

WASATCH FRONT REGIONAL COUNCIL

PERSONNEL POLICY

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INTRODUCTION

The Personnel Practices 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.

WFRC is committed to the principles of equal employment opportunity. It is WFRC's policy to hire qualified applicants, and with respect to all employment decisions to treat employees without regard to race, creed, color, religion, sex, age (if over 40 years of age), national origin, disability, sexual orientation, or gender identity.

CHAPTER I CLASSIFICATION PLAN

Section 1 – Position Classification

The classification plan comprises a list of classes supported by written specifications outlining the parameters of each class. A class shall comprise one or more positions that are nearly alike concerning the essential character of their duties and responsibilities in order that the same pay scale, title and qualification requirements can be applied and that the positions can be fairly and equitably treated under similar conditions.

Approved classifications will constitute official titles and pay ranges for all positions in the respective departments and shall be used in all relevant personnel records and forms. Employees may be classified as regular or temporary and full-time or part-time. The definition for full time regular, part-time regular, seasonal and temporary project employees is as follows:

Full-time Regular Employee--An employee who regularly works at his/her assigned duties for forty (40) 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.

Part-time Regular Employee--An employee who regularly works at his/her assigned duties for less than forty (40) hours a week is considered part-time. Part-time regular employees are eligible for pro-rated benefits based on hours worked in a month or as specified by the benefits provider. To be eligible for the Utah State Retirement pension and the Group Health and Dental Insurance, an employee must average a minimum of 20 hours per week. To be eligible for disability and life insurance, the employee must work a minimum of 30 hours per week. Vacation, sick leave and holiday pay are calculated as a percentage of hours worked/full-time hours available in the month (e.g. If there are 172 full-time hours in a month and the employee works 86 hours, the percentage applied to leave is 50% or 86/172).

Seasonal or Temporary Employee--Seasonal and temporary appointments are made to carry out necessary seasonal or temporary work. Employees in this category may work full or part-time as may be required. Employment for seasonal and temporary employees is terminated no later than upon completion of the assignment for which the employee was hired. The employee will be told the anticipated ending date of seasonal or temporary employment. 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 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 Council and Budget Committee, 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.

At the time of initial appointment of 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.

Performance-based merit increases may be awarded to individual employees on the basis of performance evaluation scores. At the beginning of each fiscal year, the employee and the employee’s Area Coordinator (AC)/Supervisor will agree on a performance plan that includes weighted performance factors. Performance standards for employees will be commensurate with their level of experience and pay grade. At the end of each fiscal year, each non-probationary employee will be evaluated by the employee’s AC/Supervisor and the employee will receive an overall score for their performance. The AC/Supervisor will discuss the review with the employee and both the employee and the AC/Supervisor will sign the performance evaluation. An employee may request a review with the Executive Director and the Area Coordinator of their performance evaluation within 30 days of the signed initial evaluation.

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 merit allocation percentage 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 are not eligible for a performance-based rate increase. Employees receiving sub-standard performance evaluations are subject to disciplinary actions up to and including termination.

Section 2 – Cost of Living Increases

The Executive Director may allocate a percentage of approved salary increases as a cost of living increase for all employees. When cost of living increases are approved, salary ranges will be adjusted upward using the same percentage as the cost of living increase. Cost of living adjustments may only be awarded to all employees with six or more months of service.

Section 3 – Salary Adjustments

In the case of employees promoted or reassigned to a new position, if the employee's salary is lower than the minimum prescribed for the position, the salary will be increased automatically to 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, the incumbent employee will be paid the same salary that he/she received prior to the reclassification if such salary coincides with the salary range of the class to which he/she is reclassified. If such salary does not coincide with the salary range of the class to which he/she is reclassified, his/her salary shall not be lowered.

Certain employees may be designated as Area Coordinators and as a result may receive additional special compensation for duties specific to that position. If the Area Coordinator designation is ended the special compensation shall also end.

Section 4 – Performance Awards

The WFRC recognizes an effective employee awards system is an important element of quality management. The WFRC Performance Awards System is designed to recognize and reward high performance and significant contributions to the WFRC Work Program tasks.

The source of funds for the WFRC Awards System is the annual employee compensation budget approved by the Council. Performance awards are discretionary, are determined by the Executive Director, and are subject to available funding and may not cause the expenditures on compensation to exceed the approved budget.

The System consists of three elements:

Performance Awards - Employees that 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 \$2000. The second is a Quality Increase (QI), which is a permanent increase in regular pay. A QI may be used to adjust salaries of long-term employees who have consistently exceeded performance standards but whose salaries do not reflect current market conditions. These awards are in addition to the annual salary increases provided for in Section 1.

