Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

West Valley City is an "Equal Opportunity Employer" and selects and hires employees without regard to race, religion, age, disability, gender, color, national origin, or any other non-meritorious factor. The City evaluates applicants for employment based upon their knowledge, skills, experience, education, and potential for job performance.

1000.1.1 WEST VALLEY CITY EMPLOYMENT POLICY

All policies will be applied in accordance with, and ultimately governed by, the West Valley City Employment Policies and "Staffing Practices" listed in the West Valley City Policy and Procedures Manual and administered by the Human Resource Department of West Valley City.

1000.2 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record).

(b) Driving record.

(c) Personal and professional reference checks.

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites.

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).

(g) Local, state, and federal criminal history record checks.

(h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible).

(i) Medical and psychological examination (may only be given after a conditional offer of employment).

(j) Review board or selection committee assessment.

(k) Relevant national and state decertification records, if available.

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1000.2.1 VETERAN AND SERVICE MEMBER PREFERENCE

The Department will provide preference eligibility for veterans and service member applicants as required by Utah Code 71A-2-102.

1000.3 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the West Valley City Police Department (Utah Code 53-14-102).

In addition to the requirements of Utah Code 53-14-103, the background investigation shall include but not be limited to the following:

(a) Verification of qualifying credentials.

(b) Criminal history report.

(c) Verification of personal and professional references.

(d) Education verification.

(e) Employment history verification.

(f) A review of relevant national or state decertification records, including the National Decertification Index operated by the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

(g) Consistent with the First Amendment and all applicable laws, a check of publicly available internet and information-sharing sites to identify activity that promotes or supports unlawful violence or unlawful bias against persons based on race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability.

1000.3.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.3.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administrative Services Bureau Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Utah Code 34-48-201).

The Administrative Services Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

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Regardless of whether a third party is used, the Administrative Services Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.3.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.3.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.4 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred.
- Passage of time.
- Patterns of past behavior.
- Severity of behavior.
- Probable consequences if past behavior is repeated or made public.
- Likelihood of recurrence.
- Relevance of past behavior to public safety employment.
- Aggravating and mitigating factors.
- Other relevant considerations.

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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Attendance and Absenteeism

1001.1 PURPOSE AND SCOPE

To establish a uniform standard governing the use of paid time off.

1001.2 BACKGROUND

Attendance is a basic tenet of satisfactory job performance and employees are expected to be at work, ready to work, as scheduled. There are times when an employee cannot attend work because of illness.In these instances, employees have been extended the benefit of paid time off, otherwise referred to as “PTO.”

1001.3 POLICY

Satisfactory attendance is an expectation of all employees of the West Valley City Police Department.Paid Time Off (PTO) is made available to employees to take time off from work, with pay, when staffing allows. Additionally, PTO is authorized when unanticipated events occur that prevent an employee from attending work as scheduled. Examples of unanticipated absences include personal illness, illness of an immediate family member requiring the employee's care, or doctor appointments when such appointments cannot be scheduled outside of an employee's work schedule.

Employees who cannot attend work must call and speak with their supervisor as soon as possible, but no later than sixty (60) minutes prior to the start of their scheduled shift. If the supervisor is unavailable, employees shall notify their supervisor by e-mail or text message, and Patrol Section employees shall also contact the on-duty Watch Commander. The Watch Commander will notify the appropriate personnel and manage staffing issues as required.

Employees shall call in to their supervisor on each day of absence as described in this policy. Failure to call in on consecutive days is considered a violation of this policy and may be viewed as a voluntary resignation from employment unless the employee can demonstrate a valid reason why they were unable to call in.

An employee who is absent from work, citing illness that lasts three or more consecutive days, must provide a doctor's note justifying the absence. Should the employee fail to produce a doctor's note, the absence will not be approved and the employee will not be compensated from their PTO account, and disciplinary action may result. Doctor's notes will be delivered to Human Resources by the employee. Human Resources will notify the employee's supervisor as needed.

1001.4 CONSEQUENCES OF POOR ATTENDANCE AND/OR OVERUSE OF PAID TIME OFF

Employees will report for work at the time and place directed by their supervisor. Failure to report to work at the time and place directed by the supervisor is cause for disciplinary action. In reviewing an employee’s failure to report to work on time, the supervisor will consider the written explanation provided by the employee.

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1001.5 RESPONSIBILITIES OF THE SUPERVISOR

Responsibility for managing absenteeism falls primarily on immediate supervisors. These supervisors are often the only people who are aware that a certain employee is absent. Additionally, they are in the best position to understand the circumstances surrounding an employee's absence and to notice a problem at the earliest stage. Therefore, their active involvement in the organization's attendance procedures is pivotal to the overall effectiveness and future success of the Department.

In addition to ensuring that work is appropriately covered during the employee's absence, there are a number of other critical actions that supervisors need to take to manage absenteeism. Supervisors should:

- Ensure that all employees are fully aware of the organization's policies and procedures for dealing with absence.
- Be the first point of contact when an employee phones in sick.
- Maintain appropriately detailed, accurate, and up-to-date absence records for their staff.
- Identify any patterns or trends of absence that cause concern.
- Initiate disciplinary procedures where necessary.

During any rolling 12-month period, if an employee has been unexpectedly absent on four separate occurrences, the supervisor will counsel the employee regarding the attendance policy, document the counseling, and notify Human Resources and the chain of command. Any subsequent absences from work within a 12-month rolling period that are not accompanied by a doctor's note will be investigated as a violation of this policy.

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Paid Time Off (PTO)

1002.1 PURPOSE AND SCOPE

The City encourages employees to take at least one full concurrent week of PTO leave each year. The Bureau Chief provides each employee reasonable opportunity each year to take paid time off.

Employees must schedule all PTO with their supervisor.Supervisors need to be as flexible as possible to allow employees to use their paid time off according to the employee's personal needs. The only exception to this extended flexibility is when organizational needs outweigh the need for the employee to take unscheduled paid time off.

Paid time off may be used for any purpose.

A Bureau Chief may require that an injured or ill employee take paid time off if the Department reasonably believes that the employee is unable to perform work responsibilities due to the injury or illness or the employee may spread the illness to other employees or the public.

1002.2 POLICY

(a) The following policy will be used for requesting time off:

1. A Request for Days Off form must be completed by the employee for all time and/or days off requested. The form must be submitted to the employee's supervisor for review and approval. With supervisory approval, an electronic communication to the employee’s supervisor may take the place of the Request for Days Off form.
2. Days off may be taken with any combination of PTO and any other leave. The Request for Days Off form must specify the exact combination of time the employee wishes to use.
3. Officers desiring to use Leave Time for part of any given shift may request the time off on that particular day, or in advance.

(b) Notifications:

1. For immediate situations, employees are encouraged to notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work.
    i. At a minimum, employees shall make such notification no less than one-hour before the start of their scheduled shift.
    ii. If an employee is unable to personally contact the supervisor in the case of an extreme emergency, every effort should be made by the employee to have a representative contact the supervisor as soon as possible.
2. No benefits, paid or unpaid, will be extended to the employee, such as Short Term Disability Leave, Family Medical Leave or Long Term Disability benefits, unless the employee complies with policy. An employee's failure to obtain approval of an unscheduled absence may result in a loss of benefits or disciplinary action up to and including termination.

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3. When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee should, whenever possible, provide the Department with no less than 30 days' notice of the intent to take leave.
4. Emergency leave will be handled within the guidelines set forth in the West Valley City Personnel Manual.

1002.3 EXTENDED ILLNESS

Employees absent from duty because of unanticipated absences in excess of three successive work days shall be required to produce a note from a qualified medical professional. If there is reason to believe that an employee is abusing unanticipated absences, a supervisor may require an employee to produce a note from a qualified medical professional regardless of the number of PTO hours used.

If a note from a qualified medical professional is requested, the employee may not return to work, and will be required to use their accrued leave time, until the medical professional's note is provided to the Human Resources Department and the employee is cleared to return to work by Human Resources.

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Performance Improvement Plans (PIP)

1003.1 PURPOSE AND SCOPE

This policy provides a framework for West Valley City Police Department supervisors when creating and administering Performance Improvement Plans (PIP). It details the process for Identification and selection of employees for a plan, providing notice to the affected employee, plan development and implementation, feedback intervals, and concluding documents. It also identifies the responsibilities of each participant.

1003.2 DEFINITION

A Performance Improvement Plan (PIP) is a non-disciplinary approach designed to positively assist employees who have demonstrated substandard performance or behavior and who may benefit from intervention before deficient performance results in discipline or other negative consequences.

1003.3 PERFORMANCE IMPROVEMENT PLAN PROCESS

The components of a Performance Improvement Plan include:

(a) Identification and Selection of Employees

(b) Notice of Performance Deficiency

(c) Plan Development and Implementation

(d) Plan Administration

See attachment: PIP - Example of Performance Improvement Plan.pdf

See attachment: PIP - Example of Notice of Deficiency.pdf

See attachment: PIP - Example of Feedback Meeting.pdf

See attachment: PIP-Example of Performance Improvement Plan Conclusion.pdf

1003.3.1 IDENTIFICATION AND SELECTION OF EMPLOYEES FOR PERFORMANCE IMPROVEMENT PLAN

The purpose of identification and selection is to first recognize a pattern of performance and/or behavior that fails to meet performance expectations or policy standards. Supervisors are charged with continuously evaluating the work of employees under their purview, and identifying those employees who may benefit from a performance or behavior intervention. Furthermore, supervisors are expected to analyze the substance of substandard performance and/or behavior to determine the most appropriate course of corrective action.

In most cases when there is a minor policy violation or performance deficiency, supervisors may institute progressive intervention. Progressive intervention may include, but is not limited to, verbal counseling, training, and non-disciplinary instruction. The supervisor should document any progressive intervention in the employee's personnel management file.

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A supervisor may consider a Performance Improvement Plan (PIP) once progressive intervention efforts fail to produce desired results. If a supervisor chooses to select an employee to participate in the PIP process, the supervisor shall first seek the approval of the employee's Bureau Commander though the employee's chain of command.

A supervisor may only select an employee for participation in a PIP when the employee has met the standard of "Below Expectations" in one of the eight (8) performance characteristics listed on the Monthly Performance Evaluation Form. These characteristics include:

(a) Quality of Work.

(b) Job Knowledge.

(c) Communications.

(d) Attitude / Professionalism.

(e) Decision Making.

(f) Self-Initiated Activity.

(g) Time Management/Reliability.

(h) Officer Safety / Tactics.

A supervisor may select an employee for participation in a PIP at any time during the year.

1003.3.2 NOTICE OF PERFORMANCE DEFICIENCY

Once an employee is selected for participation in the PIP process, a Notice of Performance Deficiency shall be issued to the employee. A Notice of Deficiency will contain the following elements:

(a) **Summary** – Provide a brief description of the pattern of performance or behavior demonstrated by the employee and how it fails to meet performance expectations or policy standards.

(b) **Specific Areas of Concern/Deficiency** – This section of the PIP should detail the circumstances and specific examples of the employee's performance or behavior that established a pattern of concern warranting supervisory intervention.

(c) **Performance Standard(s)** – Provide a description of the acceptable level of performance. Specifically describe the performance standard the employee must meet.

(d) **Impact of the Employee's Performance and/or Behavior** – Describe the impact of the employee's substandard performance or behavior. These impacts might be on the public, their peers, the supervisor or the Department.

