Ending date of leave request \_\_\_\_/\_\_\_\_/\_\_\_\_

I am requesting that the leave be granted on:

- ☐ A concurrent day schedule for \_\_\_\_\_ days/weeks
- ☐ An intermittent day schedule (specify days off) \_\_\_\_\_ for \_\_\_\_ days/weeks.
- ☐ A reduced work schedule of (specify hours) \_\_\_\_\_ for \_\_\_\_ days/weeks.
- ☐ As needed for a chronic health condition.

Please attach required documentation. For medical leave, a statement from a medical doctor is required. If the status change is for adoption or foster care placement, court documents are required.

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

\_\_\_\_\_  
Date

**LINDON CITY**  
**FAMILY MEDICAL LEAVE RESPONSE**

To: \_\_\_\_\_

Date \_\_\_\_\_

Dear \_\_\_\_\_

On \_\_\_/\_\_\_/\_\_\_ you notified me of your need to take leave due to:

- ☐ the birth of your child
- ☐ the placement of a child with you for adoption or foster care
- ☐ a serious health condition of a family member
- ☐ your own serious health condition

You requested that FMLA be granted on:

- ☐ A concurrent day schedule for \_\_\_ days/weeks.
- ☐ An intermittent day schedule (specify days off) \_\_\_\_\_ for \_\_\_\_\_ days/weeks.
- ☐ A reduced work schedule of (specify hours) \_\_\_\_\_ for \_\_\_\_\_ days/weeks.
- ☐ As needed for a chronic health condition.

You requested that FMLA begin on \_\_\_/\_\_\_/\_\_\_ and expect it to continue until on or about \_\_\_/\_\_\_/\_\_\_.

This memorandum is to inform you that you are:

- ☐ ELIGIBLE (see below) for leave under the FMLA.
- ☐ NOT ELIGIBLE (see below) for leave under the FMLA.

ELIGIBLE: Your FML balance now is \_\_\_\_\_. Your balance at the end of this leave is \_\_\_\_\_. You are required to provide verification of your status to the city every two weeks during your leave period. Your health benefits will be maintained during the leave under the same conditions as if you continued to work. You will be reinstated to the same or an equivalent position with the same pay, benefits, and terms of employment on your return from leave. Please notify the City if your anticipated return date changes.

NOT ELIGIBLE: Your request for Family Medical Leave has been denied due to:

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

If you have further information or documentation, please contact the City Administrator. It is our desire to help you resolve this issue.

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date

**LINDON CITY**  
**CONCUSSION OR TRAUMATIC HEAD INJURY POLICY**

Pursuant to the Utah Protection of Athletes with Head Injuries Act, (U.C.A. §26-53-101 et. al.) Lindon City adopts the follow concussion or traumatic head injury policy for the Lindon Recreation Program.

- (1) This policy shall apply to all athletes or participants who are under 18 years of age.
- (2) Lindon Recreation Program staff and volunteers are required to immediately remove any athlete or participant from a sporting event, including tryouts, practice, sports camps, physical education classes, games or competitions, if the athlete or participant is suspected of sustaining a concussion or traumatic head injury, if any of the following conditions are observed, or are self-reported, and are attributable to the injury:
  - (a) transient confusion, disorientation, or impaired consciousness;
  - (b) dysfunction or memory;
  - (c) loss of consciousness; or
    - (i) signs of neurological or neuropsychological dysfunction including seizures, irritability, lethargy; vomiting; headache, dizziness and/or fatigue.
- (3) No athlete or participant, who has been removed due to a concussion or traumatic head injury, will not be allowed to return to active participation in Program activities until such athlete or participant has been evaluated by a qualified health care provider who is trained in the evaluation and management of concussions.
  - (a) A qualified health care provider is defined as a provider who:
    - (i) is licensed by the State of Utah under Title 58 of the Utah Code; and
    - (ii) may evaluate and manage a concussion within the health care provider's scope of practice.
- (4) Before any athlete or participant is allowed resume participation in the Lindon Recreation Program, Lindon City must be provided with a written statement from a health care provider, meeting qualifications listed above, clearing the participant to resume play. The written statement must include the following information;
  - (a) A verification from a health care provider must specify that within at least the last three years they has successfully completed training in concussion evaluation and management; and
  - (b) A finding that athlete or participant is clear to participate in the sporting activity.
- (5) The Lindon Recreation Program shall provide written notice of the City's policy to the parents/legal guardians of all athletes and participants under the age of 18, and prior to allowing minor to participant, must obtain a signature form the parent/legal guardian, acknowledging receipt of the policy and giving their consent and acknowledging their responsibility to work with Lindon in enforcing the policy as it relates to their child/legal ward, and waiving all claims and causes of against the City if they fail to comply with the policy.

