

Oquirrh Recreation and Parks District

(Dba: Kearns Oquirrh Park Fitness Center)



Personnel Policies and Procedures Manual

March 19, 2014

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1.1 SUBJECT: MISSION STATEMENT

1.1.1 PURPOSE: To outline the Vision, Mission, Standards and Values of the Oquirrh Recreation and Parks District (“the District”).

1.1.2 VISION: “Our Vision is to provide premier recreation services that are the pride of the community.”

1.1.3 MISSION: “Our mission is to be a premier recreation facility along the Wasatch Front, meeting the needs of the community by encouraging a balance in physical and social well-being through fitness, aquatics, tennis, skating, and park services. Furthermore, the legacy of the Utah Olympic Oval and other activities provide additional opportunities to reach beyond the Wasatch Front.”

1.1.4 STANDARDS AND VALUES: The District has adopted standards and values regarding the manner in which its employees should conduct themselves as they work and interact with their co-workers and the District’s patrons.

1.1.4.1 Values. The District’s Board of Trustees is responsible for establishing the organization’s standards, values, and policies and procedures. The Board and all employees are expected to adhere to the ethical standards and values of the District, including the policies and procedures outlined in this Manual. These include honesty, integrity, responsibility, fairness, hard work, dedication, friendliness, and courtesy.

1.1.4.2 Accountability. The District’s Board of Trustees and members of management are accountable to the community and pledge to be fiscally responsible.

1.1.4.3 Customer Service. The District’s first priority is to provide excellent customer service to every patron. Input from customers provides the feedback necessary to improve the quality of services.

1.1.4.4 Employees. The District can be an enjoyable place to work; a place where employees come together as a team to accomplish the goals of the organization, a place where open communication exists, and where employee input is valued.

1.2 SUBJECT: DISCLAIMER

1.2.1 PURPOSE: To clarify the nature and purpose of the District's Personnel Policies and Procedures Manual (hereinafter referred to as the "Policy Manual").

1.2.2 POLICY:

1.2.2.1 Limitation. The Policy Manual is designed for general information purposes only. It is not intended to create a contract or contractual rights, either implied or expressed, or constitute a contract of employment between the District and any of its employees.

1.2.2.2 Employee Responsibility. Each Employee of the District will receive and is responsible to read the Policy Manual and understand and be familiar with its contents. Employees should keep their copy of the Policy Manual in an accessible location and review it often. Additional copies of the Policy Manual are available in the accounting office.

1.2.2.3 Future Changes. In preparing the Policy Manual, it was not possible to anticipate every circumstance or question that may arise in the course of one's employment. Changing conditions may cause the Board to modify one or more of the policies or procedures contained in the Policy Manual from time to time. The District reserves the right to revise, supplement, or rescind any policy or procedure or any portion of the Policy Manual deemed appropriate in the District's sole and absolute discretion. When such a change is made, a notice will be posted in the copy room, where mandated notices are posted, and a copy may be obtained from or reviewed in the accounting office, the copy room, the break room or from the employee's manager. It is each employee's responsibility to be familiar with all posted notices. An employee may also receive notification of and a copy of a modified policy. All policy modifications shall be effective upon approval by the Board, unless a difference effective date is designated by the Board, and the effective date of any modified policy shall not be impacted by any employee's failure to be aware of the modification.

1.2.2.4 Policy Manual to Control. Only the District's Board of Trustees has the authority to change the District's formal policies, and any policy change must be approved by the Board of Trustees in writing. The copy of the Policy Manual that is kept in the accounting office is the official personnel policies and procedures manual for the District. It will take precedence over any outdated version of the Policy Manual, should there be a conflict. Any employee of the District who represents that District policy is different from that set forth in the official Policy Manual is without authority to do so.

1.2.2.5 Applicable Law. If any policy or procedure contained in this Policy Manual is determined to be contrary to law, that policy or procedure shall be deemed to be modified so as to conform to the requirements of the law.

1.3 SUBJECT: AT-WILL EMPLOYMENT

1.3.1 PURPOSE: To clarify the District's policy regarding the at-will nature of the employment relationship between the District and its employees.

1.3.2 POLICY:

1.3.2.1 At-Will Employees. The District's employees are employed as employees-at-will, which means that no employee has any obligation to continue working for the District, and the District has no obligation to employ an employee for any fixed period of time or duration. Each employee is free to resign at any time, with or without cause, and with or without advance notice. The District similarly may terminate the employment relationship at any time, with or without cause, and with or without advance notice.

1.3.2.2 Duration of Employment. Nothing in the Policy Manual, any of the departmental manuals is intended or may be construed to create any express or implied promise or agreement by the District that any employee's employment with the District is for any specific duration or only may be terminated for good cause or after warnings have been given or progressive discipline has been imposed.

1.3.2.3 No Contrary Commitment. Any statement made or action taken by any of the District's officers, Board members, supervisors or management personnel which is inconsistent with the District's policy of at-will employment is unauthorized, and may not be construed to create any express or implied promise or agreement by the District that any employee's employment with the District is other than "at-will."

1.4 SUBJECT: EQUAL OPPORTUNITY EMPLOYMENT

1.4.1 PURPOSE: To summarize the District's policy of equal opportunity and nondiscriminatory employment practices.

1.4.2 POLICY:

1.4.2.1 No Discrimination in Employment. The District is an equal opportunity employer. As such, the District will consider individuals for employment, placement, advancement, compensation, and other aspects of employment on the basis of their qualifications and ability to perform the job and without regard to race, color, religion, gender, age, national origin, genetic information, military service, disability or any other protected classification as outlined by law. Discrimination against any qualified person in connection with his or her hiring or employment with the District based upon the person's race, color, religion, gender, age, national origin, or disability is prohibited. A "qualified person" is a person who possesses the education, training, experience, skills, aptitude, ability, moral character, integrity, disposition to work, reliability, adherence to reasonable rules and regulations, and other job-related qualifications required by the District for the particular position in question.

1.4.2.2 ADA. The District adheres to the principles of the Americans with Disabilities Act ("ADA") and will provide reasonable accommodation to qualified individuals with known disabilities in accordance with the requirements of the ADA. Applicants or employees requiring reasonable accommodation should notify the immediate supervisor or the Executive Director of their need for an accommodation.

1.4.2.3 Dignity and Equality. It is the District's policy to respect the rights of all individuals regardless of the individual's race, color, religion, gender, age, national origin or disability status. The District expects its employees to respect the dignity and equality of all people.

1.5 SUBJECT: HARASSMENT

1.1.1. PURPOSE: To outline the District's policy against harassment and to specifically foster a work environment free of sexual or other prohibited harassment.

1.5.2 POLICY:

1.5.2.1 Environment. The District intends to provide a pleasant, professional and safe work environment that is free from intimidation, hostility or other offensive conduct that might interfere with work performance. Employees are prohibited from engaging in any kind of harassment, including sexual harassment, racial harassment, or other types of harassment. Harassment in any form – verbal, physical, or visual – will not be tolerated, and any employee who engages in such activity may be subject to disciplinary action, up to and including immediate termination.

1.5.2.2 Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment includes, but is not limited to, the following:

- (a) Unwelcome or offensive sexual advances, flirtation, innuendoes, or propositions;
- (b) Unwelcome or offensive physical contact or conduct of a sexual nature including, without limitation, any unwelcome or inappropriate touching, hugging, patting, pinching, or brushing against another's body;
- (c) Sexually-orientated, sexually-explicit, or sexually-suggestive jokes, pranks, sounds, gestures, or other verbal comments, including sexual, demeaning or degrading comments about an individual's body;
- (d) Sexual or degrading words used to describe an individual or foul or obscene language; and
- (e) The displaying in the work area of pornography or other sexually explicit or suggestive pictures, photographs, signs, jokes, cartoons, calendars, objects, or materials.

1.5.2.3 Prohibition. Sexual Harassment by any District employee is strictly prohibited. Furthermore, no employee shall threaten or insinuate either explicitly or implicitly that an employee's refusal to submit to any sexual advance will adversely affect the employee's employment, evaluation, wages, advancements, assigned duties, assigned shifts, or any other condition of employment or opportunity for career advancement. No employee

shall subject any other employee to any hostile work environment involving unwelcome or offensive sexual comments or conduct, as described above.

1.5.2.4 Racial Harassment. Racial harassment involves the use of derogatory or otherwise unwelcome or offensive racially orientated jokes, comments, conduct, or ethnic slurs, or the display of derogatory or offensive racially orientated signs, pictures, or other materials. Other derogatory or offensive comments, conduct, or display or other use of materials involving religion, age, national origin, color or disability, which create an intimidating, hostile or offensive work environment, also are prohibited.

1.5.2.5 Employee Responsibility. All employees are responsible for helping to insure that harassment does not take place in the workplace. An employee who believes that he or she has been the subject of harassment or who witnesses harassment is expected to report the matter to the employee's immediate supervisor or department manager, or to the District's Controller or Executive Director.

1.5.2.6 Investigation. It is the District's policy to promptly investigate all claims of harassment, to maintain confidentiality in connection with its investigation of claims of harassment to the extent possible, and to take appropriate action when an investigation confirms that harassment has occurred. Any employee who is found to have engaged in harassment may be subjected to appropriate disciplinary action up to and including termination.

1.5.2.7 Retaliation Prohibited. Retaliation or reprisals are prohibited against any employee who has made a good faith complaint of harassment in the workplace, has filed a charge of discrimination or harassment with any state or federal agency, or has testified in an investigative proceeding or hearing pertaining to a charge or complaint of discrimination or harassment. No employee will suffer retaliation or any adverse employment action because of a good faith report of a claim of alleged harassment.

1.6 SUBJECT: NON-FRATERNIZATION

1.6.1 PURPOSE: To provide guidelines and definitions to be followed regarding relationships in the workplace.

1.6.2 POLICY:

1.6.2.1 Personal Relationships. Employees are to avoid situations where a conflict of interest may arise or where workplace relationships may result in claims of favoritism or harassment. Dating, requesting dates and/or personal relationships between managers or others with supervisory responsibilities and employees within their scope of influence are prohibited.

1.6.2.2 Definitions. “Scope of Influence” includes the ability to affect compensation, promotional status, performance appraisal content, work assignment, etc. If an employee is unsure if he or she falls within the scope of influence of another employee the Human Resources representative or a member of the Management Team should be contacted for clarification.

1.6.2.3 Discipline. Failure to comply with this Section 1.6 may result in disciplinary action up to and including termination.

1.7 SUBJECT: HIRING

1.7.1 PURPOSE: To define the District's hiring procedures.

1.7.2 POLICY:

1.7.2.1 Employment Applications. All applicants must complete an employment application on the form provided by the District and provide such other information as may be required by the District. All applications must first be delivered to the Accountant/HR Specialist for review. The District relies upon the accuracy of information contained in the employment application, as well as the accuracy of other information provided throughout the hiring process and employment. Any misrepresentation, falsification, or material omission in the employment application or in any other information provided may result in the District's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

1.7.2.2 Background Checks and Employment Reference Checks Made by the District. To ensure that applicants for employment with the District are well qualified and have a strong potential to be productive and successful, the District may conduct a background check on any applicant and make inquiries regarding any applicant's employment references. Criminal background checks will be performed in accordance with Section 1.35 of the Policy Manual. Upon request an applicant must consent to the release of information necessary for the District to conduct a background investigation or have a criminal background check conducted by a third party agency. Generally, a criminal background check will not be conducted until the District has made a tentative decision to offer employment to the applicant, and any offer of employment made before the District has obtained a criminal background check on the applicant will be conditioned upon the District's review and determination of acceptability of the background check.

1.7.2.3 Interviews. Interviews by the District will be conducted to determine the applicant's potential to meet the requirements of the job and insure that the applicant understands the duties and responsibilities of the job. Interviews will be conducted only after an applicant has fully completed the application process. The District will notify those applicants to whom an offer of employment is being extended, and will confirm the starting date, rate of pay, and coordinate the orientation schedule. Unsuccessful applicants who have been granted an interview will be notified of their status following the final decision.

1.7.2.4 Newly Created Position. Before any person can be hired for a newly created position for which a job description has not been prepared, the Executive Director must approve the new position.

1.7.2.5 Initial Compensation. Appointment to any position in any class shall normally be made at the minimum rate of the appropriate compensation range. The appointment rate may be higher if a qualified individual cannot be recruited for the position at the beginning rate; or the qualifications of the individual selected for the position are substantially higher than the minimum requirements and the individual can be expected to perform at a level equal to that of other employees being paid in the same class.

1.7.2.6 Review of Policy Manual. A Department Manager, the Controller, the Executive Director or another designated employee of the District will review the Policy Manual with all new employees. All new employees also will be given a copy of the Policy Manual. All new employees will be required to sign a statement indicating that they have received and reviewed the Policy Manual and have agreed to follow the policies stated therein.

1.7.2.7 Compliance with Immigration Laws. The District is committed to employing only those persons who are legally authorized to work in the United States, in accordance with federal immigration laws and applicable state laws. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation within 3 days of hire, establishing identity and employment eligibility. Former employees who are rehired must complete a new I-9 form if they have not completed an I-9 with the District within the past three years, or if their previous I-9 is no longer retained or valid. In addition, as required by the Utah Immigration Accountability Enforcement Act, Title 63G, Chapter 12, of the Utah Code as a “public employer” the District registers with and uses a status verification system (the E-Verify Program or an equivalent federal program or the Social Security Number Verification Service or equivalent) to verify the federal employment authorization status of all new employees as required by Utah Code Ann. § 63G-12-302(2).

1.7.2.8 Forms in New-Hire Packet. New employees will be required to fill out and sign the paperwork in the new-hire packet, including a W-4 tax form, and such other forms as may be required by the District.

1.7.2.9 Review of Job Duties. Each new employee will review with management and the employee’s supervisor the duties and responsibilities of the position.

1.7.2.10 Additional Requirements. Some positions may require that the employee be bonded. If an employee is not bondable, then employment may be refused and/or terminated.

1.8 SUBJECT: EMPLOYMENT OF MINORS

1.8.1 PURPOSE: To outline the District's policy regarding age, hours of work, and working conditions relating to the employment of minors by the District.

1.8.2 POLICY:

1.8.2.1 General. It is the policy of the District to adhere to established State and Federal laws and regulations regarding the employment of minors.

