



WASATCH FRONT REGIONAL COUNCIL

PERSONNEL POLICIES

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INTRODUCTION	3
CHAPTER I CLASSIFICATION PLAN	4
Section 1 – Position Classification	4
Section 2 – Job Descriptions	4
CHAPTER II COMPENSATION PLAN	5
Section 1 – Salary Determination	5
Section 2 – Performance Evaluation	5
Section 3 – Cost of Living Increases	6
Section 4 – Salary Adjustments	6
Section 5 – Performance Awards	6
Section 6 – Payroll	7
Section 7 – Time Records	7
CHAPTER III RECRUITMENT AND APPOINTMENT	7
Section 1 – Recruitment	7
Section 2 – Evaluation	7
Section 3 – Appointment	7
CHAPTER IV WORK STANDARDS AND HOURS	8
Section 1 – Working Hours and Rest Periods	8
Section 2 – Tardiness	8
Section 3 – Reporting Absences	8
Section 4 – Overtime	8
Section 5 – Holidays	8
Section 6 – Outside Employment	9
Section 7 – Political Activity by Employees	9
Section 8 – Drug Free Workplace Policy	9
Section 9 – Equal Employment Opportunity and Discrimination Prevention	10
Section 10 – Acceptable Use Policy for Information Technology Resources	12
Section 11 – Ethics	13
Section 12 – Whistleblower	13
CHAPTER V LEAVE	14
Section 1 – Vacation Leave	14
Section 2 – Healthcare Leave	15
Section 3 – Family Medical Leave (FMLA)	15
Section 4 – Leave of Absence without pay	17
Section 5 – Military Leave	17
Section 6 – Jury Duty	17
Section 7 – Funeral and Compassionate Leave	17

Section 8 – Administrative or Emergency Leave	17
CHAPTER VI TERMINATIONS, DISCIPLINE, AND APPEALS	18
Section 1 – Resignations	18
Section 2 – Dismissals and Layoffs	18
Section 3 – Discipline	18
Section 4 – Grievance Procedure	20
CHAPTER VII TRAVEL AND SUSTENANCE REIMBURSEMENT	20
Section 1 – Travel Reimbursement	20
Section 2 – Other Sustenance	21
CHAPTER VIII EMPLOYEE BENEFIT PROGRAMS	21
Section 1 – Health Insurance	21
Section 2 – Retirement	21
Section 3 – Social Security	21
Section 4 – Workers Compensation, Disability, and Life Insurance	21
Section 5 – Flexible Spending Plan	22
Section 6 – Time Release for Fitness Activity	22
Section 7 – Staff Development and Educational Assistance Policy	22
Section 8 – Breastfeeding Policy	22

INTRODUCTION

In compliance with all applicable federal, state and local labor laws, the Personnel Policies of the Wasatch Front Regional Council (WFRC) are intended to:

Establish and maintain personnel practices in regard to recruitment, classification, changes in employee status, placement, and employee benefits;

Establish and maintain timekeeping and payroll practices; and

Assist in planning for the personnel requirements of existing and future WFRC programs.

All personnel matters are a basic responsibility of the WFRC Executive Director, subject to this Policy and any other policies adopted by WFRC, and subject to the annual WFRC Budget and Unified Planning Work Program.

References throughout this document to the "Executive Director" apply to the Executive Director or his/her designee. The Executive Director may reasonably interpret, implement and enforce these policies.

WFRC is committed to the principles of equal employment opportunities and shall hire qualified applicants, and with respect to all employment decisions treat employees without regard to race, creed, color, religion, sex, age, national origin, disability, sexual orientation, or gender identity.

Notwithstanding anything in this Policy to the contrary, this Policy is not, and shall not be construed as, an express or implied contract; shall not modify any existing at-will status of any WFRC employee; and shall not create any due process requirement in excess of federal or state Constitutional or statutory requirements.

CHAPTER I CLASSIFICATION PLAN

Section 1 – Position Classification

All positions are classified based on their duties and responsibilities. Each class includes one or more positions that are nearly alike concerning the essential character of their duties and responsibilities to ensure title and qualification requirements can be applied and that the positions are fairly and equitably treated.

In addition, employees shall be categorized as regular or temporary and full-time or part-time as follows:

Full-time Regular Employee - An employee who regularly works at his/her assigned duties for Thirty (30) hours or more a week is considered a full-time regular employee. Full-time regular employees are eligible for benefits as set forth in the personnel policies and procedures . Salaries for full-time employees working less than 40 hours a week shall be prorated accordingly.

Part-time Regular Employee - An employee who regularly works at his/her assigned duties for less than thirty (30)hours a week is considered part-time. Part time employees are not eligible for group health, dental, disability, or life insurance.

Seasonal or Temporary Employee - Employees in this category may work full or part-time as may be required. Seasonal and temporary employees may or may not be entitled to benefits dependent upon hours worked and length of the assignment.

Individuals employed through temporary employment agencies are employees of the temporary employment agency and not employees of WFRC.

No employee shall be appointed or promoted to any position until the position has been properly classified.

No salaries will be approved unless they conform to the approved classification and compensation plans.

Section 2 – Job Descriptions

A written description of duties, responsibilities, qualifications, skills, and knowledge will be maintained for each position.

Job descriptions will be used by the WFRC Executive Director for determining whether an applicant or employee meets the minimum requirements for a particular class of position. Job descriptions will be used by supervisory personnel as tools to orient new employees to their duties and responsibilities. They will also be used as a basis for performance evaluation of employees.

Job descriptions will be used to determine grade and salary levels as outlined in the compensation plan.