**LINDON CITY POLICY**  
**MANUAL RECEIPT**

A digital copy of the most current version of the Lindon City Policies and Procedures Manual is available for download at this link: <https://www.lindoncity.org/administration.htm>

\_\_\_\_\_  
(Print Name)

I acknowledge receipt of a copy of, and/or I have been provided the location of the digital link to, the Lindon City Policies and Procedures Manual. I understand that while training may be provided by the city regarding these policies, it is my responsibility to read the manual, and direct any questions regarding implementation of the policies contained in the manual to the Supervisor/Department Head, or the City Administrator for clarification. By signing this form, I affirm that I will abide by the Policies and Procedures of Lindon City as a condition of my employment, and that a violation of any policy contained in the manual may be cause for disciplinary action.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**LINDON CITY**  
**ACCIDENT REPORT FORM**

This form is to be filled out by any employee involved in an accident where bodily injury occurs requiring more than minimal first-aid, or third-party property damage occurs, or equipment damage or loss valued at more than \$300 occurs. An Accident Review Committee review of the accident will be scheduled within 30 days following the accident.

**ACCIDENT INFORMATION –**

Employee Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Date & Time of Accident: \_\_\_\_\_ Date of Report: \_\_\_\_\_

***If a vehicular accident:***

Driver's Name: \_\_\_\_\_ Vehicle Make/Model: \_\_\_\_\_

Vehicle License #: \_\_\_\_\_ Private Vehicle \_\_\_\_\_ City Vehicle \_\_\_\_\_

If other vehicle(s) is involved:

Driver's Name: \_\_\_\_\_ Vehicle Make/Model: \_\_\_\_\_

Vehicle License #: \_\_\_\_\_ Private Vehicle \_\_\_\_\_ City Vehicle \_\_\_\_\_

***If vehicular accident where bodily injury, third party property damage or potential injury to third parties are involved:***

☐ \*Alcohol breathalyzer test; Date & time \_\_\_\_\_

☐ \*Drug Screen test; Date & time \_\_\_\_\_

*\*tests must be completed as soon as practical after accident.*

Location of Accident: \_\_\_\_\_ City \_\_\_\_\_

Investigating Police Agency: \_\_\_\_\_

Were any bodily injuries reported as a result of the accident? \_\_\_\_yes \_\_\_\_no

If yes, please describe \_\_\_\_\_

***\* Please attach any accident report, photographs or witness statements regarding the accident.***

**DESCRIPTION OF INCIDENT –** (Attach additional sheets if necessary.)

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\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**LINDON CITY  
TUITION REIMBURSEMENT REQUEST FORM**

<b>Employee name:</b>		<b>Date:</b>	
<b>Position:</b>			

<b>School or Institution attended:</b>		<b>Degree or Program:</b>	
<b>Attendance dates:</b>	From: _____ to: _____		
<b>Total cost of tuition, fees, and books:</b>	\$ _____	<b>Requested reimbursement amount:</b>	\$ _____
<b>Classes attended:</b>			
<b>Grade(s) obtained:</b>			

**Employee must attach:**

\_\_\_\_ Copy of receipts and/or payment verification

\_\_\_\_ Copy of grades or pass/fail verification

**Employee Reimbursement and Repayment Requirements**

**Eligible Reimbursements**

If approved for reimbursement, employees will be reimbursed 75% of tuition, fees, books and other previously approved costs at the end of the course - provided they receive a "C" grade or better and/or an instructor's certification of passing in a pass/fail course. The maximum reimbursement per employee per fiscal year is \$1,500.00 for undergraduate work and \$2,000.00 for graduate work. Reimbursement is dependent upon available budgeted funds.

