

## **SECTION XII: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

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1. GENERAL POLICY. Cottonwood Heights Parks and Recreation Service Area will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Cottonwood Heights Parks and Recreation Service Area will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.
  
2. AT-WILL EMPLOYMENT. The Service Area's employees are employed as employees-at-will, which means that no employee has any obligation to continue working for the Service Area, and the Service Area has no obligation to employ an employee, for any fixed period of time or duration. Each employee is free to resign at any time, with or without cause, and with or without advance notice. The Service Area similarly may terminate the employment relationship at any time, with or without cause, and with or without advance notice.
  - A. Nothing in this manual is intended or should be construed to create any express or implied promise or agreement by the Service Area that any employee's employment with the Service Area is for any specific duration or only may be terminated for good cause or after warnings have been given or progressive discipline has been imposed.
  
  - B. Any statement made or action taken by any of the Service Area's Board members, Department Heads, supervisors, management personnel or employees which is inconsistent with the Service Area's policy of at-will employment is unauthorized, and should not be construed to create any express or implied promise or agreement by the Service Area that any employee's employment with the Service Area is other than "at-will".
  
3. EMPLOYMENT CLASSIFICATIONS.
  - A. Board Appointed. The position of the Executive Director is appointed by the Board of Trustees. Salary and benefits are determined by the Board of Trustees annually.
  
  - B. Full-time Benefited. An employee hired for an indefinite period in a position for which the normal work schedule is forty (40) hours per week. Full-time Benefited employees qualify for Cottonwood Heights Parks and Recreation Service Area benefits. Refer to Sections XVII and XIX.

- C. Part-Time Benefited (as per job description). An employee hired for an indefinite period in a position for which the normal work schedule is less than 2080 hours per year but a minimum of 1560 hours per year. Benefits include vacation and sick leave, holiday pay, and all other benefits as outlined in sections XVII and XIX
  - D. Part-time Non-Benefited (as per job description). An employee hired for an indefinite period of time in a position or a combination of positions for which the normal work schedule is up to a maximum of 1508 hours per fiscal year. Or if hired after January 1, an employee will be measured from their hire date. If an employee reaches the maximum of 1508 hours, this employee will not be allowed to work any hours until the new fiscal year begins. Violation of this policy may result in disciplinary action, up to and including termination. Part-time Non-Benefited employees do not qualify for Cottonwood Heights Parks and Recreation Service Area benefits.
4. EMPLOYMENT STATUS. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or non-exempt, with respect to eligibility for overtime payment. They shall be defined as:
- A. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
  - B. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.
5. WORK WEEK.
- A. Begins on Sunday at 12:00 a.m.
  - B. Ends on Saturday after 11:59 p.m.
6. ATTENDANCE. Exempt employees shall be in attendance at their assigned duties and locations during work hours as approved by the Executive Director.
- A. An exempt employee unable to report for duty should notify the Executive Director or Designee on each day of absence.
7. ATTENDANCE. Non-Exempt employees shall be in attendance at their assigned duties and locations during scheduled work hours.
- A. An employee unable to report for duty shall follow instructions from their supervisor for covering his/her scheduled shift.

- 1) An employee shall notify their immediate supervisor if unable to cover his/her scheduled shift, no later than one hour before the beginning of their scheduled shift.
  - 2) Changes must be made on the department schedule if a substitute is found.
  - 3) The substitute may not exceed normal working hours so as to cause overtime unless pre-approved by the Department Head or Manager.
  - 4) Excessive absences and schedule changes may be subject to disciplinary action or termination.
- B. An employee who begins their scheduled shift and is not required to stay for their entire shift as determined by the Manager, will be compensated for a minimum of one hour or the total hours worked, at their regular rate of pay.
- C. An employee who is called into work by the Department Head or Manager and is not on the regular schedule will be compensated a minimum of two hours or the total hours worked, at their regular rate of pay.
- D. A non-exempt employee required by the Service Area to be available for on-call work, shall be compensated one hour for every 12 consecutive hours the employee is on-call.
- (1) Time is considered on-call time when an employee has freedom of movement in personal matters as long as the employee is available to promptly respond for duty. An employee may not be on-call while using leave or while otherwise unable to respond.
  - (2) If an employee is on-call, however cannot be reached or cannot promptly report for duty, that employee is not eligible for on-call compensation and may be subject to disciplinary action.
8. BREAKS AND LUNCH PERIODS.
- A. Full-time:
- (1) Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard work day (each 4 hour work period). Breaks cannot be used to extend the lunch period or shorten an employee's work hours. If an employee chooses to work through their paid breaks, it is their decision to do so and no extra compensation or time off will be given for the extra

time worked.