1.8.2.2 Definition of Minor. Minors, as referred to herein, are those individuals under the age of 18 years who are required to attend school under the provisions of Utah law.

1.8.2.3 Age Certificate or Other Proof of Age. Whenever a minor is offered employment with the District, it is the responsibility of the hiring supervisor or hiring manager to require the minor to provide an age certificate or other proof of his or her age. Under no circumstances may a minor start working for the District prior to providing the District with a valid and properly issued age certificate or other acceptable proof of age. Age certificates or other reliable proof of age provided by a minor will be maintained in the minor's personnel file so long as the District employs the minor.

1.8.2.4 Hours of Work. Minors ages 14 and 15 are not permitted to work:

- (a) more than three (3) hours on school days, and may not work for more than eight (8) hours on non-school days.
- (b) more than Eighteen (18) hours per week during school weeks or more than 40 hours per week during non-school weeks.
- (c) before 7:00 AM or after 7:00 PM from the day after Labor Day through May 31, or before 7:00 AM or after 9:00 PM from June 1 through Labor Day.

1.8.3 Meal Periods. An un-paid meal period of not less than 30 minutes will be provided for minors who work more than five hours during their shift. The meal period must be taken no later than five hours after the beginning of the shift. In addition, a 10-minute rest period will be allowed for each four hours of work.

1.8.4 Hazardous Occupations. State and federal law prohibits minors from being employed in certain hazardous occupations or from performing certain hazardous duties. Pursuant to those laws, minors who are employed by the District may not drive motor vehicles, operate a grill, lawn mower, power tools, handle caustic materials, perform electrical repairs or maintenance, or engage in other similar activities as a regular part of their duties with the District.

1.9 SUBJECT: EMPLOYEE RECORDS AND PERSONNEL FILE

1.9.1 PURPOSE: To outline the District's policies regarding employee records and personnel files and to establish procedures for reviewing and copying such records and files.

1.9.2 POLICY:

1.9.2.1 Employee Records. Separate personnel, medical, and payroll files will be maintained for each employee. The Controller will be the custodian of the personnel and payroll files. All employee records shall be treated as confidential. Only supervisors and management personnel who have a legitimate need for the information in those files are allowed to access employee records.

1.9.2.2 Review of Personnel File. Within a reasonable time after the receipt of a written request from an employee to review the employee's personnel file, the employee shall be permitted to review the personnel file during regular business hours and may obtain a copy of any document in the personnel file. The employee shall pay all copying costs.

1.9.2.3 Review Subject to GRAMA. The right to examine and copy documents in an employee's personnel file pursuant to the Policy Manual is subject to the access provisions in District Resolution 92-C which provides for records access in accordance with Title 63G, Chapter 2, of the Utah Code, the Government Records Access and Management Act ("GRAMA").

1.9.2.4 Notification of Change of Employee Status. It is important that the District's employee records are current and accurate. Each employee is responsible to notify the Accountant/HR Specialist of any changes in name, address, or dependent status (i.e., marriage, divorce, or increase or decrease in immediate family) to ensure that **insurance**, social security, and income tax deduction forms are kept up to date. Employees should also make sure that the District is kept informed as to their current telephone numbers, email addresses, work availability and the persons to be notified in case of emergency. Any change in an employee's position, rate of pay, or employment status shall be documented by the employee's manager on a Payroll Change Authorization form that will be placed in the employee's personnel file.

1.9.2.5 References Requested by Third Parties. Only the District's Controller or his/her designee is authorized to respond to requests for professional references or other information from third parties regarding current or former District employees.

1.10 SUBJECT: CONFIDENTIALITY

1.10.1 PURPOSE: To outline the District's policy regarding the need for employees to maintain the confidentiality of District information.

1.10.2 POLICY:

1.10.2.1 Confidentiality to be Maintained. On a daily basis, employees of the District may receive or have access to confidential information that belongs to, is in the possession of, or was obtained by the District from others who are employed by or do business with the District, including, but not limited to, trade secrets, employee files, personnel records and information, payroll records, revenue, expense, other financial information, billing information, budgets, business plans, computer system passwords and security codes, operational information, vendor information and records, and other proprietary information. Employees are prohibited from disclosing to any person or entity or using in any manner whatsoever, other than on behalf of the District and in a manner authorized by the District, any confidential information obtained or received by the employees in the course of their employment with the District. Employees also are expected to protect the confidentiality of such confidential information from unauthorized use or disclosure by others to the fullest extent possible. Violation of these requirements may result in disciplinary action being taken against the violator up to and including immediate termination.

1.10.2.2 GRAMA to Control. Employees may not take, use, or initiate the disclosure of information regarding the District to the press, the electronic media, governmental agencies, attorneys, or other third parties. If a member of the press or media, a governmental official, an attorney or any other third party contacts an employee of the District requesting information regarding the District or an incident involving the District about which the employee has information, the employee may not disclose any information, but must refer such requests to the District's Executive Director or Controller. The Executive Director or the Controller or their designee shall respond to such requests for information in accordance with the requirements of GRAMA.

1.10.2.3 Referral to Management. Any other inquiries from the press or media, governmental agencies or other persons not employed by the District about matters pertaining to the District, its business operations, services, employees, former employees, vendors, or patrons, or requests or demands by third parties for documents or other information, including those contained in duly issued subpoenas, must be referred to the District's Executive Director or Controller.

1.10.2.4 Requirement to Return Documents. At the request of the District, or upon the termination of their employment, employees are required to turn over to the District all documents, papers, or other materials in their possession or under their control which may contain or be derived from confidential information of the District.

1.10.2.5 Employee Privacy. The privacy of co-workers must always be respected. Personal information about them, such as their home telephone numbers or addresses, should not be given out without their permission or consent.

1.11 SUBJECT: OUTSIDE EMPLOYMENT AND ACTIVITIES

1.11.1 PURPOSE: To outline the District's policy regarding outside employment and activities for its employees.

1.11.2 POLICY:

1.11.2.1 Limitations on Outside Employment and Activities. Employees may not have outside employment or activities, whether full-time or part-time, that interfere with their duties on behalf of the District, as determined by the District in its sole discretion. If the District determines that an employee's outside work or activity interferes with the employee's performance or ability to meet the requirements of the District, the employee may be asked to terminate the outside employment or activity if he or she wishes to remain with the District. Employees shall not engage in outside employment or any outside activity while on duty for the District.

1.11.2.2 Notification to Management. If an employee obtains outside employment or engages in an outside activity that may create a potential conflict of interest with the District, the employee shall provide written notification to the Executive Director or the Controller or their designee of such outside employment or activity, including the name and address of the other employer or entity sponsoring the activity, a general overview of the employment or activity, and the specific duties or conduct engaged in by the employee in connection with his or her outside employment or activity.

1.11.2.3 Notification to Employee. The Executive Director or the Controller or their designee shall review the information contained in the written notification and determine whether the employee's outside employment or activity creates or constitutes a conflict of interest.

1.11.2.4 Prior Approval. If an employee is asked to serve in an outside capacity where work time and/or District funds or resources may be necessary, prior written approval to serve in the capacity must be obtained from the Executive Director (or from the Board of Trustees if the employee is the Executive Director).

1.12 SUBJECT: CONFLICTS OF INTEREST

1.12.1 PURPOSE: To outline the District's policy regarding conflicts of interest.

1.12.2 POLICY:

1.12.2.1 Loyalty Required. Trustees and employees of the District have a duty to give loyal and conscientious service to the District and to act at all times in accordance with the District's best interests. The District's Trustees and employees are prohibited from engaging in any conduct or activities that may interfere with or be prejudicial to the interests of the District.

1.12.2.2 Conflicts Prohibited. Conflicts of interest may arise in the course of engaging in business dealings on behalf of the District with family members or friends. Preferential treatment by an employee toward vendors, patrons or others who have a personal relationship with the employee may not be in the District's best interest and is not allowed. Employees and Trustees of the District have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Employees and Trustees are prohibited from using District resources and work time for promoting or conducting personal business or other activities not related to the District's business operations. Trustees and employees may not use their positions with the District, or use or disclose confidential information acquired by reason of their positions with the District, to secure special privileges for themselves, their families, or any other person or entity.

1.12.2.3 Ethics Act. District Trustees and employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or item of monetary value from any vendor or other person seeking to do business with the District, from any person attempting to influence them in the performance of their duties on behalf of the District, or from any person whose interests may be affected by the Trustees' or employees' performance or nonperformance of their duties. District Trustees and employees may not accept gifts or gratuities except under circumstances allowed by the Utah Public Officers' and Employees' Ethics Act. This policy is not intended to prohibit the occasional receipt of promotional gifts, such as calendars, pens, candy, note pads, etc., of a relatively nominal value that are commonly utilized for public relations or advertising purposes and which do not otherwise violate state law. Similarly, this policy is not intended to prohibit business lunches and dinners or other non-pecuniary gifts having a value of less than \$50.00, provided they are in harmony with the District's rules and regulations and do not violate state law.

1.12.2.4 Use of District Owned Property. District employees shall not use District owned property in support of outside interests and activities when such use could compromise the integrity of the District or interfere with the employee's duties. An employee who is involved in an outside activity, which could include but not be limited to a civic organization, church organization, committee unrelated to the District's business, public office, or service club, shall:

- (a) Pursue the outside activity on the employee's own time.

- (b) Pursue the outside activity away from District premises.
- (c) Discourage any phone, mail, or visitor contact related to the outside activity at the District premises.
- (d) Arrange for annual leave or compensatory time off in advance to pursue the outside activity during what otherwise would be business hours.
- (e) Not use the District's data processing equipment, postage metering machines, copiers, or other District-owned equipment or supplies for the outside activity.

1.13 SUBJECT: EMPLOYMENT OF FAMILY MEMBERS & NEPOTISM
(updated 8/16/2017)

1.13.1 PURPOSE: To outline the District's policy toward employment, supervision, or recommendation for employment of immediate family members in order to satisfy applicable requirements of state law, to promote the public interest, to avoid the possibility of personal bias, and to strengthen public confidence in the integrity of the District.

1.13.2 POLICY:

1.13.2.1 Limitation on Employment of Relatives. Subject to the provisions of Title 52, Chapter 3 of the Utah Code, a relative of a District employee is not precluded from being employed by the District so long as such employment does not create an unacceptable conflict of interest and so long as the relative is not the immediate supervisor of the employee and the employee is not the immediate supervisor of the relative.

1.13.2.2 Illegal Nepotism Prohibited. It shall be the policy of the District to comply fully with the provisions of Title 52, Chapter 3, of the Utah Code which in part, prohibits a public officer from employing, appointing, or voting for or recommending the appointment of a relative in or to any position or employment when the compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, unless otherwise excepted by law.

1.13.2.3 Trustee Relatives. A relative of a member of the District's Board of Trustees may not be hired to work for the District. If a Trustee is elected or appointed to the District's Board of Trustees and has a relative working as an employee for the District, the relative must resign their employment prior to the elected or appointed Trustee taking office.

1.13.2.4 Definition of Relative. A "relative is defined in Utah Code Ann. § 52-3-1(1)(d) as the employee's or Trustee's "father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law."

1.14 SUBJECT: POLITICAL ACTIVITY

1.14.1 PURPOSE: To set forth the District's policy regarding political activity of District employees and Trustees.

1.14.2 POLICY:

1.14.2.1 Application. Except as otherwise provided by law or by rules promulgated in connection with federally funded programs, the following provisions apply with regard to political activity of District employees in all grades and positions. District employees may voluntarily participate in political activity subject to the District's policy set forth in this section.

1.14.2.2 During Working Hours. No District employee may engage in any political activity while working on behalf of the District, unless such political activity is approved by the Executive Director or the Board of Trustees and is in furtherance of the interests of the District. Nor shall any employee or Trustee of the District solicit political contributions from District employees while such employees are working. Employees shall not be coerced or pressured to support a political activity. Nothing contained in this section shall preclude a District employee from making voluntary contributions to any party or candidate when off-duty.

1.14.2.3 Use of District Resources. An employee or Trustee shall not use District-owned equipment, supplies or resources to engage, in political activity, unless such political activity is approved by the Executive Director or the Board of Trustees.

1.14.2.4 District Elections. Employees of the District who are involved in District Trustee elections or who are in management positions with the District are prohibited from participating in campaign activities for or against a candidate in a District Trustee election. This prohibition does not apply to any election which does not involve the election of a member of the Board of Trustees of the District and specifically does not apply to a District bond election.

1.15 SUBJECT: COMPUTER AND OFFICE EQUIPMENT USE

1.15.1 PURPOSE: To outline policies and procedures for use of the District's computers and office equipment.

1.15.2 POLICY:

1.15.2.1 System Users. Users of the District's computers, computer systems and other office equipment (the "System") have a responsibility not to abuse network, computer, or office equipment resources and to respect the rights of others. The District's IT Manager (the "ITM") may routinely monitor and log usage data and review this data for evidence of the violation of these policies. Upon approval of the Executive Director, the ITM may limit or suspend computer and network privileges of any individual user for violation of these policies. A violation of these policies also may result in disciplinary action up to and including termination and/or legal action being taken.

1.15.2.2 Storage Media. All storage media owned or stored in the District's computers or computer systems are the property of the District.

1.15.2.3 Copyrights and Licenses. Computer users shall respect the copyrights and licenses of software and other on-line information. All software and other information protected by copyright shall not be copied except as stipulated by the copyright requirements. Users shall not copy software from any computer system to be used on another system. Any and all software installations shall be under the direction of the ITM and original disks shall be maintained in a secure place. Users shall not execute applications from the Internet, e-mail, or disk without the authorization of the NA.

1.15.2.4 Control. Users shall not attempt to modify, move or remove computer equipment, software or peripherals without the permission of the NA. Any computer equipment assigned to a user that is supplied for home use, or is portable, shall be approved in advance by the Executive Director and must be properly signed-out with the ITM.

1.15.2.5 Privacy. Users shall respect the privacy and personal rights of others. Users shall not access the personal directories and files of other users without permission. Users shall not re-post a message that was sent to them privately without the permission of the person who sent the message. Private messages shall be marked by the sender as "Confidential", or have a clear indication that the message is for the intended receiver only. Also, users shall not post personal information about themselves or others, including address, telephone number or other personal information, unless required for legitimate business purposes.

