

**RESOLUTION 2024-10-17**

**A RESOLUTION OF THE TOWN COUNCIL, HUNTSVILLE, UTAH  
AMENDING THE HUNTSVILLE TOWN PERSONNEL POLICIES AND  
PROCEDURES MANUAL**

**WHEREAS**, the Huntsville Town Council Personnel Policies and Procedures Manual establishes and details certain right and responsibilities of Town employees;

**WHEREAS**, the Town Council of Huntsville, Utah, finds that it is in the public interest and in the interest of the management of the Town to revise the Huntsville Town Personnel Policies and Procedures Manual in accordance with Utah State and Federal laws;

**NOW, THEREFORE, BE IT RESOLVED** by the Huntsville Town Council as follows;

**Section 1.** Ratification. The amended Huntsville Town Employee Policy and Procedures Manual attached hereto as Exhibit "A" and incorporated herein by this reference is hereby ratified by the Town Council and shall continue in full force and effect.

**Section 2.** Effective Date. This Resolution is effective immediately upon adoption by the Town Council.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Richard Sorensen				X
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			
CM Bruce Ahlstrom	X			

**PASSED AND ADOPTED** by the Town Council on this 17<sup>th</sup> day of October, 2024.

*Sady Hute*

RICHARD SORENSEN, Mayor

*Mayor Pro Temp*



ATTEST:

*Nikki Wolthuis*

NIKKI WOLTHUIS, Clerk

RECORDED this 17<sup>th</sup> day of October, 2024.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal clerk of Huntsville Town, hereby certify that foregoing resolution was duly passed and published, or posted at 1) Town Hall 2) [www.huntsvilletown.com](http://www.huntsvilletown.com) 3) [pmn.gov](http://pmn.gov)

*Nikki Wolthuis*

Huntsville Town Clerk

DATE: 10-18-2024

**Huntsville Town**

**Employee Policies and Procedures Manual**

Employee Acknowledgement Form

The Employee Policies and Procedures Manual describes the policies, practices and benefits of employment with Huntsville Town. I agree to abide by the policies in this handbook and I accept the responsibility for informing myself about these policies and understand that I should consult my supervisor, the Town Recorder, or the Town Administrator, regarding any questions not answered in the handbook. I have entered my employment relationship with Huntsville Town voluntarily and acknowledge that there is no specified length of employment.

Since the information in these Personnel Policies and Procedures handbook is necessarily subject to change, I understand that the information that I have received may be changed or replaced by other policies and procedures, which Huntsville Town may adopt in the future. I understand and acknowledge that no one has promised me that Huntsville Town will not change these policies and understand that Huntsville Town has reserved the right to change these policies in the future.

I understand and agree that my employment with Huntsville Town may be terminable at-will, meaning that either Huntsville Town or I may terminate the employment relationship at any time for any reason. I understand that neither Huntsville Town nor I have any obligation to base a termination decision on anything other than intent not to continue the employment relationship. No one has promised me that my employment will only be terminated for cause, or only for any particular reason, or will only be terminated through some particular process or procedure above, beyond, or in addition to such due process as may be required by federal or state law.

I understand and agree that unless otherwise listed in a contract approved by the Mayor and Town Council, no one at Huntsville Town has authority to offer me employment on terms different from what is stated in this handbook, and I understand and agree that no one in Huntsville Town is authorized by Huntsville Town to promise in the future that the terms of my employment will be different from what is stated in this handbook.

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

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

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

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**CHAPTER 1 – Employment Classifications/Compensation**

- 1.1 General Policy**
- 1.2 Classifications**
- 1.3 Employment Status**
- 1.4 Work Week**
- 1.5 Workdays and Hours**

**1.1 General Policy**

The Town will pay at least minimum wages and overtime to all part-time and full-time employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. The Town will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

**1.2 Employment Classifications**

The following classifications of employee apply within Huntsville Town:

- A. **Elected Officials:** Elected officials are exempt from all pay and benefits provided by the Town; however, such may receive a stipend as may be provided in the Town's annual budget, and travel reimbursement under this manual.
- B. **Volunteers and Unpaid Appointed Officials:** Any volunteer and any appointed official that is unpaid such as the planning commission, appeal authority, Citizen Emergency Response Team, Tree Committee, or similar unpaid appointees are exempt from pay and benefits provided by the Town. However, such may receive a stipend as may be provided in the Town's annual budget, and travel reimbursement under this Manual.
- C. **Part-time:** All pointed employees and part-time employees are "at-will" as authorized under Utah Code §10-3-1105(2)(e)(i). A part-time employee is defined as an employee for which the normal work schedule is less than thirty (30) hours per week. Part-time employees do not qualify for any Town benefits. Part-time employees may be required to attend the Town's meetings after work hours and work at certain special events and holidays as specified by the Mayor or Town Administrator. Part-time employees may be



subject to a written employment agreement.

- D. Temporary: An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Town benefits.
- E. Seasonal: An employee hired for a position which is required only for the summer or winter months. Summer or winter only employees do not qualify for Town benefits.

### **1.3 Employment Status**

To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or non-exempt, with respect to eligibility for overtime payment. They shall be defined as:

- A. Exempt: Employees who are exempt from minimum wage and mandatory overtime payment regulations.
- B. Non-exempt: Employees who hold positions of clerical, technical, or service nature, as defined by Federal and State Labor statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

### **1.4 Work Week**

The Town work week begins on Monday at 9:00 a.m. and ends on Friday evening at 5:00 p.m. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments have a work week as directed by the Town Administrator or designee. An extended work week may occur for evening meetings, irrigation, park services, special events, emergencies, or similar circumstances.

### **1.5 Workdays and Hours**

Work schedules for all part-time employees are as directed by the mayor, or designee. The Town recognizes the need to provide excellent service to the residents of the Town of Huntsville. This includes availability of employees to resolve pertinent issues and concerns. A work schedule for each employee should be approved by the mayor, Town administrator or designee.

**CHAPTER 2--ADMINISTRATION**

**Section 2.01 Introduction**

**Section 2.02 Applicability**

**Section 2.03 Mayor**

**Section 2.04 Town Council**

**Section 2.05 Supervisor Responsibilities**

**Section 2.06 Employee Responsibilities**

**Section 2.07 Equal Employment Opportunity (EEO) Statement**

**2.01 Introduction**

This Policies and Procedures Manual is provided for general guidance only. The policies and procedures expressed in this 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 the Town. The Town reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. The Town 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.

Our goal is to bring effective and efficient municipal services to the citizens of the Town. This can only be achieved by management and employee cooperation. A productive and successful employee works with management and other employees to accomplish the Town's goals.

**2.02 Applicability**

This Manual applies to all employees of Huntsville Town. All paid employees are "at-will" as defined by state law and in accordance with Utah Code 10-3-1105(2)(2)(e). Employee or employees, not otherwise defined in the context of the policy set forth in this manual, shall mean all elected officials, appointed officials, volunteers, full-time staff, and part-time staff of the Town. The scope of this manual may be limited depending upon an employee's role, function, classification, status, or under a written employment contract agreement.

**2.03 Mayor**

The mayor is the Chief Executive Officer of the Executive Branch of Town

Government. The mayor may appoint, subject to the advice and consent of the Town Council, A Town Administrator to manage the day-to-day affairs of the Town. The mayor is responsible for the promulgation and administration of this manual. The Town Council may also adopt personnel policies by ordinance or resolution.

The mayor, with the help of such aides or assistants as may be required, shall be responsible for directing and coordinating the personnel activities of the Town.

The Mayor shall:

- A. Prepare and recommend position classification and pay plans and direct the continuous administration of these plans.
- B. Compute and submit to the Town Council the projected annual salary and wage expenditures for all departments.
- C. Direct the recruitment, testing, selection, and hiring of Town Employees, subject to the approval of the Town Council.
- D. Obtain or prepare and administer competitive examinations for all original appointments and promotions in the Town subject to testing, in conjunction with the appropriate department supervisor.
- E. Prepare, recommend, and enforce rules and regulations for personnel administration.
- F. Supervise, develop, and maintain personnel forms, procedures, and methods of record keeping.
- G. Maintain a personnel file on all persons employed by the Town and on Town volunteers where such a file is required by the Town's liability insurance carrier.
- H. Validate all appointments, promotions, demotions, disciplinary, and other actions affecting Town employees.
- I. Direct or coordinate employee orientation, training, counseling, and career development in conjunction with department supervisors.
- J. Review performance evaluations for all part-time employees.

K. Administer personnel activities to comply with related federal and state laws.

**2.04 Town Council**

The Town Council operates as the Legislative Branch of Town Government. The Town Council has oversight and investigatory authority.

**2.05 Supervisor Responsibilities**

The mayor, Town administrator, or designee, will ensure that the Town is in compliance with this manual, including all Equal Employment Opportunity standards. Additionally, such will ensure that each employee is notified that this manual is available online at any time, and that the employee signs and dates a policy statement and acknowledgement form. The signed and dated policy statement and acknowledgement form shall be filed in the employee's personnel file.

**2.06 Employee Responsibilities**

Employees are responsible for informing themselves about the policies, practices, and benefits set forth in the manual by reading them and, if necessary, asking for clarification from the Town administration.

**2.07 Equal Employment Opportunity (EEO) Statement**

Huntsville Town is committed to equal employment opportunity (EEO) and compliance with all applicable federal, state, and local laws that prohibit workplace discrimination and unlawful retaliation, such as those that prohibit discrimination on the basis of race, color, national origin, religion, age, sex (including pregnancy, childbirth, breastfeeding, or related medical condition), gender, sexual orientation, gender identity, marital or familial status, genetic information, citizenship status, protected activity (such as opposition to or reporting of prohibited discrimination or harassment), or any other status or classification protected by federal, state, and/or local laws. This policy of equal employment opportunity applies to all aspects of the employment relationship, including without limitation advertising, recruiting, hiring, training, evaluation, promotion, transfer, work assignments, compensation, benefits, disciplinary action, termination, or any other term, condition, or privilege of employment.