CHAPTER II COMPENSATION PLAN

Each fiscal year the WFRC Budget Committee and Council approve an overall compensation budget for WFRC staff. Within that budget the Executive Director may allocate portions for salaries and benefits, including cost of living adjustments, performance-based merit increases, performance awards, market-based adjustments, and promotions.

Section 1 – Salary Determination

Within the overall compensation budget established by the WFRC Budget Committee and Council, the WFRC Executive Director shall establish a salary schedule with pay ranges for all positions and job titles based on a classification system and job descriptions. Salaries will be determined using the salary schedule for each position. WFRC shall conduct salary surveys on a periodic basis to keep the salary schedule and ranges for each position in line with comparable positions in other similar agencies or industries. The results of these surveys shall be used to update the salary ranges for all positions as is necessary.

At the time of hiring a new employee, a job description and corresponding salary range will be determined for the position. The employee must be paid within the established range for the specific position. Established salary ranges are adjusted annually consistent with COLA, if awarded.

Section 2 – Performance Evaluation

The purpose of the performance evaluation is to provide both the employee and the Area Coordinator (AC) the opportunity to review the employee’s work record and behavior. The evaluation may include both negative and positive aspects of the employee’s work but should focus on strengths and desired outcomes.

Evaluations may be given at any time to assist the employee in improving his/her situation. It is to the advantage of both the employee and AC to make the evaluation as effective as possible with well-defined expectations and steps for improving performance when needed.

An evaluation will be conducted at the discretion of the AC, but must be done at least once each year.

Evaluations shall be signed by both the employee and the AC and saved in the employee’s personnel file.

Performance-based merit increases may be awarded to individual employees on the basis of performance evaluation scores. Performance standards for employees will be commensurate with their level of experience and pay grade.

Performance will be scored on a scale of 0 to 5 with 3 being the level of minimal acceptable performance. Performance will be compensated according to the following schedule where “M” equals the performance-based merit increases as determined by the Executive Director within the Council-approved budget:

Performance Score	0.00 – 2.99	3.00 – 3.99	4.00 – 5.00
Base Rate Increase	0.0	.5M	M

Performance-based salary increases are independent of any cost of living adjustments (COLA).

Employees performing below the minimal performance standard (0.00-2.99) are not eligible for a performance-based rate increase, and may be subject to disciplinary actions up to and including termination as outlined in Chapter VI.

Section 3 – Cost of Living Increases

The Executive Director may allocate a cost of living increase for all employees. Salary ranges will be adjusted upward in conjunction with the cost of living increase. Cost of living adjustments may only be awarded to employees with six or more months of service.

Section 4 – Salary Adjustments

If a reassigned or promoted employee's salary is lower than the minimum prescribed for the position, the salary will be increased to at least the minimum of the new salary range. The employee may receive a salary increase in addition to the promotion even if their pre-promotion salary falls within their new pay range.

Upon reclassification of a position to a lower salary range, the incumbent employee will be paid the same salary that he/she received prior to the reclassification.

Section 5 – Performance Awards

The Performance Awards System is designed to recognize and reward high performance and significant contributions to the WFRC Work Program tasks.

Performance awards are discretionary, determined by the Executive Director, subject to available funding, and may not cause the compensation expenditures to exceed the approved budget.

The System consists of three elements:

Performance Awards - Employees who consistently exceed performance standards or who take on and complete extra work will be eligible for a performance award. Two types of Performance Awards are available. The first is a one-time cash award of up to \$2500. The second is a Quality Increase (QI), which is a permanent increase in regular pay. A QI may be used to adjust salaries of employees who have consistently exceeded performance standards or whose salaries do not reflect current market conditions. These awards are in addition to regular annual COLA or merit salary increases.

Performance Awards will be based on Employee Performance Plans and Evaluations and on recommendations from Area Coordinators.

Special Act Awards - The Special Act Award recognizes individual or team achievements that contribute significantly to the WFRC mission and goals or that increase Work Program efficiency and effectiveness. These one-time cash awards can range up to \$500.

Peer Award - The \$100 Peer Award is designed to allow an employee (or group of employees) to recognize another employee (employee-to-employee) in the office for "individual excellence." The Peer Award criteria include performance or service that excels, achievements in promoting teamwork, and recognition of a professional accomplishment or training/education milestone. All Peer Awards are subject to approval by the Executive Director.

Employees may receive a maximum of two Peer Awards per year.

Section 6 – Payroll

WFRC payroll is on a bi-weekly schedule, with 26 annual pay periods ending every other Friday. Pay dates follow pay period end date by one week.

Section 7 – Time Records

All employees will utilize the accounting software to document hours worked by program. Area Coordinators will review and approve time records each pay period. Employees will ensure that time reports are correct to the closest 15 minutes. Employees must be pre-approved to work any overtime if they are non-exempt.

CHAPTER III RECRUITMENT AND APPOINTMENT

Section 1 – Recruitment

When a position needs to be filled, the Executive Director may promote or hire from within the existing staff and/or publicize the position in a widely distributed or used media to ensure broad exposure to the public. Any WFRC employee may apply for any posted position.

Minimum requirements as outlined on the position job description will be the basis for recruiting, examining, and retaining all personnel.

Section 2 – Evaluation

When evaluating candidates (external or internal) for hire WFRC will use appropriate methods to determine the candidate's suitability for the position. These methods may include verbal or written examinations and inquiry of former employers or other references. All candidates are evaluated on an open and competitive basis.

Section 3 – Appointment

The Executive Director will make the determination for employment based on the results of the evaluation process.

