

# EMPLOYMENT MANUAL

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HURRICANE VALLEY FIRE, SSD  
Adopted: December 4, 2023

# EMPLOYMENT POLICIES AND PROCEDURES

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## **GENERAL POLICY**

This Employment Manual is provided for general guidance only. The policies and procedures expressed in this Employment Manual, as well as those in any other personnel material, or other types of material which may be issued from time to time, do not create a binding contract or any other obligation or liability on Hurricane Valley Fire, SSD (referred to hereinafter as HVF). HVF reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. HVF also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Employment Manual do not create an express or implied contract with any person.

No verbal representations or statements made by supervisors or co-workers can bind HVF to any course of action. If there is a conflict between this Employment Manual and any applicable federal or state law, it is intended that the policies and procedures of this Employment Manual shall govern, to the extent permitted by federal or state law.

### **I. HIRING AND EMPLOYMENT PRACTICES**

#### **A. Anti-Nepotism**

It is HVF's policy to comply with Title 52, Chapter 3, Utah Code Annotated, and any amendments or successor statutes, concerning the prohibitions regarding the employment of relatives. Therefore, HVF prohibits any person holding any position, to appoint, vote for the appointment of, directly supervise, be in the line of supervision of, or be directly supervised by their father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild. No employee shall accept or retain such employment. For all employees with family members that also work for HVF, actions must be taken to prevent any direct supervision of one family member over another. Any variance from this Policy must be approved by the HVF Administrative Control Board (referred to hereinafter as HVF Board). Volunteers providing services to HVF are excluded from this provision.

#### **B. Equal Employment Opportunity Statement**

HVF is an equal opportunity employer. It is the policy of HVF, from recruitment through employment and promotion, to provide equal opportunity at all times without regard to race, color, religion, sex, national origin, age, pregnancy, or disability.

#### **C. Residency**

##### **1. Preference to Residents**

Preference in employment may be given to HVF residents.

#### **D. Veterans Preference**

In accordance with Title 71, Chapter 10, Utah Code Annotated and any amendments or successor statutes, eligible veterans and their spouses shall be given preference in interviewing and hiring for a position.

#### **E. Driver's License Requirements for New Hires**

Any employee who is hired in a position which requires operation of HVF vehicles or equipment must possess a valid Utah driver's license and must be insurable (under HVF's insurance policy then in force without any additional premiums or costs being incurred by HVF to insure that employee). Prospective employees must provide HVF with their date of birth, Social Security number and driver's license number in order for HVF to ascertain the validity of their driver's license and their insurability. The status of the driver's license and insurability status of a prospective employee must be determined before that employee begins working for HVF.

#### **F. Maintenance of Valid Driver's License**

##### **1. Current Employees**

All HVF employees who operate HVF owned or controlled vehicles or equipment will be subject to an annual drivers license status check. If, for any reason during employment, an employee is unable to maintain the appropriate valid Utah driver's license required by the employee's position or for any other reason becomes uninsurable (under HVF's insurance policy then in force without any additional premiums or costs being incurred by HVF to insure that employee), that employee must inform his or her supervisor immediately. The supervisor will then inform the HVF Chief.

The HVF Chief will then review the situation, considering such things as the nature of the job and the expected duration of time the employee will be without a driver's license, and decide the appropriate action to be taken.

##### **2. Penalties for Failure to Maintain Drivers License or for Failure to Notify**

Failure to maintain a valid Utah driver's license or a commercial driver's license in a position that requires such, or failure to notify a supervisor of uninsurability or a change in status of an employee's driver's license when such license is a job requirement, may subject the employee to disciplinary action up to and including termination.

## **II. EMPLOYMENT STATUS**

#### **A. Administrative Staff**

The Fire Chief shall have full discretionary authority to hire all administrative staff. Administrative staff are employed "at will" and terminable with or without cause or prior notice, for any reason or no reason at all, unless otherwise stated in writing at the time of appointment. Any decision by the Fire Chief to

follow progressive discipline shall not bind HVF to continue that course or to use progressive discipline with other employees.

## **B. Probationary Employees**

All new full-time employees who are hired with intention of becoming regular full-time employees, are required to serve at least six months in probationary status. If the employee's performance is unsatisfactory, the employee shall be notified in writing of his/her failure to complete the probationary period and will be terminated.

During probation, except probation due to promotion, the employee may be terminated at-will at any time, with or without cause or prior notice, for any reason or no reason at all.

An unpaid leave of absence shall not be considered part of any probationary period.

### **1. Promotion**

Any promotion to a position with significant differences in job responsibility shall be subject to a probationary period of six months. During the probationary period the employee's abilities and performance will be evaluated by the supervisor. If, in the sole discretion of HVF, HVF determines that the employee's performance is unsatisfactory, HVF shall notify the employee in writing of his/her failure to complete the probationary period and the employee will be reinstated, if available, to their previous position, or if available another position for which they are qualified. However, if the cause for rejection during the promotional probationary period was sufficient grounds for dismissal from both positions, the employee may be dismissed in accordance with HVF's formal disciplinary procedures.

### **2. Reinstatement**

The probationary period for a former employee being reinstated shall be for a period of:

- (1) 3 months if being reinstated in the same department and to the same position previously held; or
- (2) 6 months if the reinstatement is to a different department or to a different position within the same department to which the employee was previously assigned.

## **C. Regular Full-time Employees**

Regular full-time employees are those who are scheduled to work 32 hours or more per week for HVF on a continuing basis and who have successfully completed their probationary period.

## **D. Temporary Employees**

Temporary or seasonal employees are hired to work for a limited period of time. They are always in a probationary status, and may be terminated at will, with or without cause or prior notice.



## **E. Part-time Employees**

Part-time employees are those who were hired to work less than 32 hours each week. Their employment may be continuing, but they are always in a probationary status, and may be terminated at will, with or without cause.

# **III. COMPENSATION**

## **A. Overtime and Compensatory Time**

- a. Overtime does not accrue until 182 hours have been worked in a 24-day period for Fire Operational staff. All other staff, including Administrative, Part-time, and Support staff, overtime does not accrue until 40 hours have been worked in the standard work week of Sunday Through Saturday.
- b. Employees exempt from the Fair Labor Standards Act's overtime requirements are not eligible to receive overtime pay.
- c. Non-Exempt full-time Fire operational employees are eligible for Compensation time for work performed beyond 182 hours in a 24-day period. HVF may require employees to work overtime as necessary. As much notice as possible will be provided when the need for overtime work arises. However, advance notice may not always be feasible.
- d. Compensation time for authorized overtime work will be accrued at one and one-half time the regular hourly rate of pay for all hours worked beyond 182 hours in a 24-day period.
- e. As required by law overtime is based on actual "hours worked". Time off for lunch breaks, vacation leave, funeral leave, jury leave, sick leave, compensation time, or any leave of absence is not considered "hours worked" for purposes of calculating overtime.
- f. Supervisors are responsible for ensuring that appropriate controls are established to prevent unauthorized overtime.
- g. Supervisors should adjust an employee's schedule as needed to avoid unnecessary overtime.
- h. Compensatory time must be used by the end of the fiscal year in which it was earned. In limited circumstances, due to scheduling or business necessity, the HVF Chief may approve the carryover of a maximum of 48 hours of accrued compensatory time.
- i. If an employee has any accumulated Compensatory time it must be used prior to any Sick or Vacation time.
- j. No employee may accumulate more than 48 hours of unused compensatory time. Hours of compensatory time earned in excess of 48 hours accumulated shall be paid at the regular rate earned by the employee at the time the employee receives such payment. Upon termination of employment, an employee with accrued unused compensatory time shall be paid at a rate of compensation equal to (a) the average regular rate received by such employee during the last three (3) years of the employee's employment, or (b) the final regular rate received by such employee, whichever is higher.