(e) **Previous History of Meetings / Discussions /Documentation** – Detail all previous intervention efforts in support of reason for selecting the employee for PIP participation. This includes all discussions, counseling, letters, etc. related to the specific area of deficiency.

(f) **Notice** – Provide a statement that the employee has been given official notice that they have no longer than thirty (30) days to bring their performance to the level of "Meets

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Expectation" as outlined in section (c), above. The notice period may be less than thirty (30) days but should not exceed thirty (30) days. Failure to bring their performance to the level of "Meets Expectation" will result in the employee being placed on a formal Performance Improvement Plan.

The purpose of a Notice of Performance Deficiency is to provide the employee an opportunity to bring their performance to the level of "Meets Expectation" within the thirty (30) day (or shorter) notice period without the need for the formal, complete PIP process. The supervisor will be responsible to evaluate the employee's performance at the end of the notice period and determine if a full PIP will be necessary. If the supervisor determines that the employee's performance "Meets Expectation," a concluding interdepartmental correspondence (IDC) will be completed indicating that the Notice of Performance Deficiency process has concluded. The Notice of Performance Deficiency and concluding IDC will be forwarded to the employee's Bureau Commander through the chain of command for final approval, then entered by the supervisor into the Department's personnel management software.

In the event an employee falls below the level of "Meets Expectation" for the same area of deficiency within six (6) months after the conclusion date of the original Notice of Deficiency, the supervisor may restart the PIP process and place the employee on a formal Performance Improvement Plan with Bureau Commander approval.

1003.3.3 PLAN DEVELOPMENT AND IMPLEMENTATION

In the event an employee who has been issued a Notice of Performance Deficiency fails to "Meet Expectation" after the Notice of Performance Deficiency period, the supervisor will develop a formal PIP. The employee's supervisor will be responsible to author the content of the PIP unless otherwise directed by the responsible Bureau Commander. The PIP document will consist of three sections, which include the following:

(a) **Section I – Background Information**

1. This section will contain elements (a) through (e) from the Notice of Performance Deficiency, as outlined in the section of this policy above, with updated information from the Notice of Performance Deficiency period.

(b) **Section II – Performance Improvement Planning**

1. Strategies for Successful Outcome

i. This section of the PIP is intended for the supervisor and the employee to work together in crafting objectives that provide a road map to a successful outcome. Objectives should be:

A. **Specific** – Write expectations that are clear and concise to help ensure the employee understands them.

B. **Measurable** – Install benchmarks so that progress or lack thereof is readily discernible.

C. **Attainable** – Make reasonable efforts to ensure the employee has ample opportunity and resources to meet the expectations.

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D. **Relevant** – Draw a clear nexus between the expectation and named performance or policy standards.

E. **Time Based** – Develop a reasonable timeline to help define expectations and motivate positive progress.

2. Statement of Assistance

i. State what you as the supervisor will do, and what special training (if appropriate) will be given to assist the employee to improve.

ii. If applicable, consult the Training Unit and consider any formal training related to the specific performance deficiency.

iii. Consider assigning the employee to a Field Training Officer for a pre-determined period.

(c) **Section III – Performance Improvement Plan Terms**

1. This section of the PIP specifies the duration of the plan, prescribes supervisor feedback intervals, and defines other necessary terms. The following guidelines should apply to the PIP terms:

i. Duration – The duration of a PIP should be no longer than three (3) months unless the employee's Bureau Commander determines an extension (not to exceed an additional three months) is likely to benefit both the employee and the Department. The PIP may be put on hold during an employee's leave of absence and resume upon return to full duty.

ii. Feedback Intervals – The supervisor is expected to provide timely feedback and ongoing guidance to the employee. The supervisor (or designee) should make reasonable efforts to meet with the employee no less than once per work week.

iii. Other Terms – Other necessary terms may include, but are not limited to the following:

A. The employee may be required to attend remedial training prescribed by the supervisor.

B. The employee may submit to a voluntary assignment transfer with approval from the Chief.

C. The Bureau Commander may limit or restrict the employee from participating in work activities outside the scope of their primary assignment including but not limited to ancillary responsibilities, voluntary overtime assignments, or other work that the Bureau Commander reasonably believes may impede the employee's progress or success.

D. Employees who are participating in a PIP may not be placed into a special assignment.

iv. Additional Information – The following statement should be included at the end of the PIP: "The intent of this document is to identify performance

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deficiencies and to provide a clear, concise mechanism for improving performance to a standard of "Meets Expectation". Every reasonable effort will be made to provide training and support necessary for the successful completion of this Performance Improvement Plan. Items contained in this plan are subject to modification under several circumstances.

First, if it becomes clear that the level of "Meets Expectation" has been attained prior to the projected end date, the plan may be dissolved upon agreement of the employee and the employee's chain of command.

Second, where improvement in overall performance is noted, but additional time and/or training is required to reach a standard of "Meets Expectation" in all areas, the plan may be renegotiated.

Finally, if it is determined that the employee's overall performance continues at a level below "Meets Expectation," or that a standard of "Meets Expectation" cannot be met by the end date of the Performance Improvement Plan, discipline may result in employment consequences up to and including termination.

v. Acknowledgment – The employee and supervisor shall sign the PIP acknowledging that the PIP has been received and is understood by the employee.

1003.3.4 PERFORMANCE IMPROVEMENT PLAN FEEDBACK

The supervisor is expected to provide timely feedback and ongoing guidance to the employee.The supervisor should make reasonable efforts to meet with the employee no less than once per work week.

Following each feedback meeting, the supervisor shall complete an entry, in the Department's personnel management software, containing the following information:

(a) Date and time of the meeting.

(b) Any training provided to the employee.

(c) Any discussion or counseling regarding the specific area of deficiency provided to the employee.

(d) Any concerns or issues presented by the employee.

(e) A summary of the progress made by the employee.

All feedback forms shall be attached to the original PIP entry in the employee's personnel management file.

1003.3.5 PERFORMANCE IMPROVEMENT PLAN CONCLUSION

At the conclusion of the Performance Improvement Plan term, the supervisor will complete a concluding IDC that contains the following information:

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(a) **Summary** – Provide a brief description of the original pattern of performance or behavior demonstrated by the employee that prompted the PIP process.

(b) **Performance Standard(s)** – Provide a description of the acceptable level of performance. Describe the performance standard the employee has met or has failed to meet.

(c) **Summary of Assistance Provided** – Provide a summary of any discussions, counseling, training and any other assistance provided throughout the PIP process.

(d) **Final Evaluation** – This section should detail the circumstances and specific examples of the employee's performance or behavior, and whether the employee meets, exceeds or is below the expectation for each specific performance standard.

The concluding IDC shall be attached to the original PIP entry in the employee's personnel management file.

1003.4 PLAN ADMINISTRATION

The Performance Improvement Plan will be administered in the following manner:

(a) **Supervisor Responsibilities:**

1. If a supervisor chooses to select an employee to participate in a PIP, the supervisor shall first seek the approval of the employee's Bureau Commander.
2. When approved, the supervisor should prepare a PIP and forward it through the chain of command to the employee's Bureau Commander.
3. If the employee is moved to a different supervisor while in the PIP process, it shall be the responsibility of the supervisor who administered the action to inform the new supervisor of the PIP through a written IDC that will be attached to the employee's personnel management file..
4. The supervisor shall document the PIP, including all related attachments and forms, in the employee's personnel management file. A single entry for the PIP should be created and all updates, meetings, and concluding forms should be attached to the initial PIP entry as a running log of events.

(b) **Bureau Commander Responsibilities:**

1. Review the draft PIP, make changes or recommendations as necessary, and provide final approval to execute the PIP.
2. Review written responses that are properly delivered in the manner described in Paragraph (c) below, and direct changes or recommendations to the PIP as deemed necessary.
3. Ensure feedback forms, concluding IDC, written responses, and other relevant documents are attached to the PIP.

(c) **Employee Responsibilities:**

1. The employee will meet with the supervisor as directed, review the terms of the PIP, and provide feedback in a reasonable and constructive manner.

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2. The employee will review and acknowledge that the employee has read the final version of the PIP by signing and dating in the designated area of the PIP. If the employee declines to sign the PIP, the employee's refusal shall be treated as Insubordination, a Category B violation in the Discipline Matrix.
3. The employee has an opportunity to prepare a written response to the PIP and forward it through the chain of command to the responsible Bureau Commander. The written response must be presented within five (5) calendar days after being notified of selection for a PIP.
4. The employee shall participate in and honor the terms of the PIP.

1003.4.1 REQUEST FOR ACCOMMODATION

Any employee selected for participation in the Performance Improvement Plan process may make a request for reasonable accommodation based on disability. The employee may notify the supervisor or Human Resources of the request. Any supervisor receiving a request for accommodation shall forward the information to the Bureau Commander and Human Resources for consideration.

1003.5 DOCUMENTATION

The supervisor shall be responsible for completing all PIP-related documentation. Upon selection of an employee for participation in the Performance Improvement Plan process, and approval by the Bureau Commander, the supervisor shall create an entry in the employee's file in the Department's personnel management software.

All PIP-related documentation, including Notices of Performance Deficiency, Performance Improvement Plans, feedback meeting documentation, concluding IDCs, and any other documentation will be attached to the initial personnel performance entry.

1003.5.1 PIP PURSUANT TO A DISCIPLINARY PROCEEDING

A PIP that is used in conjunction with, or as a result of a disciplinary proceeding will be kept in the employee's personnel management file. However, a copy of the PIP and any attachments may also be included in the related Internal Affairs case file, if any.

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Evaluation of Employees

1004.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1004.2 POLICY

It is the policy of the West Valley City Police Department to complete annual performance evaluations for all employees except the Chief of Police.

1004.3 DEFINITIONS

Employees are evaluated in the job competencies that directly affect their assigned duties. Evaluation scales are defined below:

Meets Expectations – This rating should be given if the employee's performance of the majority of the various aspects of the job competency being rated has been satisfactory for the major portion of the rating period.

Below Expectations – This rating should be given if the employee's performance of the majority of the various aspects of the job competency being rated needs further development in order to meet the expected performance level for that competency.

1004.4 EVALUATION PROCESS AND EVALUATOR RESPONSIBILITIES

Monthly performance evaluations will be completed using the Performance Evaluation forms in the Department's performance management software. An employee's annual evaluation will be an aggregate of the prior twelve monthly performance evaluations.

The monthly evaluation will be completed by the employee's current supervisor or a supervisor assigned by the employee's current Bureau Chief.

The evaluation will be based on observed or documented behavior over the rating period. The evaluation should be representative of the employee's total performance and contribution for the entire rating period. Evaluations require well-planned, accurate and detailed information. Before completing an evaluation, supervisors should review the employee's past evaluations and any other files or documentation related to the employee's performance. Raters should recognize the importance of the evaluation process and put forth the appropriate effort to ensure a worthwhile, pertinent, and fair evaluation.

The supervisor evaluating the employee will give an explanation for the rating for each job competency. This should include the reason for the rating given and examples of performance behavior when appropriate. Ratings of unsatisfactory or below expectations will include specific performance deficiencies.

Monthly performance evaluations will include an assessment of the employee's compensatory time balance. If the employee has unused compensatory time hours, the supervisor will include

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information regarding the plan to use the outstanding time, in compliance with the Overtime Payment and Compensation policy.