The employee will participate in a six (6) month probationary period, beginning on their first day of employment, to determine his/her abilities and values to the WFRC. During the probationary period, the employee will be closely monitored for adequacy of knowledge, skills, and ability to work effectively within the agency. The probationary period may be extended for up to an additional six (6) month period upon written notice given to the employee that includes the reason(s) for the extension. At the completion of the probation, the Executive Director will determine whether the employee will continue in the position. Probationary employees are not subject to the same rights and processes of regular employees set forth herein.

CHAPTER IV WORK STANDARDS AND HOURS

Section 1 – Working Hours and Rest Periods

Normal working hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday, including unpaid one-half (1/2) hour for lunch.

The Executive Director may set other hours of work if such hours are deemed necessary or desirable, which may include flex-time, compressed work week, or telecommuting. In order to be considered for flex-time, compressed work week, or telecommuting the employee must be able to demonstrate that the alternative work schedule will not adversely affect the employee's ability to complete the work or coordinate with other staff when needed. In the interest of equity and uniformity, hours shall typically total 40 hours a week for full time employees.

A minimum of ½ hour unpaid lunch break will be allowed each work day. Each employee is entitled to two paid fifteen-minute rest periods per day. Rest periods may be taken during the lunch period, thus increasing the lunch period to one hour. However, if this is done, additional rest periods shall not be taken at other times of the day.

Lunch and rest periods will be taken at such times as will not hinder the progress of the work of the agency.

Section 2 – Tardiness

Tardiness is not permissible and is grounds for disciplinary action up to and including termination. At the discretion of the supervisor, tardiness may be made up, preferably on the same day the tardiness occurs. Tardiness must be made up during the week in which it occurs.

Section 3 – Reporting Absences

Employees should report an absence to their Area Coordinator before the beginning of their regularly scheduled day. Subject to applicable law, failure to report within this period can be considered justification for disallowing health care or vacation leave for that day. Unless otherwise determined by the Area Coordinator, employees are expected to call, text or email their Area Coordinator on each day of absence.

Section 4 – Overtime

Overtime will be paid to all non-exempt employees as defined by the Fair Labor Standards Act at the rate of one and one-half times their normal hourly rate for time worked in excess of forty (40) hours in any one week, which shall run from Saturday to Friday the following week. Overtime must be authorized in advance by the employee's Area Coordinator. Employees who work overtime without advance authorization may be subject to disciplinary action up to and including termination for repeat offenses.

Section 5 – Holidays

The following holidays shall be observed by the Council and shall be granted to all regular, full-time employees with pay, and to regular, part-time employees with hours prorated based on hours worked.

- New Year's Day (January 1)
- Martin Luther King Day (3rd Monday in January)
- President's Day (3rd Monday in February)

Memorial Day (Last Monday in May)
Juneteenth (June 19th as observed in Utah)
Independence Day (July 4)
Pioneer Day (July 24)
Labor Day (First Monday in September)
Thanksgiving Day (4th Thursday in November)
Christmas Day (December 25)
3 Personal Holidays (as requested by employee)

Additional legal holidays, when designated by the Governor of Utah or the President of the United States, shall also be recognized for Council employees.

Section 6 – Outside Employment

Outside employment is permitted, subject to Executive Director review and express approval, only if it does not represent a conflict of interest, does not conflict with WFRC work schedules, does not interfere with the employee’s performance in service to WFRC, and does not utilize WFRC resources or assets.

Section 7 – Political Activity by Employees

The Wasatch Front Regional Council is a public agency, and a voluntary association of local governments providing services to members. To maintain this service function, WFRC must remain non-partisan. Certain forms of political activity on the part of employees would threaten the non-partisan status of the WFRC. Employees must, as a condition of employment, understand and agree to refrain from political activity of this nature during work hours or while representing WFRC, and may never utilize work assets (e.g., computers, email) for partisan political activity. Political activity by an employee that violates this section may be subject to discipline, up to and including termination. Employees who engage in political activity outside of work must never hold themselves out as acting on behalf of WFRC. (The Hatch Act will apply.)

Section 8 – Drug Free Workplace Policy

It is the policy of WFRC to provide a drug free, healthy, and safe work environment. The unlawful manufacture, distribution, possession or use of a controlled substance is prohibited on the premises. The term “controlled substance” is defined in Schedules I through V of Section 202 of the Controlled Substance Act.

Employees are prohibited from using, possessing, buying, or selling drugs or alcohol in the workplace, and are prohibited from performing work on behalf of WFRC with prohibited drugs active in their systems or while under the influence of alcohol. Violation of this policy may result in disciplinary action up to and including termination.

Employees are required by federal law (Drug Free Workplace Act, 1988) to notify the Executive Director of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 calendar days after such conviction. As a condition of employment, all WFRC employees are required to sign an annual agreement acknowledging that they received a copy of this policy and agree to abide by all terms of this policy.

Section 9 – Equal Employment Opportunity and Discrimination Prevention

Equal Employment Opportunity Policy

WFRC is an equal employment opportunity employer. WFRC prohibits any discrimination based on race, color, creed, sex, sexual orientation, gender identity, religion, disability, age, national origin, veteran status, genetic information and any other characteristic protected by applicable law.

Retaliation against anyone for reporting or participating in an investigation of prohibited discrimination or harassment is prohibited. WFRC will investigate any complaints of unlawful discrimination or retaliation, and take any necessary corrective action, up to and including termination.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the worksite, such as during business trips, business meetings and business-related social events.

Veteran's Preference - Utah Administrative Code 71A-2-102

In accordance with Utah Title 71A-2-102, WFRC shall grant preference to veterans upon initial employment application.