1.15.2.6 No Intentional Disruption. Users shall not intentionally develop or use programs that disrupt other computer users, provide unauthorized access to restricted portions of the System, or damage the hardware or software components of the System. Users shall not make deliberate attempts to disrupt the computer System performance or destroy data by spreading computer viruses or by any other means.

1.15.2.7 Limited Resources. Users shall respect the limited resources of the System. Users shall not download large files unless necessary and shall consult with the ITM before downloading any file(s) which exceed 100 MB.

1.15.2.8 Illegal Use Prohibited. Users shall not use the System to engage in any illegal acts. In particular, Users of the System shall not send any fraudulent, harassing, threatening, obscene or sexually explicit messages or materials of any kind. Users shall not use the System to access material that is obscene or sexually explicit, that advocates illegal acts, or that advocates violence or discrimination toward other people. If a user of the computer system unintentionally accesses such information, the user shall immediately disclose the inadvertent action to the user's immediate supervisor, who will contact the ITM. This will protect the user against an allegation that the user intentionally violated this policy. Users shall exercise care not to display any images, sounds or messages which would create an atmosphere of discomfort or harassment to others.

1.15.2.9 User Accounts. Network and other computer accounts are issued to individual users with the understanding that the account shall not be used by anyone other than the person to whom the account was assigned. Upon termination of the user's employment with the District, the user's account shall be discontinued.

1.15.2.10 Passwords. Passwords will be used by individuals for access to the network and other computer systems. Passwords should be known only to the individual user. Under no conditions should a user disclose his or her password to any other person. Users should choose strong passwords. A strong password consists of seven or more letters, numbers and/or special characters. It is recommended that passwords should not form a word as found in a dictionary. Users should avoid easily guessed passwords, such as user initials, birthdates or proper names. Passwords should be changed regularly to enhance security. Passwords should not be posted on workstations, under the keyboard or in other easily discovered areas.

1.15.2.11 Personal Use. Personal use of the System for activities such as email, internet, Facebook, Twitter, etc. is permitted only when ALL of the following criteria are met:

- (a) The employee pays the cost of the consumables and other attendant expenses (diskettes, paper, etc.). The Executive Director will determine the cost of the consumable.
- (b) The employee uses the System after hours, or on the employee's personal time.
- (c) The employee does not use the System for permanent storage of data and the use does not conflict with the employee's responsibilities to the District or the normal activities of the District.
- (d) The employee does not use the System to access, store, view or review any obscene or other sexually explicit material or to conduct any illegal acts.

1.15.2.12 System Changes. When System changes in hardware, software or procedures are planned, users will be notified of the changes to ensure that they will have enough time to prepare for the changes.

1.15.2.13 Secure Location. All administrative computer equipment and software should be kept in a secure place in order to provide protection from unauthorized access.

1.15.2.14 Disclosure of Electronic Information. Under some circumstances, as a result of investigations, subpoenas, lawsuits, or GRAMA, the District may be required to provide electronic or other information. Consequently, anything on the District's computer system, including personal data, may be disclosed to third parties pursuant to the above-mentioned processes.

1.15.2.15 Personal Information. No employee of the District should have any expectation of privacy for any personal information in the System.

1.15.2.16 District Property. All data stored on, and software developed on, a District computer is the property of the District and may be viewed or reviewed by the ITM, the Executive Director or their designee at any time.

1.15.2.17 Web Site. The District may establish a web site and will develop web pages that will present information about the District. The ITM will designate a Webmaster who will be responsible for maintaining the District website. No information may be posted to this site without the permission of the ITM or the Webmaster.

1.15.2.18 Postage and Postage Meters. No employee shall be allowed to use District postage or postage meters for mailing personal items.

1.15.2.19 Fax and Copying Machines. Any employee desiring to use the District fax or copying machines for personal use may do so after paying for such use at the employee rate in effect at the time of use.

1.15.2.20 Telephone Calls. Employees are expressly prohibited from making personal long distance telephone calls on District telephones. Occasional use of District telephones for local personal calls is permitted provided that such use does not interfere with the performance of the duties and responsibilities of the employee or other co-workers and does not disrupt the business or operation of the District.

1.15.2.21 Protection of Equipment. Employees in possession of District equipment (including computers, projectors, radios, cameras and cell phones) are expected to provide reasonable and prudent care in the use of these items and to protect them from loss, damage or theft. Should an employee misuse, damage, lose, or allow these items to be stolen, the employee may be required to reimburse the District for all or a portion of the value of the item(s). The Executive Director will be responsible for determining the culpability of the employee and the value of the items(s) damaged or lost. Upon termination of employment, or upon request at any time, the employee may be asked to produce the District's equipment for return or inspection. If the employee fails to return the equipment in a timely manner or

if the equipment is damaged beyond normal “wear and tear”, the District reserves the right to withhold some or all of the fair market value of the equipment from the employee’s paycheck.

1.15.2.22 Electronic Communications. All electronic communications are expected to comply with applicable federal and state laws, as well as the District's policies, including those governing computing resources, security and ethics in computing.

1.15.2.23 Communications with Multiple Recipients. Employees are to use the blind carbon copy (“Bcc”) field when addressing an email to a large number of recipients or if the employee does not have permission to share a recipient’s email address with the other recipients. Use of the “Bcc” field for the recipient list prevents the names and addresses of all the recipients from appearing in the received e-mail. The "Bcc" field also ensures that the intended reader need not scroll through a long list of recipient names to get to the message. When it is important for those receiving an e-mail to know who else is receiving that e-mail, the employee may enter the recipient addresses into the "To" and/or "Cc" fields. Before using the "To" and/or "Cc" fields, an employee should consider whether permission has been obtained from each recipient to share his or her email address with every other recipient addressed in the "To" and/or "Cc" fields. If such permission has not been obtained, an employee may consider using the body of the message to name the recipients of the email. For example, a message may start as "Dear Tom, Joe, Jane ..." or the "Cc" nomenclature may be used in the body of the message such as "Cc: Tom, Joe, Jane..."

1.15.2.24 Permission Required for Certain Emails. Employees must obtain permission from the ITM before initiating a mass mailing campaign because mass emails have potential negative consequences. Additionally, permission to mail to a group requires the sender to be an authorized agent for the group . Before using a list that someone else owns, permission must be obtained to use the list. Access to a list does not necessarily imply permission to use the list. All list owners are encouraged to consider the benefits of moderating or otherwise controlling access to large lists. This applies whether a list has been created for one-time use or is maintained as a standing list and whether membership is involuntary or by subscription. Authorization to use a mailing list is to be given by the list owner or the person/department empowered to give such permission. The personal email of an employee should never be used without written permission from the employee.

1.15.2.25 Limitations on Large - Scale Mailings. Before sending a large-scale mailing, the sending employee must be able to answer "yes" to each of the following questions:

- (a) Is e-mail the best or most appropriate method to get information to the intended audience?
- (b) Has the intended audience and the appropriate mailing list to use to reach the intended audience been identified?
- (c) Is the message relevant to the District's core mission?
- (d) Has the following been included in the content of the message:

- A "from:" address where replies will be received?
- Contact information for the department, organization, or individual sending the message,

if there is a question, comment, or complaint concerning the message?

- Is there an explanation of why the recipient is receiving the message?
- Is required information presented succinctly?
- Are there pointers to a Website or elsewhere for additional information, if applicable?
- Are there instructions on how a recipient may be removed from the mailing list?
- Does the sender have authorization to use the mailing list? * (If not, the blind carbon copy "Bcc" field is to be used).

1.16 SUBJECT: EMPLOYEE CLASSIFICATIONS

1.16.1 PURPOSE: To outline the classifications of District employees.

1.16.2 POLICY:

1.16.2.1 Initial Employee Status. Each employee is considered to be in an initial evaluation period for the first six (6) months after his or her most recent date of hire.

1.16.2.2 Regular Full-Time Employee Status. A regular full-time employee is an employee who has completed the initial evaluation period, is not a temporary or seasonal employee, is hired to work in a full-time position, and generally works forty (40) hours or more per week. Regular full-time employees may be exempt or non-exempt based on duties and responsibilities and are eligible for benefits.

1.16.2.3 Regular Part-Time Employee Status. A regular part-time employee is an employee who has completed the initial evaluation period, is not a temporary or seasonal employee, is hired to work in a part-time position, and generally works less than forty (40) hours per week.

1.16.2.4 Temporary or Seasonal Employee Status. A temporary or seasonal employee is one who is hired to work for a limited period of time and whose employment will end when the District determines that the temporary employee's services no longer are needed. If a temporary or seasonal employee becomes reclassified to regular part-time or regular full-time status, the employee will not be required to begin a new initial evaluation period; his or her initial evaluation period will begin at the time of the employee's initial hiring. Temporary and Seasonal employees are not eligible for benefits and are non-exempt.

1.16.2.5 Exempt. An exempt position is a position which, because of its duties and responsibilities and level of decision making authority is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Employees hired into exempt positions are expected to work whatever hours are necessary to accomplish the goals and deliverables of the position.

1.16.2.6 Nonexempt. A non-exempt position is a position which, because of the type of duties performed, the usual level of decision making authority, and the method of compensation, is subject to all FLSA provisions, including being paid time and one-half for all hours worked over 40 in a 7-day workweek. Non-exempt employees are normally required to account for hours and fractional hours worked.

1.17 SUBJECT: EMPLOYEE EVALUATION PROCEDURE

1.17.1 PURPOSE: To outline the District's procedures for evaluating employees.

1.17.2 POLICY:

1.17.2.1 Initial Evaluation Period. All new employees shall undergo a six (6) month evaluation period commencing with the first day of employment. The evaluation period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The District uses this period to evaluate the employees' capabilities, work habits, attitude, quality of work, ability to get along with others, and overall performance. During this period, each new employee and the District will have the opportunity to decide whether the employee is right for the position and whether the position is right for the employee.

1.17.2.2 Extension of Initial Evaluation Period. Any absence may result in an extension of the initial evaluation period. If the District determines that the designated evaluation period does not allow sufficient time to thoroughly evaluate the employee's performance, the evaluation period may be extended for a specified period.

1.17.2.3 Initial Evaluation. At the end of the initial evaluation period, the employee's supervisor will conduct a performance evaluation with the employee. If the employee's performance does not meet the District's standards, the employee may be terminated at that time or at any time during the evaluation period. If the employee's performance is satisfactory, then continued "at-will" employment may be offered by the District to the employee. At all times, both before and after the completion of the initial evaluation period, the employee's relationship with the District shall remain at-will, and the District shall retain the right to terminate the employee's employment with the District at any time, with or without cause, and with or without advance notice.

1.17.2.4 Performance Evaluation Procedure. After the initial evaluation period and at regular intervals not to exceed twelve months, employees will be given a performance evaluation to provide the employees and their supervisors an opportunity to discuss job performance, identify and correct weaknesses, and recognize strengths. Exceptions to twelve month evaluations for part-time employees will be dealt with through approval by the Executive Director, considering the employees' work schedules. These performance evaluations will be used to provide a basis for decisions on placements, promotions, separations, compensation increases, reductions in force and other personnel actions. Supervisors also will meet with employees on an informal basis from time to time throughout the year to discuss their job performances. The District uses a system of performance ratings designed to give a fair appraisal of the quality and quantity of work performed in all departments. The employee, the person performing the evaluation, and the department manager shall sign performance reviews. Each employee shall be furnished a copy of his or her performance evaluation.

1.17.2.5 Special Evaluation Period. It is a supervisor's prerogative, whenever circumstances justify, or when an employee's overall performance rating indicates that the employee "Needs Improvement" or is "Unsatisfactory," to impose a special evaluation period, or take other disciplinary or corrective action, upon an employee for a period of time not to exceed six months. During this time, the supervisor will prepare and submit monthly performance appraisals to the Executive Director or immediate Department Manager. Imposing a special evaluation period requires written notice to the employee. The failure of an employee to correct performance problems during the special evaluation period can lead to termination. If the employee's performance improves satisfactorily during the special evaluation period, the special evaluation period may be terminated by written notice to the employee.

1.17.2.6 Open Door Policy. At times, an employee may want advice due to the development of unusual situations or problems. The District promotes an open-door policy about such matters to make it as easy as possible for an employee to talk over a problem with his or her supervisor or with other members of management.

1.18 SUBJECT: WORK HOURS AND ATTENDANCE

1.18.1 PURPOSE: To outline the basic hours of work for District employees and the District's attendance policy.

1.18.2 POLICY

1.18.2.1 Work Week. The District workweek begins on Monday morning immediately after midnight and runs for seven (7) consecutive days, through midnight of the following Sunday.

1.18.2.2 Working Hours. The normal workday for full-time employees shall be eight (8) hours and the normal workweek shall be forty (40) hours, except in certain circumstances when it is considered to be in the best interest of the public and of the District to work shifts of extended hours. Work hours for other employees, with appropriate lunch breaks, and paid breaks, shall be established by their Department Manager.

1.18.2.3 Lunch Breaks. Employees who are scheduled to work a shift of five (5) hours or more will generally be allowed to take a lunch break at a time set by their immediate supervisor, department manager, or manager on duty. Lunch breaks may be either one (1) hour or one-half (1/2) hour in duration, as determined by the department manager, and are not counted as time worked. Regular breaks and lunch breaks and their duration will be determined by the department manager and are not at the discretion of the employee. An employee may not choose to work through breaks and lunch breaks in order to leave work sooner, unless approved by the employee's supervisor.

1.18.2.4 Attendance. Regular attendance and punctuality are essential to performing quality work and providing quality service to District patrons. The District depends on its employees' regular attendance and punctuality to help keep the Center running smoothly. Employees are expected to be in attendance at their work locations and ready to work at the beginning of the assigned shift, and are expected to continue working in the designated work area until the end of their assigned shift, except for authorized lunch and work breaks. If employees' work takes them away from their assigned work area, they should let their supervisor know where they are going and how long they expect to be gone.

1.18.2.5 Working from Home. Working from home is not permitted unless approved in advance by the Executive Director.

1.18.2.6 Absence or Tardiness. If an employee is going to be late to work or absent from work because of sickness, injury or an emergency situation, the employee shall notify his or her immediate supervisor or, if the immediate supervisor is not available, the supervisor on duty of that fact as soon as possible, but no later than one hour before the beginning of the shift, unless the employee is unable to provide such notification within that time due to the nature of the illness, injury, or emergency, in which event notification must be given as soon thereafter as possible. Failure to do so may result in disciplinary action.