## **B. Exempt Employees**

The Fire Chief, Deputy Chiefs, Battalion Chiefs, Fire Marshal, Business Manager, Human Resources Director, Purchasing Manager, and Fleet Mechanic, are exempt and paid a fixed salary and are not entitled to additional compensation for overtime hours.

## **C. On Call Compensation**

- a. On call time is not considered "hours worked". It is generally characterized by a readiness to respond to a call, text, or other notice to report to an emergency situation. Employees on-call are expected to report as directed within 20 minutes of notification. Employees are not paid regular time for time spent carrying a cell phone or otherwise being on call. But employees are paid for actual time spent responding to calls, or for when they have returned to the work site. Time spent responding to calls (traveling to and from the work site) also counts as hours worked.
- b. Employees designated by their supervisor as on-call will be paid an additional on-call compensation at the current budget approved rate. On-call designation must be recorded on the employee's time record and approved by their supervisor.

## **D. Separation Pay**

When employees terminate, they shall be required to return all tools, equipment and other HVF property and to clear all HVF financial obligations prior to receiving their final paycheck. Any obligations not cleared will be deducted from their final paycheck. Final pay checks shall include compensation for all unused annual leave and qualified compensable overtime. Sick leave is not compensated.

## **E. Pay Days**

Pay periods run for 14 days. Pay-periods begin at 12:00 am on Sunday and end at 11:59 pm on the second following Saturday. Employees shall be paid by the following Thursday after the pay period ends. When pay day falls on a holiday, pay day will be the workday preceding the weekend or holiday.

## **F. Workdays**

The normal workday for HVF Administrative employees will be 7:00 a.m. to 6:00p.m., Monday through Thursday. At certain times it will be necessary for employees to work times other than those considered a normal workday.

For firefighter personnel, the workday shall run from 7:00 am to 7:00 am the following day. The shift cycle shall be 48 hours on followed by 96 hours off.

## **G. Pay Advancement**

HVF will not make pay advances to employees.

## **H. Anniversary Date Defined**

An employee's "Anniversary Date" shall be that date, upon completion of the required probationary period and after a successful evaluation, when the employee is hired or appointed as a HVF employee. An employee's evaluation period shall be determined from the date of employment; if the employee is hired prior to or on the 15th day of the month, the evaluation date shall be determined from the 1st day of said month; if the date of hire is the 16th or after, the evaluation date for computing merit increases

shall be determined from the 1st day of the following month. A promotion to a new job shall establish a new evaluation date for the employee, in accordance with the foregoing rules.

#### **I. Travel**

Reimbursement for travel expenses will be based on the current IRS formula for mileage and GSA per diem.

### **IV. INSURANCE AND BENEFITS**

#### **A. Worker's Compensation**

HVF operates under the provisions of the State of Utah Worker's Compensation Act.

Any injury occurring on the job must be reported to the supervisor immediately and forms prescribed by the State Industrial Commission must be completed and submitted to HVF Fire Chief within seven (7) days of the injury.

#### **B. Medical Insurance**

HVF may pay the premium for health, hospitalization, surgical, dental, life and disability insurance for regular full-time employees and those employees' dependents. The specific plan may be changed from time to time, and benefits under the plan may change or be eliminated.

#### **C. Long Term Disability**

Subject to the terms and conditions established and controlled by the plan provider and/or other Disability Plan Provider(s), HVF may offer long-term disability insurance coverage for regular full-time employees for the purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time exceeding certain long term periods and conditions.

Under the long term disability insurance plan, there may be a waiting period before benefits begin.

HVF may pay for the premium cost(s) associated with the respective long term disability insurance plans and policy provisions for regular full-time employees. More information about respective coverage or plan participation may be obtained through HVF Office.

#### **D. Social Security**

All qualified employees of HVF contribute to the Social Security program, as administered by the Federal Government. This is a system of retirement benefits based on equal employee contributions to public insurance reserves.

#### **E. Employee Retirement System**

All qualified employees of HVF working 32 hours or more per week not listed below shall participate in the Utah State Retirement System.

The following employees may elect to exempt themselves from participation in the Utah State Retirement System through a "Request for Exemption": Fire Chief

For the purpose of the Utah Retirement System, all elected officials are officially designated as part-time.

This retirement system provides a number of benefits to the employee. Employees should refer to the Informational Handbook regarding any questions concerning the plan.

## **F. Cafeteria Plan**

In an effort to help eligible employees with the costs of medical expenses and dependent care coverage and premiums, HVF may sponsor a Cafeteria Plan, which reserves a certain amount of salary each year and sets it aside for the purpose of medical insurance payments and coverage costs/fees. This reserved amount is then excluded from reporting for the purposes of taxable income.

This Cafeteria Plan is a benefit plan which has been developed under the meaning of a qualified Cafeteria Plan as defined and controlled by the U.S. Internal Revenue Service. Thus, as IRS rules change or are amended, the Cafeteria Plan is also subject to change or amendment to maintain conformity to law. While sponsored by HVF, specific terms, coverage, and administration of a Cafeteria Plan are developed and administered through a Plan Administrator.

Subject to certain qualifying conditions and hours of work, eligible employees, referred to as plan participants in the Cafeteria Plan, include: Full-time employees.

The Cafeteria Plan functions similarly to a personal checking account held for the purposes described above and in the written policy and plan coverage information. Money from the employee's compensation is withheld and deposited through the year. The Cafeteria Plan has three unique benefits for employees:

- The employee decides before the beginning of each year how much their total deposit for the year in the Cafeteria Plan will be.
- The employee uses the money set aside in the Cafeteria Plan only to pay for their eligible dependent care costs and medical/dental fees/costs.
- The money deposited in the employee's account is deducted from their salary before it is taxed, thus providing a benefit of some immediate tax relief.

Once an employee makes an election for benefit coverage, that election is set for one year and may be changed only upon a qualifying event. Qualifying events include, but may not be limited to, marriage, divorce, birth of a child or change in the employment status of the employee.

Plan information and written summaries and plan documents are available from HVF. Employees interested in participating in Cafeteria Plan should contact HVF Office for written plan information, appropriate enrollment application(s) and forms and other pertinent information.

## **G. Hepatitis B Vaccinations**

All employees who are currently, or who will in the future be employed in the following listed positions are required to be vaccinated against the Hepatitis B virus in whatever manner is determined by HVF to be most appropriate. Those listed positions are: Firefighters. If a present or future employee elects not to have the appropriate vaccinations against the Hepatitis B virus, they must sign a "Hepatitis B Vaccination Waiver Form" releasing HVF from any liability with regard to their contracting the Hepatitis B virus and any and all costs associated with their contraction of that disease.

## **H. Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their

qualified beneficiaries the opportunity to continue health insurance coverage under HVF's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Subject to the terms and conditions of the group policy and applicable legal standards for extensions of insurance coverage under the law, employees, their spouses, dependents, and divorced or separated spouses may continue the group insurance plan benefits for periods of time beyond the last date of work of the employee for HVF. The terms, limitations, conditions and length of extensions of coverage are specific in each individual case. Employees, dependents, spouses and ex-spouses are encouraged to make inquiry of HVF through the Records Office to obtain further information.

Under COBRA, the employee or beneficiary pays the full cost of coverage at HVF's group rates plus an administration fee.

HVF provides each eligible employee with notice describing rights granted under COBRA when the employee becomes eligible for coverage under HVF's health insurance plan. The notice contains important information about the employee's rights and obligations.