Sexual Harassment

Sexual harassment is generally defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Rejection of such conduct is used to make employment decisions affecting such individual; or
- Such conduct has the purpose of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a wide variety of behaviors and occurs on various levels, including harassment perpetrated by or against supervisors, co-employees, customers, and any business invitees or guests. Sexual harassment can occur by and between individuals of the opposite or same sex, and may be perpetrated by both males and females. Examples of conduct that may constitute sexual harassment include, but are not limited to, the following:

- Unwelcome physical contact of a sexually suggestive nature such as patting, pinching, unnecessary touching, or brushing against another's body.
- Overt or implied threats against an individual to induce him or her to perform sexual favors or to engage in an unwelcome sexual relationship.
- Verbal harassment or abuse of a sexual nature including hints of a desire for sexual relations, explicit sexual propositions, sexual innuendos, sexually suggestive jokes, jokes about gender-specific traits, or foul or obscene language or gestures to or in front of a person who finds them offensive.
- Use of sexually suggestive terms or gestures to describe a person's body, clothing, or sexual activity.
- Displaying, forwarding, or posting in the workplace any printed or visual material (including material on computer monitors and e-mails) which is foul, obscene, or otherwise contains sexually suggestive pictures, videos, or jokes.

- Gender stereotyping. For example: making jokes or derogatory comments about individuals who do not conform to prevailing standards of masculinity or femininity, or who otherwise express their gender differently from prevailing societal standards for their biological sex.
- Offensive remarks including unwelcome comments about appearance.
- Leering or staring at a person's body.
- Questions about a person's sexual activity.

Other forms of Discrimination and Harassment

Discrimination and harassment may take many different forms, all of which are prohibited by WFRC. Such conduct may include, but is not limited to:

Verbal harassment, innuendos, suggestive jokes, racial or ethnic slurs or epithets, or offensive language or gestures about an individual's race, religion, disability, age, gender (even if it is not sexual), sexual orientation, or gender identity. Displaying, forwarding, or posting in the workplace any printed or visual material (including material on computer monitors and e-mails) about an individual's race, religion, age, gender, sexual orientation, gender identity, or disability which is obscene or offensive or might be viewed as such by other individuals.

Procedure for Reporting Harassment and Discrimination

While it is expected that all employees will act responsibly to establish a pleasant and respectful work environment, any employee who feels he or she has been subjected to any form of discrimination or harassment should advise the offending individual that the conduct should be stopped. While addressing the issue with the offending individual may often bring a quick resolution to a complaint, employees are not required to confront the offending individual before reporting concerns to a supervisor, Human Resources, or Administration.

WFRC cannot help you if you do not take the steps necessary to inform WFRC of the issue.

Any employee who feels that he or she has been subjected to harassment or discrimination should immediately report the incident to his or her immediate supervisor. Any employee who learns about or observes conduct which he or she feels constitutes harassment or discrimination should immediately report the incident to his or her immediate supervisor. If reporting an incident to an immediate supervisor would make any employee uncomfortable, or if the employee's immediate supervisor is the individual whom the employee believes is engaging in the offending conduct, the employee must report the incident to Human Resources.

Any supervisor (or other employee) who receives a report of, information concerning, or otherwise observes conduct which may constitute harassment or discrimination should immediately report the same to Human Resources regardless of whether or not the supervisor believes the incident or conduct involved constitutes harassment or discrimination. Any supervisor who fails to report any such incident or conduct to Human Resources or Administration may be subject to disciplinary action as set forth in this policy, up to and including termination.

In reporting alleged harassment or discrimination, the employee must provide such information as is necessary for WFRC to promptly investigate and remedy the alleged harassment or discrimination. WFRC will investigate each complaint of harassment and discrimination and take appropriate action as warranted by each situation, including possible disciplinary steps up to and including termination.

WFRC will not tolerate retaliation or adverse employment action against any individual who reports any alleged incident or participates in the investigation of harassment or discrimination. Corrective action, up to and including termination, will be taken against any retaliatory acts toward an individual who reports or participates in the investigation of any alleged incident of harassment or discrimination.

Americans with Disabilities Act

Consistent with the Americans with Disabilities Act, WFRC will provide reasonable accommodations to allow qualified people with disabilities to apply for and perform their jobs so long as such reasonable accommodations do not impose an undue hardship on WFRC. Employee is responsible for informing their supervisor of any disability that affects job performance.

Section 10 – Acceptable Use Policy for Information Technology Resources

The purpose of the information technology resources provided by WFRC is to assist staff in achieving the mission and goals of WFRC. Incidental and occasional personal use is permitted, as long as such use occurs on the employee's personal time and does not violate existing rules and policies, involve a for-profit personal activity, involve lewd or distasteful activities, involve illegal activities, or have the potential to harm WFRC. Any costs incurred for personal use must be reimbursed to WFRC.

Privacy and Confidentiality Implications

WFRC is committed to respecting the rights of its employees, including a reasonable expectation of privacy, however, it is also responsible for servicing and protecting its electronic communication networks and data. WFRC has the right to access and disclose the contents of electronic files, as required for legal, audit or legitimate operational or management purposes. There is **NO** guarantee of privacy or confidentiality and it is therefore recommended that employees do not store or transmit personal information on WFRC equipment. E-mail or other electronic files may be accessible through the discovery process in the event of litigation. Each of these technologies create a 'record' and may be subject to judicial use or a Governmental Records Access Management Act (GRAMA) request for information.