**Chapter 3 – Protection From Losses and Liabilities**

- 3.01 General Policy**
- 3.02 Personal Use of Municipal Property**
- 3.03 Contractors**
- 3.04 Supervisor Responsibilities**

**3.01 General Policy**

Huntsville Town desires to take precautions by having a written policy for conduct and utilize written agreements to prevent loss and liability.

**3.02 Personal Use of Municipal Property**

This policy governs the personal use of Town property and acknowledges that the Town recognizes the benefits to the community when officers and employees are able to use Town property for incidental or personal use in addition to the primary use of fulfilling official duties. To enable officers and employees to continue to use their issued equipment in a manner that best serves the public, officers are authorized to use or possess any Town property issued to them for any incidental or personal use, so long as the property is used in a lawful manner. This policy presumes that any public property issued to an officer or employee is properly in that officer's possession and that the officer's use or possession of said property is to fulfill their duties as a public servant. This policy also presumes that incidental or personal use or possession of public property by the officer is authorized by this policy. This policy is enacted to minimize criminal exposure for the lawful use of Town property by officers or employees under Utah Code §76-8-402.

**3.03 Contractors**

The Town will take precautions by having a written contract agreement to prevent loss and liability arising from entering relationships with independent contractors using a Hold Harmless/Release of Liability and Insurance Agreement, and a standard contract for independent contractors.

**3.04 Supervisor Responsibilities**

- A. To ensure that no work is performed by any private contractor until:
  - 1. A written contract agreement between the Town and the contractor has been entered into and signed by both parties.

2. The signed written contract agreement has been co-signed by the Town Recorder.
- B. Each written contract agreement with a private contractor should contain a indemnity/hold harmless clause which provides:
1. Indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.
  2. Evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract, with appropriate coverage limits.
  3. The Town and its officials, employees, agents and volunteers must be named as additional insured on the liability insurance policy.
- C. Each contract with a private contractor should contain provisions that ensure the contractor is carrying workers' compensation insurance coverage. The Town should have the contractor provide the Town with evidence of the contractor's Workers Compensation coverage.

**CHAPTER 4--HIRING PRACTICES**

- 4.01 General Practice**
- 4.02 Nepotism Policy**
- 4.03 Veterans Preference**
- 4.04 Job Description**
- 4.05 Recruitment**
- 4.06 Applicant Disqualification**
- 4.07 Selection**

**4.01 General Practice**

The Town is an *equal opportunity employer*. It is the policy of the Town 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 in compliance with the requirements of state and federal law.

It is the policy of the Town to fill all job openings with the most qualified individual available. Where possible, it shall be the policy of the Town to promote from within provided that all promotions shall be made based upon candidates' qualifications.

**4.02 Nepotism**

It is the Town's policy to comply with Utah State Code §52-3-1. The Town 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. This policy applies to part-time employees and temporary or seasonal employees.

If the Mayor determines that the employee/relative is the only person available or best qualified to perform supervisory functions. The employee who exercises authority over a relative may not evaluate the relative's job performance or recommend salary increases for the relative. The employee or public officer shall make a complete written disclosure of the relationship to the mayor (Utah State Code §52-3-1).

**4.03 Veterans Preference**

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

**4.04 Job Descriptions**

Job Descriptions define the essential functions of a vacant position shall be drafted and approved by the mayor before the vacancy is posted or otherwise advertised internally or externally.

**4.05 Recruitment**

- A. Positions. The mayor must approve all new positions.
- B. Recruitment Policy. All recruitment shall be conducted subject to the EEO Statement.
- C. Internal Promotions. It is the Town's policy to give first consideration to current Town employees desiring to fill an open job position.
- D. External Advertising. Only the Town Administrator, or designee, is authorized to place advertisements and respond to inquiries from employment agencies or job applicants. The following apply:
  - 1. Each Job Opening Notice should contain a statement indicating that the Town is an equal opportunity employer.
  - 2. Job Opening Notices may be advertised in the appropriate media, and though any other channels the mayor deems appropriate, on at least five (5) working days.



3. All Job opening noticing must specify the position, the nature of the work to be performed, the experience and training required, any necessary special qualifications and other pertinent information. The notice should include how a Job Application can be obtained, a Town Staff member to contact for the information, the Town staff member to whom the Job Application is to be returned, and the deadline for filing a Job Application.
4. Depending on the applicable local law or as may be specified in the Job Opening Notice, advertisements may state that job applicants residing in the Town, or the surrounding area will be given hiring preference.

**4.06 Applicant Disqualification**

An application may be rejected for, but not limited to, the following reasons. When the Job Applicant:

- 11 Does not meet minimum qualifications established for the position.
- 12 Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant.
- 13 Has falsified information on the application.
- 14 Has failed to timely file the application.
- 15 Has an unsatisfactory employment history or poor work references.
- 16 Has failed to attain a passing score, if an examination is required.

**4.07 Selection**

- A. Nepotism: Huntsville Town shall comply with its nepotism policy provided in this Manual
- B. Employment of Minors: Huntsville Town shall not employ any minor. No minor under the age of fourteen (14) years may volunteer for any position.
- C. Rehires: Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee

applications. The mayor, or designee, will review the former employee's personnel records and the circumstances surrounding termination of previous employment with the Town. The following shall apply:

1. Former employees who have been terminated for cause, or who voluntarily resign while facing disciplinary action, are not eligible for rehire.
  2. Applicants who are rehired shall be required to serve a probationary period, unless an employment contract is executed stating otherwise.
- D. Job Applications: All applications and resumes received for the job opening will be forwarded to the mayor, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant's file. Resumes will include a letter of interest signed by the job applicant. The job applicant may be required to provide a copy of required certified educational transcripts, certificates, diplomas, or other documents with the application or upon hire.
- E. Tests: Job Applicants may be required to take other examinations which the Town deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence is required. All applicants for that position must take the required test.
- F. Interviewing: The mayor, or designee, will select applicants to interview from those who have passed the preliminary screening tests and job applications. Job-related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.
- G. Reference Checks: Huntsville Town may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked. Reference checks will be conducted on final candidates and all employees who are promoted, as deemed necessary.
- H. Background Checks: In order to facilitate background checks, written permission shall be obtained from the applicant by way of a signed release form. Background checks will include Social Security Verification, prior employment verification, personal and professional references, education verification, criminal and criminal history. A motor vehicle record search may also be required if driving is an essential part of the position. A background

check will be maintained in a file separate from employees' personnel files for a minimum of five years.

- I. Reinstatements: Employees who are reinstated by the Town may opt to maintain their original anniversary date for seniority purposes as well as for all benefit programs of the Town subject to the following:

- 1. Layoffs: Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by the Town within one (1) year after date of termination.
- 2. Voluntary resignations: Employees who voluntarily terminate their employment with the Town may maintain their original anniversary date, subject to Mayor and/or Town Council approval, if they are re-employed by the Town within on (1) year of the resignation.
- 3. Contract: Reinstated employees may maintain their original anniversary date or otherwise be subject to the terms of any employment contract agreement.

- J. Probationary Period:

- 1. All new employees shall be subject to a six (6) month probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- 2. Probationary periods begin on the first day of employment and continue for six (6) months. Management will provide guidance to probationary employees, so they understand work requirements.
- 3. An employee on probation may have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create

any property/due process rights for the probationary employee relative to their job position.

**Chapter 5—Employee Conduct**

- 5.01 Professionalism**
- 5.02 Privileged Information**
- 5.03 Confidentiality**
- 5.04 Gifts and Gratuities**
- 5.05 Conflict of Interest**
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- 5.15 Outside Employment**
- 5.16 Code Enforcement**

**5.01 Professionalism**

Huntsville Town is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned at their responsibility, to maintain good conduct, and to do their part in maintaining good relationships with their supervisors, fellow employees, the public, and officials.

**5.02 Privileged Information**

A Town employee involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Town plan or activity, this situation must be reported to the mayor immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and Management Act.

**5.03 Confidentiality**

All employees have an unquestionable right to expect all personal information about themselves, their personal life, their illness, their family, and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the workplace.

**5.04 Gifts and Gratuities**

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or item of monetary value from any person seeking to obtain business with the Town, or from any person within or outside the Town employment whose interests may be affected by performance or nonperformance of official duties by an employee. No Town employee shall accept gifts or gratuities except under circumstances allowed by the "Utah Public Officers' and Employees' Ethics Act" set forth in Utah Code §67-16-1.

**5.05 Conflict of Interest**

- A. Purpose: To ensure that public officials and employees of the Town understand and adhere to conflict-of-interest laws as set forth in the Utah Public Officers and Employees Ethics Act set forth in Utah Code §67-16-1 and in the Municipal Officers and Employees Ethics Act set forth in Utah Code §10-3-1301.
  
- B. Use of Office or Employment for Personal Benefit: It is prohibited for any elected or appointed officials and for any employees of the Town to use their office or position for personal benefit, in accordance with Utah Code §10-3-1304 and Utah Code §67-16-4 and 5. This includes:
  - 1. Receiving a loan at an interest rate substantially lower than the commercial rate as a gift of office.
  - 2. Receiving compensation for private services rendered which substantially exceeds the fair market value.
  - 3. Using position to further an officer or employee's economic interest or to secure special privileges;
  - 4. Knowingly receiving a gift or some economic benefit of substantial value which could improperly influence a

person's position to perform his or her public duties in the Town faithfully and impartially.

