

Midway City Council  
4 August 2020  
Regular Meeting

Resolution 2020-23 /  
HR Manual Revisions



## RESOLUTION 2020-23

### **A RESOLUTION AMENDING THE MIDWAY CITY HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL**

**WHEREAS**, Utah law authorizes municipalities to adopt rules and regulations for the conduct of municipal business; and

**WHEREAS**, the Midway City Council finds it appropriate to amend certain provisions contained in the City's Human Resources Policies and Procedures Manual.

**NOW THEREFORE**, be it hereby **RESOLVED** by the City Council of Midway City, Utah, as follows:

Section 1: The Midway City Human Resources Policies and Procedures Manual is amended as shown in Exhibit A.

**PASSED AND ADOPTED** by the Midway City Council on the      day of      2020.

MIDWAY CITY

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, Recorder

(SEAL)

DRAFT

Exhibit A

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are not paid overtime, are normally salaried, and are exempt from provisions of the FLSA. (i.e. public works supervisor, chief building inspector, planner) All benefits as outlined in Section 8 will apply to exempt employees. In order for an exempt employee to receive credit for an eight hour work day (except when on sick leave or paid vacation) they must either report to work at Midway City offices, make contact with a member of their department to pick up messages or give instructions or conduct business on behalf of Midway City with some other person. Calling in sick does not meet this requirement.

When taking sick leave or vacation, the exempt employee is not to conduct any business on behalf of Midway City. Once sick leave or vacation is taken it cannot be converted back to worked hours.

Non-Exempt Employees: in general, are employees employed as secretarial, clerical or most non-supervisory technical and computer-related occupations and are subject to all the provisions of the FLS. These employees must be paid for all hours worked. When non-exempt employees work in excess of forty-hours (40) in a given workweek, they must be paid overtime at one and one-half times their hourly rate. In case of a holiday, the employee will be paid for ~~eight (8) hours~~ holiday pay at their hourly rate plus ~~either regular or~~ overtime wages for any hours worked on the holiday. **Holiday hours will be considered time worked for each employee.** The amount of time given an employee for paid vacation, sick leave or on call ~~or holidays~~ during that week will not be included in calculating hours for overtime payment.

## **B. Regular Full-Time:**

This classification of employees are those who have been competitively selected, worked a minimum of 90 days of fulltime employment, are scheduled to work a minimum of thirty-five (35) hours weekly and are not in a temporary employment status. These employees are eligible for Midway City's full benefit package (subject to terms, conditions, and limitation of each benefit program).

## **C. Permanent Part-Time//Temporary Positions:**

- a. Permanent Part-Time: All employees that have been competitively selected, and are regularly scheduled to work at least 30 hours (but no more than 35 hours a week) for 120 calendar days or longer.

Permanent part-time employees who meet the definition above are eligible for applicable pro-rated benefits. The benefits will be pro-rated on the average number of hours worked a week to be calculated at the beginning of the fiscal year. Other part-time positions of less than 30 hours per week are not eligible for benefits.

### **7.10 Overtime**

Overtime is unavoidable at different times of the year. However, every effort should be made to keep the accumulation of overtime hours to a minimum. Any time worked over forty (40) hours in any defined workweek, or work period, by FLS covered employees, shall qualify as overtime provided the overtime has been requested or approved by the supervisor or Mayor. The amount of time given an employee for paid vacation *or* sick leave ~~or holidays~~ during that week will not be used to calculate hours for overtime. **Holiday hours will be considered time worked in calculating overtime.**

Salaried employees do not receive overtime.

### **7.11 Termination Pay**

When employees terminate, they shall be required to return all equipment and to clear all financial obligations involving their equipment with the City prior to receiving their final paycheck. Any such obligation not cleared shall be itemized and deducted from their final paycheck. Final paycheck, including compensation for hours worked, unused vacation and overtime will be issued on the next regularly scheduled pay period following termination. (Municipalities are exempt from the forty-eight hour ruling) The Recorder or their designee shall confirm the amount of termination pay to which an employee is entitled. In the event of the death of an employee, final payment shall be made to the employee's designated beneficiary.

### **7.12 Severance Pay**

Employees determined by Midway City and its management to have lost their jobs through no fault of their own may be eligible for severance pay. Severance pay is a discretionary benefit, the amount determined by the City Council not to exceed two weeks pay. Employees dismissed for cause are not eligible for severance pay.

