

SECTION III : HIRING PROCEDURES

1. AT WILL EMPLOYMENT. Cottonwood Heights Parks & Recreation Service Area's employees are considered to be 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, Administration, management personnel, or supervisors 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".
2. EMPLOYMENT. Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.
3. RECRUITMENT. All recruitment shall be conducted in accordance with Cottonwood Heights Parks and Recreation Service Area's equal opportunity guidelines.
 - A. Internal Recruitment. Cottonwood Heights Parks and Recreation Service Area's policy may give first consideration to current qualified Service Area employees desiring to fill open, non-appointed, job positions.
 - B. External Recruitment.
 - (1) Only the Director, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.

- (2) Each Job Opening Notice must contain a statement indicating that Cottonwood Heights Parks and Recreation Service Area is an equal opportunity employer.
- (3) Job Opening Notices may be advertised in the appropriate media and through any other channels the Director deems appropriate.
- (4) All Job Opening Notices must specify the name and the office of the person from whom Job Applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.

4. SELECTION.

A. Nepotism. It is the policy of Cottonwood Heights Parks and Recreation Service Area that no employee is to be hired to work under the direct supervision of a relative. Direct supervision is defined as the line of authority between the supervisor and the employee without regard to the steps in between and is responsible for the employee's evaluation, discipline, etc.

- (1) A relative is defined as a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- (2) An employee currently employed by Cottonwood Heights Parks and Recreation Service Area when a relative is hired in a supervisory position will be "grandfathered" and allowed to continue on staff in their same position regardless of direct line of supervision.
- (3) Cottonwood Heights Parks and Recreation Service Area will comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.

B. Employment of Minors. It is the policy of Cottonwood Heights Parks and Recreation Service Area that no one under the age of fifteen (15) shall be hired for any position.

- (1) All FLSA (Fair Labor Standards Act) guidelines will be followed for hiring employees under the age of 18 years.

C. A Trustee is not eligible to be an employee and vice-versa. However, according to Utah State Legislative Section 17B-1-311, a Trustee may be treated as an

employee for income tax purposes as long as they comply with the compensation limits of Utah State Legislative Section 17B-1-307 for purposes of that member.

- D. Relatives of a Trustee are not eligible to be employed in a benefited position. A relative of a Trustee may be grandfathered into a position previously occupied before the Trustee is elected to a position on the Board of Trustees.
- E. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with Cottonwood Heights Parks and Recreation Service Area.
- F. Reorganization decisions shall be brought before the Board of Trustees in executive session for their direction.
- G. Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications.
 - (1) Former employees who have been terminated for cause, or who voluntarily resign while facing disciplinary action, are not eligible for rehire without approval of the Director or Designee.
- H. Authorization for recruitment must be approved by the Director or Designate.
- I. Job Applications. All job applicants must complete a Service Area Job Application and return it to the appropriate department by the specified date and time.
 - (1) All applications and resumes received for the job opening will be forwarded to the Human Resource Manager. Upon receipt, each application and resume will be marked with the date it was received and kept on file for a minimum of six (6) months or filed in the employee's personnel file upon hiring.
- J. Other Tests. Job Applicants may be required to take other tests to verify knowledge, skills and abilities which Cottonwood Heights Parks and Recreation Service Area deems necessary to meet the requirements for the position.
- K. Job Applicant Disqualification. An application may be rejected for, but not limited to, the following reasons. When the Job Applicant:
 - (1) Does not meet minimum qualifications established for the position.

- (2) Is physically or mentally unable to perform the essential duties and responsibilities of the position with reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).
- (3) Has falsified a material fact or failed to complete the application.
- (4) Has failed to timely file the application.
- (5) Has an unsatisfactory employment history or poor work references.
- (6) Has failed to attain a passing score, if an examination is required.

L. Interviewing.

- (1) Interviews will be held to select the most qualified job applicant as part of the hiring process for the position available.
- (2) Interviews for benefited positions will be arranged through the Human Resource Manager and may include an interview committee with both internal and external interviewees. Interviews shall be conducted in a manner consistent with Cottonwood Heights Parks and Recreation Service Area's Equal Employment Opportunity policy.