5. Disclosing or improperly using private, controlled, or protected Town information to substantially further one's own economic interest or to get special privileges or exemptions.
  6. Accepting employment that one might reasonable expect would require or induce him or her to improperly disclose controlled Town information or accept other employment that a reasonable person might expect would impair his or her independence, judgement, or ethical performance of his or her public duties.
- C. Personal Compensation for Assistance: In accordance with Utah Code §10-3-1305 and Utah Code §67-16-6, it is prohibited for a public official or employee to receive compensation for assisting any person or business in any transaction involving the municipality unless:
1. The officer files a disclosure statement with the Town, giving the name and address of the person in position, the name and address of the person or entity being assisted, and a description of the services rendered.
  2. The officer discloses the same information at any public meeting involving the transaction.
- D. Requiring Donation or Service for Approval: It is prohibited for any public official or employee of the Town, in accordance with Utah Code §67-16-5.3, to demand from any person or business a condition of granting any application, permit, approval, or other authorization, that the person or business give money or services to the Town except those expressly required by policy, statute, or ordinance.
- E. Interest in Business Entity Regulated by Municipality. In accordance with Utah Code §10-3-1306, every public official, employee, or volunteer of the Town who is also an officer, director, agent, employee, or owner of a substantial interest in any business entity which is subject to the regulation of the Town must disclose to the Town the position held and the nature and value of any interest held upon first becoming appointed or employed, and again any time thereafter if the position or interest has changed significantly.

The disclosure shall be made in a disclosure statement filed with the Town, and the disclosure statement is available to members of the Town Council.

- F. Interest in Business Entity: In accordance with Utah Code §10-3-1307, every public official or employee of the Town who is also an officer, director, agent, employee, or owner of a substantial interest in a business entity which does or anticipates doing business with the Town shall publicly disclose to the Town Council the nature of his or her interest in the business prior to any discussion related to said business. In accordance with Utah Code §67-16-8, public officials and employees who participate in official capacity or receive compensation for any transaction between the Town and a business entity in which the official or employee is also an officer, director, or employee or owns a substantial interest in the company must disclose the connection in a disclosure statement to the Town.
- G. Investment Creating Conflict: Pursuant to Utah Code §10-3-1308, and Utah Code §67-16-9, any personal interest or investment by an elected or appointed official, employee, or volunteer of the Town which creates a conflict of interest between private interest and public duties shall be disclosed in a disclosure statement filed with the Town.
- H. Penalties for Violation: Any public official, employee, or volunteer who knowingly and intentionally violate this policy shall be governed in accordance with Utah Code §67-16-12 and Utah Code §10-3-1312.

**5.06 Attendance**

Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify their supervisor prior to the schedule work time. If the employee is ill or has an emergency, they should notify their supervisor as soon as possible on each day of absence.

**5.07 Appearance**

Huntsville Town reserves the right to expect its employees to present a favorable impression during contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.



**5.08 Smoking**

In compliance with the Utah Indoor Clean Air Act smoking is not permitted in the Town facilities. In accordance with Weber-Morgan Health Department regulations smoking is prohibited at any Town Park. The Town also prohibits smoking in Town owned vehicles.

**5.09 Personal Use of Town Property**

- A. Computer Equipment – Personal use of town-owned computer systems is permitted only when all of the following criteria are met.
1. The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
  2. The employee is not compensated for the work performed, unless the employee has received prior written approval by the Mayor or Town Administrator, or designee.
  3. The employee pays for the cost of consumables and other attendant expenses (thumb drives, paper, ink, toner, computer on-line/access charges, etc).
  4. The employee uses the computer system after hours, or on the employee's personal time.
  5. Use does not conflict with the employee's responsibilities or normal Town business.
  6. The use has been approved by the Mayor or Town Administrator, or designee.
  7. All data stored on, and software developed on, Town owned computer equipment is the property of the Town and may be viewed by the Mayor or the Town Administrator, designee, at any time.
  8. No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on Town owned computer equipment.
- B. Copy Machines – Any employee desiring to use Town owned copying machines for items of a personal nature may do so after paying for such use

at the employee rate which is in effect at the time of use.

**5.10 Purchasing**

- A. Generally. Purchasing shall follow the applicable municipal code requirements.
- B. Disbursement. An Employee shall complete a reimbursement request for reimbursements or other purchase and attach receipts or documentation of the purchase.
- C. Federal. When a procurement involves the expenditure of federal funds, the Town shall comply with all applicable federal and state laws and regulations.
- D. Approval. Purchase approval may be established by the municipal code.

**5.11 Timecards and Payroll**

- A. Specific hourly employees of the Town are required to maintain an accurate and legible record of all their hours worked for the Town on timecards.
- B. All employees of the Town shall be paid their salaries or wages once a month;
- C. All time sheets shall be reviewed and signed by the employee's supervisor and turned into the Town Treasurer **no later than the 4<sup>th</sup> day of each month** following the end of the pay period.
- D. Huntsville Town reserves the right to make any and all payroll corrections as deemed necessary and appropriate.
- E. Federal and State laws require Huntsville Town Corporation to keep an accurate record of time worked.
  - 1. Time worked is all time actually spent on the job performing assigned duties.
  - 2. Employees should accurately record the time they begin and end their work. They should also record the beginning and ending time of any split shift or departure from work for meals or personal reasons.
  - 3. Altering falsifying, tampering with the records, or recording time on

another employee's time record may result in disciplinary action, up to and including termination of employment.

4. It is the employee's responsibility to sign their time records and to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing.
5. If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the change.
6. Each paycheck will include earnings for all work performed through the end of the previous payroll period.
7. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation or handled in accordance with the employee's instructions prior to leaving.
8. Paychecks are not distributed prior to pay day.
9. Paychecks will not be released to anyone other than the employee unless written authorization is given in advance by the employee.

### **5.12 Credit Cards**

The mayor, or designee, shall control access to Town credit cards which shall only be used for official business and shall not be used for the personal convenience of an employee.

### **5.13 Outside Activities**

Town Employees shall not use Town owned property in support of outside interests and activities when such use would compromise the integrity of the Town or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic or church organization unrelated to Town business shall pursue outside activities on the employee's own time and away from Town offices.

### **5.14 Political Activity**

Employees of Huntsville Town shall not be coerced to support a political activity, whether funds or time are involved. The employee shall not engage in political activity during work hours, unless on approved leave. Employees shall not use Town owned

equipment, supplied, or resources when engaged in political activity.

Employees shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities. They should also avoid using the employee's title while engaging in political activity. For municipal elections, paid employees are not to endorse any candidate. The administration is, to the greatest extent possible, to provide equal access to all candidates, and, if possible, maintain an appearance of non-bias.

**5.15 Other Employment**

**A. Huntsville Town Employment is primary**

1. Employment with the Town shall be the employee's primary employment, except when approved by the mayor otherwise. Town employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.
2. Employees are required to provide written notification to the Town Administrator before starting any other employment. This notification should include the following information:
  - a. The employer's name, business name, and business address.
  - b. A general overview of the type of business engaged in by the other employer.
  - c. The specific duties engaged in by the employee at their other employment.

**B. Secondary Employment Approval Process**

1. The Town Administrator, or designee, shall review the information provided and determine whether the employee's other employment is approved or denied. The Town Administrator may refer the action to the mayor for decision at any time. Factors to consider include, but are not limited to, the following:
  - a. That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with the Town. For example, that the other employment could reasonably be expected to be too physically or mentally draining on the employee.

- b. That the other employment could invoke a conflict of interest with their employment with the Town.
  - c. That the secondary employment is immoral or unethical.
2. This decision shall be communicated in writing to the employee. The employee shall abide by the decision, may appeal the decision to the mayor, whose decision shall be final or may voluntarily resign their employment with the Town.

**5.16 Code Enforcement**

1. Purpose. The purpose of this policy is to outline employee conduct relating to code enforcement and to protect the safety of Town staff. Code enforcement is defined as efforts by a Town employee to obtain correction of any code violation or alleged code violation in the Town.
2. Staff Conduct. Code enforcement staff is charged with the use of various techniques to assure compliance with state and local laws relating to land use, zoning, building code, health and safety as set forth in the municipal code. Staff conduct should:
  - a. Comply with state and local laws and procedures for enforcement action.
  - b. Communicate only via mailed letter for violations and alleged violations and avoid personal contact without law enforcement present. This does not apply to routine inspections under a building permit, business license, or similar.
  - c. Avoid meeting with any person subject to an enforcement action outside of the Town Hall without law enforcement present. Two staff members should be present when meeting.
  - d. Make observations and documentation from public property and avoid attracting unnecessary attention. Obtain permission before accessing and making observations and documentation on private property, unless law allows for entry.
  - e. Use law enforcement to serve any papers or warrant.

- f. Obtain voluntary compliance from citizens whenever possible.
  - g. Use education and outreach tools in obtaining a permanent solution.
  - h. Be treated by the public with honesty, understanding, and respect, and, in kind, afford the same.
  - i. Take extra precautions in cases where a risk or threat may be perceived or anticipated.
  - j. Consulting with the Town's legal advisor(s) and police in advance of enforcement action where there may be a risk or threat.
  - k. Use different enforcement methods based upon different circumstances, risks, or threats. Coordinate such between departments and staff.
3. Reporting: The Town primarily relies on "passive enforcement" which is complaints reported to the Town by the public to help identify potential violations requiring the attention of code compliance staff. The Town relies on its staff to be observant and report violations relating to any building permit, land use permit, or business licensing as the public may not be aware of such violations.