1.18.2.7 Excessive Absenteeism or Lateness. Any unexcused tardiness or unauthorized absence of an employee may be subject to disciplinary action, up to and including immediate termination. Any employee who is absent for three (3) or more consecutive workdays without authorization may be deemed to have resigned.

1.18.2.8 Special Circumstances for Pay Differential. Employees may receive a pay differential if required to work during an employee social of the District and for cleanup of the fireworks on Sunday following the Fire, Water & Ice Festival (the “Festival”). A pay differential may also be paid if determined by the Executive Director to be in the best interest of the District or when a District employee’s time worked meets each of the following conditions:

- (a) The employee works at a time when the Kearns Oquirrh Park Fitness Center (the “Center”) is normally closed; and
- (b) The employee works a shift that is outside the time frame that an employee in that position would normally work.

1.18.2.8.1 Pay Differential Not Paid. A pay differential will not be paid under certain circumstances. These circumstances include but are not limited to:

- (a) When, during an employee’s shift, the employee is performing duties or dealing with situations related to the operation of the Center (i.e., treating an injury, working with law enforcement, dealing with the public or staff, etc.) and the employee is required to work beyond the employee’s normal shift, or beyond the normal operating hours of the Center;
- (b) Scheduled basketball leagues;
- (c) Turkey Lover’s Workout (Thanksgiving Day); and
- (d) Cleanup and other duties before and after District socials and the Festival.

1.19 SUBJECT: OVERTIME AND FAIR LABOR STANDARDS ACT

1.19.1 PURPOSE: To outline the District's policy on overtime and its obligations under the overtime compensation provisions of the Fair Labor Standards Act (FLSA).

1.19.2 POLICY:

1.19.2.1 FLSA Compliance Required. It is the District's policy to comply with the Fair Labor Standards Act of 1938 ("FLSA"), as amended. Each Department Manager and District official is responsible for ensuring compliance with the FLSA in his or her department.

1.19.2.2 What Constitutes Overtime. Any time worked by non-exempt (hourly) employees in excess of 40 hours in any one work week will be considered overtime.

1.19.2.3 Availability for Overtime. It is the District's policy to avoid having its employees work overtime and it attempts to keep overtime to a minimum. Supervisory personnel are expected to organize their department workloads to minimize overtime. However, from time to time the needs of the District may make it necessary for employees to work more than they generally are scheduled to work. Employees are required to be available to work overtime hours as necessary as a condition of continued employment.

1.19.2.4 Authorization. All overtime worked must be specifically authorized and approved in advance by an employee's supervisor. The only exceptions allowed are for bona fide emergency situations when overtime is unavoidable and supervisors cannot be contacted for approval.

1.19.2.5 Actual Hours Worked. As established by law, overtime compensation is based on actual hours worked, and therefore only hours actually worked in any one work week will be used in calculating overtime. Time for which an employee is paid but for which no work is performed, such as paid holidays, and absences covered by vacation leave, sick leave or other paid absences for regular full-time employees, will not be counted as hours worked in calculating overtime.

1.19.2.6 Rate of Pay. For non-exempt employees covered under the overtime provisions of the FLSA, overtime will be paid at the rate of time and one-half the regular rate of pay for hours actually worked in excess of 40 hours during a work week. There are no daily overtime requirements.

1.20 SUBJECT: RECORDING OF TIME WORKED

1.20.1 PURPOSE: To outline the District's policies and procedures regarding the recording of time worked.

1.20.2 POLICY"

1.20.2.1 Computer Time Clock System. All employees of the District working in non-exempt (hourly) positions are required to maintain an accurate record of their hours worked for the District on the computer time clock system. Employees are responsible for their own time, and may not clock in or out for any other employee.

1.20.2.2 Verification of Hours Worked. On a weekly basis, managers and supervisors will post the employee's time worked and each employee is expected to verify his or her recorded hours.

1.20.2.3 Correction of Hours Worked. If the hours are not correct, the employee is required to submit a "KOPFC Time Clock Correction Form" to the employee's supervisor or manager, who will verify the information and manually make the change in the time clock system. Corrections made after payroll is processed for the current pay period will be paid in the next pay period following the submission of the correction.

1.21 SUBJECT: PAY PERIODS, PAYROLL PROCESS AND DEDUCTIONS

1.21.1 PURPOSE: To outline the District's policies and procedures regarding pay periods, payroll process and payroll deductions.

1.21.2 POLICY:

1.21.2.1 Payroll Period. The District's payroll period starts on Monday morning immediately after midnight, and runs for two weeks, ending on the second Sunday thereafter at midnight.

1.21.2.2 Payday. Payday is the second Wednesday following the end of the payroll period. Employees shall be required to establish an account for direct deposit of their paychecks. Once established, wages or salaries shall be distributed to each employee by direct deposit. Each payment will include earnings for all work performed through the end of the previous pay period.

1.21.2.3 Compensation Changes. Unless otherwise specified, all compensation and status changes shall become effective on the first day of the payroll period following the compensation or status change.

1.21.2.4 Automatic Deductions. The law requires that the District make certain deductions from every employee's compensation. The following items are automatically deducted from wages:

- (a) Federal withholding tax (unless the employee claims exempt status);
- (b) Utah State withholding tax (unless the employee claims exempt status);
- (c) Social Security and Medicare tax (FICA); and
- (d) Amounts subject to garnishment.

1.21.2.5 Voluntary Deductions. Eligible employees may make arrangements to have any of the following items deducted from their paychecks:

- (a) Contributions to 401(k) and 457 plans;
- (b) Applicable group insurance premiums;
- (c) Credit union or bank deposits; and
- (d) Other approved deductions.

1.21.2.6 Electronic Statements. Statements are available electronically to employees showing the amount earned for the pay period (gross pay), the deductions taken, and the amount of take-home pay. Employees are encouraged to print and retain these statements for their records. The District's Accountant/HR Specialist may be contacted to

answer any questions regarding the deductions taken from an employee's paycheck or how those deductions were calculated.

1.21.2.7 Payment Disputes. If an employee determines that he or she was not paid for all hours worked following the payroll being processed, the employee must immediately notify his or her supervisor. If the supervisor determines that additional time is owed the employee, the employee will submit a KOPFC Time Clock Correction Form to the employee's supervisor who will then submit the Correction Form to the Accountant/HR Specialist.

1.22 SUBJECT: PAY PLAN AND RECLASSIFICATION

1.22.1 PURPOSE: To define the District's policy relating to the compensation of regular part-time, regular full-time, and temporary and seasonal employees of the District.

1.22.2 POLICY:

1.22.2.1 Pay Plan. The Executive Director, in conjunction with the District Board of Trustees, shall be responsible for the development and maintenance of a uniform and equitable pay plan that shall consist, for each class of positions, of minimum and maximum rates of pay.

1.22.2.2 Compensation Survey. Approximately every three (3) years, the Board will review the need for and the finances available to perform a compensation survey of a significant sample of positions in the surrounding area. The Executive Director shall then develop preliminary compensation recommendations and present them to the District Board of Trustees. It is the desire of the District to remain competitive in its compensation plan. As a result, when the Executive Director becomes aware that a position is significantly out of line with the market, a review may be conducted and recommendations may be made to the Board when appropriate.

1.22.2.3 Board Approval. The District Board of Trustees shall review and adopt, or ratify, a compensation and fringe benefit plan after considering the recommendation of the Executive Director.

1.22.2.4 Pay Ranges. Pay ranges shall be linked directly to the position classification plan and shall be determined with due regard to the following considerations:

- (a) Prevailing rates of pay for similar employment in both public and private organizations;
- (b) Pay ranges in other classes;
- (c) Cost-of-living considerations;
- (d) Other benefits received by employees; and
- (e) The economic conditions of the District.

1.22.2.5 Employee Status. When the District compensation plan is increased or decreased because of the considerations listed in Paragraph 1.22.2.4, the employee shall retain his or her respective grade for his or her class.

1.22.2.6 Effective Date. All adjustments to an employee's pay shall become effective at the start of the pay period that follows the determination.

1.22.2.7 Temporary Freeze. When a class is reallocated to a lower grade or when a position is reclassified to a class with a lower pay range, incumbents whose compensation is above the maximum of the lower pay range will continue to be paid at their then current rate of pay but will not receive any increase in pay until the maximum of the new range exceeds their rate of pay.

1.22.2.8 Effect of Reclassification. Reallocation of a class or reclassification of a position to a class with a different pay range shall in no case decrease an employee's compensation and, when a position is reclassified to another class of the same pay range, the compensation of the incumbent shall remain unchanged.

1.22.2.9 Starting Pay. Appointment to any position in any class shall normally be made at the minimum rate of the appropriate pay range. The appointment rate may be higher if:

- (a) A qualified individual cannot be recruited for the position at the beginning rate; or
- (b) The qualifications of the individual selected for the position are substantially higher than the minimum requirements, and the individual can be expected to perform at a level equal to that of other employees being paid in the same class.

1.23 SUBJECT: PERFORMANCE PAY

1.23.1 PURPOSE: To define the District's policy for awarding performance or merit based pay increases.

1.23.2 POLICY: Employees may be eligible to receive performance or merit pay increases under the following guidelines:

- (a) Performance pay is comprised of a percentage increase in pay. Performance pay increases may be earned on an annual basis.
- (b) Annually, the Board of Trustees will determine performance pay funding for the upcoming year by analyzing the Consumer Price Index, the District's ability to pay, hiring needs, turnover, retention rates and other factors deemed relevant.
- (c) Performance pay shall be effective at the start of the pay period following the performance evaluation. A Payroll Change Authorization Form is required to process the change.
- (d) An employee will be eligible to receive performance pay based upon the employee's performance rating. The Board of Trustees will annually determine the percentage pay increase that corresponds with the performance rating by approving a performance pay range.
- (e) An employee is eligible to receive performance pay increases until the employee's wage equals the maximum within the employee's pay range. An employee's wage shall not exceed the maximum of the employee's range. When an employee is approaching the maximum of the applicable pay range, the employee will be eligible for an increase in pay up to the maximum of the applicable pay range. The remainder of any approved performance pay increase, based on an annual evaluation, will be eligible to be paid out in the form of Topped-Out Performance Pay ("TOPP"). This is an annual lump sum payment, equal to the percentage increase for which the employee is eligible, that exceeds the applicable maximum pay rate, multiplied by the employee's prior year W-2 gross wages from the District for the position being evaluated and excluding any prior year TOPP, up to a TOPP percentage amount that will be set by the Board of Trustees. The Board of Trustees will also determine when TOPP will be paid. An employee is eligible to receive TOPP in any year that the employee is at the maximum pay within the applicable pay range and otherwise would be eligible to receive a performance evaluation pay increase, based upon the employee's annual evaluation.
- (f) Trustees and seasonal and temporary employees are not eligible to receive performance pay.

(Updated 01.16.2013)

1.23.2.1 Eligibility Date. The eligibility date for employees will be the date of successful completion of the initial evaluation period, which usually will be six (6) months from the date of hire, unless the initial evaluation period has been extended, and annually thereafter. If the initial evaluation period has been extended, the eligibility date will be the start of the pay period following the determination that the employee has completed the initial evaluation period. The following factors shall not affect an employee's eligibility date:

- (a) Pay adjustments resulting from compensation surveys;
- (b) Reclassification;
- (c) A period of paid leave;
- (d) Leave-without-pay for fewer than thirty (30) days;
- (e) Military leave-without-pay necessitated by a draft or reserve call-up due to a national contingency operation; or
- (f) Family and Medical Leave.

1.23.2.2 TOPP Examples. The following examples illustrate the basis upon which TOPP payments may be made:

- (a) Employee A is eligible for a 3% pay increase based on the annual evaluation, but is at 99% of the maximum of Employee A's pay range. Employee A will only receive a 1% increase to the applicable pay rate, bringing Employee A to the maximum in the applicable pay range. The remaining 2% increase is eligible to be paid out as TOPP. Assuming the Board has set a TOPP pay out for the current year at 3%, and that employee A was paid \$10,000 based upon prior year W-2 gross wages for the position being evaluated, employee A will receive TOPP lump sum payment of \$200.00 calculated as follows: (prior year W-2 gross wages of \$10,000 [less any prior year TOPP] x .02, which is the remainder of the performance evaluation pay increase, $\$10,000 \times .02 = \200 TOPP).
- (b) In the following year, assuming the same facts and a 3% increase is awarded based on the annual evaluation, except that employee A is now already at the maximum within the applicable pay range, and the Board set the TOPP pay out at only 1%, employee A will receive no pay increase but would be eligible for a \$100 lump sum TOPP payment ($\$10,200 - \$200 = \$10,000$ eligible wages after excluding prior year TOPP. $\$10,000 \times .03 = \300 , but limited to 1% or \$100, as set by the Board.) The remaining 2% that was available to be paid out as TOPP is forfeited and is not carried over to any subsequent year.

1.23.2.3 Position Change. A promotion from one job classification to another (a “Position Change”), either within the department or between departments, shall require a new six (6) month and a new annual evaluation period for the new position. Each position held by an employee shall be treated separately for purposes of the six month and annual evaluations and pay increases.

1.23.2.4 Department Budgets. Department budgets for performance pay increases will reflect the average percentage increase as determined annually by the Board of Trustees. It is the policy of the District that departments operate within these guidelines so that additional funding will not be necessary. Small departments may be subject to slightly different guidelines as approved by management.

1.23.2.5 CPI. At the beginning of each year, the Board of Trustees will evaluate the CPI figure for the prior calendar year. The CPI index to be used is the “All Items” index. If the Board determines a CPI increase is to be implemented, the midpoint pay for each pay range will be increased and the minimum and the maximum pay for each pay range will automatically change so the minimum and maximum will remain at 80% and 120% of the midpoint, respectively. Any changes will be effective retroactive to January 1st of the then current year. Increasing the maximum pay range in a pay grade in no way guarantees that any employee, including one who was at the maximum pay range in his or her pay grade, will receive a pay increase. Pay increases will be based solely on the employee’s performance and evaluation.

