

TITLE 4 EMPLOYEE PERSONNEL SYSTEM**Chapter 4.04 Employee Personnel System**
Chapter 4.08 Volunteer Firefighter Retirement**Chapter 4.04 Employee Personnel System****4.04.010 Established - Provisions****4.04.020 Merit Service****4.04.030 Administration - Powers and Duties****4.04.040 Appeal Board****4.04.050 Compliance with Federal and State Law - Liabilities - Legality****4.04.010 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 personnel system for Spanish Fork City 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.

4.04.020 Merit Service

- A. Except for department directors, assistant city manager, and employees appointed by the governing body, 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.
- B. The following positions are department directors and shall be considered as the head of the department: Finance Director, Public Works Director, Public Safety Director, City Attorney, Community Development Director, Information Technology Director, Parks and Recreation Director, and Library Director.
- C. Department directors and the assistant city manager are entitled to severance pay upon involuntary separation from the City based upon gross salary, health

insurance cost, dental insurance cost, life insurance cost, sick leave accrual, and retirement accrual. Department directors are awarded three months' severance benefit upon hire and earn an additional one week of severance for every year worked, up to a total of six months' severance.

- D. The following positions are supervisory positions appointed by the governing body pursuant to Title 2 and are entitled to a contract with the City outlining the terms and conditions of their employment, including severance benefits identical to the severance benefit granted to department directors: City Manager, Recorder, Treasurer.

4.04.030 Administration - Powers and Duties

- A. The City Manager, or his/her designee, shall administer the personnel system provided by this chapter.
- B. The City Manager shall perform the duties and have the powers concerning personnel matters as follows:
1. Administer and enforce 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, and discipline of personnel management for all employees of the City, subject to the ordinances, policies, and 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, policies, or rules and regulations stated in this chapter or adopted pursuant to this chapter;
 4. Recommend changes to this chapter or to the Personnel Policy to the Council for their consideration. Recommendations may include, but are not necessarily limited to:
 - 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 range for each position,
 - c. Methods for determining the merit and fitness of candidates for appointment or promotion,
 - d. Policies and procedures regulating reduction in force, demotions, transfers, removal, separation, or discharge of employees,
 - e. Hours of work, standards of conduct, probationary period requirements, attendance regulations, and provisions for sick, vacation, and other types of leave,
 - f. Policies and procedures governing persons holding provisional appointments,
 - g. Policies and procedures governing employee-management relationships,
 - h. Policies regarding of training and education programs,

- i. Other practices and procedures necessary for 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.

4.04.040 Appeal Board

1. There is hereby created an Appeal Board, which shall consist of three persons, independent of the City, who have expertise in municipal employee law, such as city attorneys, human resource directors and assistant directors, mediators, or city managers. Upon notice of appeal, the City Manager shall appoint three qualified persons to serve as the Appeal Board for that hearing. They shall follow the procedures and timelines set forth in the Spanish Fork City Employee Personnel Policy.
2. Any employee afforded merit protection under this chapter 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.

(Ordinance 30-17, Amended 12/12/2017)

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 laws, rules, regulations or requirements which are 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 or appointed, 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. 07-12 Amended 05/15/2012)

Chapter 4.08 **Volunteer Firefighter Retirement****4.08.010** **Funding of Retirement System****4.08.020** **Management of Fund****4.08.030** **Retirement Qualifications****4.08.040** **Retirement Benefit****4.08.010** **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 of the City with retirement benefits.

4.08.020 **Management of Fund**

The volunteer firefighter retirement 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 shall have 20 years of service and be at least 62 years of age.

4.08.040 **Retirement Benefit**

The retirement benefit provided to each qualified firefighter shall be in the amount of \$106.00 per month through December, 2013. Commencing January 2014, the monthly amount shall increase to \$109.00 and shall increase in January each year thereafter by the monthly amount of \$3.00 until the retirement benefit amount reaches \$130.00 per month

(Ord. No. 06-94, Amended 02/16/1994)

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

(Ord. No. 16-11, Amended 12/06/2011)

(Ord. No. 02-13, Amended 02/05/2013)

4.08.050 **Creation of Board**

(Ord. 05-07, Repealed 02/20/2007)

4.08.060 **Function of Board**

(Ord. 05-07, Repealed 02/20/ 2007)

4.08.070 **Board Members**

(Ord. 05-07, Repealed 02/20/ 2007)

4.08.080 **Appointments and Terms of Office**

(Ord. 05-07, Repealed 02/ 20/2007)

4.08.090 **Compensation**

(Ord. 05-07, Repealed 02/ 20/2007)