Performance Awards will be based on Employee Performance Plans and Evaluations and on recommendations from Area Coordinators. The Executive Director may consider employees for Performance Awards for taking on added responsibilities, for taking the initiative to identify new projects for the WFRC to be involved in and the resources to complete these projects, and for other significant work efforts deemed worthy of an award.

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 WFRC 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.

The initiator (employee) of the award develops a brief narrative justification for the award and submits the recommendation to the Executive Director and Area Coordinator(s) for review; the Executive Director may approve or modify the award. Employees may receive two Peer awards per year. The Peer award is a \$100 cash award.

Section 5 – Payroll

Pay periods are from the first (1st) to the fifteenth (15th) and from the sixteenth (16th) to the last day of the month. Employees are paid by direct deposit on the last working day of the pay period.

Section 6 – Time Records

All employees will turn in time records using the appropriate form to their Area Coordinators on the first working day of the new month. Area Coordinators will compare time records against Unified Planning Work Program work assignments, sign the time sheet indicating that it has been reviewed and forward time records to the Accounting office by the third working day of the month. Hourly employees will make their time records available to the Accounting office when requested, and a final time sheet will be submitted to their Area Coordinator on the first working day of the new month. Each employee must sign his/her time sheet. 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 employees.

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 employee'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 at-will employees and not subject to the same rights and processes of regular employees.

Employees shall be designated full-time regular, part-time regular, seasonal, or temporary project.

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 that 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 total 40 hours a week for full time employees. (Temporary and part-time employees may have standard hours of fewer than forty (40)).

A minimum of ½ hour unpaid lunch break will be allowed to be taken 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.

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

Section 2 – Tardiness

An employee's workday begins at the exact starting time of his/her shift; therefore, tardiness is not permissible and is grounds for disciplinary action. At the discretion of the supervisor, tardiness may be made up, preferable on the day on which the tardiness occurred. Tardiness must be made up during the week in which it occurs.

Supervisors will ensure that time reports are correct to the closest fifteen (15) minutes.

Section 3 – Reporting Absences

Employees should report absence to their Area Coordinator before the beginning of their regularly scheduled day and in no instance later than two hours after the beginning of their regularly scheduled day. 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 mid-day Friday to mid-day Friday the following week. Overtime should

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 pro-rated based on hours worked (e.g., if there are 172 full-time hours in a month and the employee works 86 hours, the percentage applied to leave is 50% or 86/).

- 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)
- 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, only if it does not represent a conflict of interest, does not conflict with WFRC work schedules, does not interfere with 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 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. A copy is available from the Accounting Office.

The presence of any detectable amount of any controlled substance on WFRC premises or in the possession of any employee while performing any business for WFRC is prohibited and is in violation of this policy and 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 business days after such conviction. As a condition of employment, all WFRC employees are required to sign an 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. Discrimination is prohibited throughout all phases of your employment, including being interviewed, hired, promoted, compensated, bonuses, benefits, hours of work, issuance of discipline, promotion, transfer, work assignments, and termination.

WFRC prohibits retaliation against anyone for reporting or participating in an investigation of prohibited discrimination or harassment. WFRC’s policy is to investigate any complaints of unlawful discrimination and to take any necessary corrective action, up to and including termination, against employees who harass, embarrass, or retaliate in any respect against one who has made a complaint regarding unlawful discrimination or harassment.

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to WFRC (*e.g.*, an outside vendor, consultant or customer). 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.

Sexual Harassment

As set forth in WFRC’s Equal Employment Opportunity Policy, WFRC prohibits any form of harassment in the workplace, including 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;
- Submission to or rejection of such conduct by an individual issued as the basis for 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

As set forth in WFRC's Equal Employment Opportunity Policy, discrimination and harassment in the workplace is not limited to sexual harassment. Discrimination and harassment may take many different forms, all of which are prohibited by WFRC. The 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

All employees of WFRC are responsible for helping to enforce this policy against harassment/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 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 should report the incident to a manager or Administration.

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 a manager or Administration regardless of whether or not the supervisor believes the incident or conduct involved constitutes harassment or discrimination. The manager should immediately report the incident to Administration. Any supervisor who fails to report any such incident or conduct to a manager 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 endeavor to investigate each complaint of harassment and discrimination and take appropriate action as warranted by each situation, including possible disciplinary steps or termination.