Responsibilities for employees

- Access only files or data that are your own, that are publicly available or to which you have been given authorized access.
- Use resources efficiently and productively. Refrain from monopolizing systems, overloading networks with excessive data, playing games or wasting supplies.
- Keep passwords confidential and change them from time to time.
- Use of virus detection software is required on all WFRC equipment and all disks, drives, and files brought in from outside sources should be scanned.
- Adhere to copyright law regarding use of software.
- **DO NOT** distribute offensive, abusive or harassing statements, emails, jokes, or the like which disparage others based on race, national origin, sex, age, disability, sexual orientation, or political or religious beliefs. **DO NOT** distribute incendiary statements which might incite violence or promote the use of weapons or devices associated with terrorist activities. **DO NOT** view or distribute or solicit sexually oriented messages or images. **DO NOT** distribute any materials in violation of federal, state or local law.

Unacceptable Use of Information Resources

- Illegal use.
- Religious or partisan political lobbying.
- Copyright infringement.
- Unnecessary use of resources.
- Viewing, distributing or soliciting sexually oriented material.
- Security violations, accessing records or data that you are not authorized to access.
- Knowingly or negligently spreading computer viruses.
- Distributing junk mail such as advertisements, chain letters or unauthorized solicitations.
- Unauthorized distribution of confidential information.

Section 11 – Ethics

WFRC employees are expected to maintain high standards of personal and professional integrity, truthfulness, and honesty, and are subject to the provisions of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act. WFRC employees must not engage in any behavior on behalf of or while representing WFRC that is considered fraudulent, wasteful or abusive such as:

- Improper disclosure of private, protected or controlled information.
- Use of official position to secure special compensation, gifts (valued over \$50) or privileges.
- Engagement in other employment that would impair independence or good judgment in the performance of his/her duties.
- Engagement in any activity which is, or appears to be, in conflict with his/her public duties.
- Failure to comply with public disclosure and transparency regulations.
- Improper destruction or obfuscation of public records and information.

Employees are encouraged to report any violations or suspected violations to anyone in management, the Chair of WFRC, or the Council's independent external auditor. Reports may be made anonymously if warranted. No adverse action will be taken against an employee who makes such a report in good faith.

Violation of this policy is subject to disciplinary action up to and including termination. As a condition of employment, all WFRC employees are required to sign an annual agreement acknowledging that they received a copy and agree to abide by all terms of this policy.

Section 12 – Whistleblower

A whistleblower as defined by this policy is an employee who reports an activity that the employee considers to be illegal or fraudulent to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

If an employee has knowledge of or a concern of illegal or fraudulent activity, the employee should contact his/her immediate supervisor or human resources. The employee should exercise sound judgment to avoid baseless allegations. An employee who intentionally or recklessly files a false report of wrongdoing may be subject to discipline up to and including termination.

Whistleblower protections are provided as follows:

1. **Confidentiality:** Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may be disclosed to the extent required to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.
2. **Retaliation:** Whistleblowers may not be discharged, demoted or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is illegal or fraudulent, or is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

CHAPTER V LEAVE

Leave is an authorized absence during regularly scheduled work hours. Leave may be authorized by the Executive Director with or without pay. An employee who is absent without permission shall be subject to disciplinary action up to and including dismissal. The Executive Director or Area Coordinators shall approve all leave requests except their own; Executive Director leave requests will be reviewed by the WFRC Chair or, in the absence of the Chair, the Vice-Chair.

Section 1 – Vacation Leave

Employees earn vacation for each full calendar month of employment. The amount earned is based on years of service as follows:

- 1 – 5 years – 8 hours per month or 96 hours per year
- 6 – 10 years – 10 hours per month or 120 hours per year
- 11 -15 years – 12 hours per month or 144 hours per year
- 16 years and over – 13.33 hours per month or 160 hours per year

Regular part-time employees earn vacation prorated based on hours worked. Vacation accrual is not earned on unpaid time.

Employees of WFRC may carry forward into the next calendar year accrued vacation leave up to a maximum of 40 days or 320 hours. Once an employee has reached the maximum accrual, no additional accrual will occur until the employee has taken vacation leave, and reduced their balance below the 320 hour threshold.

Upon termination of employment an employee shall be paid for the unused portion of his/her accumulated vacation leave up to 20 days (160 hours), provided he/she has completed six consecutive months of service and has terminated without cause. Employees with over 20 years of service upon termination shall be entitled to a maximum payout of 40 days (320 hours) of accumulated vacation leave.

No employee may be allowed vacation leave with pay for any period of time beyond, or in advance of, time already accrued. An exception may be made in an employee's first year of employment: with the prior written approval of the employee's Area Coordinator/Supervisor and Executive Director, an employee may borrow up to 40 hours of vacation time from their first year expected accruals, with the understanding that if their employment is terminated prior to the accruals being met, any used vacation time not yet earned as of the termination date will be deducted from their last paycheck.

Taking any vacation leave without authorization may be cause for disciplinary action up to and including termination.

Section 2 – Healthcare Leave

Paid healthcare leave may be used when employee or member of employee's family is incapacitated by sickness or injury; for medical, dental, or optional diagnosis or treatment; to avoid exposure to a contagious disease when the attendance at duty jeopardizes the health of others; or for well care health screenings or examinations. False or fraudulent use of health care leave shall be cause for disciplinary action and may result in dismissal. Reasonable limits may be imposed by the Executive Director.

All employees holding full-time and permanent positions accumulate healthcare leave at the rate of one day per month. Regular part-time employees accumulate healthcare leave pro-rated based on hours worked.