**Chapter 6 – Disciplinary Action****Section 6.01 General Policy****Section 6.02 Types of Disciplinary Action****Section 6.03 Causes For Disciplinary Action****Section 6.04 Performance Feedback****6.01 General Policy**

All employees are at-will, subject to this policy, in accordance with Utah Code §10-3-1105(2)(e). It is the policy of the Town of Huntsville to expect all employees to abide by certain work rules of general conduct and performance at all times. Managers are expected to monitor and enforce these work rules on a consistent basis. Employees are subject to disciplinary action for any of the offences listed below and for failing to perform their job duties in a satisfactory manner.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace; however, conduct deemed to be unacceptable behavior may result in disciplinary action up to and including termination of employment. Management, in its sole discretion, reserves the right to determine when an employee's behavior is unacceptable and when and what disciplinary action is necessary under a given circumstance. Similarly, employees may be subject to discipline for poor performance and violation of other policies and procedures. The type of disciplinary action that may be imposed may vary depending on the facts and circumstances surrounding each case. Violations of any of the policies and procedures may result in termination of employment.

The type of disciplinary action that may be imposed may range from verbal warning, to written warning, to suspension and/or termination of employment. Nothing in this Handbook creates an obligation to follow any particular disciplinary procedure. Management retains the right and absolute discretion to discipline employees based on the facts of each case. Management may skip certain disciplinary steps or repeat certain disciplinary steps depending on particular facts of each situation. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

**6.02 Types of Disciplinary Action****A. Verbal Warning**

1. Whenever grounds for disciplinary action exist, and the Mayor, Town

Administrator, or designee, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.

2. The Town shall maintain a record of verbal warnings.
3. Whenever possible, sufficient time for improvement should precede additional disciplinary action.

**B. Written Reprimand**

1. The mayor, Town administrator, or designee may reprimand an employee. The employee shall be provided with written notification of the reprimand.
2. A copy of the reprimand, signed by the mayor or Town administrator, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, then the form shall be provided to the employee noting the employee "refused" to sign.

**C. Suspension**

1. Two-day Suspension. The mayor or Town administrator, or designee, may suspend an employee, at any time regardless of cause, without employee having any appeal or recourse for a maximum of two (2) working day, with or without pay, as provided in Utah Code §10-3-1106(2)(a). There is no documentation for such a suspension to be placed in any employee file for any suspension under this paragraph.
2. Suspension. The mayor or Town administrator, or designee, may suspend an employee for a period of time exceeding two (2) working days, with or without pay, for cause.
3. A written notice of suspension will be signed by the Mayor or Town Administrator, or designee, and the employee. If the employee refuses to sign the form the, the form shall be provided to the employee noting the employee "refused" to sign. The letter shall be permanently placed in the employee's personnel file.

**D. Termination**

1. The mayor or Town administrator, or designee, may terminate an employee for cause.



2. When terminating an employee for cause, the Town shall provide the employee with a written termination notification setting forth the reason(s) for termination.
  
3. A copy of the written termination notification will be signed by the mayor or Town administrator, or designee, and the employee. The termination notification shall be permanently placed in the employee's personnel file.

### **6.03 Causes For Disciplinary Action**

Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

1. Violation of the laws of the State of Utah or the United States, other than traffic offenses.
2. Violation of the code of personal conduct.
3. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
4. Failure to follow specified job instructions.
5. Misconduct.
6. Tardiness or failure to report for work without appropriate notice.
7. Negligently using, abusing, or damaging Town property
8. Excessive absenteeism or tardiness.
9. Theft.
10. Incompetence.
11. Negligence.
12. Dishonesty.
13. Insubordination by refusing superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority.
14. Failure to maintain skills that hamper production and performance standards.
15. Inadequate performance of duties.
16. Unauthorized absence or tardiness.
17. Falsification or unauthorized alteration of records.
18. Removal of Town records.
19. Violation of Town policies.
20. Falsification of employment application.
21. Discrimination in hiring, assignment, or promotion.
22. Illegal sexual harassment, or similar.
23. Violation of the Personnel Policies and Procedure.

24. Use of alcohol or drugs, other than medication prescribed by a physician or allowed by law, that affect job performance.
25. Unauthorized alteration or falsification of a time sheet.
26. Unauthorized possession of firearms, weapons, or explosives on Town owned property, with the exception of law enforcement.
27. Disregard for safety rules.
28. Threatening, intimidating, coercing, or interfering with others in the workplace.
29. Illegal discrimination
30. Deliberately restricting work output of themselves or others.
31. Reporting to work under the influence of alcohol or illegal drugs.
32. Fighting (verbal or physical) at work.
33. Any act which might endanger the safety or lives of others.
34. Unauthorized solicitation on Town property
35. Distributing unauthorized printed matter on Town property
36. Fighting or attempting to provoke a fight on Town property
37. Possession and/or use of alcoholic beverages or controlled substances while on duty
38. Possession and/or use of alcoholic beverages or controlled substances while operating Town equipment
39. Reporting for work while under the influence of alcoholic beverages or controlled substances
40. Assault on a supervisor or any other Town employee
41. Threatening or intimidating other Town employees or supervisors verbally, texting or in written form
42. Repeated violation of rules and procedures
43. Excessive complaining or poor attitude
44. 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 capacity

#### **6.04 Performance Feedback**

It is important for employees to know what is expected of them in their job and to know how their actual performance compares with these expectations. Employees will receive on-the-job feedback from their manager concerning their job performance. This feedback may be verbal or in writing. The Town encourages open and effective communication between employees and their managers concerning job performance.

Annual performance evaluations may be conducted with all employees.

**CHAPTER 7 - EMPLOYEE DEVELOPMENT**

**7.01 Performance Evaluation**

**7.02 Travel Expenses Reimbursed**

**7.01 Performance Evaluation**

Annual performance evaluations may be conducted of all employees.

**7.02 Travel Expenses Reimbursed**

Huntsville Town Corporation recognizes the need for its employees to travel outside of the Town limits at various times to receive training, information, briefing etc. for efficiency and effectiveness as Town employees. Town employees shall abide by the General Service Administration's (GSA) per diem rates set for the region in which they are traveling. Rates are set by the GSA every fiscal year and can be found at [www.gsa.gov](http://www.gsa.gov).

**Approval.** All travel outside of the Town limits during Town work time shall be authorized by the employee's immediate supervisor. All multi-day training shall be pre-approved by the Mayor. Employees are responsible for completing a pre-travel approval request prior to training. Travel for legitimate Town purposes in Town vehicles may be authorized by a supervisor when the use of the vehicle does not detract from the operational needs of the Town. Overnight use of Town vehicles for travel purposes may be authorized by the Mayor. When requesting travel approval, employees shall take into consideration cost effective modes of travel when determining how to travel to and from training.

**Personal vehicle use.** Use of an employee's personal vehicle may be authorized when circumstances warrant. The employee shall calculate the mileage associated with the approved travel and submit a request for reimbursement based upon this calculation and charged to the respective training line item. The Mayor and the Department Supervisor will countersign this request, thus authorizing the reimbursement. The mileage rate reimbursed will be based on the IRS mileage rate.

**In-State/Out-of-State Training.** Huntsville Town strongly encourages its employees to attend training provided within the state. Occasionally, out-of-state travel may be approved when similar training is not offered within the state or when out-of-state travel is cost beneficial for the city. As budget allows, employees may be granted one out-of-state travel in a year. Out-of-State training

required by grants or other reimbursable training (i.e. EMI training) will not count against an employee's one-out-of state travel.

**Dual representation.** Mayor's approval is required prior to any appointment for representation on any organization representing the Town especially those that may require travel and time away from work. Actual costs of attending such training/conference must be expensed through the Town with reimbursements made to the Town.

**Travel Accommodation Reimbursement.** All hotels or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid through Town credit card or personal reimbursement. An employee may be approved for lodging when attending a two or more day training or conference outside a 50 mile radius of Huntsville Town. The Mayor may reduce mileage and per diem reimbursement for Town travel and training when the Town's financial condition makes it necessary and where such adjustment to the normal policy will maximize scarce training dollars.

All registration fees etc. will be approved in advance. If payment in advance is not possible, the Town shall reimburse to the employee the cash amount of the cost of such lodging and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances may necessitate the withholding of reimbursement.

**Recreational Activities.** With pre-approval of the Mayor and Supervisor, employees may be allowed to receive reimbursement from the Town for recreational activities, if such activity is part of the conference, does not directly conflict with attending the conference, or if by attending would not receive a discount by not participating, or if such activity comes with an additional charge, but provides an advantage for the Town.

**Training Report.** As training is an opportunity to increase one's skills and abilities, upon returning from all trainings, employees shall verbally report on their training to their supervisor and/or co-workers as deemed appropriate by the supervisor.

**CHAPTER 8 - PART-TIME EMPLOYEE BENEFITS**

**8.01 Unemployment Compensation Benefits**

**8.02 Workers Compensation**

**8.03 Social Security/FICA**

**8.01 Unemployment Compensation Benefits**

All employees whether regardless of status and hours are covered by the benefits of State and Federal Unemployment.

**8.02 Workers Compensation**

- A. Generally - All employees are covered by workers' compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers' compensation payments. For exact compensation coverage, check the workers' compensation contract on file with the City Administrator, or designee.
- B. Medical Attention – An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report, and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).
- C. Reporting of Illness and Injury – Reporting an accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the mayor or designee immediately. An official account of the accident and workers' compensation forms must be completed within seven (7) days of the date of injury or occupational disease which results in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. First aid cases need not be submitted to the Industrial Commission unless a physician is required to report.
- D. Return to Service – All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to

work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.