During the discussion of the evaluation, the employee will be given an opportunity to write their own comments on the evaluation. The employee and the evaluating supervisor will physically or electronically sign the evaluation. The employee will have access to their evaluation in the Department performance management software, and a copy will also be retained in their personnel file in that same system.

An employee who is dissatisfied with his/her evaluation may appeal within five (5) days of the receipt of the evaluation. Appeals must be made on an IDC and sent to his/her Bureau Deputy Chief. The Deputy Chief receiving the appeal will review the evaluation and supporting documents and make a final determination regarding the evaluation.

Supervisor evaluations will be completed in accordance with the expectations set by the Chief.

1004.6 EMPLOYEE COUNSELING

Employees whose performance is rated as being below expectations will be counseled by their immediate supervisor on expected job performance. At a minimum, this discussion will include the results of the performance evaluation just completed; the level of performance expected, and rating criteria and/or goals for the next rating period; and career counseling relative to such topics as advancement, specialization, or training appropriate to the individual employee's position and/or job assignment.

When an employee is consistently performing below the expectations of the Department, a supervisor may consider implementing a Performance Improvement Plan (PIP). See the Performance Improvement Plan policy and sample forms included in the appendix to this manual.

1004.6 PERFORMANCE EVALUATION TRAINING

All supervisors shall be trained in the proper procedure for completing a meaningful performance evaluation. Supervisors who complete employee evaluations will also be evaluated by their supervisors regarding the quality of ratings given to employees.

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Specialized and Collateral Assignment Transfers

1005.1 PURPOSE AND SCOPE

To establish a uniform standard governing the transfer of employees to and from specialized assignments within the Department.

1005.2 POLICY

The Chief of Police reserves the right to transfer any member to any location or assignment when deemed in the best interest of the Department.

Transfers made in the best interest of the Department are not formal discipline and will not affect the member's eligibility to request a subsequent transfer.

As with other Departmental personnel records, **all information** related to the selection/transfer of an applicant is confidential.

1005.3 PROBATIONARY EMPLOYEES

Probationary employees may submit a notice of interest for specialized or collateral assignments. The probationary status of the employee will be considered as part of the selection process.

1005.4 SUPERVISORY TRANSFERS

All supervisory transfers are made at the discretion of the Chief of Police.

1005.5 TRANSFER FACTORS

In any transfer of personnel, the Department may consider qualifications including knowledge, training and experience, skill and ability, physical condition, balanced staffing, performance evaluations, seniority, work ethic, attitude, and the needs of the Department.

1005.6 SUBMITTING A NOTICE OF INTEREST

The requesting employee:

(a) Will submit their interest via the Department's Specialized Assignment or Collateral Assignment Interest Form.

(b) Will not consider the process of submitting a notice of interest as an expectation to transfer.

1005.7 DUTIES OF THE SPECIALIZED UNIT SUPERVISOR

The supervisor in charge of the selection process for a specialized assignment will:

(a) Encourage interested persons to submit their interest via the Department's Specialized Assignment or Collateral Assignment Interest Form.

(b) When positions become available, notify candidates that their notice of interest in the specialized assignment has been received.

(c) Communicate with candidates who are not selected for the position and provide an opportunity, at the employee's discretion, to meet with the unit supervisor to discuss the selection process.

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(d) Review all candidates' personnel files, Internal Affairs files, performance reviews, and other pertinent information that should be considered in the selection process.

(e) Minimum qualifications for any specialized or collateral assignment are as follows:

1. Has ratings of "Meets Expectations" in the prior six (6) monthly evaluations.
2. Does not have a sustained Category B or above complaint in the prior six (6) months. The Chief may give exception to low-level vehicle damage or minor policy violations.
3. Does not have an active IA investigation pending.

(f) Solicit input on the candidate's performance from the candidate's current supervisor.

1005.8 SELECTION

After the selection process is complete, the specialized unit supervisor and associated chain of command will compile an eligibility list of the candidates. This list will be reviewed by the Chief of Police for final approval.

Once the specialized unit supervisor has received approval through the chain of command, the supervisor will notify the candidates of the results of the selection process.

Any member on the eligibility list may be selected for transfer.

Once a transfer is approved, a Transfer IDC will be disseminated by the Office of the Chief to the Department via email. This IDC will include:

(a) The name of the employee(s) being transferred.

(b) The effective date of the transfer.

(c) The assignment/unit the employee is being transferred from.

(d) The assignment/unit the employee is being transferred to.

1005.9 WITHDRAWALS

Employees desiring to withdraw any notice of interest must notify the specialized unit supervisor for the requested position via email. The email should include the reason for withdrawal.

The specialized unit supervisor who receives the request for withdrawal will remove the notice of interest from the active transfer file and remove the employee's name from the eligibility list for that position.

1005.10 ADMINISTRATIVE/TEMPORARY ASSIGNMENT TRANSFERS

Administrative transfers may occur for a variety of reasons, including but not limited to personnel shortages, special Departmental needs, disciplinary actions, job performance, and expertise.

When an administrative transfer occurs, the Bureau Commander of the employee being transferred will be advised of the reasons for the transfer. The commander will then advise the member being transferred of the reason for the transfer.

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Specialized and Collateral Assignment Transfers

Temporary assignment transfers may occur for a variety of reasons, including but not limited to modified duty restrictions, new hires waiting for a POST class to start, and to provide inexperienced officers with a broader knowledge base and exposure to other investigative experiences. Temporary assignments, including the duration of the assignment, and unit the employee is assigned to, will be made at the discretion of the Chief of Police.

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Request for Change of Assignment

1007.1 PURPOSE AND SCOPE

It is the policy of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1007.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete an Intradepartmental Correspondence (IDC) to the sergeant, or supervisor, that supervises the relevant section they are interested in.

1007.2.1 PURPOSE OF IDC REQUEST

The IDC should list the employee's qualifications for the specific assignment they are interested in. All relevant experience, education and training should be included in the IDC.

The employee should submit an IDC to each individual assignment that they are interested in.

It is incumbent on the employee to update their IDC's with relevant experience, education and training as they happen.

1007.3 SUPERVISOR'S COMMENTARY

It is beneficial for the employee to include an IDC recommendation, from their immediate supervisor, with their IDC request.

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Anti-Retaliation

1006.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members (Utah Code 53-6-210.5).

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause (Utah Code 53-6-210.5).

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement.

1006.2 POLICY

The West Valley City Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1006.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1006.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1006.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1006.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1006.7 WHISTLE-BLOWING

The Utah Protection of Public Employees Act protects an employee who (Utah Code 67-21-1 et seq.):

(a) Communicates in good faith the waste or misuse of public funds, property, or manpower.

(b) Communicates in good faith a suspected violation of a state or federal law, rule, or regulation.

(c) Objects to or refuses to carry out a directive that the member reasonably believes violates state or federal law.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

1006.7.1 NOTICE OF EMPLOYEE PROTECTIONS AND OBLIGATIONS

The Department shall post a notice and use appropriate means to keep employees informed of their protections and obligations under the Utah Protection of Public Employees Act. The Department shall provide the employee with a copy of the Act (Utah Code 67-21-9):

(a) When the employee is hired.

(b) Upon a request by the employee.

(c) When the employee files a grievance under the Utah Protection of Public Employees Act.

1006.8 RECORDS RETENTION AND RELEASE

Human Resources shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1006.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Arrests, Convictions, and Court Orders

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the West Valley City Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1007.2 POLICY

The West Valley City Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1007.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and state law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Utah Code 76-11-301 et seq.).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

Any person applying for or holding a concealed firearm permit and who is convicted of any offense involving domestic violence may have the permit refused, revoked, or suspended (Utah Code 53-5a-303(2)(a)(vi)).

1007.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Utah Code 53-6-203 prohibits any person convicted of a felony from being a peace officer in the State of Utah. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1007.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their immediate supervisor (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing of any past or current criminal detention, arrest,

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charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on their own time and at their own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1007.6 REPORTING OF OFFICER-INVOLVED VIOLATIONS OF THE LAW

In order to maintain the integrity of this and other departments, it is necessary that violations of the law not be ignored. For officer involved violations by sworn officers of this Department or another department, the following should be adhered to:

- All evidence, statements, photographs and information of an offense should be collected in a professional and impartial manner.
- Evidence will not be suppressed because the suspect is an officer.
- Whenever possible, a supervisor will be on scene during the investigation.

Obtain and report the following information immediately to a supervisor:

- Name, ID# and Department of the officer.
- Offense and all facts pertinent to the violation and/or offense.
- Date, time and location of offense.
- Victim Information Supervisor's responsibilities:
- Respond to the scene
- Notify Administration as soon as information is available.

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Alcohol and Drug Use

1008.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The West Valley City Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

1008.1.1 POLICY

All employees will abide by this policy and the provisions contained in the West Valley City Drug and Alcohol Policy (West Valley City Personnel Policies and Procedures, Part 9).

1008.1.2 ALCOHOLIC BEVERAGES AT POLICE OR CITY SPONSORED EVENTS

West Valley City Police Department prohibits the consumption or the serving of any alcoholic beverage at a Department or City sponsored (or co-sponsored) event.

All alcoholic beverages will be prohibited at the event for the duration of the event.

1008.1.3 PURCHASE AND TRANSPORTATION

Department employees shall not possess or purchase alcohol or other intoxicants for personal use while in uniform. See uniform policy for further.

Department employees will be prohibited from possessing or purchasing alcohol for personal use while operating a City owned vehicle. Alcohol and other intoxicants for personal use will not be transported in any City owned vehicle except as approved for special assignment or in the commission of official police duties.

1008.2 GENERAL GUIDELINES

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol is generally prohibited by on-duty personnel except as necessary and expressly authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect their mental or physical abilities shall not report for duty. The affected employee shall notify the Watch Commander or appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

1008.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other illicit controlled substances on City property, at work, or while on duty except in the performance of a special assignment.

Department employees shall not illegally manufacture any alcohol or drugs.

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1008.2.2 USE OF PRESCRIBED MEDICATIONS

Employees who use prescription and/or over-the-counter medications – that the employee or his or her health-care provider believes may impair the employee's ability to perform his or her job responsibilities safely – are responsible for notifying The Human Resource Department, so that steps can be taken to minimize the safety risks posed by such use. Employees may be asked to obtain a doctor's certification that the employee can safely perform the responsibilities of his or her position. Any information the City may learn about an employee's health or medicines will be treated as confidential, and will be shared with City personnel only on a need-to-know basis.

No employee shall be permitted to work or drive a Department-owned or leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

1008.3 EMPLOYEE ASSISTANCE PROGRAM

The Department and West Valley City strongly encourage employees who believe that they have a problem with alcohol or drugs – legal or illegal – to seek assistance before a violation of this Policy is found. For those employees who self-identify a substance-abuse problem to the City, the use of accrued paid time off may be allowed, the employee may be placed on an authorized leave of absence, and sources of help may be provided. The employee would be referred for a medical assessment and possible counseling and rehabilitation, and would, if retained, be subject to possible re-testing during and after rehabilitation, and would # at the City's sole discretion # be subject to continued employment provided the employee completed all prescribed treatments, passes all required drug testing, and fully cooperates in the counseling and rehabilitation program at all times.

1008.4 WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the employee whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed and the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall notify Human Resources. The supervisor shall follow the directions of Human Resources regarding screening tests and incident documentation.