At the end of each fiscal year a portion of employee healthcare leave may be cashed out, converted or carried over as follows:

- 0-40 hours of accrued healthcare leave: must be carried over to the next fiscal year
- 41-80 hours: employee may choose to cash out, contribute to a retirement savings plan, convert to vacation leave, or carry over these hours to next fiscal year
- 81+ hours: employee must choose to cash out, contribute to a retirement savings plan or convert these hours to vacation leave, which shall render them subject to the policies herein pertaining to vacation leave.

A doctor's certificate may be required for healthcare leave in excess of three working days. Healthcare leave must be reported by the employee at the same time healthcare leave is needed.

Upon termination of employment an employee shall be paid for the unused portion of his/her accumulated healthcare leave up to 96 hours, provided he/she has completed six consecutive months of service and has terminated without cause.

Section 3 – Family Medical Leave (FMLA)

1. WFRC employees who have been employed by WFRC for at least one year and for at least 1,250 hours during the preceding 12-month period are eligible for FMLA leave. Employees claiming FMLA leave will be returned to the same or equivalent position at the end of the leave period granted pursuant to this policy.
2. WFRC will provide the first 80 hours at 2/3 pay for any employee with a qualifying FMLA event. This benefit may only be used once for FMLA or short term disability within the same 12 month period. After the first 80 hours of FMLA leave, the employee must use all of their accrued paid leave, including vacation and healthcare leave. The remainder of the leave period will then consist of unpaid leave pursuant to FMLA.

3. Eligible employees may be granted FMLA leave for a period of 12 weeks, during the 365 days following the invocation of FMLA leave. Leave may be used intermittently or on a reduced work schedule with health care provider's certification. FMLA leave may be taken for the following reasons:
 - The birth of a child or to care for a newborn child ;
 - The placement of a child with the employee for adoption or foster care;
 - To care for a spouse, child or parent who has a serious mental or physical health condition; or
 - A serious health condition that renders the employee incapable of performing the functions of his or her job
4. Because of any qualifying exigency (as the Secretary of Defense shall, by regulation, determine) arising out of the fact that the spouse, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. (26 weeks maximum within a 12 month period)
5. In all cases, an employee requesting leave under this policy must complete an "Application for Family Medical Leave" and return it to their supervisor with a copy to Human Resources department. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.
6. An employee intending to take FMLA leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least 30 days before the leave is to begin. If leave is to begin within 30 days, an employee must give notice to the supervisor and human resource department as soon as the necessity for the leave arises.
7. An application for leave based on a serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by a healthcare provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts of the condition. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job. In the case of a serious health condition, WFRC may, at its own expense, require a second medical opinion as a condition of approved leave. A "Medical Certification Statement" is not required for the birth of a child.
8. During a period of FMLA leave, an employee will be retained on WFRC's health plan under the same conditions that applied before leave commenced. To continue health coverage the employee must continue to make their contributions to the plan. Failure of the employee to pay their share of the health insurance premium may result in loss of coverage. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse WFRC for payment of health insurance premiums during the leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or for circumstances beyond the employee's control.
9. An employee is not entitled to the accrual of any seniority or other employment benefits, including, but not limited to, vacation and sick leave accrual and retirement contributions, during any period of FMLA leave, whether paid or unpaid. However, an employee who takes FMLA leave will not lose any employment benefits that accrued before the date leave began.
10. An employee eligible for FMLA leave will be restored to his or her former position or to an equivalent position with equal pay, benefits and other terms and conditions of employment. WFRC cannot guarantee that an employee will be returned to his or her original job.
11. An employee must complete a "Notice of Intention to Return from Family Medical Leave" before he or she can be returned to active status. If the employee was on FMLA leave for a serious health condition that prevented the employee from performing the duties of his or her job, the employee must submit a

signed “Health Provider Release” form. If an employee wishes to return to work prior to the expiration of the FMLA leave of absence, written notice must be given to the employee’s supervisor and Human Resources at least five business days prior to the employee’s planned return.

12. The failure of an employee to return to work upon the expiration of FMLA leave will subject the employee to immediate termination unless an extension is granted. An employee must submit a request for an extension, in writing, to the employee’s supervisor and Human Resources. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period. Approval of the request for extension will be considered on its merits and is subject to the approval of the Executive Director.

Section 4 – Leave of Absence without pay

The Executive Director may grant a leave of absence without pay in extraordinary circumstances.

Section 5 – Military Leave

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), WFRC will grant an unpaid military leave of absence to any employee who requests such leave in order to perform service in the uniformed services. It is the employee’s responsibility to give notice of both the need for military leave and when they are ready for reemployment after military duty. Leave under this section shall be consistent with the requirements of USERRA.

Section 6 – Jury Duty

WFRC employees shall not lose regular employment pay or time while serving on jury duty. If the dollar amount received for jury duty is less than an employee’s WFRC salary, WFRC will pay the difference between the amount paid and full salary on receipt of a voucher showing the amount received for jury duty.

Section 7 – Funeral and Compassionate Leave

Time off with pay may be granted to an employee who suffers the loss of a member of his/her family. In the event of a death of a member of the employee’s family, the employee will be paid his/her regular base pay for scheduled work time a maximum of five days. In the case of grave illness an employee may be granted compassionate leave to attend the ailing family member in lieu of funeral leave. Compassionate leave will have the same time limitations as funeral leave. An employee who uses a portion of the five (5) day funeral leave for compassionate leave may use the remainder upon death of the family member, however the total time may not exceed five days. If additional time is needed the employee may use Sick Leave or Vacation Leave, if available. If other paid leave is not available, the employee may request leave without pay.

Section 8 – Administrative or Emergency Leave

Administrative or Emergency leave may be granted by the Executive Director to full-time and part-time regular employees. Administrative or Emergency leave will not be charged against the employee’s vacation, sick, or compensatory leave balances.