**8.03 Social Security/FICA**

All employees, regardless of hours and status are covered by the benefits of social security/FICA as provided for by law. Contributions of the employee and the Town will be made in accordance with the provision of the law.

**CHAPTER 9 - COMPENSATION AND WORK HOURS**

- 9.01 Work Hours**
- 9.02 Rest and Meal Breaks**
- 9.03 Payroll Administration**
- 9.04 Part-time Compensation Scale**
- 9.05 Temporary and Seasonal Compensation Scale**
- 9.06 Fair Labor Standards Act**
- 9.07 Compensatory Time – Overtime Policy**

**9.01 Work Hours**

Work schedules for employees vary throughout Huntsville Town. The mayor or administrative designee will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be schedules each day and week. Work schedules will be followed in accordance with service delivery needs.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the mayor or administrative appointee. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult with the mayor or appointee to request participation in flextime.

Regular and prompt attendance at work is required of all employees. Employees are expected to arrive at work so that they can begin working at the start of their shift.

When an employee has not scheduled time-off with his/her supervisor and does not report at the regularly scheduled time, the employee shall be considered absent.

**9.02 Rest and Meal Periods**

Huntsville Town follows the current state and federal laws for rest and meal breaks. Supervisors will advise employees of the regular rest period length and schedule.

Except for Public Safety employees or as otherwise required by law, rest breaks of short duration, usually 15 minutes, are considered hours worked and should be compensated. Meal breaks, typically 30-60 minutes, generally need not be compensated provided the employee is completely relieved from duty for the purpose of eating. The rest break is paid work time, while the meal period is unpaid time provided during the 30 minutes or more.

Each workday, full-time nonexempt employees are provided with two rest periods, part-time employees are provided with one rest period. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period times.

### **9.03 Payroll Administration**

All employees of the Town shall be paid their salaries or wages once a month.

All time sheets shall be turned into the Town Treasurer no later than 4<sup>th</sup> working day following the end of the pay period.

In the event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor, the payroll office, or the Mayor so that corrections can be made as quickly as possible.

Huntsville Town Corporation reserves the right to make any and all payroll corrections as deemed necessary and appropriate.

Federal and State laws require Huntsville Town Corporation to keep an accurate record of time worked.

- Time worked is all time actually spent on the job performing assigned duties.
- Employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.
- Altering, falsifying, tampering with the records, or recording time on another employee's time record may result in disciplinary action, up to and



including termination of employment.

- It is the employee's responsibility to sign their time records and to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing.
- If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the change.

Each paycheck will include earnings for all work performed through the end of the previous payroll period.

- In the event that a regularly scheduled payday falls on an employee's day off or a holiday, employees will be paid in accordance with state and federal guidelines.
- If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation or handled in accordance with the employee's instructions prior to leaving. Generally speaking paychecks are not distributed prior to pay day.

Department Heads and/or supervisors will not release paychecks or pay statements to anyone other than the employee unless written authorization is given in advance by the employee.

Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the payroll office.

#### **9.04 Part-time Compensation Scale**

In conjunction with the annual budget, the Mayor and Town Council shall consider salary increases for all part-time employees.

#### **9.05 Temporary and Seasonal Compensation Scale**

Annually, the Mayor and Town Council shall consider a wage increase for all temporary and seasonal employees.

**9.06 Fair Labor Standards Act**

All employees shall comply with the provisions of the Fair Labor Standards Act (FLSA) as amended and the Department of Labor regulations issued there under pertaining to compensation for overtime work.

**Exemptions.** In accordance with the provisions of the Fair Labor Standards Act, certain positions are "exempt" from the payment of additional money for overtime worked.

**Work period.** For the purpose of complying with the requirements of the FLSA, the workweek shall consist of seven days beginning 12:00 a.m. Saturday and ending at 11:59 p.m. Friday.

**Joint employment.** A Town employee shall not serve as a volunteer for the same job in which he/she is employed by the Town.

**9.07 Compensatory Time – Overtime Policy**

For employees classified as nonexempt all overtime must be approved in advance by the mayor or department head. Approved overtime will be compensated in accordance with section 7 of the FLSA, which allows compensation of overtime in one of two (2) methods:

- A. **Compensatory Time:** Hours worked for which overtime compensation is required by law, will be compensated at a rate not less than one and one-half (1 ½) times the regular rate at which the employee is actually paid.
- B. **Compensatory Time Off:** Employees of Huntsville Town may receive, in lieu of cash compensation, compensatory time off at a rate not less than one and one-half (1 ½) hours for each hour of employment for which overtime is required by the FLSA. Compensatory time off should be limited to 30 hours and shall represent not more than 20 hours of overtime actually worked. An employee who has accrued compensatory time off authorized upon termination of employment, shall be paid for the unused compensatory time at a rate not less than:
  - 1. The average regular rate received by such employee during the last three (3) years of employment; or
  - 2. The final rate received by such employee, whichever is higher.

**CHAPTER 10 - SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE**

**10.01 Policy Statement**

**10.02 Definitions**

**10.03 Testing Policy**

**10.04 Confidentiality**

**10.05 Workplace Rules**

**10.06 Drug and Alcohol Policy Not a Contract**

**10.01 Policy Statement**

The Town 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 the Town are important. The abuse of drugs and alcohol creates a variety of work place problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased work place theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

The purpose of this section is to implement the Federal Drug Free Workplace Act of 1988 and to provide a safe and productive environment that is free from the effects of unlawful drug use, distribution, dispensing, manufacture, and possession of controlled substances. The purpose of this section is also to identify, correct and remove the effects of drug abuse on job performance, to assure the protection and safety of employees, and the public, and to maintain public confidence in Huntsville Town and its employees.

- A. Employees of Huntsville Town are prohibited from unlawfully manufacturing, dispensing, possessing, using or distributing any controlled substance during working hours or on Huntsville Town property at any time.
  
- B. Huntsville Town employees are prohibited from engaging in any of the unlawful activities described in paragraph 1, which occur outside of work hours if such use, possession or other unlawful action adversely affects work performance or directly affects the public safety or credibility of Huntsville Town.
  
- C. For purposes of this section, alcohol, prescription, and other drugs are prohibited to the same extent as controlled substances as specified in paragraphs 1 and 2 above if their use can reasonably be considered to impair an employee's effective discharge of duties.

- D. An employee shall not report to work or duty while under the influence of any drug if said drug influence is of a degree which can reasonably be considered to impair the employee's effective discharge of duties or which directly affects the public safety or credibility of Huntsville Town.
  
- E. Any employee or supervisor who has reasonable grounds to believe that an employee is under the influence of any drug to a degree which can reasonably be considered to impair the employee's effective discharge of duties or which directly affects the public safety or credibility of Huntsville Town or that an employee is distributing, dispensing, manufacturing or possessing controlled substances or other drugs in violation of this rule shall take appropriate immediate action as follows:
  - a. An employee who has reasonable grounds to believe that a co-worker is under the influence of drugs or is dispensing, manufacturing, possessing or distributing controlled substances in the workplace shall notify the mayor and shall provide the information which justifies the employee's belief.
  
  - b. Supervisors who have reason to believe that an employee is in violation of this section shall immediately notify the mayor. A department head shall take immediate corrective action which is specified in the Huntsville Town Employees Policy and Procedures Manual.
  
  - c. When a Town Employee is involved in an accident while driving a Town Vehicle or operating Town equipment, a test may be requested and performed as soon as possible to determine whether the employee was under the influence of drugs at the time of the accident.
  
  - d. Upon receipt of information or complaint regarding drug use by an employee of Huntsville in violation of this section, the mayor will make a determination of the nature and extent of the violation of this section and shall initiate appropriate disciplinary or corrective action as follows:
    - i. An employee in a rehabilitation program must use personal time for in-patient treatment and shall complete that treatment within 45 days after being directed by the department head to enter the treatment program.

- ii. Each employee entering a treatment program shall sign a release which will allow communication between Huntsville Town and the treatment provider. All such communication shall be maintained by the Town as a confidential matter.
  - iii. Upon successful completion of an in-patient treatment program, the employee shall be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. An employee will be required to continue any prescribed out-patient treatment on his or her own time.
  - iv. Any employee who refuses to enroll or fails to complete a program of drug treatment and rehabilitation required by this section for any reason shall be terminated.
  - v. An employee who returns to work following a treatment program but who cannot perform at an acceptable level will be subject to termination.
- e. Any employee undergoing prescribed medical treatment which can reasonably be considered to impair the employee's effective discharge of duties or which directly affects the public safety or credibility of Huntsville Town shall report that fact to his or her supervisor. The employee shall also furnish to his or her supervisor a written statement from the employee's physician as to the nature and extent of the treatment and the names and dosages of the medication(s) being used by the employee under the physician's direction. In order to maintain the health and safety of the employee and of the employee's co-workers and of the public, the supervisor may, during the term of such treatment, change an employee's job assignment.
- f. Appropriate disciplinary action as specified in the Huntsville Town Employees Policy and Procedures Manual will be taken against any employee who manufactures, dispenses, possesses, or distributes drugs in the workplace or outside of working hours if such violation adversely affects work performance or directly affects the public safety or credibility of Huntsville Town. Nothing in this section which requires an employee to submit to a drug treatment or rehabilitation program shall prohibit the Town or any employee's supervisor from taking appropriate disciplinary action against an employee. Upon review of the facts surrounding any violation of this section, suspension or

termination of employment may result from such violation. An employee or supervisor who does not follow the rules set forth in this section in correcting drug use or abuse shall also be subject to disciplinary action.