## **V. LEAVE AND HOLIDAYS**

### **A. Holidays**

#### **1. List of Holidays**

The following days have been designated by HVF to be paid holidays for all regular full-time employees:

January 1st	New Years Day
January (3rd Monday)	M. Luther King Day
February (3rd Monday)	Presidents Day
May (last Monday)	Memorial Day
June 19th	Juneteenth
July 4th	Independence Day
July 24th	Pioneer Day
Sept. (1st Monday)	Labor Day
Oct. (2nd Monday)	Columbus Day
Nov. 11th	Veterans Day
Nov. (4th Thursday)	Thanksgiving Day
Dec. 25th	Christmas Day

#### **2. Observed Days**

When a holiday falls on a Saturday it shall be observed on the preceding work day. When it falls on a Sunday, it shall be observed on the following work day.

## **B. Annual Leave.**

### **1. Amounts**

Unless defined in an employment contract, each regular full-time employee will be entitled to annual leave based upon the following schedule:

Service Time	Days Per Year
0 thru 5 years	96 Hours
6 thru 10 years	120 hours
11 thru retirement	144 hours

### **2. Use Encouraged**

Annual leave is intended to benefit the employee, and employees are encouraged to take annual leave in the year in which it is earned.

### **3. Scheduling**

Vacations will be scheduled with the Battalion Chief so as to meet the operating requirements of HVF and, insofar as possible, the preference of employees. Seniority shall apply in case of conflict of requested leave schedules.

### **4. Eligible Employment**

Annual leave shall not accrue during any period when an employee is on a leave-without-pay status; however, employees on a leave-with-pay status will continue to accrue annual leave. Annual leave shall start to accrue at the beginning of a semi-monthly pay period and shall not be credited for less than a semi-monthly pay period.

### **5. Measuring Leave Taken**

Holidays shall not constitute time of annual leave. When an authorized holiday falls within the time period of an employee's annual leave(s) the employee will be entitled to 10 hours beyond the specified annual leave period.

### **6. Accumulation**

1. An employee will begin to accumulate annual leave immediately upon employment.
2. Any annual leave in excess 240 hours will be forfeited by the employee on January 30 of each year.
3. 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 Battalion Chief and the Fire Chief.
4. Employees requesting annual leave from two to five 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.
5. Each Battalion Chief shall be required to maintain records of annual leave used by each employee within HVF's established employee management system.

### **7. Termination**

Upon termination of employment with HVF an employee's accrued annual leave will be paid in a lump sum payment on the pay day following the last day worked, provided the amount of leave has been approved by the Fire Chief.

## **8. Use Prior to Accrual Prohibited**

No annual leave with pay will be granted prior to having been earned.

## **C. Sick Leave**

### **i. Use of Sick Leave**

Sick leave is to be used for illness or appointments with medical personnel for consultation of medical problems only for employees or employees' dependents. Each employee absent under those provisions will arrange for a telephone report to his or her Captain, or if the employee is a Captain, then his or her Battalion Chief, prior to the first two working hours of the first day of absence. Any employee absent under this provision for longer than three working days shall, upon request of the Captain (or for Captains, the Battalion Chief), arrange for a note from a doctor stating the nature of the illness and expected time of absence. If an employee's Captain (or for Captains, the Battalion Chief) finds excessive sick leave is being taken, a doctor's note or other evidence of illness may be required for absences of less than three days. Abuse of sick leave privileges is considered grounds for discipline, including dismissal.

### **ii. Accrual and Accumulation**

Each full-time employee shall accrue sick leave with pay at a rate of 10 hours per month worked, or 120 hours per year. Sick leave may be accumulated indefinitely. Sick leave shall start to accrue at the beginning of a pay period. Sick leave shall not accrue during any period when an employee is in a leave-without-pay status; however, employees on sick leave with pay shall continue to accrue both annual and sick leave. An eligible employee may begin to utilize accrued sick leave after having completed at least one full month of satisfactory employment. Accrued and unused sick leave is not compensated when an employee leaves HVF employment, other than through official retirement.

### **iii. Eligible Employees**

Regular full-time employees shall accrue sick leave.

### **iv. Accrued Sick Leave Reimbursement Policy**

When an employee retires, the employee shall be compensated for his/her accrued and unused sick leave. To qualify for reimbursement of unused sick leave an employee must meet full retirement qualifications. Full retirement qualifications mean those requirements set forth by the Utah State Retirement Board for a retiring employee to receive full retirement benefits. Reimbursement shall be calculated on the salary of the employee at the date of retirement.

At retirement, a qualifying employee must choose one of the following options:

#### **1. Cash Payment**

Employee will receive a cash payment of 25% of the value of all accrued unused sick leave at date of retirement.

#### **2. Health Insurance Premium**

HVF will pay for the employees two party health insurance coverage premium using the employee's accrued unused sick leave. The employee may remain on HVF health insurance coverage until his/her accrued unused sick leave is consumed or until the employee reaches Medicare qualification, whichever occurs first.

If the employee dies before his/her accrued unused sick leave is consumed or before his/her spouse reaches Medicare age, HVF will continue to pay 50% of the employee's spouse's HVF health insurance coverage premium until the employee's accrued unused sick leave is consumed or until the spouse reaches Medicare age. The other 50% must be paid by the spouse.

A retired employee choosing either option shall not continue to accrue annual or sick leave after retirement.

#### **D. Leave and Family and Medical Leave Act (FMLA) Policy**

Leave of absence without pay or benefits up to 30 days may be granted by the Fire Chief. Leave of absence shall not be regarded as a right by an employee. Requests for a leave of absence shall be made in writing and addressed to the Fire Chief. After the Fire Chief has made a decision concerning the request for leave of absence, he/she shall respond to the employee in writing stating the reasons for said decision. Benefits will not accrue while on leave of absence.

HVF provides family and medical leave of absence, without pay, to eligible employees for their own serious health conditions; or who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement for a foster child; or to care for a child, spouse or their own parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Eligible employees are those who have worked for HVF for at least one year and worked 1,250 hours within the previous 12-month period. Eligible employees should make requests for FMLA leave to their supervisors at least 30 days in advance of foreseeable events. When 30 day's notice is not possible, the employee must provide notice as soon as practicable and must comply with HVF's normal call-in procedures.

Employees requesting FMLA leave related to their own serious health condition or the serious health condition of a spouse, child, or their own parent must submit sufficient information for HVF to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of leave. Employees must also inform HVF if the requested leave is for a reason for which FMLA leave was taken or previously certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Eligible employees may request up to a maximum of twelve weeks of family leave within a 12 month period. Any combination of FMLA leave may not exceed this maximum limit. HVF uses the rolling period to calculate this 12-week period. The rolling period method starts counting the FMLA period on the date the employee first uses FMLA leave. Eligible employees will be required to first use any accrued paid leave time before taking unpaid leave. This accrued paid leave time will be included as part of the maximum twelve weeks leave. Married employee couples may be restricted to a combined total of twelve weeks leave within any 12-month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.



To the extent the law requires, eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

During the single 12-month period for servicemember care leave, an eligible employee is entitled to a combined total of 26 workweeks of servicemember care leave and leave for any other FMLA-qualifying reason, provided that the eligible employee may not take more than 12 workweeks for any other FMLA-qualifying reason during this period. For example, in the single 12-month period an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of servicemember care leave, but could not take 16 weeks of leave to care for a newborn child and 10 weeks of servicemember care leave.

Subject to the terms, conditions and limitations of the applicable plan, health insurance benefits will be provided by HVF for the length of time on leave, up to the maximum of twelve weeks. The employee must continue to pay any portion of the premium that the employee would typically pay if not on leave.

Benefit accruals, such as annual, personal leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on FMLA leave must provide HVF with at least two weeks' advance notice of the date the employee intends to return to work. When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to report to work promptly at the end of the approved leave period, HVF will assume that the employee has resigned.