1.24 SUBJECT: FAMILY AND MEDICAL LEAVE

1.24.1 PURPOSE: To outline the District's policy on leaves of absence under the Family Medical Leave Act (FMLA).

1.24.2 POLICY: The Family and Medical Leave Act of 1993 ("FMLA") allows "eligible" employees of a covered employer to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued such leave, for up to a total of 12 weeks during any 12-month period for a qualifying reason under the FMLA, except as otherwise provided in subsection 1.28.2.2(f) below.

1.24.2.1 Employee Qualifications. In order to qualify to take family and medical leave under this policy, the employee must meet both of the following conditions:

- (a) The employee must have worked for the District at least 12 months. The 12 months need not have been consecutive.
- (b) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave would begin.

1.24.2.2 Purpose of Leave. In order to qualify as FMLA leave under this policy, the employee must be taking the leave for one of the following reasons:

- (a) For the birth of a child of the employee and to care for that newborn child;
- (b) For placement with the employee of a child for adoption or foster care;
- (c) To care for the employee's spouse, child, or parent with a serious health condition; or
- (d) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
- (e) Military Exigency Leave of up to 12 weeks to deal with exigencies resulting from a Federal Contingency Act.
- (f) Military Caregiver Leave of up to 26 weeks to care for a covered military family member (spouse, son, daughter, parent or next of kin) who is injured in the line of duty, which shall only be available during a single 12 month period.

The entitlement to leave under subparagraphs (a) and (b) expire at the end of the 12 month period beginning on the date of such birth or placement.

1.24.2.3 Serious Health Condition. For purposes of the FMLA, a “serious health condition” is defined as “an illness, injury, impairment, or physical or mental condition, that involves (A) inpatient care in a hospital, hospice, or residential medical care facility; or (B) continuing treatment by a health care provider.”

1.24.2.4 Doctor’s Certification Required. The District will require an employee to provide a doctor's certification of the serious health condition. The certification process is outlined in a later section.

1.24.2.5 Prior Leave. If a regular full-time employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests leave as provided under this policy, the District may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

1.24.2.6 Computation. An eligible employee can take up to 12 weeks of leave under this policy during any 12-month period. The District will measure the 12-month period as a rolling 12-month period measured forward from the date of the first FMLA leave occurrence. Each time an employee takes FMLA leave the District will compute the amount of leave, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee used four weeks of FMLA leave beginning February 1, 2011, four weeks beginning June 1, 2011, and four weeks beginning December 1, 2011, the employee would not be entitled to any additional leave until February 1, 2012.

1.24.2.7 Health Insurance. While an employee is on FMLA leave, if the employee was covered under the group health plan prior to the leave, the District will continue the employee's coverage under the District’s group health insurance plan at the same level and under the same conditions as if the employee had continued to work. The District will make arrangements on a case-by-case basis with the employee as to how the employee will pay his/her portion of the premium.

1.24.2.8 Premium Repayment. If a regular full-time employee chooses not to return to work after the employee’s unpaid FMLA leave entitlement has been exhausted or expires for reasons other than the continuation, recurrence or onset of a serious health condition which would entitle the employee to leave under the FMLA or other circumstances beyond the control of the employee, the District will require the employee to reimburse the District for its share of the premiums paid for the employee’s health insurance during the unpaid FMLA leave period.

1.24.2.9 Life Insurance. If a regular full-time employee contributes to the group life insurance plan, the District will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those payments. If the employee does not continue these payments, the District may discontinue coverage during the leave period, or will recover the payments at the end of the leave period, in a manner consistent with applicable law.

1.24.2.10 Job Security. An employee who takes FMLA leave under this policy will be able to return to the same job or an equivalent job with equivalent pay, benefits, and

other employment terms and conditions. As a condition of restoring an employee whose FMLA leave was because of the employee's own serious health condition, the District will require that a "fitness to return to work" certificate signed by the employee's health care provider, certifying that the employee is able to resume working, be turned into the Executive Director when the employee plans to return to work.

1.24.2.11 Use of Paid Leave. If a regular full-time employee has accrued paid sick or vacation leave at the time FMLA leave is taken, the employee must use his or her paid leave in conjunction with the FMLA leave until the paid leave has been exhausted, at which time the remainder of the available FMLA leave shall be treated as unpaid leave.

1.24.2.12 Use of FMLA Leave. An employee may take FMLA leave for up to 12 consecutive weeks, or may use the leave intermittently (or periodically) or to reduce the workweek or workday, resulting in a reduced hour schedule, as medical conditions warrant. In all cases, except as otherwise provided by applicable law, the leave may not exceed a total of 12 weeks over a 12-month period.

1.24.2.13 Medical Certification. The District requires certification of the serious health condition from the employee's health care provider. The employee is required to provide such certification within 15 days of the request for FMLA leave, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of the request for FMLA leave, or a delay in granting the requested FMLA leave.

1.24.2.13.1 Medical Certification. Certification of the serious health condition from the health care provider shall include: the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position). For family leave to care for a seriously ill family member, the health care provider's certification must also include a statement that the patient requires assistance for basic medical, hygiene, nutritional needs, safety or transportation, or that the employee's presence would be beneficial or desirable for the care of the family member, which may include psychological comfort. The employee is required to indicate on the form the care he or she will provide and an estimate of the time period during which such care will be provided.

1.24.2.13.2 Periodic Reports. In cases where extended leave is requested, the District may require periodic reports of the medical condition in question, and will require written notice of the employee's intent to return and expected date of return to work. Re-certification may be required (a) every 30 days to re-certify a serious health condition or that the employee is required to provide care, (b) when the employee requests a leave

extension, (c) when there are changed circumstances relating to the illness or the injury, or (d) whenever the employee receives information which casts doubt on the continuing validity of the most recent certification.

1.24.2.13.3 Intermittent Leave. If an employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The District has the right to ask for a second opinion if it has reason to doubt the certification. The District will pay for the employee to see a second doctor, whom the District will select, regarding the need for FMLA leave.

1.24.2.13.4 Conflict Resolution. If necessary to resolve a conflict between the original certification and the second opinion, the District and the employee will jointly select a third doctor, and the District will pay for the opinion obtained from that third doctor. This third opinion will be considered final and binding on the District and on the employee.

1.24.2.14 Written Request. Except when leave is not foreseeable, an employee requesting FMLA leave shall submit a written request to the employee's immediate supervisor, with a copy to the Executive Director, setting forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave.

1.24.2.15 Foreseeable Need. An employee must provide the employer at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. An employee undergoing planned medical treatment should consult with his or her supervisor and make a reasonable effort to schedule the leave to minimize disruptions to the District's operations.

1.24.2.15.1 Failure to Notify. If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the District receives notice of the employee's need for FMLA leave.

1.24.2.16 Status Reports. While on leave, employees are requested to report periodically to the District regarding the status of the medical condition, and their intent to return to work.

1.24.2.17 FMLA to Control. The foregoing is merely a summary of the FMLA and is not intended to be a complete or comprehensive statement of the Act or its requirements.

Nothing contained herein is intended to obligate the District to provide family or medical leave to its employees, unless otherwise required to do so by the FMLA. In the event of any conflict between this policy and the FMLA, the FMLA will control. Employees who are desirous of taking family or medical leave should contact the District's Executive Director or Controller to determine whether and to what extent they are eligible for such leave.

1.25 SUBJECT: JURY OR WITNESS LEAVE

1.25.1 PURPOSE: To outline the District's policy on taking leave for jury service or to testify as a witness in a legal proceeding.

1.25.2 POLICY:

1.25.2.1 Where Employee is Not a Party. A full-time employee will be entitled to paid leave whenever he or she is required to appear as a witness at a deposition, trial or other legal proceeding in a case in which the employee is not a party or serve as a juror in a trial in federal or state court.

1.25.2.2 Where Employee is a Party. If an employee is required to miss work to testify or be present at a deposition, trial or other legal proceeding in a case in which the employee is a party, the time off may be taken as vacation leave or leave-without-pay.

1.25.2.3 Notification. Each employee taking leave to serve as a juror or to appear as a witness or party at a court proceeding should notify his or her Manager or Supervisor and the Accounting Office in advance. The District will not compensate employees for jury or witness leave unless previous notification is given.

1.25.2.4 Work - Related Testimony. An employee who is subpoenaed or otherwise requested or required to testify in a civil or criminal court, or at a deposition, on behalf of the District regarding a work-related event shall be compensated for the time that the employee was scheduled but not able to work for the District by reason of the employee's attendance in court or at the deposition.

1.25.2.5 Juror or Witness Fee. Any income earned and received by an employee while serving as a juror or witness while on paid leave (excluding travel allowance) will be turned over to the District Accounting Office for reimbursement to the District.

1.26 SUBJECT: MILITARY LEAVE

1.26.1 PURPOSE: To outline the District's policy on leaves of absence for employees serving in the military.

1.26.2 POLICY:

1.26.2.1 National Guard or Reserves. A full-time District employee will be granted leave to fulfill his or her annual two-week active duty training in the National Guard or Armed Forces Reserves. An employee participating in this training must submit to his or her Department Manager appropriate written orders received from the employee's Guard or Reserve unit evidencing the employee's obligation to attend such training. Military leave with pay shall not exceed ten (10) working days in any one calendar year. All military leave taken shall be reported on payroll time sheets. An eligible employee who is in the Guard or the Reserves also will be granted time off without pay to perform his or her weekend duty requirements.

1.26.2.2 Active Duty. Employees who voluntarily enlist, are drafted into, or are called into active military service in any branch of the Federal armed forces will be granted a military leave of absence for the period of active duty. Employees granted such leave of absence shall have re-employment rights and other statutory benefits to the extent required by applicable law. An employee who has been on a military leave of absence and who desires to return to work with the District must, upon completion of such military service, give the District advance written or verbal notice of his or her intent to return to work, and actually return to work, in accordance with the provisions of 38 U.S.C. § 4312.

1.27 SUBJECT: EMPLOYEE AND TRUSTEE MEMBERSHIPS
(updated 8.17.2017)

1.27.1 PURPOSE: To define the District's policy for providing Fitness Center memberships for Trustees and full-time, part-time, seasonal, and temporary employees.

1.27.2 POLICY.

1.27.2.1 Full-Time Employees and Trustees. A complimentary family membership to the facility shall be given to regular full-time employees while employed by the District. Trustees do not receive a complimentary membership. If one is desired, they must purchase at the standard membership rates.

1.27.2.2 Other Employees. Part-time, seasonal, and temporary employees shall receive a complimentary individual membership during the time they are employed by the District. Alternatively, a part-time, seasonal, or temporary employee may choose to upgrade to a couple or family membership by paying twenty-five percent (25%) of the resident family membership fee. The upgraded membership expires one year from date of purchase or upon the employee's separation, whichever occurs first. The employee may renew or reinstate the upgraded membership by paying twenty-five percent (25%) of the resident family membership fee each year. When two or more part-time employees are from the same immediate family, as defined in the Membership Agreement, there will be no charge for an upgraded couple or family membership. An employee who qualifies for senior membership status may receive a complimentary senior couple membership. All employee, employee couple, senior couple, and employee family memberships end upon the employee's separation from employment regardless of the date of issuance of the upgraded membership.

1.27.2.3 Rules. All employee memberships shall be governed by and subject to the rules that apply to regular memberships. For example, an employee family membership may only include persons living in the same household who are related and who are all claimed on the same tax return as dependents.

1.27.2.4 Benefits. All employee memberships are intended as a courtesy and de minimus benefit to employee and are only allowed if they do not add increased cost or burden to the District, and may be discontinued at any time at the discretion of the District.

1.28 SUBJECT: CPR, FIRST AID, AED, OXYGEN CERTIFICATIONS

1.28.1 PURPOSE: To define the District's policy regarding who must achieve and maintain certifications in CPR, First Aid, AED, and Oxygen Administration.

1.28.2 POLICY:

1.28.2.1 Supervisory Personnel. Head Lifeguards, Operations Supervisors, Operations Manager, Aquatic Safety Supervisor, Aquatic Program Supervisor, and Aquatics Manager are required to be certified in CPR/PR, AED, and Oxygen Administration through a certifying agency approved by the District.

1.28.2.2 Lifeguards. Lifeguards are required to be certified in CPR/PR and AED through a certifying agency approved by the District.

1.28.2.3 Other Employees. Employees in positions other than those listed in Subsections 1.28.2.1 and 1.28.2.2 who are required to be certified in CPR and/or First Aid by a certifying agency, as outlined in the position's job description, or by the supervisor, may hold that certification from any nationally recognized safety certification organization.

1.28.2.4 Cost. Employees who are required to be certified as stated in Subsections 1.28.2.1, 1.28.2.2, or 1.28.2.3 may receive their certification at no charge if it is done through the District, with the exception of the cost of books.

1.28.2.5 Compensation. Hourly employees who are required to be certified as stated in Subsections 1.28.2.1, 1.28.2.2, or 1.28.2.3 will be compensated three (3) hours of pay upon successful completion or renewal of the certification if certified through the District.

1.28.2.6 Voluntary Certifications. Employees not specified above may attend CPR, First Aid, AED, Oxygen Administration classes at no charge, except for the cost of materials. If the employee chooses to become certified they would need to pay any fees associated with the certification.

1.29 SUBJECT: WORKERS' COMPENSATION

1.29.1 PURPOSE: To establish the District's policy and procedures for treating and reporting work-related injuries and illnesses in accordance with the requirements of the Utah Workers' Compensation Act.

1.29.2 POLICY: The District is committed to provide a safe work environment. If an employee becomes injured on the job, the District provides workers' compensation insurance to all District employees. This insurance provides compensation under certain circumstances set forth in the Utah Workers' Compensation Act to employees who are injured as a result of an accident arising out of and in the course of the employee's employment. The District is also committed to helping injured employees return to work as quickly as possible.

1.29.2.1 Report Required. All injuries occurring on the job must be reported immediately to the employee's Supervisor no matter how slight the injury may seem. In the absence of the employee's Supervisor, any injury must be immediately reported to the Department Manager, Operations Manager or Supervisor, Controller or Executive Director. The Department Manager must notify the District's Accounting Office of the injury as soon as possible, so that the "Worker's Compensation Employer's First Report of Injury or Illness" form can be completed and submitted to the workers' compensation carrier. The Department Manager must also notify the District Accounting Department when an injured employee returns to work. Under the Utah Workers' Compensation Act, an injured employee who fails to notify his or her employer or the Utah Division of Industrial Accidents within 180 days of any injury is barred from any claim of benefits arising from the injury.