1008.5 REQUESTING SCREENING TESTS

(a) Job Applicants

1. Employees

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2. All job applicants must take and pass a mandatory drug test as soon as practical and as directed by the City following their acceptance of a conditional offer of employment, and prior to the actual time they commence employment with the City.
3. A confirmed positive test will result in the withdrawal of an offer of employment. A job applicant's refusal to submit to testing; failure to fully cooperate in the testing process; attempt to tamper with, substitute for, adulterate, dilute, or otherwise falsify a test sample; and/or any other conduct which would intentionally prevent or compromise a valid test result will be considered a withdrawal from the application process and will result in denial of employment.

(b) Employees
Employees may be subject to drug and/or alcohol testing as a condition of continued employment, as directed by the Department and/or City at its sole discretion. This includes, but is not limited to, drug and/or alcohol testing:

1. On a for-cause basis;
2. As part of a post-incident investigation;
3. During and post-rehabilitation, including return-to-duty testing;
4. Neutral, random-selection basis; and/or
5. As otherwise deemed necessary and appropriate by the Department and/or City, at its sole discretion.

1008.5.1 CONSEQUENCES OF A POSITIVE TEST
Any employee whose drug or alcohol test is positive will be considered to be in violation of this Policy and will be subject to adverse employment action, up to and including termination of employment.

1008.5.2 SCREENING TEST REFUSAL
An employee's refusal to submit to testing; failure to fully cooperate in the testing process; attempt to tamper with, substitute for, adulterate, dilute, or otherwise falsify a test sample; and/or any other conduct which would intentionally prevent or compromise a valid test result will be considered insubordination and will result in termination of employment.

1008.6 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

1008.7 SEARCHES

(a) When the Department and/or West Valley City has probable cause to believe that an employee is violating any aspect of this Policy and/or West Valley City Personnel

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Policies and Procedures, Part 9, he or she may be asked by the City to submit immediately to a search or inspection. Such a search or inspection can be required at any time (including during breaks and meal periods) while on City premises, representing the City, or at worksites where the City conducts operations.

(b) An employee's refusal to consent to a search or inspection when requested by West Valley City constitutes a violation of this Policy and – as with other violations of this Policy – is grounds for adverse employment action, up to and including termination of employment.

(c) Entry on to the City's premises or worksites constitutes a consent to searches and inspections.

(d) Any property provided by the City, or its customers, to an employee is provided with only a temporary license of use and/or access, and then only relative to the appropriate performance of the employee's work responsibilities. Such license is specifically subject to the condition that the employee must, on request, grant access to the property for inspection and search. The City reserves and retains the right to remove any lock or other devise securing the property, as necessary and/or appropriate.

(e) This includes a search of an employee's person and/or the requirement that the employee make his or her desk, work station, storage locker, briefcase, purse, pockets, wallet, personal belongings, vehicles, accommodations, and/or any other property that he or she uses, has access to, and/or has control of, available for inspection.

1008.8 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy. Employees must promptly and fully report the illegal use of controlled substances on their own part or the part of any other employee.

1008.9 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

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Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Department members contracting and/or spreading communicable diseases.

1009.1.1 DEFINITIONS

Definitions related to this policy include:

Bodily fluids - Includes amniotic fluid, pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, saliva, semen and vaginal secretions, and any bodily fluid visibly contaminated with blood.

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV, and tuberculosis.

Significant exposure - Exposure of the body of one person to the blood or bodily fluids of another person through:

(a) An injury to the skin, including a needle stick or cut.

(b) Contact with an open wound, mucous membrane, or non-intact skin because of a cut, abrasion, dermatitis, or other damage.

(c) Exposure that occurs by any other method of transmission that is defined by the County Department of Health as a significant exposure.

Source person - The person who was the source of a blood or bodily fluid exposure.

1009.2 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that Department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

    (a) The mandates of the Utah Occupational Safety and Health Act (Utah Code 34A-6-101 et seq.; UAC R614-1-1 et seq.).

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(b) Reporting known or suspected cases of communicable diseases to the local health department (Utah Code 26B-7-206; UAC R386-702-4).

(c) Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

(d) Exposure control mandates in 29 CFR 1910.1030 (UAC R614-1-4).

The ECO should also act as the liaison with the Utah Occupational Safety and Health Division (UOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1009.2.1 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair of disposable latex or nomex gloves; keeping a box in the car is recommended.
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Alcohol (or similar substance) to flush skin at the emergency site; keeping several alcohol wipes in the car is recommended.
- N-95 particulate-filtering respirator.

The protective equipment is to be kept in each police vehicle, and should be inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift. All replacement personal protective equipment will be stored in the closet in the Briefing Room on the second floor of the police station. Supplies will be monitored by the Training Unit to ensure adequate supplies are maintained.

1009.2.2 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

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Eating, drinking, smoking, applying lip balm. and handling contact lenses shall be prohibited in areas where the potential for an exposure exists.

1009.2.3 EXPOSURE DETERMINATION

Department personnel should reasonably anticipate exposure to blood, bodily fluids, and other potentially infectious material while involved in, but not limited to, the following tasks:

(a) Provisions of emergency medical care to injured or ill patients;

(b) Rescue of victims from hostile environments;

(c) Extrication of persons from vehicles, machinery, or collapsed evacuations or structures;

(d) Recovery and/or removal of bodies from any situation cited above;

(e) Response to hazardous material emergencies, both transportation and fixed site related, involving potentially infectious substances; and

(f) Police activity involving disorderly and/or violent individuals.

Exposure to blood, bodily fluids, and/or other potentially infectious substances are likely in the performance of the following job classifications:

- Police
- Special Functions Officer
- Forensic Personnel
- Evidence Personnel

1009.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to disposal and decontamination after responding to an event that involved contact with a person's blood or bodily fluids.

1009.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard materials with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the police station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak-proof, red in color, appropriately labeled with a biohazard warning, and routinely emptied.

1009.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant as soon as possible. If the skin

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becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound), shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Washing shall not be done in the kitchen, bathrooms, or other locations that are not designated as a cleaning or decontamination area.

1009.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel should avoid handling sharps (needles) with their hands. Utah OSHA recommends a tool, such as tongs, pliers, dust pan and broom, or similar devices should be used. Whenever practical, this method should also be used while assisting a paramedic or collecting sharps for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is required, a tool should also be used. If a tool cannot be used, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device, such as tongs or a broom and a dustpan to clean up debris. If the material must be handheld, protective gloves must be worn.

1009.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask or N-95 Respirator) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the biohazard waste container, placing the gloves in with the waste when through.

1009.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn, or loses its integrity shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, the procedures in this policy shall be implemented.

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Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included with the waste.

1009.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, radio) shall be decontaminated as soon as reasonably practicable. If the equipment is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces, such as nylon bags and straps, shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathroom, or other areas not designated as a cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants, such as vomit, feces or blood clots should first be removed using a disposable towel or other means to prevent direct contact, and properly disposed of.

1009.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing, such as uniforms and undergarments, shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the supervisor. The supervisor will secure a dry cleaner that is capable of cleaning contaminated clothing, and will inform the dry cleaner of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1009.3.8 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; UAC R614-1-4).

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The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the Department member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1009.3.9 COUNSELING

The Department shall provide the member, and the member's family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; UAC R614-1-4).

1009.3.10 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed Department member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Seeking a court order or warrant pursuant to Utah Code 78B-8-402.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the person refuses.

1009.4 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1009.4.1 DECONTAMINATION OF THE STATION AND CLEANING AREA

Department members may decontaminate themselves and any equipment at any Fire Station.

1009.5 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up actions must occur to limit potential liabilities and ensure the best protection and care for the employee.

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1009.5.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

Any employee who believes that he/she has been significantly exposed to the bodily fluids of another person shall submit a first report of injury/exposure and notify the on-duty supervisor. The employee's report shall be submitted by the end of the shift during which the incident occurred, or as soon as practicable, but not to exceed three days from the incident. If a source person is receiving medical treatment, the exposed employee should complete a first report of injury/exposure and give a copy to an authorized person at the medical facility; this will allow the source person to be tested through the medical facility if the source person consents.

When the person to whom the employee was significantly exposed receives medical treatment, it is the responsibility of the exposed employee to complete a first report of injury/exposure and ensure that a copy is delivered to an authorized person at the medical facility at the time of treatment.

1009.5.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on duty shall investigate every significant exposure that occurs as soon as possible following the incident, and ensure that the exposed employee completes a first report of injury/exposure.

The supervisor shall use the above information to prepare a written summary of the incident and its causes, and make recommendations for avoiding similar events. This report will be provided to the Bureau Chief and to the City's Risk Manager (City Attorney).

Medical facilities rendering aid to the source person may obtain consent for communicable disease testing. If the source person was taken to a medical facility for treatment, the supervisor shall do the following:

(a) Ensure a copy of the exposed employee's first report of injury/exposure form is completed as soon as possible.

(b) Ensure a copy of the first report of injury/exposure is delivered to the medical facility where the source person is being treated.

(c) Remain in contact with the medical facility to learn whether consent was given and a blood sample was taken.

(d) Report these results in the written summary.

(e) Ensure that the Bureau Chief and the City's Risk Manager (City Attorney) are notified of the incident.

1009.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who experiences a significant exposure or suspected significant exposure should be seen by a physician or qualified health care provider as soon as possible. The blood of the exposed employee shall be tested. If possible, the blood of the source person shall also be tested.

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results.

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The health care professional should provide Human Resources and/or the City's Risk Manager (City Attorney) with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1009.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the Department member's written consent except as required by law (29 CFR 1910.1030; UAC R614-1-4; Utah Code 26B-7-217). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

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Smoking and Tobacco Use

1010.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in West Valley City Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1010.2 POLICY

The West Valley City Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all Department facilities, buildings, and vehicles, and as is further outlined in this policy (Utah Code 26B-7-503).

1010.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the West Valley City Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities, buildings and vehicles.

1010.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of any entranceway, exit, or operable window of any public building (including any Department facility), all enclosed indoor places of public access, or in any buildings where restrictions on use of tobacco products are posted or provided by other means, whether the person is present for training, enforcement, or any other purpose (UAC R392-510-8).

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Personnel Complaints

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of the Department or its employees. This policy also specifies procedures to identify training needs and issues regarding employee performance and evaluation. Performance and evaluation issues are distinct from disciplinary records.

1011.2 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Department policy or of federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate Department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1011.2.1 COMPLAINT CLASSIFICATIONS

Personnel Complaints shall be classified as Internal Complaints or External Complaints.

Internal Complaints are initiated by an employee of the Department. In addition, any discipline issued to an employee will be entered as an internal complaint.

External Complaints are initiated by someone not employed by the Department.

1011.2.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.

(b) Any Department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1011.3 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.3.1 AVAILABILITY OF COMPLAINT FORMS

Personnel Complaint Forms will be maintained by the Department and made available to the public upon request in person, by e-mail, or postal mail.

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1011.3.2 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) All complaints, including anonymous complaints, shall be accepted and investigated to the extent that sufficient information is provided.

(b) When an uninvolved supervisor or the Watch Commander or Section Lieutenant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of any Department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained, and the person should be provided with a Personnel Complaint Form.

(d) When the complainant has been identified as a vexatious complainant who has created a substantial burden for the City or the Department, and/or has abused the system for filing complaints, those complaints will be routed to specifically identified personnel assigned to work with the complainant to resolve concerns.

(e) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present, and after the parents or guardians have been informed of the circumstances prompting the complaint.