WFRC will not tolerate retaliation or adverse employment action against any individual who reports any alleged incident of or participates in the investigation of harassment or discrimination and will take corrective action, up to and including termination, against any individual who harasses, embarrasses, demeans, or retaliates in any respect against any individual who reports or participates in the investigation of any alleged incident of harassment or discrimination.

Americans with Disabilities Act

It is WFRC's intent to fully comply with the Americans with Disabilities Act and thus to provide reasonable accommodations to allow qualified people with disabilities to apply for and perform their jobs. If you have a disability that affects your job performance, let your manager know as soon as possible. We will then discuss with you the reasonable accommodations we may be able to provide to enable you to perform the essential functions of your job. If you become unable to perform your essential job functions, even with reasonable accommodation, we will assist you in identifying other jobs that may become available and for which you may be otherwise qualified. As with other aspects of WFRC's Equal Employment Opportunity Policy, you should report any harassment or discrimination based on disability through the policy reporting procedures.

Section 10 – Acceptable Use Policy for Information Technology Resources

The purpose of the information technology resources (e.g. E-Mail, Voice Mail, Computer Equipment, Facsimile, the Internet) provided by WFRC is to assist staff in achieving the mission and goals of WFRC. Effective use of these resources is of primary concern. 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 which may create a hostile environment for other employees, 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. 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

1. Access only files or data that are your own, that are publicly available or to which you have been given authorized access.
2. Use resources efficiently and productively. Refrain from monopolizing systems, overloading networks with excessive data, playing games or wasting supplies.
3. Keep passwords confidential and change them from time to time.
4. 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.
5. Adhere to copyright law regarding use of software.

6. 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 inadvertently 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. WFRC employees 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. The following are examples of prohibited behavior:

- 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 judgement 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.
- 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.

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 is considered unauthorized absence, and 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 pro-rated based on hours worked (e.g., an employee who works 24 hours per week would earn vacation at the rate of 60% of the schedule shown above). No vacation accrual is made for 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 further monthly accrual will be made until the employee has taken vacation leave. Vacation leave lost as a result of the employee reaching the maximum accrual may not be recovered in subsequent months regardless of the number of vacation hours used later in the year. For example: if an employee has an accrued vacation balance of 315 hours at the end of the month and during the subsequent month does not use any vacation and would normally accrue an additional 8 hours, in this instance they would only accrue 5 hours that subsequent month bringing them to the maximum accrual of 320 hours. If that same employee uses 40 hours the following month, they would only accrue 8 hours and the 3 hours lost as a result of reaching the maximum accrual would not be recovered at the later date.

Upon termination of employment an employee shall be paid for the unused portion of his/her accumulated vacation leave up to 40 days, provided he/she has completed six consecutive months of service and has terminated without cause.

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 reason for disciplinary action.

Section 2 –Sick Leave

Sick leave may be used when employee, employee's spouse, employee's child, or employee's parent are 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; for well care health screenings or examinations, and fitness related activity by the employee. 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 sick leave at the rate of one day per month. Regular part-time employees accumulate sick leave pro-rated based on hours worked.

1. Employees are allowed to convert unused sick leave to cash payments upon termination of employment.
2. At the end of each fiscal year a portion of employee sick leave may be cashed out, converted or carried over as follows:
 - 0-40 hours of accrued sick leave: must be carried over to the next fiscal year
 - 41-80 hours: employee may choose to cash out, contribute to a deferred 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 deferred savings plan or convert these hours to vacation leave
3. A doctor's certificate may be required for sick leave in excess of three working days.
4. Sick leave must be reported by the employee at the same time sick leave is needed.

Section 3 – Family Medical Leave (FMLA leave)

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. FMLA leave will consist of appropriate paid leave or unpaid leave. WFRC will provide the first 80 hours at 2/3 pay for any employee with a qualifying FMLA event. After the first 80 hours at 2/3 pay the employee must use all of his or her accrued paid leave, including vacation leave and sick leave. In some cases, short-term disability may also be available. The remainder of the leave period will then consist of unpaid leave.
3. Employees who meet the applicable time of service may be granted FMLA leave consisting of appropriate accrued paid leave and unpaid leave for a period of 12 weeks, or 26 weeks pursuant to paragraph 5, during the 365 days following the invocation of FMLA leave. Leave may be taken intermittently as long as the total does not exceed 480 hours or 12 weeks. FMLA leave may be taken for the following reasons:
 - a. The birth of the employee's child and in order to care for the child;
 - b. The placement of a child with the employee for adoption or foster care;
 - c. To care for a spouse, child or parent who has a serious health condition; or
 - d. A serious health condition that renders the employee incapable of performing the functions of his or her job.
 - e. Because of any qualifying exigency (as the Secretary of Defense shall, by regulation,

determine) arising out of the fact that the spouse, or a son, daughter, 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.