## 10.02 Definitions

For the purposes of this policy:

**“Alcohol”** means alcoholic beverages and any other intoxicating substances.

**“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.

**“Drug Paraphernalia”** means objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, conceal, and/or to inject, ingest, inhale, or otherwise introduce a drug into the human body.

**“Employee”** means any person in the service of the Town whether for compensation or as a volunteer.

**“Prospective employee”** means any person who has made application for employment with the Town and to whom the Town has offered employment, conditioned upon the results of a drug and alcohol test. -

**“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.

**“Criminal Drug Statute”** means a Federal or State criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

**“MRO”** means Medical Review Officer, charged with reviewing and interpreting test results and determining any alternate medical explanations.

**“Drug Policy Coordinator”** is the Town 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 Human Resource Coordinator.

**"CDL-Commercial Driver's License"** is the license required to operate a commercial vehicle.

**"Sample"** means urine, blood, breath, saliva, or hair.

### **10.03 Testing Policy**

Drug and alcohol tests may be conducted as a routine part of the pre-employment physical examination for applicants. Applicants must satisfactorily pass the drug screen prior to reporting to work, as a condition of employment. Offers of employment may be made contingent on satisfactorily meeting these requirements. If the drug screening procedures indicate the presence of illegal drugs or controlled substances, the applicant will not be considered further for employment. An applicant who fails a pre-employment drug test may not re-apply for employment for a period of one hundred and twenty days.

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.

Huntsville Town reserves the right, consistent with applicable law, to conduct tests based on reasonable suspicion or following the occurrence of any accident or damage to property. Random testing may also be conducted at any time. An employee may be suspended pending the outcome of any required drug test.

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.

Individuals will be 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 his/her 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.

The Town shall pay all costs of testing and transportation associated with a test required by the Town.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor without fear of reprisal.

**10.04 Confidentiality**

The information received from the drug testing results shall be the property of the Town. Test results information may be released to the person who has been tested upon written request.

**10.05 Workplace Rules**

Employees, who possess, dispense, manufacture, or distribute alcohol, drugs or drug paraphernalia on Town premises, or on Town 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.

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

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

**10.06 Drug and Alcohol Testing Policy Not a Contract**

This Drug and Alcohol Testing Policy is the unilateral action of the Town 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 of time. The Town may alter, terminate or make exceptions to this policy at any time, at the Town's sole discretion. This policy does not limit or alter the Town's right to terminate any employee at any time for any reason.



**CHAPTER 11 - SEXUAL HARASSMENT POLICY AND PROCEDURE**

**16.01 Prohibition Against Sexual Harassment**

**16.02 Statement of Penalties for Misconduct**

**11.03 Reporting Violations of Sexual Harassment**

**11.01 Prohibition Against Sexual Harassment**

All employees of the Town have the legal right (Title VII of the Civil Rights Act of 1964) to work in an environment free from sexual harassment. In addition, all individuals making application for employment with the Town have the right to expect an environment free from sexual harassment.

Sexual harassment is an unlawful activity which violates Town 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:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- B. An employment decision is based on an individual's acceptance or rejection of such conduct.
- C. 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 inappropriate sexual conduct.

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

The Town'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.

**11.02 Statement of Penalties for Misconduct**

An employee's commission of acts of sexual harassment, inappropriate sexual conduct, and/or retaliation will result in disciplinary action up to and including termination.

**11.03 Reporting Violations of Sexual Harassment**

Employees are required to report all incidents of what they believe to be inappropriate sexual conduct or violations of the Town'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:

- A. Employees must file a sexual harassment complaint either verbally or in writing with the Mayor, or the Town Attorney. The Mayor will then investigate the allegation with the help of the appropriate supervisory personnel and make a written report of his findings to Town Council, together with any corrective actions proposed or undertaken.
- B. 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. The Town will make every reasonable effort to keep the identity of the reporting person confidential, but confidentiality cannot be guaranteed.
- C. Any employee of the Town who is accused of sexual harassment or inappropriate sexual conduct shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint of sexual harassment or inappropriate sexual conduct or against employees that have provided information concerning the complaint.
- D. All employees shall cooperate fully in any investigation of sexual harassment, inappropriate sexual conduct, or retaliation. Disciplinary

action will be taken against any employee that obstructs or does not fully cooperate with any such investigation.

**CHAPTER 12 - DISCRIMINATION/HARASSMENT POLICY AND PROCEDURE**

**12.01 Discrimination, Harassment and Bullying Defined**

**12.02 General Policy**

**12.03 Corrective Action**

**12.04 Disciplinary Action**

**12.05 Maintaining Complaint Files**

**12.06 Victim Protection**

**12.01 Prohibition Against Discrimination/Harassment**

The Town prohibits discrimination, which can include disparate treatment directed toward an individual or group of individuals based on race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability age (40 and over), marital status, sexual orientation, gender identity, status as a U.S. Veteran, or other protected class, that adversely affects their employment. For religion or disability, the law allows employees to request reasonable accommodations to perform their essential job duties.

The Town also prohibits harassment, which can be a form of discrimination if it is unwelcome and is sufficiently severe or pervasive so as to substantially interfere with a person's work. Harassment may include, but is not limited to, threats, physical contact or violence, pranks, jokes, epithets, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals because of their race, ethnicity, gender, pregnancy, color, religion, national origin, physical or mental disability, age, marital status, sexual orientation, gender identity, or U.S. veteran status. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe, pervasive or persistent so as to unreasonably interfere with or limit the ability of an individual to perform their job.

Workplace bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. The Town seeks to create a workspace that is free from bullying and hurtful gossip. Workplace bullying is covered under this policy and includes conduct such as Threatening, humiliating, or intimidating an employee; work interference or sabotage which prevents an employee from getting work done; or hurtful gossip or verbal abuse.

**12.02 General Policy**

It is the policy of the Town that:

- C. This policy applies to all elected and appointed officials, employees, and volunteers while on duty in the workplace. The workplace is defined as being on duty during working hours regardless of location, and all meetings or events where the elected or appointed official, employee, or volunteer is in attendance in their official or employment capacity.
- D. Unlawful discrimination/harassment of employees of any type, on or off duty, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
- E. Retaliation is prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
- F. False claims regarding harassment shall result in disciplinary action, up to and including termination, against the accuser.
- G. Employees accused of harassment and are facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.
- H. Records and proceedings of harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.

**12.03 Corrective Action**

Employees who are experiencing workplace bullying or an unwelcome or hostile work environment may, if they so desire, choose to address the unwelcomed behavior/conduct informally by notifying the individual responsible for the behavior that is objectionable. They may tell the perpetrator that the conduct/behavior is unwelcome, and that future, similar behavior will result in a formal complaint. This notification may be verbally, in writing (signed or unsigned) or through a supervisor, verbally or in writing.

Employees who are experiencing workplace bullying or an unwelcome or hostile work environment that is CLEARLY offensive should address the unwelcome behavior through a formal written complaint. The complaint should specify the identity of the victim and offending employee. The complaint should describe the behavior that the

employee engaged in along with the frequency, times, places and any witnesses of the offensive behavior. The complaint should describe any effects or damage the victim has suffered and how the victim would like the matter settled or resolved. The complaint should be submitted to the mayor or their immediate supervisor.

**12.04 Disciplinary Action**

Employees found guilty of discriminatory behavior, harassment, or workplace bullying as defined by this policy may face disciplinary action up to, and including, termination based on all the circumstances of the case, as well as the offending employee's work history.

**12.05 Maintaining Complaint Files**

- A. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential sexual harassment complaint file. This information shall not be placed or maintained in an employee's personnel file.
- B. Information contained in the sexual harassment complaint files shall be released only with the written authorization of the victim and the mayor, or designee.
- C. Participants in any sexual/gender harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

**12.06 Victim Protection**

- A. Individual complaints, either verbal or written, are confidential.
- B. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.
- C. The accused shall not contact the victim regarding the alleged harassment.
- D. Retaliation is prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing. Retaliation is an additional and separate disciplinary offense. Retaliation may consist of, but is not limited to open hostility, exclusion or ostracism, special or more closely monitored attention to work performance.

**CHAPTER 13 - WORKPLACE VIOLENCE**

**13.01 Workplace Violence and Policy Statement**

**13.02 Workplace Violence Definitions**

**13.01 Workplace Violence and Policy Statement**

The Town is committed to providing, in so far as it reasonably can within available resources, a safe environment for working and conducting business. The Town prohibits acts of violence committed by Town employees, or against Town employees by members of the public while on Town property or while the Town employee is performing Town 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.

**13.02 Workplace Violence Definitions**

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

- A. is physically assaultive;
- B. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- C. would be interpreted by a reasonable person as having potential for physical harm to the individual;
- D. a reasonable person would perceive as menacing;
- E. involves carrying or displaying weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or
- F. consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on Town property, in Town facilities or while on Town business will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on Town property or while using Town 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.

**CHAPTER 14 - RISK MANAGEMENT AND SAFETY**

- 14.01 Employee Liability**
- 14.02 Workplace Accidents**
- 14.03 Whistleblower Policy**
- 14.04 Retaliation**
- 14.05 Reporting Procedure**
- 14.06 Compliance Officer**
- 14.07 Acting in Good Faith**
- 14.08 Confidentiality**
- 14.09 Handling of Reported Violations**
- 14.10 Reporting of Fraud**

**14.01 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 supervisor who will notify Utah Risk Management Mutual Association (URMMA).

**14.02 Workplace Accidents**

If an employee should sustain an accident while working for the Town, the following procedure is to be implemented:

- A. For extreme emergencies 911 will be called.
- B. Employee should immediately contact their supervisor upon accident.
- C. Supervisor should accompany employee to facility if injury warrants medical attention by a physician.
- D. Receipts and documentation need to be turned into the Town in compliance with Workman's Compensation regulations (see Chapter 9-2).
- E. As soon as possible notify Town Council Member who is over the department you work in.