#### **E. Funeral Leave**

Leave may be granted to employees to attend the funeral of an immediate family member. Such leave shall not be charged against accrued annual or sick leave. The amount of time granted will be three (3) workdays for Admin and Support staff or up to 48 hours for Fire operational Staff. If the supervisor feels the circumstances warrant additional leave time, said leave may be granted with the approval of HVF Fire Chief. The Fire Chief shall, in all cases, determine whether the leave is with or without pay.

"Immediate Family" shall mean: Wife, husband, children, parents, grandchildren, mother-in-law, father-

in-law, brother-in-law, sister-in-law, grandparents, brothers, or sisters of the employee.

#### **F. Unauthorized Leave**

Any absence from duty for one (1) hour a day or more that is not covered by an authorized grant-of-leave shall be recorded as leave without pay and may be the basis for disciplinary action and for a deduction of pay.

#### **G. Military Leave**

HVF does not discriminate against any person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, as defined by federal statute. HVF will not deny initial employment, re-employment, retention in employment, promotion, or any benefit of employment by HVF on the basis of that membership, performance of service, application for service, or obligation. It is HVF's policy to comply with all applicable statutes, including Employment And Re-employment Rights Of Members Of The Unified Services Act, 38 U.S.C. § 4301 et seq., and Utah Code Ann. §§ 71-10-1 et seq.

#### **H. Court Leave**

An employee who, in obedience to a subpoena or direction by proper authority, appears as a juror or witness for the Federal Government, the State of Utah, or a political subdivision thereof, shall be entitled to the difference between his/her regular compensation and the compensation or fees received (in excess of traveling expenses) as a witness or juror.

Time absent by reason of subpoena in private litigation or by some party other than the Federal Government, State Governments or political Subdivision thereof, to testify not in official capacity, but as an individual, shall be taken as annual leave or leave without pay.

#### **I. Time Off To Vote**

HVF encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non working hours, HVF will grant up to one hour of paid time off for employees to vote.

#### **J. Leave without Pay**

Leave without pay is not permitted unless approved by the Chief.

### **VI. CLASSIFICATION**

All HVF positions are comparatively evaluated on a set of common factors and assigned a grade encompassing a specific salary range on a salary plan. Unless otherwise specified in an employment contract, all employees eligible for benefits will receive compensation according to the classification of the position for which they are hired.

## **VII. CHANGES IN EMPLOYMENT**

### **A. Reduction in Force**

At such time when circumstances (such as lack of funds or lack of work) dictate that there needs to be a reduction in force, and only upon a majority vote of the Board when all Board members are present to vote, whether in person or virtually, HVF Board shall lay-off the necessary number of employees according to the affected class(es) considering among other things, and without limitation: length of service and performance and in consultation with the Fire Chief.

### **B. Resignation**

Employees who resign and desire to leave HVF in good standing should give at least two weeks notice in writing.

### **C. Promotion**

Any employee receiving a promotion shall start on the initial 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 the employee is promoted. If this occurs, the promoted employee shall receive at least a six (6) percent increase.

### **D. Abandonment of Position**

One unauthorized absence may constitute cause for separation, in the sole discretion of the Fire Chief. An employee who fails to call their supervisor to report their absence for one (1) working day, and to request that the absence be recorded as authorized, may be deemed to have voluntarily abandoned his/her position and may be deemed to have resigned, in the sole discretion of the Fire Chief.

## **VIII. EMPLOYEE PARTICIPATION IN PROFESSIONAL ORGANIZATIONS**

It shall be the policy of HVF to encourage participation by HVF employees in those professional and technical organizations which will further their knowledge and professional contacts for the benefit of HVF 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 HVF participating in the cost associated with those memberships. In most instances, both HVF and the employee will benefit from an employee belonging to professional or technical organizations.

HVF Chief will review the requests and include those he feels should be funded for consideration as part of the budget.

No fee for a professional or technical organization will be paid by HVF unless authorized in advance by HVF Chief.

## **IX. CAREER DEVELOPMENT**

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. These benefits may be available to all employees subject to the availability of budgeted funds.

Requests for education and training may be initiated by either the employee, Captain, or Battalion Chief. Reference to training received should be made on the Performance Evaluation forms. Final decisions on requests for education and training will be made by HVF Chief.

## **X. EMPLOYEE ACTIVITIES**

### **A. Outside Employment**

No employee may engage in additional 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 HVF. HVF will not grant sick leave in any cases of injury to an employee while that employee is engaged in outside employment.

### **B. Ethics**

HVF employees shall comply with the Municipal Officers' and Employees' Ethics Act, Title 10, Chapter 3, Section 1301 et seq, Utah Code Annotated, and any amendments or successor statutes, to avoid actual or potential conflicts of interest between their public duties and their private interests.

### **C. Use of HVF Electronic Mail, Voicemail, and Computer Systems**

Personal use of telephones for long-distance and toll calls is not permitted. Personal use of HVF telephones for local calls is authorized. However, employees should use discretion when making personal calls on HVF telephones so that it does not significantly interfere with the performance of the employee's official duties. If any personal use of a HVF telephone results in charges to HVF, the employee will be required to reimburse HVF for the additional cost. When an employee receives compensation for the use of a personal cell phone, they are expected to use the cell phone for work related phone calls when convenient and available.

The use of HVF-paid postage for personal correspondence is not permitted.

All employees, when using email to communicate, shall use an official HVF email address. Personal Use of their official HVF email address is prohibited. If an employee accidentally uses a personal email account for official business or their official email account for personal use, the employee should take

reasonable action to remedy the situation. If the employee takes reasonable action upon discovery of the accidental use it shall not be considered a violation of this policy.

Employees shall not use HVF e-mail, voicemail, or computer systems for any inappropriate use, including but not limited to the following:

- Solicitation of employees for fund raisers not approved by HVF;
- To further personal business interests;
- Offensive, harassing, vulgar, obscene, or threatening communications, including disparagement of others;
- Verbal abuse, slander or defamation;
- Creating, distributing, viewing or soliciting sexually oriented messages, materials or images;
- Electronic dissemination or printing of copyrighted materials, including articles and software in violation of copyright laws.

E-mail, texts, and voicemail communication and the contents of HVF owned telephones and computers are the sole property of HVF and may be subject to monitoring at any time without notice. When using the e-mail, text, or voicemail systems, and other equipment including HVF computers, the employee knowingly and voluntarily consents to being monitored and acknowledges the employer's right to conduct such monitoring. The security of e-mail and voicemail communications is not guaranteed. Abuse of e-mail, voicemail, and computer systems could subject the employee to disciplinary action, up to and including termination.

#### **D. Use of Equipment and Vehicles**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

All HVF vehicles are for official HVF business and are not authorized for personal use except as authorized as set forth in this policy. Only HVF employees and Fire Department Volunteers are allowed to operate a HVF Vehicle except as otherwise authorized by this policy.

While on official travel, employees are authorized to take family members with them. Family members who are at least 18 years of age, with a driver's license and appropriate experience, may drive the vehicle. The vehicle may also be used for incidental purposes during the travel such as traveling to restaurants or other retail establishments or traveling to evening entertainment for leisure activities so long as the travel is minimal, and reasonably within the same area as the official HVF business, and has so little value that accounting for it would be unreasonable or administratively impracticable. For purposes of this policy traveling less than twenty five miles for personal use shall be considered to fall under the threshold of little value. Personal use of a HVF vehicle while traveling on official business that is in excess of twenty five miles is authorized so long as the employee reimburses HVF for the miles

traveled that are solely for personal use. The reimbursement rate to HVF shall be the same as HVF's mileage reimbursement.

All employees who are traveling for work should consider weather, road conditions and the type of vehicle that will be used prior to traveling to ensure reasonably safe travel under the circumstances.

In order to enhance the safety of our community by decreasing response times, HVF employees may take an assigned HVF Vehicle home and use the vehicle to commute to and from work assignments. No other employee may use a HVF vehicle for purposes of travel to and from work (commuting).