**Employee Repayment Requirements**

Employees who participate in the Tuition Reimbursement Program agree to continue working for Lindon City in a full time capacity for at least three years following the end of the course. If an employee terminates, whether voluntarily or involuntarily (except in cases of reduction-in-force), the employee must pay the tuition reimbursement back to the City on a monthly prorated basis. As an example: An employee was reimbursed \$600 for a class, but quit 12 months after completing the class. The employee would be required to repay 67% of the reimbursement back to the City. If multiple courses were reimbursed prior to an employee quitting, each course will be prorated separately according to the course's completion date. Any reimbursement due from the employee upon termination will be deducted to the extent available from the final paycheck and any leave time pay due the employee at termination.

**Agreement and Understanding of Terms**

By signing below, the employee certifies that they have read the *Employee Repayment Requirements* described above, and have also read the Tuition Reimbursement regulations found in Section 6 of the Lindon City Policies & Procedures Manual, and agrees with the terms and conditions as described therein.

<b>Employee Signature:</b>		<b>Date:</b>	
<b>Department Head:</b>		<b>Date:</b>	
<b>City Administrator:</b>		<b>Date:</b>	



**LINDON CITY**  
**SICK LEAVE DONATION REQUEST AND RESPONSE FORM**

- This form is to be used when an employee is requesting donated sick leave from other employees. Eligible employees qualify to use donated sick leave only after they have exhausted all other sick leave, vacation leave, personal holiday time, and comp-time. All donations are anonymous and are only “pledged” hours until needed for use. If the requester does not need the donated hours they will be returned to the donor employee. If more than one donor pledges time to an employee, the needed time will be taken proportionally from each pledging donor.
- **REQUESTOR:** Fill out this form giving your name, job title, reasons for request, and the requested amount of hours, then return to your Department Head. The Department Head must review and approve all sick leave donation requests. If approved by the Department Head, the form will then be forwarded to the City Administrator who will distribute the request to all employees.
- **DONOR:** Respond to this request if you are willing to donate sick leave hours to the requestor and list how many hours you wish to donate. Return completed form to the City Administrator.

Employee Name (Requestor): \_\_\_\_\_ Job Title: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Requested number of hours of sick leave? \_\_\_\_\_

**REQUESTOR:** In the space provided, please give the reasons for the requested sick leave time.

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**DONOR** *Note: Any donated time will be kept anonymous.*

Amount of sick time to donate to Requestor (specify in number of hours) \_\_\_\_\_

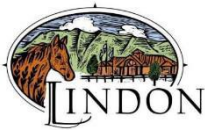
\_\_\_\_\_  
Donor Employee's name (print)

\_\_\_\_\_  
Donor Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Administrator Signature

\_\_\_\_\_  
Date



# Lindon City - Performance Evaluation Report

- ☐ Annual Review
- ☐ Probationary Review
- ☐ Follow-up Review

Employee Name

Title/Department

Date

Rating		Description
1	<b>Disruptive</b>	<i>Performance hinders the achievement of organizational goals and/or disrupts the work of others.</i>
2	<b>Unsatisfactory</b>	<i>Performance consistently fails to meet minimum position requirements; employee may lack skills and training necessary to perform adequately.</i>
3	<b>Inconsistent</b>	<i>Performance regularly fails to meet minimum position requirements; employee may lack the skills and training necessary to perform adequately.</i>
4	<b>Somewhat Inconsistent</b>	<i>Performance occasionally fails to meet minimum position requirements; employee may lack the skills and training necessary to perform adequately.</i>
5	<b>Somewhat Proficient</b>	<i>Performance consistently meets position requirements at a minimum level.</i>
6	<b>Proficient</b>	<i>Performance consistently meets position requirements at an adequate or expected level.</i>
7	<b>Effective</b>	<i>Performance consistently meets position requirements at a high level.</i>
8	<b>Highly Effective</b>	<i>Performance meets position requirements at a high level AND frequently EXCEEDS position requirements. Very effective team member.</i>
9	<b>Outstanding</b>	<i>Performance is consistently superior AND frequently EXCEEDS position requirements and goals. An outstanding team leader that others frequently look to as an example in his/her job.</i>
10	<b>Exceptional</b>	<i>Performance is consistently superior AND consistently EXCEEDS position requirements and goals. Consistently considered the Most Valuable Player (MVP) in his/her job.</i>
<p><i>The criteria below must include supervisor comments as to why the employee deserves such a score. Blank or insufficient comments on are unacceptable. Include additional pages for comments as necessary.</i></p>		
		<b>Rating 1-10</b>
<p><b>Knowledge of Job</b>  <i>A clear understanding of the job duties, why it must be done, and how it is to be done.</i></p>		
Comments		
<p><b>Dependability</b>  <i>Conscientiousness; consistency; reliability; trustworthiness; ability to work under stress; punctuality.</i></p>		
Comments		
<p><b>Judgment</b>  <i>Ability to garner facts and arrive at a sound conclusion; ability to make good decisions; prioritizes tasks appropriately; problem solver.</i></p>		
Comments		
<p><b>Communication</b>  <i>Communicates effectively with supervisors, peers, and/or customers; Communication contributes to a positive working environment that uplifts and motivates other employees; Responds appropriately in various situations.</i></p>		
Comments		
<p><b>Initiative</b>  <i>Earnestness in seeking increased responsibilities; self-starter; not afraid to proceed alone; Ability to set and achieve goals; Seeks to improve self and others; desires improved performance.</i></p>		
Comments		