1011.3.3 COMPLAINT DOCUMENTATION

Complaints of alleged misconduct shall be documented by a supervisor in the Department's software program for personnel complaints. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint Form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of the original complaint.

The complainant shall be provided a copy of the original complaint upon request. Complaints received in a manner other than in person shall be sent acknowledgement of the receipt of the complaint if the complainant's contact information is known. If an investigation into the complaint has not been concluded within 45 days after the complaint was received, the complainant shall be informed in writing, electronically, or by telephone regarding the status of the complaint.

1011.3.4 PERSONNEL COMPLAINT INVESTIGATIVE RESPONSIBILITY

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's supervisor, depending on the seriousness of the complaint. The Chief of Police or

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authorized designee may, however, direct that another supervisor investigate. Examples of these complaints include, but are not limited to discourtesy, improper use of equipment, failure to take proper action, and driving complaints.

Serious allegations require investigation by the Internal Affairs Unit. These investigations include, but are not limited to, improper exercise of police authority; misconduct pertaining to alcohol, drugs, or sex; civil rights violations; discrimination; and criminal conduct. All investigations may be assigned at the discretion of the Chief of Police or the Administrative Services Bureau Commander.

1011.4 SUPERVISOR RESPONSIBILITIES

Supervisors shall be responsible for the following:

(a) A supervisor receiving a complaint involving allegations that are serious in nature shall ensure that the Internal Affairs Unit is notified as soon as practicable.

(b) A supervisor receiving or initiating any personnel complaint shall collect and document as much information as possible.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses, and telephone numbers of additional witnesses.

2. Collection of police reports, witness statements, photographs, and any other relevant documentation should be included.

(c) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Chief of Police and the Human Resources Department for direction regarding each of their roles in investigation and/or addressing the complaint. The Chief of Police will make other appropriate notifications.

(d) A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

(e) The Chief of Police or any other supervisor who is made aware of an allegation against a certified peace officer or dispatcher employed by the West Valley City Police Department shall conduct an administrative or internal investigation and report substantiated allegations to the Division of Peace Officer Standards and Training (POST) within 90 days (Utah Code 53-6-211; Utah Code 53-6-309; UAC R728-409-18).

(f) If an officer or dispatcher who is the subject of the investigation resigns, retires, or otherwise separates from the agency before the conclusion of the investigation, the Chief of Police shall report the allegations and any investigation results to POST (Utah Code 53-6-211; Utah Code 53-6-309).

(g) The Chief of Police shall notify POST within 30 days after the officer's termination date if there is an open internal investigation for an alleged violation of Utah Code 53-6-211(1) (Utah Code 53-6-209).

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(h) If the West Valley City Police Department receives credible allegations and opens an internal investigation within two years after the day of an officer's termination date, the Chief of Police shall provide notice to POST 30 days after the investigation is opened of the estimated completion date. If the allegations involve violations of Utah Code 53-6-211(1), whether or not they result in an internal investigation, the Chief of Police shall notify POST (Utah Code 53-6-209).

1011.5 ASSIGNMENT TO MODIFIED DUTY

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees, or the public, a supervisor may assign the accused employee to modified duty pending completion of the investigation. A sworn employee may have his/her law enforcement authority suspended at the direction of the Chief of Police during the course of the investigation.

An employee may be placed on administrative leave at the discretion of the Chief of Police.

1011.5.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapon(s), and any other Department equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift during the duration of the investigation. The employee may be required to remain available for contact at all times during such shift, and shall report as ordered. Shift differential will be adjusted in accordance with the reassigned shift.

(e) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card, and other equipment returned. In the event the administrative investigation has not received a final adjudication from the Chief of Police, the employee may be assigned to modified duty until a final disposition has been reached.

1011.6 ALLEGATIONS OF CRIMINAL CONDUCT

(a) Where an employee of the Department is accused of criminal conduct, a separate supervisor, detective, or outside agency shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may be suspended until the criminal investigation has been completed and reviewed by the appropriate prosecuting attorney.

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(b) The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct.

(c) An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian. The employee may not be administratively ordered to provide any information to a criminal detective.

(d) No information or evidence administratively coerced from an employee may be provided to a criminal detective.

(e) Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, regardless of whether there has been a conviction. However, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report. In accordance with this policy, an independent administrative investigation shall be conducted based upon the allegations in the report.

1011.7 ADMINISTRATIVE INVESTIGATION OF COMPLAINTS

Allegations of misconduct will be administratively investigated as follows.

1011.7.1 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether an administrative investigation is conducted by a supervisor or by a member of the Internal Affairs Unit, the following procedures shall be followed regarding the accused employee(s).

(a) Interviews of accused employees shall be conducted during reasonable hours. If the employee is off-duty, the employee shall be compensated.

(b) Prior to any interview, an employee shall be informed in writing by a member of the Administrative Standards Bureau of the allegations and the employee's rights and responsibilities relative to the investigation.

(c) All interviews shall be for a reasonable period. The employee's personal needs shall be accommodated.

(d) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(e) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee, if they request it, prior to any subsequent interview.

(f) All employees subjected to interviews that could result in discipline from Category C, D, or E violations according to the Discipline Matrix shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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(g) All employees shall provide complete and truthful responses to questions posed during interviews.

(h) An employee may be requested to provide a written account of the incident under investigation in lieu of, or in addition to, an interview.

(i) If the nature of the allegation dictates that confidentiality is necessary in order to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed.

(j) Employees will complete any required investigative actions, including but not limited to, being photographed and participating in a line up. These kinds of requests must be narrowly related to the performance of the subject employee's official duties.

(k) No employee may be compelled to submit to a voice stress analysis (VSA) or other truth verification examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1011.7.2 ADMINISTRATIVE SEARCHES

(a) An employee of the Department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

1. When the employee, whether on- or off-duty, is involved in a shooting or police-related death.
2. When the employee is involved in an injury or fatal accident while on-duty.
3. When the employee is involved in an injury or fatal accident while operating any City-owned vehicle whether on- or off-duty.
4. When there is reasonable suspicion that the employee is under the influence of drugs or alcohol while on-duty.

(b) The use of compelled testing results shall be restricted to the administrative investigation.

(c) Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with the employee's official duties, or if the employee is assigned to, or being considered for, a special assignment with a potential for bribes.

(d) Employees shall have no expectation of privacy when using telephones, computers, radios, or other means of communications provided by the Department.

(e) Department members acknowledge that any issued or assigned Department property (e.g. desks, offices, cabinets, lockers, vehicles, etc.) is subject to search by the Department and/or City; and that no expectation of privacy exists relating to these items or areas.

1011.7.3 ADJUDICATION OF COMPLAINTS

(a) Upon receipt of the completed investigation, the involved employee's Deputy Chief shall:

1. Complete the adjudication within eight working days of receipt of the case file.

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2. Forward the adjudication and investigation to Internal Affairs via the Department's software program for personnel complaints.

(b) The Professional Standards Review Board (PSRB) shall:

1. Review the file and, if in agreement with the Deputy Chief's recommendations, forward the adjudication and investigation to the Chief of Police.

2. If not in agreement with the recommendations, the PSRB will compile an alternate recommendation and forward it to the Chief of Police.

(c) The Police Chief shall:

1. Review the file and accept or modify the findings and recommendation(s) for disciplinary action.

2. If applicable, a written notice of pre-disciplinary hearing, that includes the time, date, location, and explanation of the allegations, any evidence, and the basis for possible disciplinary action will be prepared and delivered to the employee. The employee shall be provided with or given access to all the materials considered by the Chief of Police in recommending the proposed discipline.

3. The subject employee will be given an opportunity to respond orally or in writing to the Chief of Police within five (5) days of receiving the notice.

(a) If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

(b) Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

4. Complete the final disposition and notify the subject employee.

5. If any of the following violations are sustained, the Chief of Police shall ensure that the allegation is reported in a timely manner to POST for determination of suspension or revocation of the involved officer's POST certification under Utah Code 53-6-211. Such reporting is required within 30 days even if the officer resigns.

(a) Willfully falsifying any information to obtain certification.

(b) Has any physical or mental disability affecting the officer's ability to perform assigned duties.

(c) Engaging in conduct which is a State or Federal criminal offense.

(d) Refusing to respond, or failing to respond truthfully, to questions after having been issued a warning based on Garrity v. New Jersey, 385 U.S. 493 (1967).

(e) Engaging in sexual conduct while on-duty.

(f) Is certified as a law enforcement peace officer, as defined in Utah Code 53-13-102, and is unable to possess a firearm under state or federal law.

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(g) Is found by a court or law enforcement agency to have knowingly engaged in conduct that involves dishonesty or deception in violation of policy of the officer's employing agency, or in violation of state or federal law.

(h) Is found by a court or law enforcement agency to have knowingly engaged in biased or prejudicial conduct against any individual based on the individual's race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity.

1011.7.4 NOTICE TO POST OF INVESTIGATION AFTER TERMINATION

If the West Valley City Police Department receives credible allegations and opens an internal investigation within two years of the termination of an officer's employment, the Chief of Police shall provide notice of the investigation to POST and an estimated date of completion within 30 days. If the allegations involve violations of Utah Code 53-6-211(1), whether or not they result in an internal investigation, the Chief of Police shall notify POST (Utah Code 53-6-209).

1011.8 DISPOSITION OF PERSONNEL COMPLAINTS

(a) The findings of each allegation in a personnel complaint shall be classified with one of the following dispositions:

1. **Unfounded** - When the investigation concludes that the alleged act(s) did not occur, or did not involve Department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded.
2. **Exonerated** - When the investigation finds that the alleged act occurred, but that the act was justified, lawful and/or proper.
3. **Not Sustained** - When the investigation concludes that there is insufficient evidence to sustain the complaint or fully exonerate the employee.
4. **Sustained** - When the investigation finds sufficient evidence to establish that the act occurred, and that it constituted misconduct.

(b) If an investigation discovers misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1011.9 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete an investigation within 30 days following the discovery of the allegation, unless such investigation requires a reasonable exception under the circumstances.

(a) Requests for extension may only be approved by the Chief of Police. Complaints will require additional time for adjudication, review by the Professional Standards Review Board (PSRB), and final disposition by the Chief of Police.

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(b) If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

(c) If an officer is the subject of an internal or administrative investigation into allegations that include any of the conditions or circumstances outlined in Utah Code 53-6-211(1), and the officer resigns, retires, or otherwise separates from the Department before the investigation is concluded, the Department will complete the investigation and report the findings to POST, as defined in Utah Code 53-6-211(6)(b).

(d) Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings. It will not disclose the amount of discipline, if any, that was imposed.

1011.9.1 CONFIDENTIALITY OF PERSONNEL FILES

(a) All investigations of personnel complaints shall be considered confidential, private, and/or protected peace officer personnel files. The contents of such files shall not be revealed to anyone other than the involved employee or authorized personnel except pursuant to lawful process (Utah Code, Title 63G Part 2).

(b) In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation, and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

1011.10 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide an accused employee with an opportunity to present a written or oral response to the Chief of Police after having had the opportunity to review supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This employee response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.