### **7.13 Pay Date**

Midway City employees will be paid 26-times a year on a bi-weekly basis.

### 8.3 Workers' Compensation

Midway City employees are covered by worker's compensation. Any injuries, even of minor nature, must be reported immediately to the Recorder or designee.

### 8.4 Unemployment Insurance

Midway City participates in the State Unemployment Insurance Program and any employee whose employment is terminated for other than just cause will be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State.

### 8.5 Life Insurance

Midway City will offer accidental death and dismemberment option to employees for their elective participation. The City provides a life insurance policy for each employee. Employees may also purchase additional insurance for themselves or other immediate family members for a minimal out-of-pocket expense.

### 8.6 Holidays

Midway City observes thirteen (13) paid holidays during the year for full time employees. They are:

New Year's Day	Jan. 1
Martin Luther King's Birthday	Jan (3rd Monday)
President's Day	Feb (3rd Monday)
Memorial Day	May (last Monday)
Independence Day	July 4
Pioneer Day	July 24
Swiss Days	Friday before Labor Day
Labor Day	Sept (1st Monday)
Veteran's Day	November 11
Thanksgiving	Nov (4 <sup>th</sup> Thursday)
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	Dec 25
Day after Christmas	Dec 26

When a holiday falls on a Saturday, it will be celebrated on the preceding Friday. When a holiday falls on a Sunday, it will be celebrated on the following Monday. Employees on leave without pay before or after a holiday will not be paid for the holiday. When a holiday occurs during an employees' paid leave, the day will be charged as holiday leave. **Holiday hours will be considered time worked in calculating overtime.**

can be hand-written in. Employees are not to clock in or out for another employee. When working in more than one department, employees must identify how much time is spent in each department and list their activities. Employees are not permitted to save up time sheets or submit multiple time sheets. Employees who submit time sheets later than noon on Monday may not be paid until the following pay period. Violation of time keeping policies or falsification of time sheets may result in disciplinary action up to and including termination. The time sheets must show time taken for federally mandated lunch hours. All time sheets need to be signed by the employee and their supervisor. If there is a discrepancy on the time card the supervisor is to take the time card to the Human Resources Manager for disposition.

## **9.9 Overtime and Compensatory Time**

### **A. Exempt Employees**

Exempt employees are not paid overtime.

### **B. Non-Exempt Employees**

Overtime compensation is set by application of guidelines derived from Fair Labor Standards, as amended, and the Utah Code where applicable. Overtime is defined as work in excess of forty (40) hours during any one work week. A work week is a regularly recurring period of 168 hours, or seven consecutive 24-hour periods. A work week begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday.

If an employee needs to make up time/hours, the missed time/hours must be made up during the work week in which the time/hours were missed. An employee will not be compensated for hours not made up during that work week; i.e., an employee cannot work thirty (30) hours one week and fifty (50) the next and average the two weeks together. The number of hours worked over two or more work weeks cannot be averaged to avoid payment of overtime. An employee cannot take time off without pay if the employee has vacation time or sick leave available (whichever is applicable).

In emergency situations only, supervisors or the Mayor may request an employee to accept extra work on an overtime basis. Overtime is intended to be used in emergency situations, or under very unusual circumstances and shall be kept conservative commensurate with the best interests of the City.

The amount of time given an employee for paid vacation or sick leave ~~or holidays~~ will not be included in calculating hours for overtime payment. Employees may choose either regular pay or compensatory time when called out on an emergency during scheduled vacation time when the total hours exceed 40 worked hours in that work week. **Holiday hours will be considered time worked in calculating overtime.**



**Reassignment:** A change in classification of an employee, for administrative or other reasons not included in the definition of “demotion”, from a position in one class to a position in another class normal having a lower entrance salary which could result in a reduction in salary.

**Reclassification:** A change from one classification to another classification (either higher or lower) having a different job specification without a reduction in salary.

**Regular Employee:** An employee whose continued retention has been approved by the department head, City Council at the completion of an orientation period, either as a full-time or permanent part-time employee.

**Reinstatement:** The resumption of employment of an employee who has been on leave of absence with or without pay.

**Resignation:** The termination of employment at the request of the employee.

**Salary Increase:** An increase in salary of one or more steps within a grade of the compensation plan.

**Series:** A group of positions similarly classified as to title and duties, but with graduations in minimum qualifications and salary rates consistent with the degree of responsibilities.