		<b>Rating 1-10</b>
<b>Attitude and Cooperation</b> <i>Ability and willingness to work with associates, supervisors, and subordinates towards City goals; teamwork oriented efforts that uplift and strengthen other employees' attitudes, skills, and abilities to achieve City and personal goals; enthusiasm towards projects; desire to make the City better; strives to gain and maintain the public's trust.</i>		
Comments		
<b>Quality of Work</b> <i>Accuracy; thoroughness; neatness; promptness; acceptability of work; takes pride in work product outcome; improves job duty processes to achieve better results.</i>		
Comments		
<b>Quantity of Work</b> <i>Volume of acceptable work under normal conditions; ability to take on and satisfactorily complete additional tasks or projects.</i>		
Comments		
<b>Management of Risks and Potential Liabilities</b> <i>Conscious of own safety and that of others; aware of potential liabilities; seeks ways to improve safe work environments, decrease risk, and avoid liabilities.</i>		
Comments		
<b>Additional performance competencies for employees with supervisory responsibilities.</b>		
		<b>Rating 1-10</b>
<b>Leadership</b> <i>Effective in motivating others; elicits respect from others; assertive and self-confident; accepts responsibility for self and behavior of subordinates; seeks ways to strengthen skills, abilities, and positive character traits in others; promotes cooperation and team-building.</i>		
Comments		
<b>Personnel Management</b> <i>Delegates authority and responsibility appropriately; Evaluates employee performance accurately and in a timely manner; Provides effective ways to improve employee skills, attitudes, and abilities; Maintains open and approachable manner; Seeks ways to make others look good in their jobs.</i>		
Comments		
<b>Additional performance competencies for Department Heads.</b>		
		<b>Rating 1-10</b>
<b>Budget</b> <i>Prepares budget based on needs of City; Manages expenditures within budget priorities; Makes budget recommendations for improvement of City operations; Seeks to decrease expenditures while increasing services.</i>		
Comments		

Add up the above ratings and place the total on the line below.

**Total Rating Score** \_\_\_\_\_

**Number of Criteria** \_\_\_\_\_

(Divide Total Rating Score by Number of Criteria. Round to nearest tenth.)

**Final Score** \_\_\_\_\_

## Performance Summary

1. List aspects of employee's performance that contribute to his or her effectiveness.
2. List aspects of employee's performance that require improvement for greater effectiveness.
3. In what ways is the employee ready for increased responsibility? What additional training will he/she need to be successful?

## Goal Setting and Development Planning

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4. List the employee's job performance goals for the coming year:
5. How do these align with departmental or City goals?
6. In the coming year, how will you provide guidance and assistance for the employee to accomplish his/her goals?

**This annual performance review will become part of your Lindon City personnel file. Please sign below to acknowledge that you have received this document.**

Employee Signature:	Date:
Supervisor Signature:	Date:
Department Head Signature:	Date:
Personnel Director Signature:	Date:
*Mayor or City Council Member Signature:	Date:

*\*Signature only required for City Administrator.*

### Evaluator Instructions

- Review the current position description. If applicable, make note of any significant changes since last year's performance review and attach a copy of suggested changes.
- If performance goals were set at the last performance review, attach a copy of these goals and comment on the progress.
- Submit this Performance Evaluation Report and all applicable attachments to the Personnel Director.