HVF employees must notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination of employment.

Cell phone use, including but not limited to phone calls and texting, while operating a vehicle to perform HVF-related duties is strictly prohibited except for phone calls where the phone can be used hands free.

## **E. Authorized Personal Use of Public Property**

This policy provides public servants guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

This Section and other Sections of this handbook constitute HVF's written policy regarding authorized personal use for purposes of Utah Code section 76-8-402(1) A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property as set forth in this section and other relevant sections of this handbook.

Under Utah Code, "Public servant" means a public officer, an appointed official, employee, consultant, or independent contractor of HVF, or a person hired or paid by HVF to perform a government function. "Public property" means real or personal property that is owned, held, or managed by HVF. For purposes of this policy, "public servants" will be referred to as "employees".

Employees are responsible to protect and conserve HVF owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege and authorization to use public property for personal purposes may be limited or revoked at any time by the Fire Chief.

Employees do not have a right to, nor should they have an expectation of, privacy while using government resources at any time including when they are accessing the internet, using email, instant messaging, or telephones. Employees who wish for their personal activities to be private should not conduct such activities using public property.

The following personal use of public property is hereby authorized. If another section of the Handbook discusses a more specific authorization or restriction of personal use, that section shall apply to the extent that it is specifically more or less restrictive.

- A. Incidental Personal Use or De Minimus Personal Use: The occasional or infrequent personal use of any HVF property that results in little or no cost to HVF and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical is authorized. In determining whether the use is de minimus, the frequency and the value shall always be considered. Additionally, incidental personal use shall also include the incidental use as set forth in Utah Code section 76-8-402.
- B. Publicly Available Use: The use of any HVF Property that is available for general public use is authorized, so long as the employee uses the property in accordance with the policy that allows general public use.
- C. Fringe Benefits: Any HVF Property is authorized for personal use when the property is provided or required to be provided to the employee as a benefit or convenience, such as breakrooms and their associated supplies and equipment, on site fitness rooms and equipment, and/or nursing room facilities. The use of HVF Property for occasional parties or picnics that fall within IRS guidelines for non-taxable fringe benefits is also authorized.
- D. Inadvertent or Accidental Personal Use: Employees who may inadvertently and unintentionally use Public Property, Public Funds or Public Moneys in a manner not consistent with the authorizations in this Policy shall, upon discovery:
  - a. Immediately report the use to their supervisor; and
  - b. Within 14 days, repay any costs that may have been incurred; and/or
  - c. Take all necessary steps to insure that HVF is not injured by the use.

- E. **Personal Use for Pay:** The personal use of HVF property such as office supplies and copiers or printers where there is a direct attributable and easily determined cost to HVF is authorized for use so long as the employee pays for the use as set forth within a written policy approved by the supervisor. For example, a supervisor may approve the personal use of an office printer if an employee pays five cents per copy. If a supervisor does not authorize personal use under this section, personal use may still be allowed under the authorization of Incidental Personal Use.
- F. **Personal Use of Vehicles** during official travel as provided in section X(D) above.
- G. **Personal Use of Equipment** for training or skill development: The personal use of HVF property that has been issued to a HVF employee is authorized regardless of the amount of personal use when the personal use results in the development of a skill that is related to the employee's official duties. For example, a fire investigator has been issued a camera for the purposes of documenting evidence and general investigation. The fire investigator is authorized and encouraged to use the camera for personal use in order to develop his or her skills in photography.
- H. **Individually Approved Personal Use:** A relevant supervisor is authorized to approve other types of personal use so long as it is not specifically prohibited by this policy. Such personal use shall be authorized in writing and the value to HVF shall substantially outweigh the personal benefit received by the employee. Prior to authorizing any additional personal use under this subsection the Supervisor shall consult with the HVF Chief to determine if the personal use may be a taxable benefit under IRS regulations, to mitigate liability for the use, and to ensure that there is a benefit to HVF.

Notwithstanding the above authorizations for personal use, personal use does not include any use that significantly interferes with the mission or operations of HVF; significantly interferes with the performance of the employee's or any other employee's official duties; or significantly compromises the integrity of public property.

The personal use of Public Funds or Public Moneys is prohibited and no authorization for personal use of Public Funds or Public Moneys is hereby granted.

Violations of this policy may result in discipline up to and including termination.

## **F. Email Policy**

### **1. Email Privacy.**

- a. Public access to emails are subject to the Government Records Access And Management Act (GRAMA) – U.C.A. § 63G-2 et seq.



- b. Otherwise, emails sent and received through the District's email system are considered the property of the District and should be treated as confidential unless explicitly designated as public or shared information.
- c. Except for GRAMA considerations, Employees have a reasonable expectation of privacy in their work-related emails, and access to such emails should be limited to authorized personnel only.

**2. Authorized Access.**

- a. Access to an employee's email account by another employee should be granted only under specific circumstances and with proper authorization.
- b. Authorization for email access must be granted by the Administrative Control Board, following a written request that includes a valid justification for the access. Written requests must be approved by the Administrative Control Board.
- c. Access may be granted for legitimate reasons such as work-related investigations, transition of work responsibilities, or emergencies.

**3. Notification and Consent.**

- a. Employees whose email accounts are accessed by another employee will be informed in advance unless such notification may impede an investigation or present a security risk.
- b. Employees providing authorization for email access must provide written consent, specifying the scope and duration of the access.

**4. Confidentiality.**

- a. Employees accessing another employee's email account must treat the information as confidential and may only use it for the intended purpose. Sharing, forwarding, or discussing email content with unauthorized individuals is prohibited.
- b. Employees should take necessary precautions to prevent unauthorized access to email accounts while they are logged in.

**5. Retention and Deletion.** All accessed email content must be treated with the same retention and deletion policies as any other email content, as outlined in the District's document retention policy.

- 6. Security Measures.** The District will implement security measures to ensure the privacy and security of email communications, including encryption, access controls, and regular system updates.
- 7. Training and Awareness.** The District will provide training and awareness programs to employees regarding email access policies and best practices.
- 8. Violations.** Unauthorized access to another employee's email account is considered a breach of this policy and may result in disciplinary action, up to and including termination, in accordance with the District's personnel policies.
- 9. Legal and Regulatory Compliance.** This policy is subject to federal, state, and local laws and regulations. In case of a conflict between this policy and applicable laws, the law shall prevail.
- 10. Review and Modification.** This policy will be reviewed periodically to ensure its effectiveness and relevance. Any modifications will be communicated to employees and stakeholders.
- 11. Questions and Concerns.** Any questions or concerns related to this policy should be directed to the Administrative Control Board or the designated personnel responsible for email access requests.

## **XI. EMPLOYEE CONDUCT AND WORK RULES**

### **A. Cause for Discipline**

Each of the following shall constitute cause for discipline, up to and including termination. The offenses listed are not intended to be comprehensive, and the enumeration of these commonly-accepted violations shall not be deemed to prevent the discipline of an employee for other violations not enumerated. Actions in the line of public safety duty or in time of emergency shall be considered in light of the circumstances.

- 1) Personal or gross negligence on or off duty which prevents or substantially hampers job performance.
- 2) Negligently using, abusing, or damaging HVF property.
- 3) Any violation of HVF or departmental policies or procedures.
- 4) Violations of commonly accepted employment standards.