1.29.2.2 Claim Submittal. All medical expenses, including prescription drugs, that are incurred in connection with, or to treat, an on-the-job injury that is covered by workers' compensation are to be submitted to the workers' compensation carrier in all cases.

1.29.2.3 Return to Work. The employee's supervisor will work with the District's Accounting Office to review any restrictions given by medical providers and determine if the employee's normal job meets the restrictions. If not, it is the policy of the District to allow the employee to return to work by making accommodations for Restricted/Light/Transitional Duty work where possible. Injured employee's must comply with the restrictions they are given. The District will follow-up regularly with employee and medical provider to ensure required care is available and given, work restrictions are being followed, so that the employee can return to regular job duties as soon as permissible with a doctor's release.

1.30 SUBJECT: TRAVEL POLICY

1.30.1 PURPOSE: To establish the District's travel authorization and expense reimbursement policy for official District travel.

1.30.2 DEFINITIONS:

- (a) Per Diem – An allowance for meals and incidental expenses.
- (b) CONUS Per Diem Rate – The General Services Administration establishes the CONUS (Continental United States) per diem rate for Federal travelers. “The rate is established to provide sufficient allowance for the Government traveler to stay at safe and comfortable rooms while on official business for the Government. This rate coincides with the IRS tax plan for expenses incurred while on travel within a calendar year.” (General Services Administration)
- (c) Extended-Day Travel - Travel on District business that requires the traveler to be away from his or her normal place of employment ten hours or more or a distance of at least 100 miles (one way), not requiring an overnight stay.

1.30.3 POLICY:

1.30.3.1 Mileage Reimbursement. District employees who drive a personal vehicle in the normal course of their duties may receive payment for mileage driven. Payment for mileage shall only be made for authorized District business and shall not be paid to cover commuting mileage between an employees' residence and his or her customary work site.

1.30.3.1.1 Rate. Employees may be reimbursed mileage at a rate not to exceed the IRS-approved reimbursement per-mile when mileage is incurred while performing authorized District business and use of a District owned vehicle is not available.

1.30.3.1.2 Mileage Records. Employees receiving mileage reimbursement must keep proper and accurate records of miles driven. Mileage Reimbursement forms are available on the shared computer drive. Requests for reimbursement lacking all of the information required on the form will be returned to the Department Manager. Requests for reimbursement of mileage must be made timely. All requests should be submitted monthly, but no more than 30 days after the close of each calendar year quarter. Anyone who does not submit for reimbursement during this period will be deemed to have waived his or her rights to reimbursement.

1.30.3.2 Insurance. Employees driving either a personal vehicle or a District vehicle for District business must complete a 'Certificate of License and Insurance Coverage' form. Employees shall not use their personal vehicle for District business unless they have first completed the 'Certificate of License and Insurance Coverage' form and received prior approval by their department managers. Such certificate shall be signed by the employee certifying that he or she has a valid Utah Driver's License and that it will be kept current while driving a vehicle while on District business. Those employees driving a personal vehicle shall also certify that they have and will maintain the minimum insurance required by Utah State laws on each vehicle driven while on District business. Employees shall also certify that they understand that they may be subject to disciplinary action if either their license or insurance is not kept current. Certificates shall be kept permanently in the employee's personnel file.

1.30.3.3 Commercial Operators. Employees operating a commercial vehicle must comply with all of the requirements of the Commercial Motor Vehicle Safety Act of 1986, as amended.

1.30.3.3.1 License Required. Employees who operate a commercial vehicle in the course of their employment with the District must have a current, valid commercial driver's license. An employee who does not have a commercial driver's license or whose commercial driver's license has been suspended or revoked may not drive a commercial vehicle for the District.

1.30.3.4 Notification of Violations. If an employee who drives any type of motor vehicle for the District or while on District business is ticketed or arrested for a moving violation, a DUI or any other alcohol or drug-related offense, or if the employee's driver's license is suspended or revoked, the employee must notify his or her immediate supervisor in writing of such action no later than the next day the employee is at work, or within five business days of the said action, whichever occurs first.

1.30.3.5 Check Request. A Check Request Form, available on the shared computer drive, shall be submitted when reimbursement for travel expenses is requested. All documentation for the period applied for must be attached to the form when submitted. Forms shall be approved by the employee's supervisor. Mileage reimbursement requested on the voucher shall be paid separately from the employee's payroll check. Amounts may be either advanced after submission and approval of travel request or reimbursed after presentation of receipts.

1.30.3.6 Travel Not Authorized. Authorized travel status does not include interim periods of time scheduled primarily for the convenience of the traveler, including side trips, layovers, and late returns which are not necessary for the conduct of District business.

1.30.3.7 CONUS Per Diem Rates. Travel shall be based on the prevailing CONUS per diem rates for the destination city. These rates are available online from the General Services Administration at: <http://www.gsa.gov>.

1.30.3.8 Extended Day Travel. If an employee is on extended day travel (10 or more hours), one meal will be reimbursed at reasonable actual expense not to exceed fifteen

dollars (\$15.00), unless otherwise approved by the Executive Director. Original cash receipt or credit card receipt is required for reimbursement. The detachable portion of the restaurant ticket is not acceptable. This provision is not applicable when traveling to attend events on behalf of the District for which meals and/or other reimbursable items have been pre-paid or paid as part of a registration or entrance fee.

1.30.3.9 Pre-Paid Meals. When traveling to attend events on behalf of the District for which meals and/or other reimbursable items have been pre-paid or paid as part of a registration or entrance fee, an appropriate and/or equal amount shall be deducted from the travelers allowable per diem, using the meal breakdown charges as determined by CONUS per diem rates listed on the website referred to above.

1.30.3.10 Exceptions. The Executive Director shall approve all exceptions to this aforementioned policy.

1.30.3.11 Best Rate. Reimbursement for hotel stays should be equal to the rate established by the District as the best rate available for the amenities needed. If the employee chooses, with the District's approval, to stay at another location, the employee will be reimbursed at the rate being paid for others attending the same conference. If attending alone, the employee may be paid at the rate established by CONUS for that location.

1.30.3.12 Transportation Costs. The District will pay, at its discretion, the lesser amount of airfare and other transportation costs, or mileage for travel. Those who drive their own personal vehicles to conferences/training will be reimbursed for the mileage they incur traveling to and at the activity.

1.30.3.13 Additional Costs. If the District has incurred expenses for travel, the employee will be responsible for paying any additional costs due to itinerary or other changes, if the change is caused by the employee and is not the fault of the District.

1.30.3.14 Trustee Travel. Travel expenses for any Trustee shall be approved in advance by the Board Chair. Travel expenses incurred by the Board Chair shall be approved in advance by the Vice-Chair.

1.31 SUBJECT: EMPLOYEE AND TRUSTEE PURCHASES

1.31.1 PURPOSE: To outline the District's policy prohibiting employees and Trustees from purchasing goods and services for personal use using a District account or District funds.

1.31.2 POLICY:

1.31.2.1 No Personal Use or Ownership. No District employee or official shall purchase goods or services for personal use and ownership using the District's name, any District account, or District funds.

1.31.2.2 Improper Influence. No employee or Trustee of the District shall use his or her position with the District to pressure, coerce, or otherwise improperly induce any vendor or other person to provide a special benefit to the employee or Trustee that would not be generally available to others. By way of illustration, no employee or Trustee may threaten or imply that a vendor's failure to provide a favorable price or other concession on a personal purchase will or may jeopardize the vendor's relationship with the District.

1.31.2.3 Personal Purchases-Validity. Nothing in the Policy Manual shall prohibit or prevent either employees or officials from purchasing from vendors who also provide goods and services to the District, provided that such private purchases are clearly denoted as such and are made in the name of the employee or Trustee. Furthermore, nothing contained in the Policy Manual shall prohibit Trustees from receiving discounts or membership cards from District vendors provided that such cards and memberships are in the name of the individual employee or official and all purchases are billed to and paid directly by the employee.

1.31.2.4 Credit Cards. District credit cards shall be used for official business only, and shall not be used for the personal convenience of employees or Trustees.

1.31.2.5 Sales Taxes. As a governmental entity and as a reseller, the District is not required to pay a Utah sales tax on some of its purchases. No employee or Trustee shall use the District's immunity from sales tax collection to avoid payment of sales tax on personal purchases.

1.31.2.6 Salvage. Metal and other items of some residual value may be salvaged by employees of the District while working on District facilities and improvements. Such salvaged items continue to be the property of the District and are to be disposed of accordingly. As a consequence, all receipts from salvaging such items shall be the property of the District and shall be safeguarded and accounted for as such.

1.32 SUBJECT: APPEARANCE AND DRESS CODE
(updated 8/16/2017)

1.32.1 PURPOSE: To define the District's dress code for employees while executing their responsibilities on behalf of the District.

1.32.2 POLICY: Reasonable grooming, appearance and personal cleanliness standards contribute to the professional image of the District and the morale of all employees. The employees of the District are expected to present a favorable impression during their contacts with patrons and the public consistent with the goals and values of the District. All employees are expected to maintain a neat, clean and professional personal appearance. Therefore, a dress code policy has been adopted, which all employees are required to follow.

1.32.2.1 Required Clothing and Name Tags. Any uniform or logo clothing or name tags that employees are required to wear will be provided by the District with the understanding that the employees will keep the clothing clean and in good repair. Employees may purchase additional items of required clothing for their use if they would like to do so. Depending on the length of time that clothing issued by the District has been used, employees may be required to return the items upon the termination of their employment.

1.32.2.1.1 Basics. Employees are required to wear approved Kearns Oquirrh Park Fitness Center shirts or approved nametags at all times. Managers and Supervisors may also wear business attire in lieu of approved shirts or nametags.

1.32.2.1.2 Condition. Employee clothing should be free of holes or tears, and should be clean, pressed and stain-free. Tops should have sleeves, a conservative neckline with no open backs or bare midriffs.

1.32.2.1.3 Name Tag. If nametags are worn, they must be worn on either the front left chest or right front chest. Employees may also supply their own lanyard (as approved by their supervisor) for hanging their nametag, but the lanyard must be mostly solid in color and must not detract from the employees' appearance.

1.32.2.2 Hats. Hats may be worn but must be of a solid color and not reflect any poor image of the facility or its standards. Hats must be worn forward only. Visors are also acceptable.

1.32.2.3 Sunglasses. Sunglasses are permitted for outside duties but are not allowed inside. Sunglasses should be removed when talking with patrons.

1.32.2.4 Visible Tattoos. Employees who have a visible tattoo that is deemed by management, in its sole discretion, to be objectionable shall be required to cover the tattoo in a manner acceptable to management.

1.32.2.5 Shorts and Shirts. Shorts are permitted, but they must be in good taste and not be ragged or torn. Cut-off jeans are not permitted unless they have a proper sewn hem. Shorts must have at least a 5” inseam and skirts no more than 3” above the knee, each with a modest style.

1.32.2.6 Pants. Long pants of both jeans and slacks are acceptable as long as they are properly worn around the waist and are not of an oversized style in appearance. Pants must be clean and in good repair.

1.32.2.7 Sweatpants and Track Pants. Employees who work as fitness trainers, aerobic instructors, Kids Club employees, tennis instructors, and employees who work when the fitness center is closed, may wear long sweatpants or track pants.

1.32.2.8 Lifeguards and Swimming Instructors. Lifeguards must wear the shorts and shirts issued to them by the District. Swimming instructors will be permitted to wear solid-colored swim trunks, preferably red. Approved shorts may be worn over the swim trunks when the lifeguard or swimming instructor is not in the water. When weather conditions warrant, sweatpants or track pants may be worn over swim attire. Female lifeguards must wear a swimsuit underneath a shirt or tank top.

1.32.2.9 Jewelry. Jewelry worn while working should be conservative and not distract from the professional image that the District desires to impart to the public. Watches are the only jewelry that may be worn by lifeguards.

1.32.2.9.1 Piercings - Earrings. The wearing of facial, lip, nose, tongue and other similar visible piercings is not allowed while at work. Only clip-on or post earrings may be worn. Earrings longer than 3 inches may not be worn.

1.32.2.9.2 Footwear.

1.32.2.9.3 Employees other than lifeguards and swim instructors.

Shoes or sandals must be worn while working. Sandals are permitted unless such footwear is incompatible with an employee’s work duties.

1.32.2.9.4 Lifeguards and swimming instructors: Lifeguards and swimming instructors are permitted to go barefoot or wear water shoes or sandals. If sandals are worn, lifeguards and swimming instructors should not wear socks unless weather conditions dictate otherwise. Leather sandals and shoes other than water shoes are not permitted while performing lifeguard duties.

1.32.2.10 Make-up and Hair. Make-up and hairstyles must be worn in a tasteful manner. Hairstyles must be neat and clean. Extreme styles, colors or trends of any kind, are not permitted. Beards and mustaches are allowed but must be neatly trimmed and groomed. Extreme beards or mustaches are not allowed.

1.32.2.11 Violations. An employee who fails to follow the dress code may not be allowed to work unless dressed appropriately. Abuse of this policy may result in disciplinary action, including termination. Managers and supervisors have the right to determine if employees are in compliance with this policy.

1.33 SUBJECT: TOBACCO USE

1.33.1 PURPOSE: To outline the District's policy regarding the use of tobacco on District property

1.33.2 POLICY: Tobacco use, including smoking or chewing, is not permitted in any District office, building, vehicle or other facility. Employees may not use tobacco while on duty, while operating or riding in any District vehicle, or while traveling in a motor vehicle with another person to or from a location where District business is to be or has been performed. Employees who desire to use tobacco products may do so only while on an authorized break and then only in designated tobacco use areas located outside of the District's offices, buildings or other facilities and in accordance with the Utah Clean Air Act (Utah Code Ann. § 26-38-1 et. seq.), as it may be amended, superseded or replaced from time-to-time.

1.34 SUBJECT: DRUG FREE WORKPLACE

1.34.1 PURPOSE: To outline the District's drug and alcohol policy, the procedures for testing employees for drug and alcohol use, and the programs for maintaining a drug-free workplace.