**14.03 Whistleblower Policy**

A whistleblower policy is designed to encourage and enable employees and others to raise serious concerns internally so that Huntsville can address and correct inappropriate conduct and actions. It is the responsibility of all board members, officers, employees and volunteers to report concerns about violations of Huntsville's Employee Conduct Policy or suspected violations of law or regulations that govern Huntsville's operations.



**14.04 Retaliation**

It is contrary to the values of Huntsville for anyone to retaliate against any board member, officer, employee or volunteer who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operation of Huntsville. Retaliation is defined as an employer punishing an employee for engaging in legally protected activity. Retaliation can be demonstrated as harassment or bullying, any negative job action, such as demotion, discipline, firing, salary reduction, or job or shift reassignment. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

**14.05 Reporting Procedure**

Huntsville has an open-door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If employees are not comfortable speaking with their supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the mayor. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing to Huntsville's Compliance Officer, who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to the mayor.

**14.06 Compliance Officer**

The Huntsville Compliance Officer is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. Unless otherwise designated by resolution, the mayor is the Compliance Officer for Huntsville Town.

**14.07 Acting in Good Faith**

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

**14.08 Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the

complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

**14.09 Handling of Reported Violations**

Huntsville's Compliance Officer will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

**Chapter 15 – Record Keeping**

- 15.01 General Policy**
- 15.02 Confidentiality**
- 15.03 GRAMA Requests Policy**
- 15.04 Personnel Files Requirements**
- 15.05 Retention Schedule**
- 15.06 FLSA Requirements**
- 15.07 Other Requirements**

**15.01 General Policy**

Federal law requires employers to keep detailed data about their employees.

**15.02 Confidentiality**

Employee records are maintained in compliance with the law.

- A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
- B. Town policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
- C. Employees have the opportunity to review their own files in the presence of the mayor, or designee, at the Town Office during regular business hours.

**15.03 GRAMA Requests Policy**

- A. Purpose
  - 1. To ensure that GRAMA requests are managed in a consistent and timely manner according to the law.
- B. Definitions
  - 1. "GRAMA" is an acronym for the Utah Government Records Access Management Act.
  - 2. "Record" means a book, letter, document, paper, plan, map photograph, recording, film, card, tape, email, text, other electronic data, etc., belonging

to Huntsville Town and does not include personal notes, temporary drafts, daily calendars, privately owned documents, software or computer programs, junk mail and other commercial publications, or similar.

3. "Public Record" means a record that is not private, controlled, or protected, and is not restricted or exempt from disclosure under GRAMA.
4. "Limited Record" means a record controlled by statutes other than GRAMA laws,
5. "Controlled Record" means a record containing medical, psychiatric, or psychological information under HIPPA and is only released with an individual's permission, court order, or legislative subpoena.
6. "Protected Record" means a government or business record that safeguard against threats to public safety, government security, commercial interests, or the general function of the government, etc. is available to the person who submitted the record or has power of attorney or a notarized release to receive the record, can also be received by court orders and legislative subpoenas.

C. Records Requests

1. A person requesting a record shall make a written request directed to the records officer by email or by filling out a request form provided by the Town.

D. Records Officer Responsibilities

1. A designated Records Officer is responsible for handling records requests according to state law.
2. The Records Officer shall determine the classification of the records which are being requested: public controlled, protected, private, or limited, and shall make a determination of the response to the request in accordance with state law.
3. The records officer shall respond to the request in a reasonable amount of time, in accordance with state law. The response may be one of the following:

- a) The records officer may grant the request and provide a copy of the requested record.
- b) The records officers may grant the request in part.
- c) The records officer may deny the request.

**E. Fees**

- 1. The Town may charge a fee as prescribed by ordinance or resolution for the cost of the copies and the time taken to fulfill the request by the records officer.

**F. Appeals for Denial and/or Accuracy of Records**

- 1. If a requester is dissatisfied with the Record Officer's decision, the requester may appeal the decision in writing as provided by ordinance according to time limits and provisions of the state law. If the requester is still dissatisfied with the decision, the requester may then appeal the decision to the State Records Committee according to District Court as provided by law.
- 2. An individual may contest the accuracy or completeness of a document pertaining to that individual. The request must be made to the Records Officer in writing and include the individual's name, mailing address, and phone number. If the request is denied by the City, the requester may appeal as provided by ordinance first, then as provided by state law.

**15.04 Personnel Files Requirements**

**A. General**

- 1. Personnel files are maintained on each employee and kept by the Mayor, or designee. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
- 2. No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the Mayor, or designee.

3. Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at the Town Office. When a Supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the Mayor, or designee.

B. Contents

1. An employment record; including the employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9). Employee's Withholding Allowance Certificate (Form W-4) and related documents.
  2. A signed copy of the employee's acknowledgement of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee currently occupies.
  3. Election form to disclose or keep confidential, the employee's home address and home telephone number.
  4. All personnel action forms, including;
    - a. Performance Evaluations
    - b. Promotions or transfers
    - c. Salary rate changes
    - d. Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form; the mayor, or designee, will so state.
  5. Any information the employee wants included in response to any of the above actions.
  6. Records of citations for excellence or awards for good performance.
  7. Record of any other pertinent information having a bearing on the employee's status.
- C. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by written request. And given to the Mayor, or designee, to file in

their personnel file.

- D. Giving Reference. The Town limits information given in a reference to the following.
  - 1. Verification that the employee worked, full-time or part-time, for the Town during a stated period.
  - 2. A description of the position held.
  - 3. Verification that the employee achieved a given salary range.

**15.05 Retention Schedule**

Records related to the items listed below should be kept for a period of at least one (1) year, unless otherwise provided herein. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.

- A. Job applications.
- B. Test papers completed by job applicants or candidates for any position.
- C. Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years.
- D. Any advertisements or notices relating to job opening, promotions, training programs, or opportunities for overtime work.
- E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.

**15.06 FLSA Requirements**

The Federal Labor Standards Act (FLSA) requires the Town to keep all of the following data on all employees for a period of at least three (3) years.

- A. Employee's gender
- B. Time and day work week begins
- C. Hours worked each day and total hours worked each week

- D. Total daily or weekly straight-time earnings
- E. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions
- F. Date of payment and pay period covered
- G. Total overtime above regular compensation for work week
- H. Other data as may be provided by statute

**15.07 Other Requirements**

There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

- A. Occupational Safety and Health Act (OSHA) record of injuries.
- B. Employee Retirement Income Security Act (ERISA) record of pensions
- C. The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later
- D. Other federal or state laws that may apply



**Chapter 16 – Employee Leave**

**16.01 Absent Without Leave**

**16.02 Annual PTO**

**16.03 Holiday Leave**

**16.04 Leave without Pay**

**16.01 Absent Without Leave**

- A. Unauthorized Absence: Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the mayor, or designee.
  
- B. Absence Resignation: Any employee who is absent for three (3) or more consecutive workdays without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the mayor, or designee, by subsequent grant of leave with or without pay as the circumstances dictate.

**16.02 Annual Paid Time Off (PTO)**

No part-time, temporary or seasonal employees shall accrue PTO.

**16.03 Holiday Leave**

- A. No part-time, temporary or seasonal employee is eligible for holiday pay. However, the holidays will be observed by the closure of Town Hall Offices and Maintenance Department. The following is the schedule for office closures:

- New Year's Day – January 1<sup>st</sup>
- Martin Luther King/Human Rights Day - 3<sup>rd</sup> Monday in January
- President's Birthday - 3<sup>rd</sup> Monday in February
- Memorial Day - Last Monday in May
- Juneteenth - June 19<sup>th</sup>
- Pioneer Day – July 24<sup>th</sup>
- Labor Day – 1<sup>st</sup> Monday in September
- Patriot Day – September 11<sup>th</sup>
- Columbus Day/Indigenous People Day - 2<sup>nd</sup> Monday in October
- Veteran's Day – November 11<sup>th</sup>
- Thanksgiving Day – 4<sup>th</sup> Thursday and following Friday in November
- Christmas Day – the period between Christmas Eve and New Year Day as determined by the mayor

\*Any day designated by the Governor as a State Holiday or Mayor as a Town Holiday will be observed

\*Independence Day on the 4<sup>th</sup> of July each year, is a Town Event and not an eligible for holiday leave

- B. Observation: If any of the above holidays fall on Saturday, then the preceding Friday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.

**16.04 Leave Without Pay**

- A. Generally: The mayor, or designee, may grant an employee leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.
- B. Written Request: Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the mayor, or designee, may decide if the leave without pay is warranted.

**Chapter 17 – General Safety****17.01 General Policy****17.01 General Policy**

The following general safety rules will apply in all workplaces. Each Town Department may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

- A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
- B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
- C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
- D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the Town Administrator, or designee.
- E. Defective equipment will be taken out of service and reported immediately to the Town Administrator, or designee.
- F. Employees will not operate equipment or use tools for which licensing and training has not been received.
- G. In all work situation, safeguards required by State and Federal Safety Orders will be provided.
- H. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:
  - a. Road repair sites
  - b. Construction areas
  - c. Vehicle maintenance areas

- d. Irrigation facilities and reservoirs
- e. Storm water controls and head gates
- f. Other protected or restricted access locations
- I. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. Employees must renew their commercial driver's license as provided by state law.
- J. Operators and passengers in a Town vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
- K. Employees shall keep the Town vehicles used by them clean, presentable, and serviceable.