4. The entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of birth or placement.
5. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered military service member shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period.
6. During the single 12-month period described in paragraph 5, an eligible employee shall be entitled to a combined total of 26 work weeks of leave under paragraphs 3 and 5. Nothing in this paragraph shall be construed to limit the availability of leave under paragraph 3 during any other 12-month period.
7. 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 the human resource 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.
8. 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.
9. 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 health care 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.
10. If the employee is needed to care for a spouse, child or parent, the certification must so state, along with an estimate of the amount of time the employee will be needed.
11. 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 any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her 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.

12. 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 unpaid FMLA leave. However, an employee who takes FMLA leave will not lose any employment benefits that accrued before the date leave began.
13. 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.
14. 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 the human resource department at least five business days prior to the employee’s planned return.
15. 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 who requests an extension of FMLA leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee’s spouse, child or parent, must submit a request for an extension, in writing, to the employee’s supervisor and the human resource department. 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 may be approved by the Executive Director.
16. Application for FMLA leave, medical certification statements and other notices shall be on forms approved and prepared by the Human Resources department.

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 is required to 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 policy of WFRC to comply with USERRA and all other state, federal and local laws. In case of any conflicts between this policy and federal, state or local laws, such applicable laws shall control, subject to conflict of law principles.

It is the employee’s responsibility give notice of the need for military leave. It is the employee’s responsibility to notify WFRC when they are ready for reemployment after military duty.

Contact the Human Resources Representative for more specifics.

Section 6 – Court Leave

Wasatch Front Regional Council 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 will be granted a regular (full or part-time) employee who suffers the loss of a member of his/her immediate family. Immediate family shall mean the employee's parents, step-parents, grandparents, brothers, sisters, wife, husband, children, grand-children, mother-in-law, father-in-law, grandparents-in-law, sister-in-law, and brother-in-law. In the event of a death of a member of the employee's immediate 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 immediate 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 immediate 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, or designee in the Executive Director's absence, to full-time and part-time regular employees. Such leave is recorded as "Other" on the employee's timesheet. 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, APPEALS AND PERFORMANCE EVALUATION

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. 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 Lay Offs

The Executive Director may dismiss or lay off an employee under the following conditions:

1. When the position in which the employee has been assigned is abolished.
2. When funds are no longer available for that particular position.
3. When the employee demonstrates unsatisfactory performance in his/her work.
4. 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

The WFRC discipline policy provides a means of ensuring efficient and effective personnel practices. Both employees and supervisors must attempt to correct errors and faults which conflict with the rules and sound judgement of the WFRC management.

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 or to deter future misconduct. Under typical circumstances WFRC endorses a policy of 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.

1. Step 1 – **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.

2. **Step 2 – Written Reprimand** – A written reprimand will include a detailed statement of the problem, situation and remedy sought by the employee’s AC. The AC will discuss the written reprimand with the employee and have 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 within five (5) business days of the action taken.
3. **Step 3 – 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.

See number 6 below explaining how discipline involving suspensions, demotions or terminations will be handled.

4. **Step 4 – Demotion** – An employee may be demoted to a lesser position for serious violations of WFRC rules, continued misconduct, or other serious and detrimental misconduct.

See number 6 below explaining how discipline involving suspensions, demotions or terminations will be handled.

5. **Step 5 – Termination of Employment** – When steps 1 through 4 fail to rectify the problems and the employee continues to violate WFRC rules or for severe, serious, or flagrant misconduct, or for unacceptable performance, the employee’s employment may be ended.
6. In the case of a suspension without pay, or 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 five (5) business days to request a Pre-Disciplinary meeting with the Executive Director.

At the Pre-Disciplinary meeting, 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 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 pre-Disciplinary meeting, the Executive Director 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 facts supporting the violation; and 3) the discipline that the employee will receive (i.e., a suspension, demotion, or termination). If the Executive Director 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 in Section 4.

Section 4 – Appeals Procedure

Oral or written reprimands may only be appealed to the Executive Director. An employee wishing to appeal a reprimand must submit a letter within five (5) business days of receiving the discipline to the Executive Director explaining their position and why they do not feel the discipline is warranted (or should be lessened.) The Executive Director will respond in writing within five (5) business days.