M. Reference Checks. In order to facilitate references checks, written permission shall be obtained from the applicant via the employment application. Cottonwood Heights Parks and Recreation Service Area may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked.

N. Background Criminal Investigation. Utah statute allows for employment criminal and sex offender history background checks for employees who a) provide services to children or vulnerable adults, b) have fiduciary trust over money, c) who care for, have custody of or control of children or d) Safeguard national security.

- (1) All prospective employees selected for hiring who are 18 years or older, must complete a Background Criminal Investigation prior to employment with the Service Area. The fee for processing the criminal background check is the responsibility of the prospective employee.

- a. Independent contractors must complete a Background Criminal Investigation and provide documentation to the Service Area Human Resource Manager prior to providing services for the Service Area.
- (2) The Human Resource Manager or designee is responsible for processing or directing the prospective employee to the appropriate facility for the Criminal Background Investigation.
- (3) The results must be returned to the Human Resource Manager for Administrative review and approval to hire the prospective employee. A negative Background Criminal Investigation may result in refusal to hire if the offenses include but are not limited to the following:
 - a. Drug Distribution
 - b. Drug Usage
 - c. Crimes of Violence
 - d. Sex Crimes
 - e. Driving under the Influence
- O. Drug and/or Alcohol Testing. Prospective employees for benefited positions are required to take a pre-employment, 9-panel drug test. All other prospective non-benefitted employees may be required to complete a drug and/or alcohol test as a condition of employment. (Refer to Section IV.I)

5. PLACEMENT.

- A. Job Offers. After a job applicant is approved for hire by Cottonwood Heights Parks and Recreation Service Area, the Director, or designee, will notify the successful job applicant of their selection. The prospective part time employee must sign an Acceptance of Employment, which includes the starting date, position, and hourly rate of pay. For prospective benefited employees, a job acceptance letter will be presented to the candidate and may include the following:
 - (1) The employee's job title and supervisor.
 - (2) The employee's starting salary and benefit package. Salary is determined by an hourly rate on the current Cottonwood Heights Parks and Recreation Service Area pay scale.

- (3) A clear statement of the job description
 - (4) Cottonwood Heights Parks and Recreation Service Area's at-will employment policy.
 - (5) The employee's starting date.
 - (6) The length of the employee's probationary period.
- B. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified. The Human Resource Manager or designee will notify each job applicant who was not selected for a job opening.
- C. Medical Examinations. Once Cottonwood Heights Parks and Recreation Service Area has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by Cottonwood Heights Parks and Recreation Service Area to determine a job applicant's ability to fulfill essential job related requirements. Only the Director may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by Cottonwood Heights Parks and Recreation Service Area. The prospective employee must sign a written release of this information to Cottonwood Heights Parks and Recreation Service Area.
- D. Reduction in Work Force: Benefited or part-time employees, who are terminated because of reduction in work force or seasonal layoff, will maintain their original anniversary date based on actual hours worked_for seniority purposes if they are re-employed by Cottonwood Heights Parks and Recreation Service Area within one (1) year after date of separation.
- E. Voluntary resignations. Benefited or part-time employees who voluntarily terminate their employment with Cottonwood Heights Parks and Recreation Service Area shall not maintain their original anniversary date.
- F. Hiring New Employees.
- (1) Prospective Service Area employees must complete Service Area and Government enrollment forms before being scheduled to work. A New Employee Orientation meeting will be arranged by the Human Resource Manager or designee to facilitate this process. The orientation will include a review of Service Area policies and procedures.