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(f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the imposed discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing a final disciplinary finding. In the event of a termination of employment, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

1011.11 POST-DISCIPLINE APPEAL RIGHTS

(a) An employee discharged, transferred to another position with less pay, or suspended without pay for more than two days may, within 10 days from the issuance by the Chief of Police of the order of discharge, transfer, or suspension, appeal to an appeal board or a hearing officer if one has been established. However, if the Department has established an internal grievance procedure, the employee must exhaust all available grievance remedies before making such an appeal (Utah Code 10-3-1106).

(b) The employee may appear in person and may have counsel and a public hearing. The findings and decision of the appeal board or hearing officer shall be final.

(c) Any final action or order of the appeal board or hearing officer may be appealed to the Court of Appeals within 30 days of the issuance of the final action or order of the appeal board or hearing officer.

1011.12 RETENTION OF PERSONNEL COMPLAINTS

Any record relating to a Personnel Complaint shall be retained in accordance with Utah State law, Utah General Retention Schedule, and the West Valley City Retention Schedule. The West Valley City Police Department has the authority to retain records longer than is prescribed by the retention schedule.

1011.13 NOTICE OF SUSTAINED MISCONDUCT INVOLVING BRADY MATERIAL

If an allegation of misconduct involving *Brady* material is sustained, the Chief of Police or authorized designee shall report the findings of the investigation to the county attorney or the Utah Attorney General as applicable (Utah Code 53-25-1003).

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Seat Belts

1012.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in Department vehicles.

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Utah Code 41-6a-1601).

1012.2 POLICY

It is the policy of the West Valley City Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1012.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this Department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members of the Department, are properly restrained (Utah Code 41-6a-1803).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the Department member or the public. Members must be prepared to justify any deviation from this requirement.

1012.4 TRANSPORTING CHILDREN

A child younger than 8 years of age shall be secured using a child restraint system in the manner prescribed by the manufacturer of the system unless an exemption exists due to the child's height (Utah Code 41-6a-1803).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1012.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any Department vehicle with a prisoner restraint system or, when a prisoner restraint system is

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not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1012.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members of the Department who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1012.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1012.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the West Valley City Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1013.3 ISSUANCE OF BODY ARMOR

The Training Section Lieutenant shall ensure that body armor is issued to all officers when the officer begins service at the West Valley City Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Training Section Lieutenant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1013.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) Officers shall wear body armor anytime they are engaged in pre-planned, high-risk situations to include, but not limited to:

1. Planned search warrant service where there is a likelihood of encountering a suspect(s) or other persons.
2. Enforcement operations conducted by specialized units of the Special Operations Section and officers assigned to multi-agency task forces.
3. Situations appropriate for the use of Crisis Response Teams.
4. Any situation where there is an increased risk to officers and citizens in pre-planned Department operations.

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(f) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1013.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1013.4 TRAINING UNIT RESPONSIBILITIES

The Training Unit should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

(d) Mandate current body armor be worn by employees and inspected by the Training staff or designee at the annual firearms qualification.

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Personnel Records

1014.1 PURPOSE AND SCOPE

This policy governs the maintenance, retention, and access to peace officer personnel files in accordance with established law. It is the policy of the Department to maintain the confidentiality of peace officer personnel records pursuant to Utah Code 63G-2-302 and 63G-2-304.

1014.2 PERSONNEL FILES DEFINED

Peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history or similar information.

(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases, and all other records which reveal an employee's past, current, or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated or observed, and that pertain to the manner in which the officer performed official duties.

(f) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1014.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following files, in the Department's personnel management software:

Department file - That file which is maintained as a permanent record of all employment of personnel with this Department.

Supervisor administrative note entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of the Department.

Training file - Any file which documents the training records of an employee.

Internal Affairs files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical file - A separate file, maintained by Human Resources, which contains material relating to an employee's medical history.

1014.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Utah Code 63G-2-302 and 63G-2-304, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to discovery

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procedures or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1014.4.1 REQUESTS FOR DISCLOSURE

(a) Any member of the Department who receives a request for a personnel record shall promptly notify the Records Officer or other person charged with the maintenance of such records.

(b) Upon receipt of any such request, the responsible person shall notify the affected Department member as soon as practicable that such a request has been made.

(c) The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

(d) All requests for disclosure that result in access to a Department member's personnel records shall be logged in the corresponding file.

1014.4.2 RELEASE OF PERSONNEL INFORMATION

(a) Information such as the Department member's medical information, or the home address, telephone number, and Social Security number of the member or of the member's family, that is contained in a personnel record is confidential and may not be released (Utah Code 63A-19-408; Utah Code 63G-2-302; Utah Code 63G-2-304).

(b) The Department may release any factual information concerning a disciplinary investigation if the Department member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1014.5 REQUESTS FOR DISCLOSURE

(a) All requests for the disclosure of any information contained in any peace officer personnel record shall be promptly brought to the attention of the Office of the Chief.

(b) Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made.

(c) The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

(d) All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1014.5.1 RELEASE OF PERSONNEL INFORMATION

(a) Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any

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unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or designee.

(b) Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates or otherwise discloses the residence, address or telephone number of any employee of the Department may be guilty of a class B misdemeanor (Utah Code 63G-2-801).

(c) The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any, was imposed.

(d) The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1014.6 EMPLOYEE ACCESS TO OWN FILE

(a) Any employee may request access to his/her own personnel file(s) during the normal business hours, and will submit such a request to the individual(s) responsible for maintaining such file(s).

(b) Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police.

1. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the Department's written response shall be retained with the contested item in the employee's personnel file.

(c) Employees may be restricted from accessing files containing any of the following information:

1. Ongoing Internal Affairs investigations if the employee's access could jeopardize or compromise the investigation prior to final disposition, or provide notice to the employee of the intent to discipline.

2. Confidential portions of Internal Affairs files which have not been sustained against the employee.

1014.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1014.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Disciplinary action.

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(c) All internal and external complaints, which result in a finding of sustained, not-sustained, unfounded, or exonerated.

(d) Adverse comments, such as supervisor administrative note entries.

(e) Commendations, with a copy provided to the involved employee(s).

(f) Personnel Action Reports reflecting assignments, promotions, and other changes in the employee's employment status.

(g) A photograph of the employee.

1014.7.2 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the Administrative Services Bureau in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Professional Standards & Training Section. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition.

1. Each investigation file shall be sequentially numbered within a calendar year.
2. Each investigation file arising out of a formal citizen's complaint, internally generated complaints, or involving discriminatory harassment/hostile work environment, shall be maintained indefinitely.

(b) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

1014.7.3 TRAINING FILE

(a) An individual training file shall be maintained in the Department's personnel management software for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency re-qualification.

(b) It shall be the responsibility of the involved employee to self-enter training that is not provided by the Department into the Department's personnel management software.

1. The submission must include evidence of the completed training/education.
2. Assigned training personnel will verify that necessary documentation has been submitted and will finalize the addition in the employee's training record.

1014.7.4 MEDICAL FILE

A medical file shall be maintained,by Human Resources, separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to, the following:

(a) Materials relating to medical leaves of absence.

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(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

(e) Any other documents or material which reveal the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1014.8 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called *Brady* material) contained within confidential peace officer personnel files.

1014.8.1 DEFINITIONS

***Brady* Material** - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant, evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to any District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this Department.

1014.8.2 RELEASE OF PERSONNEL FILES TO A PROSECUTING ATTORNEY

(a) The only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files classified as private records under the Government Records Access and Management Act is when it is investigating the conduct of an officer or this Department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

(b) Absent a specific investigation of identified officers or a specific investigation of the Department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

(c) Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness, access to that officer's personnel file by either the District Attorney or the criminal defendant shall require a court order (Utah Code 63G-2-202(7)).

1014.8.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are *Brady* materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If *Brady* material is located, the following procedure shall apply:

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(a) The District Attorney shall be notified of the potential presence of *Brady* material in the officer's personnel file.

(b) The District Attorney should file a motion in order to initiate an *in camera* review by the court.

(c) The subject officer(s) shall be notified in writing that a motion has been filed.

(d) The employee responsible for security of the records in question shall accompany all relevant personnel files during any *in camera* inspection and address any issues or questions raised by the court in determining whether any material contained in the file is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* material contained in the file(s), only that material ordered to be released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records shall request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

1014.9 TRAINING FILE

An individual training file shall be maintained by the Training Unit sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) Individual members of the Department are responsible for providing the Training Unit sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Unit sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1014.10 INTERNAL AFFAIRS FILE

Internal Affairs (IA) files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Internal Affairs Unit supervisor.

(a) IA files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition.

(b) Investigations of complaints that result in the following findings shall not be placed in the member's Department file but will be maintained in the Internal Affairs file:

1. Not sustained.
2. Unfounded.
3. Exonerated.

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1014.11 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the Department member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the West Valley City Police Department and individuals from the community.

1015.2 POLICY

It is the policy of the West Valley City Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any Department member or by any person from the community.

1015.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1015.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:
    (a) For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act.
    (b) For individuals from the community - name, address, telephone number.
(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
(c) The signature of the member submitting the documentation.

1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:
    (a) For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act.

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(b) For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1015.4.3 PROCESSING DOCUMENTATION

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Services Bureau Commander. The documentation will be reviewed by the Bureau Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual’s actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1015.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Medal of Valor
- Police Medal
- Police Star
- Purple Heart
- Life Saving Medal
- Police Distinguished Service Medal
- Police Meritorious Service Medal

Some awards may or may not be designated with a commendation bar to be worn on the Class A Uniform but may be designated in another manner, such as a plaque, special service emblem or pin. These awards include:

- Officer of the Year
- Investigator of the Year
- Supervisor of the Year
- Rookie of the Year
- Citizen of the Year

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- Civilian of the Year
- Military Service Member of the Year
- Field Training Officer of the Year

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

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Fitness for Duty

1016.1 POLICY

The West Valley City Police Department strives to provide a safe and productive work environment and ensure that all members of this Department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a Department member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

1016.2 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this Department remain fit for duty and able to perform their job functions.

1016.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this Department to maintain physical stamina and psychological stability sufficient to safely and effectively perform essential duties of their position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another Department member is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.4 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform their duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem, and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform their duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or employee's available Bureau Commander, a determination should be made whether the employee should be temporarily relieved from their duties.

(e) The Chief of Police and any other supervisor who is made aware that an officer may have a physical or mental disability affecting the officer's ability to perform their duties shall investigate the allegation (Utah Code 53-6-211).

(f) The Chief of Police or a designee shall ensure that any allegation that an officer has a physical or mental disability affecting the officer's ability to perform their duties is reported to Utah Peace Officer Standards and Training (POST) within 30 days if the

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allegation is substantiated (UAC R728-409-18). This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211).

(g) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1016.5 NON-WORK-RELATED CONDITIONS

Any employee suffering from a non-work-related condition which warrants a temporary relief from duty will be required to use paid time off (PTO) in order to obtain medical treatment or other care.

1016.6 WORK-RELATED CONDITIONS

(a) Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

(b) Any employee whose action(s), or use of force, in an official capacity result in death or serious injury to another shall be removed from regularly assigned duties and/or placed on paid administrative leave, for the well being of the employee, until such time as the following may be completed:

1. A preliminary determination that the employee's conduct appears to be in compliance with related policies and State statutes.
2. The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.7 FITNESS FOR DUTY EVALUATIONS

Fitness for duty medical evaluations may be performed under any of the following circumstances:

(a) Return to work from injury or illness.

(b) When a supervisor determines there is a direct threat to the health or safety of the employee or others.

(c) In conjunction with corrective action, performance or conduct issues or discipline.