1.34.2 POLICY:

1.34.2.1 Drug and Alcohol Policy. The District is committed to protecting the safety, health and well being of all employees and other individuals in District facilities. Alcohol abuse and drug use are recognized to pose a significant threat to the District's goals. The District has established a drug-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment. Employees are encouraged to voluntarily seek help with drug and alcohol problems.

1.34.2.1.1 Covered Workers. Any individual who conducts business for the District, is applying for a position or is conducting business on the District's property is covered by this drug-free workplace policy including, but not limited to, the Executive Director, executive management, managers, supervisors, full-time employees, part-time employees, volunteers and applicants.

1.34.2.1.2 Applicability. This drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the District. Therefore, this policy applies during all working hours, whenever conducting business or representing the District, while on district property and at District sponsored events.

1.34.2.2 Definitions. For purposes of this policy the definitions stated in Utah Code Ann. §§ 34-41-101 and 58-37-2, as they may be amended, superseded or replaced from time-to-time, apply.

1.34.2.3 Prohibited Behavior.

1.34.2.3.1 Intoxicants. It is a violation of this drug-free workplace policy to use, possess, be under the influence of, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants in the workplace.

1.34.2.3.2 Prescription Drugs. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his or her job. If the use of a medication could

compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request a change of duty and notify a supervisor) to avoid unsafe workplace practices.

1.34.2.3.2.1 Unauthorized Use. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or accidents occur.

1.34.2.4 Notification of Conviction. Any employee who is convicted of a criminal drug violation (including a guilty or "no contest" plea or equivalent) must notify the District in writing within five calendar days of the conviction. The District will take appropriate action within 30 days of notification.

1.34.2.5 Searches. Entering the District's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches may be conducted of lockers and desks and work stations.

1.34.2.6 Violation of Drug and Alcohol Policy. One of the goals of this drug-free workplace policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. An employee who violates any of the foregoing prohibitions or any other requirement of this policy may be subject to disciplinary action, up to and including immediate termination of employment. An employee will be subject to the same consequences as a positive test if he or she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test. If a prospective employee, who has been offered employment by the District, tests positive, refuses to submit to such testing, or substitutes or falsifies a sample, the offer of employment shall be withdrawn, the prospective employee shall be denied employment with the District, and the applicant may not reapply. If an employee tests positive, refuses to submit to such testing, or substitutes or falsifies a sample, the employee may be subject to disciplinary action, up to and including immediate termination.

1.34.2.7 Drug and Alcohol Testing.

1.34.2.7.1 Guidelines. To ensure the accuracy and fairness of the District's testing program, all testing will be conducted according to the requirements of Utah Code Ann. § 34-41-104, which are incorporated herein by reference, by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration (SAMHSA) or the College of American Pathology, and will

include a screening test; a confirmation test; the opportunity for a split urine sample consisting of at least 45ml of urine (one 30 ml and one 15 ml sample) as required by Utah Code Ann. § 34-41-103(4) and (4); review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

1.34.2.7.2 Timing of Testing. Each employee and volunteer, as a condition of employment or being accepted as a volunteer, will be required to participate in pre-employment or pre-acceptance, random (for safety-sensitive positions or duties), post accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management. Employees, volunteers and prospective employees and volunteers must sign an approved form prior to testing, agreeing to the testing, authorizing the release of the test results to the District's Executive Director or his designee, and authorizing the disclosure of the results by the Executive Director or his designee to authorized employees of the District.

1.34.2.7.3 Substances. The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene.

1.34.2.7.4 Method. Testing for the presence of alcohol will be conducted by analysis of breath and blood. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

1.34.2.7.5 Time of Testing. If the District requires testing, it shall be conducted as promptly as circumstances permit. An employee shall be required to go to the designated testing facility with a person designated by the District, unless otherwise authorized by the District, in which event the employee will be required to report to the designated testing facility within one (1) hour of being notified that he or she is to be tested. An employee who refuses to ride to the testing facility with the person designated by the District or who does not report to the testing facility within one (1) hour of being notified that he or she is to be tested will be deemed to have refused to take the test when required.

1.34.2.7.6 Time and Cost of Testing. The District will pay all costs of testing, including the cost of transportation for employees and

prospective employees if the testing is conducted at a place other than the work place. Any drug or alcohol testing of an employee is to occur during or immediately after the employee's regular work period and will be deemed work time for purposes of compensation and benefits.

1.34.2.8 Manner of Testing. All sample collection and testing for illegal drugs and alcohol pursuant to this policy shall be performed in accordance with the following conditions:

- (a) The collection of samples shall be performed under reasonable and sanitary conditions;(b) Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;
- (c) Sample collection shall be documented, and the documentation procedures shall include:
 - (i) Labeling and sealing of samples so as reasonably to preclude the probability of erroneous identification of test results; and
 - (ii) An opportunity for the individual being tested to provide notification of any information which he or she considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant medical information and in compliance with the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 through 12213;
- (d) Sample collection, storage, and transportation to the place of testing shall be performed so as reasonably to preclude the probability of sample contamination or adulteration; and
- (e) Sample testing shall conform to scientifically accepted analytical methods and procedures.

1.34.2.9 Confirmation of Test Results. If an individual tests positive on the initial screening test, the District shall have the test results confirmed. Confirmation of a drug-positive screening test shall be by a gas chromatography-mass spectroscopy test method and confirmation of an alcohol-positive screening test shall be by a gas chromatography test method, although the District reserves the right to have confirmation testing done by any other reliable testing method designated by the District. Upon confirmation of a positive test, the subject of the test will be notified as soon as possible by telephone or in writing at the last-known address or telephone number of the positive results of the initial test and told of the individual's option to have the 15 ml urine sample tested, at an expense equally divided between the individual and the District. The subject of the test shall have 72 hours from the

time he or she is so notified to request, at the individual's option, that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the individual and the District. In addition to the test results of the 30 ml urine sample, the test results of the 15 ml. urine sample shall be considered at any subsequent disciplinary hearing if the requirements of this drug-free workplace policy and applicable law have been complied with in the collection, handling, and testing of these samples.

1.34.2.10 Confidentiality of Information. All information, interviews, reports, statements, memoranda or test results received by the District in connection with its drug and alcohol testing program are confidential and shall be communicated only to those individuals who have a legitimate need to review such information, or as is otherwise required by applicable law, regulation or court or administrative order.

1.34.2.11 Shared Responsibility. A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. Employees are encouraged to be concerned about working in a safe environment and to report dangerous behavior to their supervisors.

1.34.2.12 Communication. Communicating this drug-free workplace policy to both supervisors and employees is critical to the District's success. To ensure that all employees are aware of their roles in supporting this drug-free workplace policy, all employees will receive a written copy of the policy and the policy will be reviewed in orientation sessions with new employees.

1.34.2.13 No Contract for Continued Employment. Nothing contained herein is intended or may be construed to create any express or implied promise or agreement that any employee's employment with the District may be terminated only for good cause or only for conduct which violates the District's drug and alcohol policy, or to alter the at-will relationship between the District and its employees. Either the employee or the District may terminate the employee's employment with the District at any time and for any reason, with or without cause, and with or without notice.

1.35 SUBJECT: CRIMINAL BACKGROUND CHECKS

1.35.1 PURPOSE: To outline the District's policy regarding criminal background checks for employees and prospective employees.

1.35.2 POLICY:

1.35.2.1 Process. All employees and volunteers 18 years of age and older intending to work for or assist the District on more than five (5) different days annually will be required to undergo a background check. All offers of employment and volunteer service are contingent upon a clear or approved background check. The Administration Department is responsible for processing the necessary information on all employees and volunteers with the agency selected by the District to perform the background checks. The employee or volunteer will be required to provide a picture I.D. and sign a waiver allowing a search of criminal files for information. If the prospective employee or volunteer has lived in Utah less than five (5) years, background checks for the states of previous residence may also be required. If a criminal history is found, the District's Executive Director may discuss the records with the department manager and/or the District's attorney to determine if the individual should be considered for continued employment and/or volunteer service. Any employee or volunteer who refuses to sign a waiver permitting the District to perform a background check will not receive consideration for continued employment or volunteer services with the District.

1.35.2.2 Convictions That May Disqualify an Employee, Volunteer or Independent Contractor from Working for the District. The following convictions, including a guilty plea, a plea in abeyance, or a "no contest" plea (hereinafter a "conviction"), may disqualify an employee or volunteer from working for the District:

- (a) Sex Crimes
- (b) Illegal Drug Distribution
- (c) Illegal Drug Usage
- (d) Crimes of Violence
- (e) Driving Under the Influence
- (f) Theft
- (g) Other convictions at the discretion of management

At the sole discretion of the District, any conviction may make an employee or volunteer ineligible to work for or assist the District. Each case will be evaluated based upon the facts and circumstances of the conviction including, but not limited to, the seriousness of the crime, the period of time since the conviction, and the conduct of the person since the conviction or release from incarceration, as appropriate; and the final decision regarding whether a person will be eligible to work or volunteer for the District will be made by the Executive Director with input from others as deemed appropriate.

1.35.2.3 Background Checks for Independent Contractors. Independent Contractors and their employees 18 years of age or older who work on more than five (5) days annually on District property must undergo background checks. It is the sole

responsibility of the Independent Contractor to pay for and arrange required background checks with the District's selected agency and to make certain the Independent Contractor and the Independent Contractor's employees abide by Policy 1.35 – CRIMINAL BACKGROUND CHECKS, established by the District.

1.35.2.4 Background Checks to be Completed on Current Employees and Volunteers Every Three (3) Years. Background checks may be performed every three (3) years on all current employees and volunteers, except for employees and volunteers who have already passed a background check during that year will not be required to submit to an additional background check that year. The District reserves the right to complete a background check on any current employee or volunteer at any time deemed prudent.

1.35.2.5 Responsibility of Employees and Volunteers to Notify the District of a Sex or Violence Crime Charges or Convictions. It is the responsibility of each employee or volunteer to immediately notify the Executive Director if the employee or volunteer is charged with or convicted of any violence or sex crimes.

1.35.2.6 Special Provisions. In special circumstances, a new employee, volunteer or an Independent Contractor may be allowed to begin work before the background check is completed, but may be subject to immediate dismissal if the background investigation reveals a criminal record. Prior to beginning work, the new employee or volunteer must provide a signed acknowledgment that he or she understands and accepts this Policy. In the case of an Independent Contractor, such an acknowledgment must be included in the Independent Contractor's work contract.

1.35.2.7 Cost. All background checks conducted for the District will be at no cost to prospective or current employees/volunteers. Background checks for Independent Contractors and their employees will be performed at the request of and be paid for by the Independent Contractor.

1.36 SUBJECT: PROMOTION, DEMOTION, OR TRANSFER

1.36.1 PURPOSE: To outline the District's policy regarding the promotion, demotion, or transfer of employees.

1.36.2 POLICY:

1.36.2.1 Promotion. When an employee is promoted, the employee's rate of pay shall be determined as follows:

- (a) If the compensation received in the previous position is below the minimum rate for the new position to which the employee is promoted, the employee's rate of pay shall be increased to the minimum rate for the new position.
- (b) If the compensation received in the previous position is higher than the minimum rate for the new position to which the employee is promoted, the employee's rate of pay shall be determined by the Department Manager, but may not be lower than the employee's current compensation level.
- (c) All adjustments to an employee's compensation shall become effective the date of the promotion.

1.36.2.2 Demotion. When an employee is demoted, the employee's rate of pay shall be determined as follows:

- (a) If the current compensation received in the prior position falls within the pay range for the new position to which the employee is demoted, the employee's rate of pay shall not change.
- (b) If the compensation received in the prior position is greater than the maximum for the new position to which an employee is demoted, the compensation shall be reduced.
- (c) All adjustments to an employee's wage shall become effective on the date of the demotion.

1.36.2.3 Transfer. When an employee transfers from one position in a class to another position within the same class, the employee's rate of pay shall remain unchanged.

1.37 SUBJECT: UNACCEPTABLE EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

1.37.1 PURPOSE: To outline the District's policy regarding inappropriate employee conduct and the types of disciplinary action that may be imposed

1.37.2 POLICY:

1.37.2.1 Professionalism. The District is a professional organization whose purpose, among others, is to provide park & recreation services to its citizens and patrons. 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 as their responsibility, to maintain good professional moral conduct, and to do their part in maintaining good relationships with their supervisors co-workers, and the public.