- 5) Sexual harassment.
- 6) Illegal discrimination.
- 7) Disregard for safety rules.
- 8) Insubordination by refusing superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority.
- 9) Failure to follow specified job instructions.
- 10) Unwillingness to work harmoniously with other employees.
- 11) Unauthorized solicitation on HVF property.
- 12) Distributing unauthorized printed matter on HVF premises.
- 13) Tardiness.
- 14) Creating or contributing to unsanitary conditions.
- 15) Unauthorized operation of tools, machinery, equipment.
- 16) Gambling on HVF property.
- 17) Failure to timely report an injury or accident.
- 18) Unauthorized sleeping on the job during work hours or leaving the site early without permission.
- 19) Abuse of sick leave.
- 20) Fighting or attempting to provoke a fight on HVF premises.
- 21) Deliberately restricting output.
- 22) Failure to maintain production and performance standards.
- 23) Theft.
- 24) Possession and/or use of alcoholic beverages or controlled substances while on duty.
- 25) Possession and/or use of alcoholic beverages or controlled substances while operating HVF equipment.
- 26) Reporting for work under the influence of alcoholic beverages or controlled substances.
- 27) Assault on supervisor or other employee.
- 28) Threatening or intimidating other employees or supervisors.
- 29) Falsifying HVF records.
- 30) Intentionally misusing, abusing, or damaging HVF property or property of another employee.
- 31) Unauthorized removal, falsification, or alteration of HVF records or intentional release of confidential information.
- 32) Failure to report for work without notice.
- 33) Repeated violation of rules and procedures.
- 34) Use of profanity or offensive language directed at an individual.
- 35) Dishonesty, deceit, or fraud.
- 36) Excessive complaining or poor attitude.
- 37) Spreading of rumors and gossip.
- 38) Commission of criminal conduct.
- 39) Any conduct which reflects negatively on the character of the employee or HVF.
- 40) Brandishing or exhibiting any dangerous weapon in an angry or threatening manner, or destroying property or throwing objects in a manner perceived to be threatening. This prohibition does not include law enforcement officers acting in their official HVF capacity.

- 41) Inappropriate use of HVF computers including e-mail, the internet and chat rooms.
- 42) Inappropriate use of HVF cell phones including excessive personal use, text messaging and the internet.

## **B. Attendance and Punctuality**

To maintain a safe and productive work environment, HVF expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on HVF. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Employees are required to report all absences. Supervisors and their designees have the right to inquire of an employee as to any reason(s) for repeated or excessive absenteeism or tardiness. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

## **C. Personal Appearance**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and can affect the business and professional image HVF presents to patrons and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. 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.

Consult your immediate supervisor if you have questions as to what constitutes appropriate attire.

## **XII. PROHIBITION AGAINST SEXUAL HARASSMENT**

All employees of HVF have the legal right to work in an environment free from sexual harassment. In addition, all individuals making application for employment with HVF have the right to expect an environment free from sexual harassment.

Sexual harassment is an unlawful activity which violates HVF policy and is prohibited as a form of sex discrimination. Both sexual harassment and inappropriate sexual conduct, whether legally sexual harassment or not, are unacceptable behavior. Any employee who engages in any form of sexual harassment shall be subject to disciplinary action.

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of 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 work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about sexual harassment or sexual discrimination.

HVF and its supervisors, employees and agents are under a duty to investigate or eradicate any form of sexual harassment or sex discrimination or complaints about such conduct. In addition to prohibiting sexual harassment by its employees, HVF prohibits sexual harassment towards its employees by its citizens, contractors and/or vendors.

HVF's management is committed to vigorously enforcing this prohibition of Sexual Harassment at all levels of the organization. This prohibition against Sexual Harassment is in effect at all times and in all places.

#### **A. Statement of Prohibited Conduct**

The following conduct is representative of the types of acts which violate HVF's Sexual Harassment Policy. This list is not intended to be exhaustive:

- 1) Physical Assaults of a sexual nature, such as:
  - a. Rape, sexual battery, molestation, or attempts to commit these assaults;
  - b. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing brushing against another employee's body, or poking another employee's body;
- 2) Unwanted sexual advances, propositions, or other sexual comments, such as:
  - a. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience;
  - b. Preferential treatment, or promises of preferential treatment, to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward;
  - c. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct, or intentionally making performance of the employee's job more difficult because of that employee's sex.
- 3) Sexual or discriminatory displays or publication anywhere in HVF's workplace by HVF employees, such as:
  - a. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the HVF work environment or

possessing any such material to read, display or view at work. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around HVF and/or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.

- b. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
  - c. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).
- 4) Retaliation for sexual harassment complaints, such as:
- a. Disciplining, changing work assignments, providing inaccurate work information, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and
  - b. Intentionally pressuring, falsely denying, lying about, otherwise covering up or attempting to cover up conduct such as that described in any item above.

## **B. Procedure for Reporting Harassment**

Employees are required to report all incidents of what they believe to be inappropriate sexual conduct or violations of HVF's Sexual Harassment Policy. These reports shall be made at the time when the employee first feels they or someone else has been sexually harassed or subjected to inappropriate sexual conduct. The following procedure will guide the investigation of these claims:

Employees must file a sexual harassment complaint either verbally or in writing as follows: : HVF Chief,, or if the complaint is against the Chief, then the HVF Board Chair

All such complaints will be investigated. If the investigation indicates that harassment or inappropriate sexual conduct has occurred, appropriate action will be taken. Confidentiality will, to the extent practical, be protected. HVF will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.

Any employee of HVF who is accused of sexual harassment shall not question, coerce, intimidate, or retaliate in any way during the investigation against the employee who has filed a complaint of sexual harassment or against employees that have provided information concerning the complaint.

All employees shall fully cooperate in any investigation of sexual harassment or retaliation. Disciplinary action will be taken against any employee that obstructs or does not fully cooperate with any investigation of sexual harassment or retaliation.

### **XIII. PROHIBITION AGAINST DISCRIMINATION/HARASSMENT**

Federal and state laws prohibit discrimination because of race, color, religion, sex (including gender), pregnancy, national origin, age, or disability in all employment practices, including the terms, conditions, and privileges of employment. The policy of HVF is to avoid all such prohibited discrimination or harassment in the workplace, and that all employees are entitled to work in an environment free from any such prohibited discrimination or harassment. Such discrimination or harassment is a prohibited employment practice, and perpetrators are subject to disciplinary action.

Any employee who believes that he or she has been subjected to discrimination or harassment based on race, color, religion, sex (including gender), pregnancy, national origin, age, or disability, or who is aware of such an occurrence, has the obligation, duty, and right to report to the \ HVF Chief, or if the complaint is against the Chief, then to the HVF Board Chair.. All complaints should be made as soon as the objectionable conduct or language first occurs.

All such complaints will be investigated and, if the investigation indicates that discrimination or harassment has occurred, appropriate action will be taken. Confidentiality will, to the extent practical, be protected. HVF will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.

An employee who is accused of such discrimination or harassment shall not question, coerce, intimidate or retaliate in any way against the person making the report, against the person who was discriminated against or harassed, or against any person who provided information concerning the complaint. All employees shall cooperate fully in any investigation of discrimination, harassment, or retaliation.

### **XIV. ALCOHOL/DRUG USE POLICY**

#### **A. Policy Statement**

HVF believes that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of services rendered by HVF are important. The abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Therefore, HVF hereby adopts this Policy for testing employees and prospective employees as related to drugs and alcohol in the workplace.

#### **B. Drug & Alcohol Testing Policy Definitions**

For the purposes of this policy:

- 1) "Alcohol" means alcoholic beverages and any other intoxicating substances.