Administrative or Emergency leave may be granted under, but not limited to, the following:

- Hazardous conditions, including dangerous weather conditions.
- During declared States of Emergency or Disaster on either local, state or federal levels.

- When supply chain or other disruptions make it impractical to complete assigned work.

The Executive Director may impose administrative leave pending the investigation of employee misconduct. Administrative leave under this paragraph is not a disciplinary action. The period of leave shall not be longer than is reasonably necessary to complete the investigation into the alleged misconduct. The Executive Director may also impose administrative leave if the conduct of an employee, in the sole discretion of the Executive Director, endangers the peace and safety of others, or poses a threat to the public interest.

CHAPTER VI TERMINATIONS, DISCIPLINE, AND APPEALS

Section 1 – Resignations

All resigning employees shall present their reasons for resignation to their immediate supervisor, who will then forward the written resignation to the Executive Director and Human Resources. The letter of resignation will then be filed in the employee's personnel file.

Notification of at least two weeks is requested for all resignations.

Section 2 – Dismissals and Layoffs

The Executive Director may dismiss or layoff an employee for any lawful reason, including but not limited to the following conditions:

- Incompetence, malfeasance, negligence, nonfeasance, or insubordination.
- When the position in which the employee has been assigned is abolished.
- When funds are no longer available for that particular position.
- When the employee demonstrates unsatisfactory performance in his/her work.
- When the employee violates state or federal law or WFRC rules, policies or procedures, including those set forth in this Personnel Policy.

All regular personnel subject to termination have the right to make appeals as outlined in the appeals section.

Section 3 – Discipline

Disciplinary action serves two purposes; first, to redirect or correct an employee who has been delinquent, irresponsible, or has failed to perform in a satisfactory manner. Second, the action serves as a warning to deter future misconduct. WFRC generally practices progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. Discipline will normally begin at the lowest level, unless circumstances dictate more severe discipline. Severe incidents may require a higher level of discipline, including termination, without being preceded by lesser forms of discipline.

Oral Reprimand – The employee's Area Coordinator (AC) will discuss the unsatisfactory areas of his/her work or behavior and provide instructions as to how improvement can be made. ACs will record name, date, and areas discussed as reference for future disciplinary problems and place that

notation in the employee's personnel folder.

Written Reprimand – A written reprimand will include a detailed statement of the problem, situation and remedy sought by the employee's AC, and may include a corrective action plan. The AC will discuss the written reprimand with the employee and request the employee acknowledge by signature that they have received a copy of the written reprimand. Subsequent to receiving a written reprimand the employee's performance and/or behavior while at work will be closely monitored to determine whether or not the problem has been rectified. A copy of the written reprimand will be retained in the employee's personnel folder. A report of this action will be submitted to the Executive Director and Human Resources within five (5) business days of the action taken.

Suspensions – An employee may be suspended for violations of WFRC rules or regulations, for misconduct, or for unacceptable performance. The employee will be provided with written notice of the suspension and asked to acknowledge by signature that they have received a copy. The suspension is for a period not to exceed fifteen (15) business days and will be without pay. More than two suspensions per year is grounds for dismissal.

Demotion – An employee may be demoted to a lesser position for serious violations of WFRC rules, continued misconduct, or other serious and detrimental misconduct.

Termination of Employment – Employment may be terminated for unacceptable performance, if an employee continues to violate WFRC rules, or for severe, serious, or flagrant misconduct.

In the case of a suspension without pay, demotion, or termination, the employee will be given a written Pre-Disciplinary Notice setting forth the violation, including any policies, practices or regulations that have been violated; the conduct or unacceptable performance which violates those policies, practices or regulations; and the proposed discipline. The employee will then have two(2) business days to request a Pre-Disciplinary meeting with the Executive Director or Human Resources. The Pre-Disciplinary meeting is optional and will only occur if the employee requests the meeting.

At the Pre-Disciplinary meeting (if requested by the employee), the employee will have the opportunity to present his or her explanation of what occurred, explain any mitigating factors that should be considered, and any other evidence that the employee wants the Executive Director or Human Resources to consider. The employee may not call witnesses but may ask someone to accompany him or her to the meeting.

Within five (5) business days of the either pre-Disciplinary meeting (if requested) or the Pre-Disciplinary Notice (if no Pre-Disciplinary meeting is requested), the Executive Director or Human Resources will issue a disciplinary letter setting forth: 1) the policies, practices or regulations the employee has violated or other misconduct or unacceptable performance the employee has engaged in; 2) a brief recitation of the evidence supporting the violation; and 3) the discipline that the employee will receive (i.e., a suspension, demotion, or termination). If the Executive Director or Human Resources decides not to issue any discipline, this will also be set forth in a letter to the employee. The employee will then have five (5) business days to appeal the discipline (if they choose) by following the steps outlined below. An employee may appeal disciplinary action for suspension without pay, demotion, or termination, by submitting a written appeal statement to Human Resources. The written appeal statement must include a copy of the written decision being appealed and a recitation of the grounds for the appeal. If the employee does not file their appeal within five (5) business days, the employee waives their right to appeal the decision. If disciplinary action is appealed, the execution of the disciplinary action is stayed pending the outcome of the appeal.

The disciplinary appeal will be heard by the Chair of the WFRC Council. The appeal will consist of an informal

hearing that will include the opportunity for each party to present their position; present oral or written argument; submit supporting evidence; and call and cross-examine witnesses. The appeal decision will be in writing and will constitute the final decision, appealable to the Utah District Court.