(d) When it is a bona fide occupational qualification for selection, retention or promotion.

1016.7.1 MEDICAL EVALUATIONS

Fitness for duty medical evaluations may be performed under any of the following circumstances:

(a) Return to work from injury or illness.

(b) When a supervisor determines there is a direct threat to the health or safety of the employee or others.

(c) In conjunction with corrective action, performance or conduct issues or discipline.

(d) When it is a bona fide occupational qualification for selection, retention or promotion.

1016.7.2 PHYSICAL FITNESS EVALUATIONS

To ensure that officers can meet the physical demands of the job, each officer will be required to participate in an annual physical fitness test or job task simulation test hosted by the Training Unit.

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A. PHYSICAL FITNESS TEST:

Officers choosing to participate in the PT test will be required to meet the following requirements to receive a passing score:

(a) Vertical Jump – 16".

(a) Sit-ups – 35 in one minute.

(a) Pushups – 25 in one minute.

(a) 1.5-mile run – 15:54.

Officers wishing to use the PT test for promotional purposes must pass the PT test above. A passing score on JTST (Job Task Simulation Test) will not count for promotional purposes.

No police equipment is required during the PT test.

B. JOB TASK SIMULATION TEST (JTST)

The JTST is designed to simulate pursuing and restraining a subject. During the JTST the officer will be required to run 500 yards total while encountering various obstacles:

Pursuit

(a) 6-foot fence.

(a) Stairs (12 stairs, up and down 3 times).

(a) 340-yard run.

(a) Serpentine (100 feet).

(a) 4-foot jump (laterally).

(a) 4-foot hurdle.

Restraint

(a) Roll 190 lb. dummy onto stomach.

(a) Simulate handcuffing.

(a) Lift the dummy up to the officer's knees.

Officers will be required to complete the course in 4:25 while wearing an empty duty belt and a ballistic vest.

C. REMEDIATION:

Officers that do not take the PT test will be allowed to take the JTST which will be counted equally to the PT test, except for promotional purposes.

If an officer is not able to pass the JTST in 4:25, they are still required to complete the course in order to establish a baseline for improvement.

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If an officer is unable to pass in the required time, that officer will be assigned to a Department physical fitness instructor to help improve the physical capabilities of the officer, who will have 90 days to retake the test. Upon successful completion, the officer will be counted as having passed.

If the officer fails on the 1st attempt at remediation, the officer will have another 90 days to obtain a passing score.

If the officer fails on the 2nd attempt, the officer will have another 90 days to obtain a passing score.

If the officer fails the 3rd attempt after the remediation period of 270 days, the Training Unit staff will coordinate with Command Staff, Human Resources, and the City's Legal Department for URMA compliance.

1016.7.3 REQUIRED EXAMINATIONS
Any physical, medical, or psychological examinations required by the Department shall be provided at no cost to the Department member.

1016.8 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one day (24-hour) period or
- 30 hours in any 2 day (48-hour) period or
- 84 hours in any 7 day (168-hour) period

Except in very limited circumstances, members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime, or relieve to off-duty status, any employee who has exceeded the above guidelines.

Limitations on the number of hours worked shall apply to shift changes, shift trades, rotation, holdover, training, general overtime, any combination of on-duty and off-duty work, and any other work assignments.

1016.9 APPEALS

An employee who is separated from paid employment or who receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints policy.

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Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible, shall conform to the policy governing all City employees that has been established by the City Manager.

1017.1.1 MEAL PERIODS

Sworn employees shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City or with the approval of a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1017.1.2 BREAKS

Each employee is entitled to a 15-minute break, near the mid-point, for each four-hour work period (UAC R477-8-3). Only one 15-minute break shall be taken during each 4-hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

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Lactation Breaks

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members of the Department.

1018.2 POLICY

It is the policy of the West Valley City Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members of the Department. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the Department member's nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Utah Code 34-49-203).

1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Utah Code 34-49-202). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.3.1 PRESENCE OF CHILDREN

The Department is not required to allow the child of the Department member to be present at the Department for purposes of accommodating breastfeeding (Utah Code 34A-5-106).

1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the Department member's work area and shall be other than a bathroom or toilet stall. The location must have an electrical outlet and be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Utah Code 34-49-202).

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Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members of the Department should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for Department members assigned to the field may be taken at the nearest appropriate private area.

1018.5 STORAGE OF EXPRESSED MILK

The Department will provide access to a clean and well-maintained refrigerator, freezer, or other suitable container for the temporary storage of breast milk (Utah Code 34-49-202).

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1019.1 COMPENSATION POLICY

This policy provides the guidelines for compensation in accordance with the Fair Labor Standards Act (FLSA) and West Valley City policy.

1019.1.1 DEPARTMENT EMPLOYEES NOT COVERED BY FLSA

Fair Labor Standards Act (FLSA) (29 USC S213 (2) (1) OR 29 CFR Part 541). Department employees who meet the requirements of “executive”, “administrative”, or “professional” exemptions are exempt from FLSA minimum wage and overtime requirements. The following employees meet that criteria:

- Police Chief
- Deputy Police Chiefs

For the purpose of FLSA, Volunteers are not considered employees.

1019.2 RESPONSIBILITIES

The time card is an official report and will be submitted by the employee to his or her immediate supervisor. If the immediate supervisor is unavailable, the Section Lieutenant or field supervisor may approve the employee’s electronic time card. Time cards are submitted to the Budget Manager on a bi-weekly basis for the payment of wages. Employees are responsible for:

- Completion of their own time card.
- The timely submission of time cards to supervisors.
- Accuracy in time reporting.
- Legibility

Time cards that are not submitted by the due date may not be paid in a timely manner and delay receipt of paycheck. Administrative Assistants and the Budget Manager will review time cards to ensure they are complete and accurate.

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Overtime Payment and Compensation Policy

1020.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime by payment of wages or by the allowance of accrual of compensatory time off ("comp time"). In order to qualify for either, the employee must complete and submit a Request for Overtime Payment form as soon as practical after overtime is worked.

1020.2 DEPARTMENT GUIDELINES

(a) For purposes of this policy, the work week is defined as Saturday at 0001 hours to Friday at 2400 hours.

(b) Because of the nature of police work and the specific needs of the Department, a degree of policy flexibility concerning overtime must be maintained.

(c) All non-exempt employees covered by the Fair Labor Standards Act (FLSA) will be paid, or will receive compensatory time, at a rate of time and one-half for actual hours worked in excess of 40 hours per week.

(d) Sworn Police Department employees working in Patrol are an exception to the 40-hour rule and are governed by the hours worked in a period longer than one week. Sworn Police Department employees working in Patrol are required to work over 80 hours in a 14-day cycle before overtime is paid.

(e) Non-exempt employees are not authorized to volunteer work time to the Department.

(f) All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift, and in no case later than the end of shift in which the overtime is worked.

(g) Short periods of work at the end of the normal duty day (e.g., less than one-hour in duration) may be handled unofficially between the supervisor and the employee by adjusting a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

1020.2.1 HOLIDAY PAY

(a) Holiday hours will be considered hours worked for the purpose of overtime, as long as holiday hours are used on the day the holiday occurs, or on the day the Department designates as the holiday.

(b) Upon approval from a supervisor, employees who are scheduled to work on a holiday may be eligible for overtime at a rate of double time and a half, taking holiday hours in addition to working over 40 hours, or over 80 hours during a 14-day cycle for sworn Police Department personnel. This applies to "critical staff" personnel only and must be approved and reviewed by the immediate supervisor. The Chief of Police approves the critical staff list by assignment. The list of critical staff is maintained by the Budget Manager.

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(c) If employees use their holiday hours on any day other than the actual holiday, they will not be entitled to count those hours as hours worked for overtime purposes. No other leave, including compensatory time, is to be considered as hours worked for the purpose of overtime.

(d) Employees are encouraged not to use their holidays until the day of the holiday or after the holiday occurs.

1020.2.2 COMPENSATORY TIME

Employees may be allowed to accumulate compensatory time off rather than being paid overtime. Employees who are not covered by, or who are exempt from, the FLSA have no right to overtime or compensatory time compensation.

(a) Any overtime or compensatory time hours must be pre-authorized by the employee's supervisor. Failure to obtain pre-approval will not void entitlement to be paid for the time worked, but may subject the employee to disciplinary action, up to and including termination of employment.

(b) Compensatory time hours are accrued at either straight time or time and one half and follow the same guidelines as pay.

(c) Unused compensatory time will be paid at the employee's hourly rate of pay annually as directed by the City. However, the Department intends for employees to use their compensatory time leave balance quarterly, via requests for time off or supervisor intervention.

(d) The Department reserves the right to manage compensatory time and direct employees to use compensatory time in the best interest of the employee, the Department, and the City.

1020.2.3 TRAINING TIME

The Department recognizes the importance of training and will adopt the following procedure in regard to training:

(a) Supervisors will make every effort to schedule officers for training as part of their regular duty time, to include adjusting schedules during the work week.

(b) Training attended as part of the regularly scheduled work week or during supervisor approved schedule-adjusted time shall be considered hours worked for calculation of overtime. Hours worked while attending training shall be calculated based on the actual hours scheduled for the particular training course. In the event of a training course running longer than the scheduled time frame, the actual amount of time spent in the training shall be used for calculation of hours worked. Accounting for portions of an hour shall be consistent with the policy below, Accounting for Portions of an Hour.

(c) Mandatory training is classified as training for which the Training Unit, at the direction of the Police Chief, has issued an announcement requiring attendance. Mandatory training is considered hours worked for calculation of overtime or comp time.

(d) Training attendance hours will be designated as "Training Time" only when all of the following conditions are met:

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1. Training occurs outside of the employee's regular working hours.
2. The employee's attendance at the training is voluntary.
3. The training is not directly related to any of the employee's work assignments.
4. The employee performs no productive work while attending the training.
5. Attendance at training is pre-approved by a supervisor.

(e) Travel time to a training location is only compensable during regular work hours. With supervisor permission, employees may adjust their schedules so that travel time to a training location will occur during their scheduled work hours; however, travel time in excess of regularly scheduled hours does not qualify for compensatory time or overtime. When an employee qualifies for per diem in relation to attending training, travel time shall affect per diem rates in the following manner:

1. Per Diem calculation on travel day departing to the training location:
    i. Reduce Per Diem by 50 percent (50%) if the employee departs after 2:00 pm.
    ii. Reduce Per Diem by 25 percent (25%) if the employee departs after 10:00 am but before 2:00 pm.
    iii. Allow full Per Diem if the employee departs prior to 10:00 am.
2. Per Diem calculation on travel day returning from the training location:
    i. Allow full Per Diem if the employee returns after 2:00 pm.
    ii. Allow 50 percent (50%) of the Per Diem if the employee returns between 10:00 am and 2:00 pm.
    iii. Allow 25 percent (25%) of the Per Diem if the employee returns prior to 10:00 am.

(f) "Training Time" can only be used for time off purposes.

(g) Officers attending the Basic Police Academy will be compensated for 40 hours per week until graduation from Peace Officer Standards and Training (POST).

1020.2.4 ON CALL TIME

For the purposes of this section, "on call time" will be defined as that time which an employee, because of a specific duty assignment or responsibility, is required to be placed on an "on call status" and there is an obligation on the part of the employee to respond when called.

(a) Department vehicles will be operated in accordance with Department policy.