- a. Employees may not combine their two (2) optional fifteen (15) minute paid breaks to create a longer break period.
- b. If an employee needs more than fifteen (15) minutes for a break, they must clock out for the additional time.

(2) Lunch period: a lunch period is ½ hour to 1 hour of unpaid time during a shift scheduled longer than six and one-half (6 1/2) hours. The lunch period may not be used to delay the scheduled start of a shift or to shorten the scheduled shift unless pre approved by the Department Head or Executive Director. Hours worked must meet the schedule as determined by the Department Head.

(3) All hours worked are subject to the overtime policy. Lunch periods are not to be used by the employee to manipulate or adjust the work schedule.

B. Part-time:

(1) Breaks: One optional fifteen (15) minute paid break during a four-six (4-6) hour shift or two optional fifteen (15) minute paid breaks during a seven-eight (7-8) hour shift.

- a. Employees may not combine their optional fifteen (15) minute paid breaks to create a longer break period.
- b. If an employee needs more than fifteen (15) minutes for a break, they must clock out for the additional time.

(2) Lunch period: Optional one/half (1/2) hour unpaid lunch period during a shift scheduled longer than six and one-half (6 1/2) hours.

(3) State of Utah Labor Commission regulations apply to 14-17 year olds regarding breaks and lunch periods which are required, not optional.

- a. A rest break of 15 minutes is required for minors for every three hour period or part thereof that is worked.
- b. A meal period of 30 minutes is required for minors who work a minimum of 5 hours from the beginning of their shift.

9. PAID EXERCISE TIME

A. Exercise is any physical activity that is planned, structured, and repetitive for the purpose of conditioning any part of the body. Exercise is used to improve health, maintain fitness and is important as a means of physical rehabilitation. Non-seasonal, benefited employees are entitled to three exercise sessions per week, up to 30 minutes per session, with approval from immediate supervisor. Each 30

minute exercise session must be conducted on a different day of the week. Employees may not extend this time to shower, change, etc. However, the employee may combine their exercise session time with one paid 15 minute break or one unpaid 30 minute lunch break, to create time for this. Paid exercise time may not interfere with the employees normally scheduled work day. Also, paid exercise time scheduling is up to the immediate supervisor's discretion, by making certain that this time would not interfere with the employee's duties and responsibilities.

10. REMOTE WORK.

- A. Cottonwood Heights Parks and Recreation Service Area has established that it is an in-person first workforce and employees are expected to be working onsite in their designated area.
  - (1) Working remotely is not a typical, encouraged practice.
  - (2) If a full-time employee is requesting to work remotely due to an unforeseen or extenuating circumstance, the request must be made in writing, must be approved by the Department Head, and approved by the Executive Director, or designee.
  - (3) Due to the duties and responsibilities of certain positions, some full-time employees are not eligible for remote work.
  - (4) Part-time employees are not eligible for remote work.

11. COMPENSATORY TIME OFF.

- A. Non-exempt benefitted employees may choose to receive compensatory time off in lieu of overtime pay at Cottonwood Heights Parks and Recreation Service Area's discretion. The Executive Director, or designee, may schedule when an employee's compensatory time off will be used. Written employee requests, to use their accumulated compensatory time during specific dates and times must be pre-approved by the Executive Director, or designee.
- B. Compensatory time off for non-exempt benefitted employees will be accumulated at the overtime rate of one and one-half (1 and ½) hours for every hour worked, for all overtime hours worked.
- C. Compensatory time cannot exceed 80 hours. If compensatory time exceeds 80 hours, it will be paid out at time and a half. Accumulating compensatory time over 80 hours will not be approved and may result in disciplinary action, up to and including termination.