Section 4 – Grievance Procedure

The grievance policy provides a formal avenue to grieve an employment issue when the employee has been unable to remediate an issue through their immediate supervisor. All employees are encouraged to work through an informal process, at the lowest level, to remediate issues before moving to the formal grievance process.

Any current employee who believes that they have received inequitable treatment because of some condition of employment, situation, or WFRC action, may personally, or through a representative, file a grievance seeking remedy. The following procedures shall be followed:

1. The employee shall submit the grievance in writing to Human Resources within five (5) business days after the occurrence of the action underlying the grievance. A grievance shall not be considered if it is submitted after the five-day deadline. Written grievances shall contain, at minimum, the following information: (1) name of the employee; (2) a brief statement of what occurred; (3) historical information related to the grievance; (4) requested resolution, (5) witnesses, if known; and (6) signature of the employee filing the grievance.
2. Human Resources may refer the grievance to the employee's supervisor, provided the grievance is not related to the supervisor and the supervisor was not involved in any informal remediation attempts related to the grievance. Within five (5) business days after receiving the grievance, Human Resources (or the supervisor assigned) will issue a written determination regarding the grievance and any proposed resolution, if applicable.
3. If the employee wishes to appeal the written finding of Human Resources (or supervisor) pertaining to the grievance, the employee must submit a written request for appeal to the Executive Director within five (5) business days of Human Resources' or the supervisor's written finding. Within ten (10) business days from the appeal, the Executive Director shall issue a written determination regarding the grievance. The Executive Director's decision regarding the appeal shall be final and binding.

Employees who perceive that they have a grievance shall exhaust the administrative procedure set forth herein before addressing their grievance through any other forum.

The number of days specified at any step of the grievance procedure may be extended by mutual agreement between WFRC and the grievant.

CHAPTER VII TRAVEL AND SUSTENANCE REIMBURSEMENT

Section 1 – Travel Reimbursement

An employee may use his/her own automobile to accomplish the work of WFRC. The employee shall be reimbursed for the use of his/her automobile at the GSA-published mileage rate. Mileage calculations shall exclude normal commute to work miles. Any staff member who is required to use his/her own automobile in the performance of WFRC business must carry automobile insurance to protect WFRC liability. It is

recommended that such insurance be large enough to account for the increased risk due to increased use of the employee's automobile. WFRC may utilize a Driver Qualification standard that would require employees to provide their driver's license numbers to the Accounting Department for the purpose of obtaining monthly motor vehicle records.

Transportation costs for out-of-state travel by the most economical and practical means will be paid. Travel time will be allowed for travel to and from the location of WFRC business. If additional travel time is taken, it will be deducted from annual leave. All air travel accommodations will be "coach" class (unless upgrades are available without additional expense).

Meals and incidental expenses for out-of-state travel will be reimbursed at the GSA-published per diem rate for the area of travel. If a meal is provided as part of a work event, the employee will not be reimbursed for that portion of the per diem rate. Reimbursement for lodging will be made using the published GSA rate unless it can be demonstrated that a substitute rate should appropriately be used, e.g., if an employee attends an approved professional conference and stays at the hotel where the conference is being held.

Section 2 – Other Sustenance

Employees who are required to attend a meeting at which a meal is served that they have to pay for will be reimbursed for the cost of the meal. Employees who are required to attend a meeting outside a normal working day at which no meal is served may be allowed a meal expense. Prior approval for these expenses is required.

CHAPTER VIII EMPLOYEE BENEFIT PROGRAMS

Section 1 – Health Insurance

WFRC offers a group health, dental and vision insurance plan for all regular full-time employees and their families. Details of benefits plans are shared annually as updated by insurance carriers.

Section 2 – Retirement

WFRC regular full-time employees who work a minimum of 30 hours per week are automatically enrolled in the Utah State Retirement System. To be eligible for the Utah State Retirement pension an employee must average a minimum of 20 hours per week measured over a year, and be eligible for other benefits.

Section 3 – Social Security

WFRC does not participate in the Social Security System. In lieu of a Social Security benefit, WFRC will match a voluntary employee contribution up to 7.65% to either a Roth IRA, 457, or 401(k) deferred savings plan administered by the Utah State Retirement System. Employees may voluntarily elect to contribute more than 7.65%, up to the legal limit, however WFRC will not match the contributions over 7.65%.

Section 4 – Workers Compensation, Disability, and Life Insurance

WFRC provides Workers Compensation, Disability and Life insurance for all of its employees.

Section 5 – Flexible Spending Plan

Employees may participate in a Flexible Spending Plan for dental and other insurance premiums, out-of-pocket medical expenses and dependent care expenses. Contributions for out-of-pocket medical expenses and dependent care expenses are subject to IRS limitations. All contributions are deducted pre-tax from the employee's payroll check.

Section 6 – Time Release for Fitness Activity

Employees may take up to 30 minutes 3 times per week to engage in fitness related activities as part of a Wellness Program during the work day. Employees who abuse the time release will lose the privilege for a period of not less than six months.

Section 7 – Staff Development and Educational Assistance Policy

WFRC will provide support for employee professional development activities, including related schooling up to fifty percent (50%) of the eligible school costs with a limit of \$5,250 available in any one calendar year, subject to policies established by the Executive Director.

Section 8 – Breastfeeding Policy

In accordance with Utah's Lactation Law, HB 242, WFRC will support an employee for at least one year after the birth of their child. During this timeframe, an employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. WFRC has a designated private room with a small refrigerator and a door that locks from the inside for this purpose.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record. Discrimination against a breastfeeding employee in terms of privileges, compensation or conditions of employment will not be tolerated.