1.37.2.2 Examples of Inappropriate Conduct. Employees who engage in any of the following types of behavior may be subject to disciplinary action, up to and including immediate termination. Generally these apply to conduct while at work, but employees should understand that their behavior anywhere can reflect on or directly impact the District and the District may take action to protect its best interests. This list is not intended to identify every type of inappropriate or unacceptable conduct for which disciplinary action may be taken:

- (a) Refusing or failing to comply with a reasonable work request or to follow the written or oral instruction of a District supervisor;
- (b) Engaging in other acts of insubordination;
- (c) Sleeping while on duty;
- (d) Being convicted of a felony;
- (e) Engaging in the use, possession, or distribution of pornographic or other obscene or sexually explicit materials while on District property or while on duty as a District employee;
- (f) Engaging in conduct that may endanger the safety of other employees or the public;
- (g) Inducing or attempting to induce any District employee to commit an act that violates any District rule, regulation, policy, or directive;
- (h) Performing job duties in an incompetent, inefficient or unsatisfactory manner;
- (i) Damaging, defacing, destroying, wasting, or abusing property belonging to the District, another employee, a vendor, a patron or any other person or entity;

- (j) Stealing or engaging in the unauthorized taking or use of District money or property or the money or property of a co-worker, vendor, patron or other person or entity;
- (k) Falsifying, or making material omissions on, employment applications, personnel records, time records, or other District documents or records;
- (l) Fighting with a co-worker, vendor, or patron, or fighting on District property;
- (m) Using, threatening, or attempting to use personal or political influence to secure special favors or consideration as a District employee;
- (n) Using or being under the influence of intoxicants or drugs while on duty or on District property, or otherwise violating the District's drug and alcohol policy; The District will comply with Title 53 of the Utah Code and will not, unless specifically authorized by statute, enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.
- (o) Entering or recording time or other information on another employee's time record without authorization;
- (p) Failing to abide by occupational health and safety guidelines or common safety practices;
- (q) Failing to treat a co-worker, vendor or patron with courtesy and respect;
- (r) Violating the District's policies regarding discrimination, sexual harassment or other forms of harassment, or making sexual advances or lewd comments to a vendor, patron or other person;
- (s) Failing to get along, cooperate, or work harmoniously with, other employees, supervisors, managers, patrons, vendors, or the public, or creating discord or lack of harmony in the workplace;
- (t) Engaging in the unauthorized use, possession, disclosure or taking of District trade secrets or other confidential or proprietary documents, records, or information;
- (u) Having excessive absenteeism and/or tardiness;
- (v) Engaging in horseplay, practical jokes or other unsafe or disruptive activities in the workplace;

- (w) Using profane, abusive or offensive language toward, or in the presence of, District officers, managers, supervisors, employees, vendors, patrons or other persons;
- (x) Failing to report to work when scheduled without notifying the supervisor or Department Manager in advance, unless it was impossible to give such advance notice;
- (y) Being inattentive to work, failing to start work at the designated time, quitting work early, or leaving the job during working hours without prior authorization from the supervisor or Department Manager;
- (z) Soliciting or collecting donations or contributions while on duty or while on the District's premises without authorization;
- (aa) Distributing written or printed literature or circulating a petition while on duty or while on the District's premises without authorization;
- (bb) Neglecting work or abandoning duties;
- (cc) Engaging in immoral or indecent conduct while at work;
- (dd) Making false statements or engaging in dishonest acts or conduct;
- (ee) Failing to comply with established District and department rules, regulations, policies or procedures;
- (ff) Engaging in the unauthorized, negligent or careless use of District equipment or materials;
- (gg) Operating a District vehicle without the proper license or insurance;
- (hh) Failing to notify supervisor of traffic violations, if required;
- (ii) Working unauthorized overtime hours;
- (jj) Being involved in the creation, publication or dissemination of any derogatory, denigrating, defamatory or threatening communication, either written or oral, regarding the District, any of its employees, supervisors, managers, vendors or patrons, or the goods or services that the District provides;
- (kk) Conducting personal business on District time;
- (ll) Engaging in intimidating, coercive, abusive, rude, disrespectful, harassing or threatening conduct or language towards, managers, supervisors, other employees, vendors, patrons or any other person;

- (mm) Repeatedly being unavailable to work the employee's regularly scheduled shift;
- (nn) Gambling on District property;
- (oo) Abusing or violating the District's policy relating to vacation leave, sick leave, holiday leave, family and medical leave, funeral leave, jury duty leave, military leave, or any other District-provided benefits that are available to the employee;
- (pp) Giving or taking bribes in connection with District business;
- (qq) Smoking in unauthorized areas;
- (rr) Engaging in outside employment or an outside activity that creates a conflict of interest or adversely affects performance;
- (ss) Using one's position to improperly obtain private gain or preferential treatment;
- (tt) Failing to turn in to Lost and Found any property or items retrieved from District property for which ownership is not known(all items found on District property become the property of the District if the actual owner is not identified); and
- (uu) Violating any federal, state or local law or regulation.

1.37.2.3 Disciplinary Action Process.

1.37.2.3.1 Discipline. An employee, who engages in any unacceptable conduct or activities, whether or not it is listed above, may receive some form of disciplinary action, up to and including immediate termination.

1.37.2.3.2 Progressive Discipline. The District has a disciplinary action process that involves the concept of progressive discipline, meaning that disciplinary action for repeated violations generally become more severe with each additional incident. Under this process, an employee may receive a verbal or written warning or reprimand, a suspension with or without pay, or immediate discharge, depending on the nature of the violation and the circumstances involved. No mechanical formula determines the disciplinary action to be imposed. The District may choose, in its sole discretion, not to impose any progressive disciplinary action prior to terminating an employee's employment with the District.

1.37.2.3.3 At-Will. Although the District has a disciplinary action process, and will generally utilize that process when dealing with violations of policy or other inappropriate conduct by its employees, nothing contained in this policy is intended, or may be construed to, create any express or implied promise or agreement that any employee's employment with the District may be terminated only for good cause, or only after progressive disciplinary action has been taken. Either the employee or the District may terminate the employee's employment with the District at any time and for any reason, with or without cause, and with or without notice.

1.38 SUBJECT: CELL PHONE USAGE POLICY

1.38.1 PURPOSE: To outline the District's policy on reimbursing costs attributable to cell phone and pager use. For purposes of this policy, the term "cell phone" is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data. This policy applies to all District employees.

1.38.2 POLICY: It is the policy of the District to reimburse designated employees who have been requested to use their personal cell phones for District business. Such reimbursement is available to those who have a cell phone, are using it to conduct District business, and share the phone number with the District so that it may be distributed. The District will make every effort to limit the distribution of personal cell phone numbers to only those individuals required to have access to the number. Individuals serving in the following job titles may be eligible for reimbursement of \$20 per month: Controller, Network Administrator, all Managers, Aquatics Safety Supervisor, Aquatics Program Supervisor, Land and Water Aerobic Coordinators, Accountant/HR Specialist. Reimbursements will be made monthly.

1.38.2.1 Use of Cell Phones or Similar Devices. While at work, employees are expected to exercise the same discretion in using personal cell phones as when using District phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others.

1.38.2.1.1 Personal Use While on Duty. As a general rule, employees should restrict the use of cell phones for personal reasons to scheduled breaks or lunch periods in non-working areas.

1.38.2.1.2 Use While Driving Prohibited. The District prohibits employees from using cell phones or similar devices (whether provided by the District or the employee) while driving any District owned vehicle or while conducting business for the District and driving any vehicle. This prohibition includes receiving or placing calls (unless the device has hands-free capability), text messaging, surfing the Internet, receiving or responding to e-mail, checking for phone messages, or any other purpose while the employee is on duty. If the employee must respond to a text message, email or other type of communication in a non hands-free mode, he or she must stop the vehicle in a safe location and remain in that location until the communication is completed.

1.38.2.2 Personal Use of District-Owned Cell Phones. The District may issue business cell phones to employees for work-related communications. District owned cell phones may periodically be used for personal use, but employees are expected to use discretion in the use of District-owned phones for personal reasons.

1.38.2.2.1 Monitoring by the District. The District reserves the right to review District-owned cell phone usage and may, at its sole discretion, monitor the activity of all of its equipment including District-owned cell phones. Employees should have no expected right to privacy as it relates to any District-owned equipment.

1.39 SUBJECT: DRIVER QUALIFICATION (Added 3/19/2014)

1.39.1 PURPOSE: To outline the District's policy respecting employees operating District or personally owned vehicles or equipment while conducting business for or on behalf of the District ("Drivers"). This policy applies to all District employees.

1.39.2 POLICY: It is the policy of the District that all employees must be qualified as either "Acceptable" or "Borderline" Drivers pursuant to this Driver Qualification Policy prior to operating any vehicles or equipment on behalf of the District. Employees qualified as "Borderline" will require approval from the Executive Director before operating any vehicle or equipment on District business, and may be allowed to do so on a probationary basis.

1.39.3 Monitoring and screening by the District. Drivers, or potential Drivers, must agree to have their Motor Vehicle Records (MVR) screened and monitored as deemed reasonable by the District. Based on the MVR and any work related incidents or information, each employee will be qualified as "Acceptable", "Borderline", or "Unacceptable", using the criteria outlined below.

1.39.3.1 Driver's License. All Drivers must possess a valid Utah Driver License with endorsements appropriate for the vehicles to be operated. A Driver's qualification will be based on the Driver's MVR and other work and non-work related motor vehicle incidents, whether or not the incident is recorded on the employees MVR. All violations or incidents recorded on the MVR, whether or not they occurred on the job, are included in the Driver's qualification. Any single major incident may result in a "Borderline" or "Unacceptable" qualification as determined by the Executive Director.

1.39.3.2 Criteria. "Acceptable" or "Borderline" qualification will be determined using the following criteria. Any number of violations or accidents in excess of the "Borderline" criteria constitutes a failure to meet the driver qualification standard resulting in revocation of the Driver's authorization. (Note - DUI and DWI are not evaluated as a standard violation.)

Acceptable

- Up to 2 violations recorded on the MVR, or
- Up to 1 at fault work related accident in the prior three years, or
- A combination of 1 violation on the MVR, and 1 at fault work related accident in the last three years.

Borderline

- 3 to 4 violations recorded on the MVR or,
- 2 at fault work related accidents in the last three years, or
- A DUI or DWI within the last 2-5 years, or
- Any violation for Careless, Reckless or Distracted driving.

1.39.3.2.1 Major Incidents. A single major violation recorded on the MVR, or resulting from a work related incident, may result in revocation of the Driver's qualification and driver authorization. "Major Incidents" include, but are not limited to the following:

- A DUI or DWI in the previous 24 months
- Failure to stop/report an accident
- Making a false accident report
- Attempting to elude law enforcement
- Others as determined by the Executive Director.

1.39.3.2.2 Disqualification. A Major Incident, in the Executive Director's discretion, may cause an employee to be classified as "Borderline" or "Unacceptable" regardless of the criteria outlined above.

1.40 SUBJECT: HEPATITIS B VIRUS VACCINATIONS

(Effective 2/15/2017)

1.40.1 PURPOSE: To define the District's policy regarding the Hepatitis B Virus (HBV) Vaccination.

1.40.2 POLICY:

1.40.2.1 At risk employees. Employees who have a reasonably anticipated contact with blood or other potentially infectious materials during performance of the normal duties of their job are considered to have occupational exposure and are at risk to be infected by HBV.

1.40.2.2 Positions considered at risk of being infected by HBV. The following positions are considered to have occupational exposure and are at risk to be infected by HBV:

- (a) Members of the Emergency Response Team.
- (b) Lifeguards/Head Lifeguards
- (c) Childcare Attendants
- (d) Sport/Activity/Program Instructors/Counselors
- (e) Coaches and Personal Trainers
- (f) Physical Facilities Workers
- (g) Security Specialists

1.40.2.3 HBV Vaccinations for at risk employees. The District encourages all at risk employees to receive the HBV vaccination series if they have not been immunized already. The vaccine must be administered according to the recommendations of the U.S. Public Health Service current at the time the procedure takes place.

1.40.2.4 Cost. The District will pay the cost of the HBV vaccination series for all employees considered at risk to be infected by HBV.

1.40.2.5 Compensation. Hourly employees who are considered at risk will be compensated for time spent receiving the immunization injections.

1.40.2.6 Declining the vaccination. Employees considered at risk who decline to receive the HBV vaccination series at this time must sign the Declination Form (see Appendix). If the employee initially declines to receive the vaccine, but at a later date decides to receive it, the employee may receive it at no cost, provided the employee is still occupationally exposed.

1.40.2.7 Voluntary HBV Vaccination. Employees in positions not listed above who have not received the vaccination in the past and believe they have occupational exposure while performing their job duties for the District may receive the vaccination at no cost.

1.41 SUBJECT: USE OF FORCE (effective 9/20/2017)

1.41.1 PURPOSE: This policy recognizes that the use of force by KOPFC Security Officers requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide security officers with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each security officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. In any incident where use of force has been enacted contact with the Executive Director must be made within 1 hour or as soon as situation deems that it is safe to do so. Management and staff should wait for an "ALL CLEAR"(Safe) call before entering a scene which can be volatile, dangerous and rapidly evolving. Staff should maintain radio silence in ANY and ALL Use of Force events.

1.41.2 POLICY:

1.41.2.1 Reasonable Force. It is the policy of the Kearns Oquirrh Park Fitness Center that Security Officers shall use only that amount of force that appears reasonably necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can predict every possible situation an officer might encounter, it is recognized that each security officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident, as pertains to Utah State Law and U.S. Case Law. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

In an effort to provide the needed assistance for KOPFC security officers and personnel, law enforcement should be notified as soon as possible regarding situations that could escalate into aggressive or dangerous situations.

As stated in the Personnel Policies and Procedures Manual under section 1.10.2.3, Any inquires from the press or media, governmental agencies or other persons not employed by the District about matters pertaining to the District, its business operations, services, employees, former employees, vendors, or patrons, or requests or demands by third parties for documents or other information, including those contained in duly issued subpoenas, must be referred to the District's Executive Director or Controller.

1.41.3 REPORTING USE OF FORCE. Any use of physical force by an employee of the Kearns Oquirrh Park Fitness Center shall be documented promptly, completely and accurately in an appropriate Report by all parties involved. The use of particular weapons such as chemical agents and other less than lethal means of force may require the completion of additional report forms.

1.41.4 NOTIFICATION TO SUPERVISOR. Supervisory notification shall be made within 1 hour following the application of physical force under any of the following circumstances:

- a. The application of force appears to have caused physical injury.
- b. The individual has expressed a complaint of pain.
- c. Any application of a control device.
- d. The individual has been rendered unconscious.

1.41.5 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE.

For any use of Force situation it shall be mandatory that 9-1-1 is called to ask for police and medical. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer, supervisor and/or medical personnel. If an audio or video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

- a. Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared.

1.41.6 SUPERVISOR RESPONSIBILITY. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- a. Obtain the basic facts from the involved officer(s).
- b. Ensure that any injured parties are examined and treated.
- c. Separately interview the subject(s) upon whom force was applied.
- d. If applicable, ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
- e. Identify any witnesses not already included in related reports.
- f. Review and approve all related reports.

g. Executive Director will review all information.

Should the Executive Director determine that any application of force was not within policy parameters, a separate internal administrative investigation shall be initiated.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

All use of force incidents that result in injury will be reviewed by the Executive Director to ensure the officer's conduct was justified and appropriate. Use of force incidents that result in personal injury to another will be evaluated by the Executive Director and may be reviewed by a "Use of Force Review Board."

1.41.7 REQUIRED QUALIFICATIONS FOR KEARNS OQUIRRH PARK FITNESS CENTER SECURITY OFFICERS.

A Security Officer must be employed by an agency (i.e. federal, state, county or local police department) in the capacity as a certified law enforcement officer and/or special functions officer.

All officers shall provide documentation to the Operations Manager showing the employee is currently certified to carry the weapons the employee intends to carry while working in the capacity as a Security Officer for the Kearns Oquirrh Park Fitness Center.