- 2) "Drugs" used in this policy refer to and include all drugs, paraphernalia, controlled substances, or mood- or mind-altering inhalants, any of which were not prescribed by a licensed physician/dentist in the United States for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.
- 3) "Drug Paraphernalia" means objects used to manufacture, compound, covert, produce, process, prepare, test, analyze, pack, store, contain, conceal, and/or to inject, ingest, inhale, or otherwise introduce a drug into the human body.
- 4) "Employee" means any person in the service of HVF whether for compensation or as a volunteer.
- 5) "Prospective employee" means any person who has made application for employment with HVF and to whom HVF has offered employment, conditioned upon the results of a drug and alcohol test.
- 6) "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal statutes.
- 7) "Criminal Drug Statute" means a Federal or State criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
- 8) "MRO" means Medical Review Officer, as designated by the HVF Chief, charged with reviewing and interpreting test results and determining any alternate medical explanations.
- 9) "Drug Policy Coordinator" is HVF employee specifically designated to administer the Drug and Alcohol Testing Policy and through whom any procedures, or disciplinary or rehabilitative action regarding this policy, must be reviewed and approved. The Drug Policy Coordinator is the person designated by the HVF Chief.
- 10) "CDL-Commercial Driver's License" is the license required to operate a commercial vehicle.

### **C. Testing Policy**

It is the policy of HVF to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment, or if employed, may be subject to termination. Confirmed positive drug and alcohol test results with a medically sufficient explanation shall not be considered a violation of HVF's Drug Policy, unless it is determined to negatively affect the ability of the employee to perform the duties assigned.

- 1) HVF shall require the testing of employees and prospective employees, including management, on a periodic basis, under the following circumstances and purposes:
  - a. Pre-Employment Testing. All prospective employees shall be tested for drug or alcohol usage prior to being placed for employment. All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants. All prospective employees shall be required, prior to being hired by HVF, to sign the acknowledgment form, agreeing to abide by the terms of this policy. HVF will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy.



Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO), may reapply for employment with HVF after six months from the date of such test. If HVF hires a prospective employee, he or she must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he or she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

In addition, any employee who has taken an extended leave of absence of six months or longer must be retested under this section before returning to work.

- b. Reasonable Suspicion (For Cause) Testing. Certain supervisors shall be trained to look for behaviors which may indicate drug or alcohol usage. These behaviors include, but are not limited to, the following: direct observation of drug or alcohol use, drug paraphernalia, abnormal or erratic behavior such as accidents, stealing, or repeated errors on the job, or unsatisfactory time and attendance patterns, any of which are coupled with a specific contemporaneous event that indicates probable drug or alcohol use. An employee will be required to provide a urine sample, as defined below, when such reasonable suspicion arises and at least one supervisor or manager, and the designated Drug Policy Coordinator, concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific contemporaneous, physical, behavioral, and/or performance indicators. Once the authorized supervisors have determined that a reasonable suspicion exists, testing is done immediately.
- c. Return to Duty Testing. If HVF returns to duty an employee after he or she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol testing for a predetermined period at the sole discretion of HVF Chief.
- d. Post-Accident Testing. Post-accident testing will be conducted on employees whose performance either contributed to an accident or cannot be completely discounted as contributing to the accident. Such testing will occur as soon as possible, but not later than twelve hours after an accident has occurred. The immediate supervisor and the Battalion Chief or Chief, in association with the Drug Policy Coordinator, shall determine if the performance of that employee either contributed to the accident or cannot be completely discounted as a contributing factor.

- e. Random Testing. HVF reserves the right to implement a random drug and alcohol testing program consistent with applicable federal, state, and local law, for purposes of maintaining safety and as a deterrent to drug and alcohol abuse.
- 2) Employees required to hold a Commercial Driver's License (CDL) and drive commercial vehicles as a condition of employment may be tested as required by federal and/or state law.
  - 3) Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation and benefits for current employees.
  - 4) Individuals will be tested on HVF premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a "Reasonable Suspicion" test, the employee must be driven to the facility by the supervisor or the supervisor's designee. The employee must then be put on administrative leave until the results of the test are available. The supervisor must make arrangements, or help the employee make arrangements, to get home without driving him/herself.
  - 5) HVF shall pay all costs of testing and transportation associated with a test required by HVF.
  - 6) All sample collection and testing shall be performed under the following conditions:
    - a. The collection of samples shall be performed under reasonable and sanitary conditions.
    - b. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
    - c. The collection of samples shall be documented, and the documentation procedures shall include labeling of samples, to reasonably preclude the probability of erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide notification of any information that he or she considers to be relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs, or other relevant medical information.
    - d. Sample collection, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration.

- e. Sample testing shall conform to scientifically accepted analytical methods and procedures.
  - f. Testing shall include verification or confirmation of any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable method.
- 7) In the case of urine testing, an employee or prospective employee will submit a split urine sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he is so notified to request, at his option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and HVF. The test results of both samples may be considered at any subsequent disciplinary hearing.
- 8) Drug and alcohol testing will be conducted in compliance with federal, state, and local laws, including but not limited to Utah Code Ann. § 34-41-101 et seq., and any amendments or successor statutes.

#### **D. HVF Action**

Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of this policy (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15ml urine sample tested), or upon the refusal of any employee or prospective employee to provide a sample, HVF may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to, the following:

- 1) Termination of employment;
- 2) Refusal to hire a prospective employee; or
- 3) Any other disciplinary measures in conformance with HVF's practices, policies, or procedures.

#### **E. Confidentiality**

The information received from the drug testing results shall be the property of HVF.

Test results information may be released to the person who has been tested upon written request.

#### **F. Workplace Rules**

Employees who possess, dispense, manufacture, or distribute alcohol, drugs, or drug paraphernalia on HVF premises, or on HVF time may be subject to disciplinary action, including termination.

Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to their supervisor immediately after the treatment begins.

Any employee convicted of violating a criminal drug statute must notify HVF Chief within five (5) days of conviction. HVF may take appropriate disciplinary or rehabilitative actions as a consequence.

No employee may use or be under the influence of drugs or alcohol on HVF's premises, in HVF's vehicles, or any time the employee is representing HVF on HVF business, except in cases involving a current, prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.

## **G. Miscellaneous**

A copy of HVF's Drug and Alcohol Testing Policy shall be distributed to and posted for all employees, and all employees shall be required to acknowledge receiving, reading, and acknowledging the policy. Copies shall be made available to prospective employees.

This policy applies to management as well as other employees.

Employees wishing assistance with overcoming drug or alcohol abuse may contact their supervisor or the Drug Policy Coordinator for information about counseling and rehabilitation programs.

## **H. Acknowledgment of Policy**

HVF shall require each employee to read this policy and sign a form, acknowledging that they have received and read a copy of this policy and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

## **I. Drug and Alcohol Policy Not a Contract**

This Drug and Alcohol Testing Policy is the unilateral action of HVF and does not constitute an express or implied contract with any person affected by or subject to the policy. Neither this policy nor any action taken pursuant to this policy assures or guarantees employment or any terms of employment to any person for any period. HVF may alter, terminate, or make exceptions to this policy at any time, at HVF's sole discretion. This policy does not limit or alter HVF's right to terminate any employee at any time for any reason.

# **XV. DISCIPLINARY PROCEDURES**

## **A. Progressive Discipline**

Whenever reasonably possible, HVF desires to follow progressive discipline, except as otherwise provided in these Policies and Procedures. The progression of discipline is as follows: verbal reprimand, written reprimand, suspension, demotion (transfer to a position with less remuneration), and termination. A verbal reprimand may be issued by the employee's Captain, Battalion Chief, Deputy

Chief, or the Fire Chief. A written reprimand may be issued only by the employee's Battalion Chief, Deputy Chief, or the Fire Chief. All other discipline types require a Disciplinary Hearing.

## **B. Disciplinary Hearing**

Whenever a regular full-time employee, who is not an appointed or probationary employee, is subject to possible suspension, demotion, or termination, a disciplinary hearing shall be held prior to imposing disciplinary action. The employee shall be given written notice of the hearing, and the notice must include the following: (1) date, time, and place of the hearing; (2) an explanation of the charges against the employee; and (3) the type of discipline being considered, which may include termination. The disciplinary hearing shall be conducted by the HVF Deputy Chief for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision. A decision as to the disciplinary action to be taken, if any, shall be made by the Deputy Chief, and the employee shall be notified in writing within a reasonable time after the hearing. If disciplinary action is imposed, the Deputy Chief shall provide the employee written notice of the disciplinary action along with a written explanation of employee rights for appeal, if any.