12. OVERTIME PAY.

- A. Overtime pay would apply for over forty (40) hours worked in the designated work week, and shall be compensated at the rate of one and one-half (1 ½) the regular hourly rate for non-exempt employees.
  - B. If a holiday, vacation, or sick day falls within a work-week, the employee must work forty (40) hours over and above these hours before overtime must be paid. If an employee works on a holiday, they will:
    - (1) Receive over-time pay for the time worked on the holiday. If the hours worked are less than the normal workday, the remaining hours will be paid at regular pay.
      - a. The employee will be allowed to take time off for the hours worked on the holiday during the same pay week as the holiday scheduled to work.
    - (2) Department Heads should schedule minimal staff to accommodate scheduled activities on holidays. No extra activities will be scheduled such as swim team workouts, figure skating sessions, ice hockey sessions, etc. without prior approval of the Executive Director or designee.
  - C. Overtime shall be pre-approved and when possible, in writing, by the Department Head and the Executive Director or designee. Lack of adhering to this policy may result in disciplinary action, up to and including termination.
13. AWARDS FOR COMMENDABLE PERFORMANCE: An employee performing duties or extra duties in a commendable manner may be recommended by the Department Head and recognized by the Director with a letter of commendation, leave with pay, or a cash award.
- A. Letters of commendation will be given to the employee, their direct supervisor, and placed in their personnel file.
  - B. Employees may be eligible for leave with pay for one (1) day for instances of commendable performance when recommended and approved by the Department Head and approved by the Executive Director or designee.
    - (1) Leave-with-pay granted under this procedure shall be taken when mutually agreed upon by the Supervisor and employee and shall not be accrued.
    - (2) Leave-with-pay must be recorded with Human Resources.

C. Upon recommendation of the Department Head, the Executive Director may elect to offer small cash or other awards so long as the combination of such awards does not exceed \$500.00 after taxes per individual employee per calendar year. Cash awards in the context of this policy represent compensation and are therefore subject to normal payroll taxes.

(1) Cash awards shall be recorded by Human Resources for payment.

D. All recognition shall be documented and distributed to the employee, their direct supervisor, and Human Resources for placement in their personnel file.

APPROVED AND PASSED THIS 20<sup>th</sup> DAY OF December, 2023


COTTONWOOD HEIGHTS  
PARKS AND RECREATION SERVICE AREA

By: 

Ben Hill, Executive Director



BOARD OF TRUSTEES

By: 

Patti Hansen  
Board of Trustee, Chair





## RESOLUTION NO. 2023-22

### A RESOLUTION ADOPTING CHANGES TO A PERSONNEL POLICY OF THE COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA PERSONNEL POLICY SECTION XII-EMPLOYMENT CLASSIFICATIONS /COMPENSATION

WHEREAS, the Cottonwood Heights Parks and Recreation Service Area Board of Trustees has adopted Personnel Policy Section XII-Employment Classifications/Compensation;

WHEREAS, the Board of Trustees of the Cottonwood Heights Parks and Recreation Service Area adopts changes to Personnel Policy Section XII- Employment Classifications/Compensation;

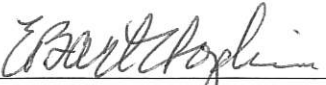
NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA AS FOLLOWS:

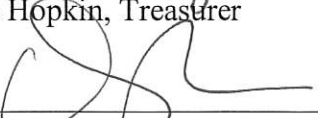
1. **Adoption.** The Board of Trustees of the Cottonwood Heights Parks and Recreation Service Area adopts Personnel Policy Section XII- Employment Classifications/Compensation;
2. **Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidly or unenforceability, shall not affect any other portion of this Resolution, and all sections, parts and provisions shall be severable.
3. **Effective Date.** This Resolution shall become effective immediately upon its passage

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA ON THIS 20<sup>th</sup> DAY OF DECEMBER 2023.

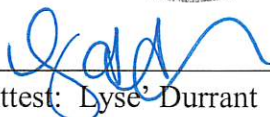
#### COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA

  
\_\_\_\_\_  
Patti Hansen, Chair

  
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Bart Hopkin, Treasurer

  
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Dan Morzelewski, Clerk



  
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Attest: Lyse Durrant