**Suspension:** A forced leave of absence without pay for a period.

**Transfer (Inter-departmental):** A move from one City office/department to another. This should not be confused with managerial functions of moving personnel from one section to another within the same office/department by promotion, demotion or reassignment.

**Worked Hours:** The time spent actually at your desk working. Does not include vacation time, or sick days. **Holiday hours will be considered time worked in calculating overtime.**

## 9.6 Flexible Work Schedules

Employees may propose to management a permanent Flexible Work Schedule based on their personal and family needs. For management to consider/approve an employee's request, a Personal Action form must be completed and presented to management addressing the following issues:

- (1) Why are you requesting the Flexible work Schedule?
- (2) What will be the positive/negative impact on the City and staff? and
- (3) How will the work schedule be monitored to ensure you work the agreed upon hours and job responsibilities are being met?

Based on your written request, your overall work record and management's view of the effects of the Flexible Work Schedule on City operations, the Mayor will provide the employee a written decision regarding the request in five (5) working days. It is the sole discretion of the Mayor whether to approve or deny any request. The arrangement will be reviewed every 90 days to ensure it is working in the best interest of the City.

Non-permanent Flexible Work Schedules enables non-exempt employees to either come in late or leave early the following work day due to working beyond normal work hours the previous day. Management must be notified and approve in advance any nonpermanent flexible work schedule arrangements.

Employees are expected to work their full shift (~~8 hours~~). If they need to leave for family reasons, they are expected to make up that time by coming in early, taking a shorter lunch period, etc. If an employee needs to make up time/hours, the missed time/hours must be made up during the work week in which the time/hours were missed.

## 9.7 Telecommuting

**Purpose.** *Telecommuting is a flexible work option that allows employees to work remotely for all or part of a workweek when both the employee and the job are suited to such an arrangement, and with approval of the employee's direct supervisor. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment. Additionally, in the event of an emergency such as a weather disaster or pandemic, the Mayor and City Council may direct or require employees to temporarily work from home.*

**Eligibility.** *Consideration for telecommuting will be on a case-by-case basis, and approval from the employee's direct supervisor, taking into account the following criteria:*

- *the employee can perform his or her job functions equally well at another location as onsite,*

- the employee demonstrates a strong work ethic consistent with working offsite, and
- the employee has the appropriate space and environment to complete work remotely.

Schedule/Availability. The suggested number of scheduled days an employee may telecommute is not more than three days per week; however, other schedules may be considered by the supervisor on a case-by-case basis. Telecommuting employees are expected to be available and accessible via phone and email during normal business hours and to work the same schedule as they do when working onsite.

Equipment/Workspace. The appropriate equipment needs for each telecommuting arrangement will be determined and provided on a case-by-case basis. The employee must be able to establish an appropriate work environment. The company is not responsible for initial home workspace set up such as remodeling, furniture, repairs; neither will it reimburse the employee for establishing or maintaining internet access.

Communication. The telecommuting employee and his/her supervisor will maintain a level of communication in a manner and frequency that is appropriate for the job and the individuals involved.

Security. Consistent with the company's expectations of information security for employees working onsite, telecommuting employees are expected to ensure the protection of any confidential company and customer information accessible from their offsite location.

Safety. Employees are expected to maintain their home workspace in a safe manner, free from safety hazards.

Recording Time. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act are required to accurately record all hours worked. Since telecommuting is a tool to increase flexibility in accomplishing work, if activities or illness of the employee or their dependents preclude accomplishing that work, annual leave or sick leave should be taken. Daily work hours must be tracked on the employee's timesheet in the same manner they would be if working onsite.

Evaluation. The telecommuting arrangement will be reviewed periodically by the employee's supervisor and/or the Mayor. If for any reason the arrangement is no longer in the best interest of the company, the telecommuting arrangement will be discontinued, and the telecommuting employee will return to working onsite.

## 9.8 Time Keeping

Any non-exempt employee who works during a biweekly pay period is required to submit a time sheet. Public Works employees are required each day to clock in when they report to work and clock out at the end of their shift. They are not to hand write their time on the time card unless they are the on-call employee, and a call will take less than one hour. In this instance, with prior approval of the Mayor or the Operations Crew Chief Leader, time