## **C. Appeals of Demotion or Termination**

In the case of suspension without pay, demotion, or termination, a regular full-time employee, who is not an appointed or probationary employee, has the right to appeal the decision to HVF Fire Chief. To appeal, within 14 days from the date of the decision by the Deputy Chief, the employee must request in writing that the Fire Chief hear the matter, with an explanation of the issues, and provide a copy of the Deputy Chief's decision. In the Chief's sole discretion, he/she may meet with the employee and speak with the Deputy Chief. The Fire Chief must make his/her decision within 14 days from the date he/she received the written request from the employee. The Fire Chief's decision must be in writing and sent by certified mail to the employee.

The employee may appeal the Fire Chief's decision by appealing to the Board Chair. The appeal must be in writing and filed with HVF Clerk within ten days of the Fire Chief's written decision. HVF Clerk will then refer the matter and all relevant documents and other relevant information to the Board Chair.. The Board Chair will provide notice of a hearing, which notice must include the following: (1) date, time, and place of the appeal hearing; and (2) inform the employee he/she may appear in person and be represented by counsel (at the employee's expense), to confront the witnesses and examine evidence. The decision by the Board Chair shall be in writing and sent to the HVF Clerk within 15 days from the date the of the hearing. For good cause the Board Chair may extend the 15-day period to a maximum of 60 days. The HVF Clerk shall give deliver the decision to the employee by certified mail within five business days from the date the HVF Clerk receives the decision from the Board Chair.

Either the employee or the HVF Chief may appeal the decision of the Board Chair by filing an appeal within fourteen (14) days from the date of the certified mailing of the decision by the Board Chair. The appeal shall be to the HVF Board, which shall decide the matter at its next regularly scheduled Board Meeting. The HVF Board may not take new evidence or hold new or additional hearings. The HVF Clerk

shall provide all prior evidence in the case to each member of the HVF Board no later than 10 days prior to the date the matter shall be decided. The decision by the HVF Administrative Control Board shall be in writing and delivered to the HVF Clerk. The HVF Clerk shall provide notice of the decision to the employee and the Fire Chief within 15 days from the date of the decision.

In the event the HVF Board does not uphold the discipline, the employee shall be restored to his/her position and paid the salary, commencing with the next working day following the certification by HVF Clerk of the HVF Board's decision, provided the employee reports for his/her assigned duties that next working day. The employee shall also receive salary for the time during which the employee was discharged or suspended without pay, or any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.

A final action or order of the HVF Board may be reviewed by the Utah Court of Appeals by filing with that Court a petition for review within 30 days after the issuance of the final action or order of the HVF Board.

The deadlines for notice and appeal outlined above are to be enforced with reasonable accommodations for all parties. They are not meant as a punishment for failure to substantially comply. However, absent good cause, failure to request an appeal within the stated deadline shall constitute a forfeiture of the right to appeal, and the last decision shall be final and binding.

#### **D. Suspension Pending Investigation and Decision**

At HVF's sole discretion, an employee may be suspended (with or without pay) pending an investigation and/or during the disciplinary proceedings and any appeals. If after an investigation and/or the disciplinary proceedings and appeals, the employee prevails, the employee shall be restored to his or her position and/or compensated for any lost pay.

## **XVI. GRIEVANCE PROCEDURE**

### **A. Circumstance of Grievance to be Avoided**

It shall be the policy of HVF insofar as possible to prevent the occurrence of grievances and deal promptly with those which occur. A grievance is defined as an objection to a policy or procedure of HVF, but does not include disciplinary matters.

### **B. Duty of Captains**

Whenever a grievance arises or is directed to the attention of a Captain, the Captain shall discuss all relevant circumstances with the employee and remove the cause of the grievance to the extent the Captain deems advisable and possesses authority.

### **C. Duty of HVF Battalion Chief, Fire Chief, and Board Chair**

If the Captain is unable to settle the grievance in a satisfactory manner, the employee may provide a written grievance to the employee's Battalion Chief, which grievance shall include the decision of the Captain. The Battalion Chief shall review the matter and decide, which decision need not be in writing. An employee desiring to appeal the decision of the Battalion Chief must appeal to the Fire Chief. An employee desiring to appeal the decision of the Fire Chief must appeal to the Board Chair. At each appeal, the employee must provide a written appeal that includes the initial grievance and all prior decisions.

If a grievance involves a Captain or Battalion Chief, the written grievance shall be taken directly to the HVF Chief. If a grievance involves the HVF Chief, it shall be taken directly to the Board Chair.

### **D. Appeals Process**

If an employee desires to appeal the decision of the Board Chair, the same procedures must be followed as outlined herein for disciplinary appeal procedures to the Administrative Control Board. The decision by the Administrative Control Board shall be final with no further appeal rights.

## **XVII. Workplace Violence**

### **A. Workplace Violence and Policy Statement**

HVF is committed to providing, in so far as it reasonably can do so within available resources, a safe environment for working and conducting business. HVF prohibits acts of violence committed by HVF employees, or against HVF employees by members of the public while on HVF property or while HVF employee is performing HVF business at other locations. The objective of this policy is to reduce the potential for violence in and around the workplace, to encourage and foster a work environment that is characterized by respect and healthy conflict resolution, and to mitigate the negative consequences for employees who experience or encounter violence in their work lives.

### **B. Workplace Violence Definitions**

The work violence in this policy shall mean an act or behavior that:

- 1) Is physically assaultive;
- 2) Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- 3) Would be interpreted by a reasonable person as having potential for physical harm to the individual;
- 4) A reasonable person would perceive as menacing;
- 5) Involves carrying or displaying weapons with the intent to intimidate or provoke a fellow employee, destroying property or throwing objects in a manner reasonably perceived to be threatening; or
- 6) Consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on HVF property, in HVF facilities or while on HVF business will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on HVF property or while using HVF facilities will be prosecuted as appropriate and may result in disciplinary action, up to and including termination. Employees must immediately report to their supervisor all incidents of workplace violence.

## **XVIII. Risk Management and Safety**

### **A. Employee Liability**

An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his employment, shall give immediate notice to his Captain and the HVF Chief.



HURRICANE VALLEY  
FIRE SPECIAL SERVICE DISTRICT  
RESOLUTION NO. 12-3-23 R

A RESOLUTION APPROVING THE HURRICANE VALLEY FIRE EMPLOYMENT MANUAL

WHEREAS, the Hurricane Valley Fire Special Services District is desirous of amending the Personal Policy; and

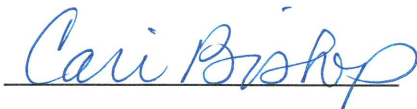
WHEREAS, said policy amending the personnel policy has been submitted and reviewed by the Board and found to be reasonable and acceptable.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the attached Personnel Policy and Procedures shall be in effect until further resolution. All resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

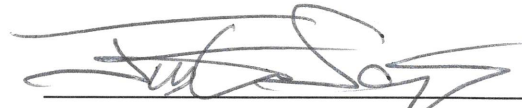
PASSED, APPROVED, and MADE EFFECTIVE this 4<sup>th</sup> day of December 2023.

HURRICANE VALLEY FIRE  
SPECIAL SERVICE DISTRICT

ATTEST:



Cari Bishop, District Clerk

  
Justin Sip, Vice Chairman

	AYE	NAY
Chairman Bill Hoster		<i>Absent</i>
Randy Aton	X	
Nanette Billings	X	
LaRene Cox	X	
Richard Hirschi	X	
Paul Luwe	X	
Daniel McGuire	X	
Justin Sip	X	