If a regular employee wishes to appeal a termination, demotion, or suspension without pay, the employee must submit a written request for an appeal to the Human Resources Department within five (5) business days of receiving the discipline. The written request should set forth: 1) the discipline being appealed (include a copy of the discipline); 2) a brief statement of what occurred; 3) the relief the employee would like; 4) witnesses, if known; and 5) information on how the employee may be contacted.

WFRC will retain a neutral hearing officer to conduct a full and fair hearing. The employee may retain a lawyer to represent them (at their own expense) and will be allowed to call witnesses, cross examine witnesses presented by WFRC, present documentary and other evidence, and make opening and closing statements. The hearing shall be held at a place and time determined by the WFRC within thirty (30) calendar days of the disputed action. The hearing officer will prepare a written decision within twenty (20) calendar days of the hearing and serve it on both WFRC and the employee by mail or email or both.

Section 5 – 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 and the employee-AC relationship as deemed essential by either or both parties. Although the employee's views must be considered, the responsibility of the AC is to ensure efficient and effective work performance.

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.

The employee may request an evaluation at any time in an effort to improve a situation in which the employee feels a problem exists.

A copy of the evaluation shall be given to the employee following the meeting and another copy will be placed in the personnel file of the employee.

CHAPTER VII

TRAVEL AND SUSTENANCE REIMBURSEMENT

Travel and sustenance expenses will be reimbursed to employees as follows:

Section 1 – Reimbursement for Travel by Private Automobile within the State

As authorized by the Executive Director, an employee may use his/her own automobile to accomplish the work of the Wasatch Front Regional Council. The employee shall be reimbursed for the use of his/her automobile at the GSA-published mileage rate. Mileage will be computed from the odometer reading or the latest official road map and will be limited to the most economical, usually traveled routes. Any staff member who is required to use his/her own automobile in the performance of Council 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.

Section 2 – Reimbursement for Travel by Common Carrier within the State

As authorized by the Executive Director, actual transportation costs of travel by common carrier for work purposes will be reimbursed.

Section 3 – Reimbursement for Travel Out-of-State

As authorized by the Executive Director, transportation costs for out-of-state travel by the most economical and feasible 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.

Meals and incidental expenses for out-of-state travel will be reimbursed at the GSA-published per diem rate for the area of travel, except that 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 4 – 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 shall be obtained from the Executive Director.

CHAPTER VIII EMPLOYEE BENEFIT PROGRAMS

Section 1 - Health Insurance

WFRC offers a group health and dental insurance plan for all regular full-time and regular part-time employees who work a minimum of 20 hours per week. Coverage is for the employee and his/her spouse and children subject to a 10% premium cost share. A description of specific benefits is available upon request.

Employees may purchase Retiree Health Insurance as allowed under the PEHP Group Health Insurance Plan. The full amount of the premium for Retiree Health Insurance is the responsibility of the employee.

Section 2 - Retirement

WFRC regular full-time and regular part-time employees who work a minimum of 20 hours per week are automatically enrolled in the Utah State Retirement System non-contributory, defined benefit (pension) plan and a Utah State Retirement System defined contribution 401(k) plan. WFRC pays the cost of the non-contributory pension and may also make contributions to the 401(k).

WFRC does not participate in the Social Security System. In lieu of a Social Security benefit, if an employee voluntarily makes up to a 7.65% of salary contribution to either a 457 or 401(k) deferred savings plan administered by the Utah State Retirement System, WFRC will match that contribution at 100%. The matching funds are contributed to the employee's 401(k) account. Employees may voluntarily elect to contribute more than 7.65%, up to the legal limit, to either or both a 401(k) or 457 plan, however WFRC will not match the contributions over 7.65%.

Employees are also able to voluntarily contribute to a ROTH IRA administered through the Utah State Retirement System.

A description of the retirement benefit programs is available from the Accounting Department.

Section 3 - Worker's Compensation, Disability, and Life Insurance

WFRC provides Worker's Compensation insurance for all of its employees. This insurance provides medical coverage and limited income for employees who are injured while on the job. WFRC will assist employees to return to a safe and productive work environment. Although an employee may not be able to perform his/her regular job, WFRC will work with the employee to provide light duty assignments, if possible, based upon the employee's medical restrictions.

The Council also provides life and disability insurance to all regular full-time and regular part-time employees who work a minimum of 30 hours per week. A description of the insurance benefits is available from the Accounting office.

Section 4 – 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 5 – Time Release for Fitness Activity

Employees may be eligible for 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 6 – 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 \$1,500 available in any one calendar year, subject to policies established by the Executive Director.