

**TITLE 4. EMPLOYEE PERSONNEL SYSTEM.****Chapter 4.04. Employee Personnel System.****Chapter 4.08. Fire and Ambulance Retirement.****Chapter 4.04. Employee Personnel System.****4.04.020. Established--Provisions.****4.04.030. Merit Service.****4.04.040. Administration - Powers and Duties.****4.04.045. Appeal Board.****4.04.050. Compliance with Federal and State Law - Liabilities - Legality.****4.04.020. Established--Provisions.**

Pursuant to Utah Code Ann. § 10-3-1101 et seq., and other pertinent provisions of the laws of the state of Utah, there is adopted and established an employee and personnel system for Spanish Fork City Corporation which shall be based on the following principles and provide for:

1. A system free from political and personal considerations;
2. Equitable employment without discrimination;
3. Incentives and conditions of employment;
4. Positions classified and compensated on justifiable and uniform bases.
5. Establishment of merit principles;
6. Just and fair administration of policies, rules, and regulations;
7. A formal plan of adopted policies, rules, and regulations.

**4.04.030. Merit Service**

Except for those employees set forth in the state law (Utah Code Ann. §10-3-1105(2)), each employee of Spanish Fork City shall hold employment without limitation of time. Discharge (termination), involuntary transfer to a position with less remuneration (demotion), or suspension of over two days without pay may occur only for cause and in compliance with state law and in accordance with the procedures set forth in the Spanish Fork City Personnel Policy Manual. All other grievance and/or disciplinary matters shall be handled as set forth in the Personnel Policy Manual.

(Ord. No. 04-04, Amended, 04/20/2004)

**4.04.040. Administration - Powers and Duties.**

A. The city manager or his/her designee shall administer the personnel system provided by this chapter and by the rules and regulations it authorizes and by other applicable law.

B. The city manager shall perform the duties and have the powers concerning personnel matters as follows:

1. Administer and maintain the personnel system and other pertinent rules and regulations established by this chapter and by its authority;
2. Develop, maintain and apply procedures for the recruitment, compensation, promotion, training, discipline related aspects of personnel management for all personnel under his/her jurisdiction, subject to the provisions of ordinances, council policies, and personnel rules and regulations stated in this chapter or adopted pursuant to this chapter;

3. Issue other supplemental personnel directives as are necessary for the effective implementation of this chapter, council policies, and rules and regulations stated in this chapter or adopted pursuant to this chapter;

4. Recommend and submit to the council for approval or modification such new or revised personnel rules and regulations to include:

- a. The classification of all city positions, based on duties, authority, responsibility, working conditions, know-how, and accountability of each position whenever warranted by changed circumstances,
- b. A pay plan for all positions,
- c. Methods for determining the merit and fitness of candidates for appointment or promotion,
- d. Policies and procedures regulating reduction in force, demotions, transfers, and removal, separation, or discharge of employees,
- e. Hours of work, standards of conduct, probationary period requirement, attendance regulations, and provisions for sick and vacation leave,
- f. Policies and procedures governing persons holding provisional appointments,
- g. Policies and procedures governing employee-management relationships.
- h. Policies regarding all aspects of training and education programs,
- i. Other practices and procedures necessary to the administration of the personnel system;

5. Recommend to the council contractual arrangements with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel system.

**4.04.045. Appeal Board.**

- A. There is hereby created an Appeal Board, which shall consist of the Mayor and the City Council and which will be chaired by the Mayor.
- B. Any employee afforded merit protection under the law (Utah Code Ann. §10-3-1105) shall be entitled to appeal discharge (termination), involuntary transfer to another position with less remuneration (demotion), or suspension without pay for more than two days, to the Appeal Board. The procedures for an appeal shall be set forth in the Spanish Fork City Personnel Policy Manual. Exhaustion of all appeal procedures set forth in the Personnel Policy Manual shall be a prerequisite to filing an appeal with the Appeal Board, including meeting all time deadlines.

(Ord. No. 04-04, 4.04.045 Created, 04/20/2004)

**4.04.050. Compliance with Federal and State Law - Liabilities - Legality.**

A. Nothing in this chapter, or in the rules and regulations developed under this chapter, shall in any way conflict with any federal or state law, rules, regulation or requirement which is or may become binding on the city because of either the statutory existence of such laws and regulations or contracts into which the city has entered or may enter with other units of government.

B. All officers and employees of the city, whether elected, appointed or employed, shall not be held personally liable for any decisions made under this chapter where such decisions and the results thereof are determined to be in conflict with state, federal or other statutory requirements,

except where such decision is an intentional violation of state, federal, or other statutory requirement.

C. Should any part of this chapter be subsequently declared illegal, the council declares that all other provisions and remaining parts of the chapter, notwithstanding such illegality of a part, shall remain in effect.

(Ord. No. 04-04, 4.04.010 Definitions Repealed, 04/20/2004)

**Chapter 4.08. Fire and Ambulance Retirement.****4.08.010. Funding of Retirement System.****4.08.020. Management of Fund.****4.08.030. Retirement qualifications.****4.08.040. Retirement Benefit.****4.08.050. Creation of Board.****4.08.060. Function of Board.****4.08.070. Board Members.****4.08.080. Appointments and Terms of Office.****4.08.090. Compensation.****4.08.010. Funding of Retirement System.**

Spanish Fork City shall budget for and fund on a yearly basis a fund used for providing the qualified volunteer firefighters and ambulance crew of the City with retirement benefits.

**4.08.020. Management of Fund.**

The aforementioned fund shall be managed by the city finance director. The fund shall be funded and managed in such a manner so as to be actuarially sound in order to provide the benefits provided for herein.

**4.08.030. Retirement Qualifications.**

In order to qualify to receive the retirement benefits as provided for herein, a firefighter or ambulance crew member shall have 20 years of service and be at least 62 years of age.

(Ord. No. 06-94, Amended, 02/16/1994); (Ord. No. 10-01, Amended, 11/06/2001)

**4.08.040. Retirement Benefit.**

The retirement benefit provided to each qualified firefighter or ambulance crew member shall be in the amount of \$75.00 per month through December, 2001. Commencing January 2002, the monthly amount shall increase to \$77.50 and shall increase in January each year thereafter by the monthly amount of \$2.50 for a period of ten years, until the retirement benefit amount reaches \$100.00 per month.

(Ord. No. 10-01, Amended, 11/06/2001)

**4.08.050. Creation of Board.**

There is hereby created a volunteer firefighters and ambulance crew members advisory board to be known as the "Fire and Ambulance Retirement Board".

**4.08.060. Function of Board.**

The aforementioned board shall advise the council and make recommendations concerning the funding of the retirement fund established herein and shall advise the council as to which firefighters and ambulance crew members are eligible or are nearing eligibility.

**4.08.070. Board Members.**

The aforementioned Board shall consist of: the mayor; the public safety director; the city finance director; a citizen at large; the fire association president, past president, life member; two active members of the ambulance division, and one retired member from the ambulance division.

**4.08.080. Appointments and Terms of Office.**

The fire association president, past president, and life member shall be appointed by the association to serve on the retirement board for the term of their appointment as

association officers. The ambulance representatives shall be appointed by the ambulance members and shall serve for four years. The citizen at large shall be appointed by the mayor with the concurrence of a majority of the city council after receiving recommendation from the retirement board and shall serve for four years. All other members of the board shall be appointed for the term of their respective office.

**4.08.090. Compensation.**

The aforementioned board shall not be compensated or have authority to bind the city, but shall be reimbursed for their reasonable expenses actually incurred in the fulfillment of their responsibilities.