Employee Name: \_\_\_\_\_

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

## Mid-Year Employee Evaluation

*To be completed by Employee and reviewed with Supervisor. Use the back of this page if needed.*

### **Job Description**

1. Review your current job description. If applicable, make note of any significant changes to your job duties that you feel should be updated on your job description.
2. When considering your job duties list 3-5 tasks you most prefer to do:
3. What tasks do you regularly perform that are not included in your job description?

### **Accomplishments**

1. Looking back on the past 6 months, list 1-2 of your most significant job achievements:
2. Since your last review, have you performed any new tasks or additional duties outside the scope of your regular responsibilities? If so, please specify.

### **Goal Setting**

1. List your job performance goals from 6 months ago and describe the progress you have made on these goals:

Past Job Performance Goals

2. Please list future job goals you would like to achieve before your next performance evaluation in 6 months, or other longer-term goals you hope to achieve:

Future Job Performance Goals

3. In what ways can your supervisor/manager support you in doing your job better and accomplishing your goals?

Employee Signature:	Date:
Supervisor Signature:	Date:

### **Consensual Relationship in the Workplace Agreement**

Per Lindon City Policies and Procedures Manual, Section 5.18.6 'Consensual Relationships', I

\_\_\_\_\_ (print name), employed by Lindon City as a

\_\_\_\_\_ (job title), and I \_\_\_\_\_

\_\_\_\_\_ (print name), employed by Lindon City as a \_\_\_\_\_

\_\_\_\_\_ (job title), hereby notify Lindon City that we wish to

enter into a voluntary and mutually consensual personal relationship and agree as follows:

- We will not engage in any public displays of affection at the work place or other behavior that may create a hostile work environment or make others feel uncomfortable.
- We will not show favoritism to one another and will not participate in any decision making processes that could affect each other's pay, performance reviews, advancement opportunity, benefits, shifts, hours, or career.
- We understand that while in a personal relationship we are not permitted to act in supervisory or subordinate roles with one another. If such supervisor or subordinate role is necessary within the work place one or both parties shall be required to move to a different job or department. If no other jobs are available the parties will be given the option of terminating their relationship or resigning from the City.
- In entering into this relationship, we both understand and agree that we are both free to end the personal relationship at any time and for any reason.
- If the personal relationship should end, we both agree that we shall not allow the end of this relationship to negatively impact our performance in our positions, and that we will not retaliate against the other person and will treat the other person with professionalism.
- A copy of this Agreement will be kept in a separate envelope within the employees personnel file.

Prior to signing this Consensual Relationship in the Workplace Agreement, we have received and reviewed and understand Lindon City's Sexual Harassment Policy, a copy of which is attached. By signing this agreement, we acknowledge that the personal relationship between us does not violate Lindon City's Sexual Harassment Policy and that entering into the personal relationship has not been coerced or made a condition or term of employment.

(print name): \_\_\_\_\_

(signature): \_\_\_\_\_

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

(print name): \_\_\_\_\_

(signature): \_\_\_\_\_

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



## Ethical Behavior Pledge Form

### Annual Ethics Pledge

The following pledge is required to be made annually by all officers and employees of Lindon City:

I, (name) \_\_\_\_\_, (job title/office) \_\_\_\_\_ with Lindon City, pledge to adhere to the code of ethics as approved by the Lindon City Council and which is available in its entirety within the Lindon City Employee Policies & Procedures Manual at <http://www.lindoncity.org/administration.htm>. This code of ethics includes, but is not limited to:

- improper use of official position,
- accepting gifts or loans,
- disclosing privileged information,
- retaining a financial or beneficial interest in a transaction,
- nepotism,
- misuse of public resources or property / fraud prevention,
- outside employment,
- political activity,
- fair and equal treatment, and
- conduct after leaving office or employment.

***Fraud Hotline:*** *If aware of any financial fraud or other fraudulent behavior, or other violations of Lindon City's Ethical Behavior Policy, I am aware that I should immediately call the City Administrator or City Attorney who can both be reached at 801-785-5043.*

Additionally, I pledge to disclose all conflicts of interest on the conflict of interest disclosure form. I understand that state statute and City policies provide for penalties for violation of specific unethical behavior. Signing this document verifies that I have been provided time to read applicable policies, statutes and ordinances, as well as the Lindon City code of ethics.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(Signature)