**Chapter 18 – Utah OSHA Requirements**

**18.01 General Policy**

**18.02 Posting UOSHA Notices**

**18.03 Inspection Procedures**

**18.04 Accident Reporting Procedures**

**18.05 Confined Space Entry**

**18.01 General Policy**

It is the policy of the Town to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee through open communication with all employees.

**18.02 Posting UOSHA Notices**

The Town is subject to the Utah Occupational Safety and Health Act (UOSHA) administer by the Utah Labor Commission. The Town will post all required UOSHA notices in conspicuous locations where similar notices are usually posted. Employees may obtain additional information from the Department Head when they have questions about any of the standards which are provided under UOSHA.

**18.03 Inspection Procedures**

All employees should follow the procedures listed below in the event an inspector from UOSHA presents themselves on the job site.

- A. If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
- B. The employee will inform the inspector that they employee will contact the Department Head, or designee, who will accompany the inspector during any inspection.
- C. The Department Head should inform all employees of their required contact, including all alternates, in the event an UOSHA inspector show u on the job site.
- D. If the UOSHA inspector does not reveal the appropriate credentials at the outset of the inspection, any City official or employee should ask the inspector to reveal their credentials and should examine them before allowing an inspection of the job site.

- E. No Department Head, or designee, should refuse an inspection of the job site where the inspector does not have a warrant to inspect.
- F. If the credentials are appropriate, and before beginning the inspection, the Department Head, or designee, should ask the inspector the reason the inspection is being conducted. If it is routine, no further request is required. If the section was due to an employee complaint, the Department Head, or designee, should request a copy of the complaint. This request aids the Town to correct any safety problems. Under no circumstances shall the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law.
- G. The Department Head, or designee, should accompany the inspector during the entire inspection of the job site.
- H. The Department Head, or designee, should take notes through the entire inspection. The Department Head, or designee, should note every comment and observation made by those participating in the inspection. If photos, videotapes or samples are taken, the Town should take duplicate photos, videos or samples. The Department Head, or designee, accompanying the inspector should not volunteer any unsolicited information.

**18.04 Accident Reporting Procedures**

- A. Employees injured in connection with employment, regardless of the severity of the injury, must immediately notify their Department Head, or their supervisor, who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by the Department Head, Town Administrator, or designee, shall be subject to disciplinary action, up to and including termination.
- B. The Department Head or designee will investigate the job-related injury to determine the cause of the injury.
- C. The Town shall contact UOSHA within eight (8) hours of the occurrence of any job-related death, disabling, serious, or significant injury, and/or any occupational disease.
- D. The Town shall file the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease

resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.

- E. The Town shall keep a copy of the UOSHA report on file.
- F. The Town shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work-related injury or occupational disease.
- G. If an employee later dies as a result of work-related injury, the Town shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.

### **18.05 Confined Space Entry**

The Town shall have a written confined space entry policy, if required in accordance with Volume 29 Code of Federal Regulation 1910. 146. When require, the written confined space entry policy shall include at least the following:

- A. Annual training on confined space issues
- B. A review of potential confined spaces
- C. A permitting system for entering permit-required confined spaces
- D. A rescue plan for managing confined space incidents
- E. Protocols for managing contractors doing work in confined spaces
- F. A list of the appropriate personal protective equipment and hardware (hoists, winches, gas monitors, respirators, and ventilation gear) required for safe entry and exit

Chapter 19 – Purchasing

19.01 Purchasing Policy

19.02 Records Retention

19.03 Large Construction Projects

19.04 State Resources

19.05 Fraud Hotline

19.01 Purchasing Policy

Utah State Code requires that all purchases by a municipality be made according to the purchasing procedures established by each Town by resolution and only on an order or approval of the person duly authorized by the council to do the purchasing. A purchasing policy should establish a competitive procurement process which safeguards against bias or conflicts of interest. The policy should also consider the cost of soliciting or advertising bids with the benefits of competition among vendors.

- A. **Authority to Purchase:** The governing body shall approve all expenditures of Huntsville Town. No individual may make purchases on behalf of the Town unless they have been duly authorized by the Town Council. Huntsville Town Council has established \$2,000 as the threshold amount for capitalization. No purchase greater than \$2,000 may be made without first obtaining prior approval from the Huntsville Town Council.
- B. **Town Treasurer:** The Huntsville Town Council may authorize the Town Treasurer to make routine purchases for items such as payroll checks, if the checks are prepared in accordance with a schedule approved by the Council, and routine expenditures, such as utility bills, payroll-related expenses, supplies and materials. All expenditures made by the Treasurer will be reviewed and approved by the Town Council.
- C. **Prior Authorization:** Prior authorization by the Huntsville Town Council is required for all purchases that exceed \$2,000 and for all purchases not considered payroll or routine as noted above.
- D. **Purchasing Procedure:** No purchase may be artificially divided to circumvent procedures notes below.
  - a. **Purchases up to \$1,000:** The purchaser may select the best source without seeking competitive quotes



- b. Purchases from \$1,001 - \$2,000: Obtain price quotes from at least two vendors. Price quotes must be obtained by phone, FAX, or letter from a representative of an established, viable vendor and documented.**
  - c. Purchases from \$2,001 - \$50,000: Obtain written price quotes from at least three (3) vendors. Price quotes must be written proposals from a representative of an established, viable vendor who is properly licensed to complete the work.**
  - d. Purchases greater than \$50,000: Purchases greater than \$50,000 are subject to competitive sealed bidding. The Treasurer may contact potential vendors seeking requests for proposals (RFP) however; a RFP will also be publicly advertised in at least one newspaper of general circulation in the area.**
- E. Sole Source Procurement: If at least two quotes cannot be obtained, the purchase is considered a sole-source purchase. Sole-source purchases require prior Town Council approval and if the service is on-going, the service must be re-approved by the Town Council annually.
- F. Emergency Purchases: An emergency condition is a situation which creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as may be determined by the Town Council. The existence of such condition creates an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods.
- Emergency procurement shall be limited to only those supplies, services or construction items necessary to meet the emergency.
- When an emergency arises, the purchaser should seek competitive procurement as practical; however, competitive procurement procedure may be omitted. The person responsible for making an emergency procurement shall make a written determination stating the basis for an emergency procurement and for the selection of the particular supplier.
- G. Acceptance of Proposals: Award must be made to the vendor submitting the lowest quote meeting the minimum reasonable specifications and delivery date.

H. Noncompliance: Individuals who do not comply with provisions of the policy will be subject to withdrawal of the authority to make purchases.

**19.02 Records Retention**

In accordance with Utah Code 63G-6a-2002 and 2003, documents associated with purchases of \$50 or more are to be kept and made available to the public, upon request, for a minimum of 4 years. In addition, the procurement officer shall maintain a record of all contracts made pertaining to small purchases, sole-source procurement, and emergency procurement in accordance with the Town's records retention schedule.

**19.03 Large Procurements and Construction Projects**

Procurements for construction projects are subject to the Utah Procurement Code which mandates bidding on most building and public works construction projects and specifies how the bidding and RFP process are to be conducted.

**19.04 State Resources**

State purchasing has entered into multiple contracts for a variety of products and services that can be used by municipalities without having to go through the RFP and bidding process themselves. This provides municipalities with access to high quality products at a lower price. In addition, State Purchasing also offers assistance to municipalities going through a bidding and RFP process who lack experience and expertise in this area. For more information about state contracts and other purchasing assistance, go to the State Purchasing website at [purchasing.utah.gov](http://purchasing.utah.gov) or call State Purchasing at 801-538-3026.

**19.05 Fraud Hotline**

The Fraud Hotline provides town employees and citizens with a way to report suspected fraudulent activity by employees, vendors, contractors, etc. Allegations reported on the Fraud Hotline are evaluated and investigated. You have two resources when reporting fraud, waste, or abuse. You can report directly to the Town of Huntsville or to the Utah State Auditor's Office.

The Fraud, Waste, and Abuse Hotline should be used to report fraud, waste, and significant non-compliance issues. The Fraud Hotline is intended to be used to report serious concerns or questionable actions such as:

- Illegal or fraudulent activity
- Theft of town property, funds and/or resources
- Falsification of financial records to cover up theft or embezzlement
- Falsifying payroll information

- Gross Mismanagement
- Waste or Misuse of public funds, property, or manpower.
- Improper activities by town officials, employees or contractors
- Soliciting or accepting a bribe or kickback
- Abuse of Authority
- Unethical Conduct

Do not use the Fraud Hotline to report complaints or grievances involving wages, working conditions, discrimination, and other personnel issues. These issues should be reported to the City of Huntsville's administrative office, or the office of the mayor.

State Auditor's Fraud Hotline:

- Website - <https://auditor.utah.gov/hotline/>Email: [auditorhotline@utah.gov](mailto:auditorhotline@utah.gov)
- Fax: (801)-538-1383
- US Mail: OSA Hotline, PO Box 142310, Salt Lake City, Utah 84114-2310
- Complainants may call the hotline at 1-800-622-1243 for more information.

Town of Huntsville's Fraud Hotline:

- Email: [clerk@Huntsvilleutah.gov](mailto:clerk@Huntsvilleutah.gov)

All reasonable allegations will be treated seriously and systematically and will be properly investigated. Confidentiality, as far as possible, will be maintained for all reports made in good faith, and where reports are made anonymously, such anonymity will be respected. However, if criminal activity is to be reported to the police, the identity of the person reporting may eventually have to be disclosed to enable external investigators or the police to pursue criminal investigation effectively. If an allegation is determined to have been made frivolously, in bad faith, maliciously, for personal gain or for revenge, disciplinary action may be taken against the person making such an allegation.