- a. In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury that they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
- (2) American Red Cross CPR and First Aid Training will be taught periodically by Cottonwood Heights Parks & Recreation Service Area Staff for employees who must have this certification as per the established job description.
- (a) The following positions require American Red Cross CPR and First Aid certification as a prerequisite to hiring. Employees taking the initial classes for completion of certification for hire will be reimbursed 50% of the class fees, excluding Red Cross administration fees and printed materials, upon completion of required hours worked and proof of payment.
 - Aerobics and Aquacise Instructors - 100 hours (CPR & 1st Aid)
 - Lifeguards - 150 hours. (Lifeguard Training)
 - Skate guards - 100 hours (CPR & 1st Aid)
 - Child Care Workers - 100 hours (CPR & 1st Aid)
 - Shift Managers – 100 hours (CPR & 1st Aid)
 - (b) Employees of Cottonwood Heights Parks & Recreation Service Area, requiring renewal of their certifications, will be compensated for time spent in classes.
 - (c) Water Safety Instructor (WSI): The employee will pay 100% of the class fees. Upon completion of teaching six (6) scheduled swim lesson sessions within a six month period, the employee is entitled to a reimbursement of 50% of the class fees, excluding Red Cross administration fees and printed materials. If a new hire has been WSI certified through the Service Area within the previous twelve (12) months, he/she will be entitled to a 50% refund, excluding Red Cross administration fees and printed materials, of the class after teaching six (6) swim lesson sessions within a six month period.

- (3) Additional Requirement for Employment of Minors (employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certification for each minor employed to show that the minor is the minimum age for the job.):
- (a) Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.
 - (b) Unless otherwise exempt, a minor employee must be paid according to the current statutory minimum wage and overtime provisions (currently one and one half {1 and ½} times the employee's regular wage after forty {40} hours worked in a work week) of the Fair Labor Standards Act of 1938, as amended.
 - (c) As per the Fair Labor Standards Act, employees fourteen (14) and fifteen (15) years old may not be scheduled:
 - [1] During school hours, except as provided for in work experience and career exploration programs.
 - [2] Before 7 a.m. or after 7 p.m., except 9 p.m. from June 1 through Labor Day (time depends on local standards).
 - [3] More than three (3) hours a day on school days.
 - [4] More than eighteen (18) hours a week, in school weeks.
 - [5] More than eight (8) hours a day, on non-school days.
 - [6] More than forty (40) hours a week, in non-school weeks.
 - [7] In any occupations found and declared to be hazardous.
 - [8] In the operation or tending of hoisting apparatus.
 - [9] In the operation or tending of any power-driven machinery.
 - [10] Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.

- (d) Employment of a Lifeguard 15 years old: A 15 year old may be employed as a Lifeguard in “traditional swimming pools” as long as they are not assigned to waterslides, wave pools, and pools with amusement type mechanical type rides, or in rivers, streams, lakes, or ocean side beaches. He/She must meet all qualifications required for the position of Lifeguard.
- (e) Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of labor “shall find and by order declare to be particularly hazardous or detrimental to their health and well-being” as set forth in WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupations.

G. Probationary Period.

- (1) All benefited employees shall be subject to a six (6) month probationary period. During this period, benefited employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- (2) Probationary periods begin on the first day of employment and continue for six (6) months. Management will provide guidance to probationary employees so they understand work requirements.
- (3) A benefited employee on probation shall have a performance evaluation at the end of the probationary period. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

6. VOLUNTEERS.

- A. “Court Ordered” Community Service Volunteer Labor is coordinated under the direction of the Director or designee of Cottonwood Heights Parks and Recreation Service Area.
- B. The Director, with approval of the Board, may establish volunteer programs.

- C Prior to accepting any volunteer services, the Director and the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.

- D. A volunteer shall be provided the protections as an employee of Cottonwood Heights Parks and Recreation Service Area for:
 - (1) Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
 - (2) Operating Cottonwood Heights Parks and Recreation Service Area equipment when the volunteer is properly trained to do so.
 - (3) Liability insurance coverage offered employees.

APPROVED AND PASSED THIS 29TH DAY OF OCTOBER, 2014.

COTTONWOOD HEIGHTS
PARKS AND RECREATION SERVICE AREA

By: _____

Mike Peterson, Director

BOARD OF TRUSTEES

By: _____

Carl Evans, Chairman