(b) Section Commanders will oversee administration of the on call system to ensure fair and equitable participation within their sections.

(c) On call personnel will be compensated at the rate of five hours of straight compensatory time per 7 calendar days they are scheduled for on call status, regardless of whether or not they are called. Time must be submitted on the

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employee's time card. No employee will receive more than 5 hours of straight compensatory time per 7 calendar days they are on call.

(d) All time during which an on call employee has been called to duty shall be considered hours worked for purposes of calculating overtime.

(e) Assignments or responsibilities that qualify for on call status shall be approved by the Police Chief. A list of approved requests for on call status shall be maintained by the Budget Manager.

(f) "On Call Time" can only be used for time off purposes.

1020.2.5 K-9 OFFICERS

Officers assigned to the K-9 Unit will work a nine-hour shift. The tenth hour will be for dog care and/or training and will count as hours worked for calculation of overtime.

1020.2.6 POSTING OF OVERTIME

(a) Scheduled overtime will be posted with a specific description of overtime compensation as either:

1. Compensated by pay.
2. Compensated by choice of pay or compensatory time.

(b) Signing up for overtime constitutes an agreement that the terms of the overtime are acceptable to the employee.

1020.3 REQUEST FOR OVERTIME COMPENSATION

Employees shall record all overtime compensation requests on their time card through the City's pay management program. Employees will add a note supporting the overtime worked. Failure to record a request for overtime compensation in a timely manner, or without a note supporting overtime worked, may result in discipline.

1020.3.1 EMPLOYEE'S RESPONSIBILITY

Employees shall record the overtime worked within the pay period that the overtime is worked. Late submissions must be explained in the note attached to the record.

1020.3.2 SUPERVISOR'S RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked, and that a note was entered supporting the overtime, before approving the request.

1020.4 ACCOUNTING FOR OVERTIME WORKED

Employees shall record the actual time worked in an overtime status. In some cases, a minimum number of hours will be paid, (e.g., two hours for court).

1020.4.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as illustrated below:

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- 1 to 15 minutes worked - Indicate.25 hour on card.
- 16 to 30 minutes worked - Indicate.50 hour on card.
- 31 to 45 minutes worked - Indicate.75 hour on card.
- 46 to 60 minutes worked - Indicate 1.0 hour on card.

1020.4.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial, and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation in the record entered.

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Outside Employment

1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1021.1.1 WEST VALLEY CITY PERSONNEL OUTSIDE EMPLOYMENT POLICY

The City Manager must approve all non-city employment of regular City employees. Prior to accepting "outside" employment, regular employees complete the "Application for Part-time Outside Employment" form and submit the form to the Department Head for approval.

The Department Head will then forward the form to the City Manager for approval. Approval is contingent upon the following terms and conditions:

(a) The outside employment must not interfere with the employee's ability to meet the City's work schedule, including reasonable callback and standby assignments.

(b) The outside employment must not be directly connected with nor contingent upon a representation that the employee is in any way representing the City, either directly or indirectly, unless the City Manager has specifically approved the activity in writing.

(c) Once approved by the City Manager, the Human Resource Office files applications for outside employment in the employee's personnel file.

(d) The City reserves the right to withdraw its approval for outside employment when deemed to be in the best interests of the City.

(e) Employees who engage in outside employment without City approval may be subject to termination.

(f) City employees may not use City vehicle in connection with outside employment, unless authorized.

1021.2 OBTAINING APPROVAL

Outside Employment - Any employee of the Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Department for services, product(s) or benefits rendered. The definition of outside employment includes those employees who are self-employed and not affiliated directly with this Department for services, product(s) or benefits rendered.

No employee of the Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police or designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action. Any exception to obtaining written approval must be authorized by the Chief of Police or designee.

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Outside Employment

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration. Outside employment that has been released by the Chief's office, or is managed by the Department's third party outside employment group, does not require a permit.

Unless otherwise indicated in writing on the approved permit, a permit will be valid indefinitely.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

Outside employment must also comply with West Valley City policies.

Application for outside employment must include:

- Employer name
- Employer Address
- Type of Business
- Hours worked in and/or out of uniform

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

1021.2.2 REVOCATION / SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this Department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full-duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the employee's duties until the employee has returned to a full duty status.

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1021.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Interferes with an employee's efficiency performance.

(b) Conflicts with the interests of the Department or the State of Utah.

(c) Gives reason for criticism or suspicion of conflicting interests or duties.

Employment in any service or security position in the following establishments are prohibited:

(a) Where alcoholic beverages are dispensed and/or consumed and are the main focus of business.

(b) Any business where any activity is of an illegal or gambling based nature.

1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Due to the potential conflict of interest no member of this Department may engage in any outside or secondary employment as an employee of a private security firm or as a private investigator.

Any private organization, entity or individual seeking special services for security or traffic control from members of this Department must submit a request to the Chief of Police or designee in advance of the desired service. Such outside overtime will be assigned and monitored through the Department.

(a) The applicant may be required to enter into an indemnification agreement prior to approval.

(b) The applicant may further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside employment shall be subject to the following conditions:

1. The officer(s) may wear the Department uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of the Department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.
5. Officers are prohibited from working outside employment while simultaneously working for West Valley City. This is known as "double dipping".

1021.3.2 OUTSIDE EMPLOYMENT ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside employment assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside employment assignment.

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1021.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels.Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1021.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment that are placed on disability leave or temporary modified duty shall inform their immediate supervisor in writing within five days regarding whether they intend to continue to engage in such outside employment while on such leave or modified duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the West Valley City Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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On-Duty Injuries

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to Risk Management to ensure proper medical attention is received, and to document the circumstances of the incident.

It is the policy of the West Valley City Police Department to ensure an employee that is injured in the line of duty is given prompt and professional medical attention.

The City is also committed to ensuring that appropriate follow-up care is provided and that the employee is able to return to duty as soon as possible.

1022.1.1 CITY POLICY FOR WORK-RELATED INJURIES AND/OR ILLNESS

All work-related injuries and/or work-related illnesses will be reported and handled per West Valley City Personnel Policies and Procedures Manual, Part 11, found on the West Valley City website.

1022.1.2 TREATING AN INJURY

When injured, an employee shall immediately obtain necessary treatment from the City authorized care provider. If the condition is life or limb threatening, the employee should seek medical treatment from the nearest medical facility or call 911. Life threatening conditions may include unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. Limb threatening conditions may include broken bones, muscle and ligament damage, tendon rupture, or cartilage damage.

Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to the City authorized care provider for follow-up treatment.

It is the responsibility of the employee to advise the emergency Medical Provider that the City will not be financially responsible for any follow-up treatment by such an emergency Medical Provider or by providers referred by the emergency Medical Provider, unless the follow-up treatment or referral has been approved by the City authorized care provider and by Worker's Compensation Fund (WCF).

1022.2 IMMEDIATE REPORT OF ON-THE-JOB INJURIES

In the case of all injuries sustained by an employee in the course of duty *immediately report the injury to an on-duty supervisor and to Human Resources either by telephone or email and electronic notification using the City's reporting forms.* The report to Human Resource shall be made **no later than 24 hours** following the occurrence of the injury. A claim is not deemed reported unless the employee notifies their supervisor and Human Resources.

The employee is responsible for follow up with Worker's Compensation Fund (WCF) and to speak to a claims adjuster to ensure that the details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall ensure that the required reporting is completed.

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In all cases, the ultimate responsibility for properly reporting a work-related injury is that of the injured employee. Failure to properly and timely report an injury may result in the delay or denial of benefits, or in disciplinary action.

1022.2.1 ACCIDENT DEFINED

Accident - defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1022.2.2 EMPLOYEE'S RESPONSIBILITY

(a) Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on-duty shall report such injury, illness or accident as soon as practical to his/her supervisor and Human Resources.

(b) Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

(c) Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

(d) Any employee sustaining a work-related injury or illness that requires relief from duty is also required to periodically call in during absences as directed. Employees are to notify the Department of any change in condition or anticipated duration of the absence.

(e) When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for employees whose injuries prevent resumption of regular duties.

(f) An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1022.2.3 SUPERVISOR AND COMMAND RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall notify the Worker's Compensation specialist in Human Resources of the injury within 24 hours of the supervisor receiving notice of the injury.

All injuries will be noted, by email, in critical incident notifications. Included in the critical incident notification will be the date, time and circumstance of the injury and when it was reported to Human Resources AND the health care facility where the employee was treated.

1022.3 RETURN TO WORK

(a) Immediately following initial treatment for a work-related injury the employee shall return to work for regular full duty ("Full Duty") unless directed otherwise by the

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treating authorized Medical Provider. The employee shall obtain a written return to work release ("Work Release") from the Medical Provider and shall report to the Human Resources Office before returning to the employee's regular place of work. The employee's supervisor shall verify that the employee has reported to the Human Resource Office before allowing the employee to return to the work site.

(b) If an employee is directed by the authorized Medical Provider to not return immediately to full duty, the employee shall immediately provide the Human Resource Office with a physician's note that states:

1. The Medical Provider has directed the employee to not return to full duty.
2. The reasons for such direction and the prognosis of the injury.
3. The expected date and time the employee will be released by the Medical Provider to Transitional Duty and ultimately Full Duty.
4. The work restrictions the Medical Provider has placed on the employee.

1022.3.1 TRANSITIONAL DUTY

(a) West Valley City Has an aggressive Return to Work Policy.

(b) Transitional Duty is voluntary on the part of the employee and where practicable will be made available to all injured employees who, based on the authorized Medical Provider's opinion, are unable to return to Full Duty immediately following an injury. An injured employee shall be required to return to Transitional Duty immediately upon release to do so by the Medical Provider.

(c) The Following are the Responsibility of the Injured Employee:

1. Notify all Medical Providers or specialists who provide treatment for the work-related injury that Transitional Duty for the employee is available and that Transitional Duty is mandatory.
2. Provide a complete and accurate description of the employee's job description and regular work tasks to the Medical Provider or specialist to enable such provider or specialist to determine whether the employee will return to Full Duty or to Transitional Duty.
3. Assure that if return to Full Duty immediately following the work-related injury is not approved by the Medical Provider, that written work restrictions ("Work Restrictions") are prepared by the Medical Provider in consultation with the employee and the City, and that such restrictions are provided to the Human Resources Office and to WCF at such time as the employee reports to the Human Resources Office for work.
4. Upon release to work by the Medical Provider for either Transitional Duty or for Full Duty, the employee shall immediately report to the Human Resource Office with a Work Release and any Written Restrictions from the Medical Provider. **The employee shall not return to the work site prior to reporting to the Human Resource Office.** The employee's supervisor shall verify that the employee has reported to the Human Resource Office and notified WCF. Supervisor shall confirm any work restrictions placed on the employee with

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the Human Resource Office and shall review any work restrictions with the employee before allowing the employee to return to the work site.

1022.3.2 TRANSITIONAL DUTY ASSIGNMENTS

The Human Resources Office and the Department shall determine the Transitional Duty in which the employee shall be required to participate until the employee is released to Full Duty, in writing. by the authorized Medical Provider.

1022.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed.

1022.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1022.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries, are not affected.

1022.5 WORKERS' COMPENSATION WAGE REPLACEMENT ("INDEMNITY BENEFITS")

If an industrial injury or illness causes total temporary disability (i.e., the employee cannot perform any work tasks for the City) as verified by the authorized Medical Provider, the employee receives weekly wage replacement ("Indemnity Benefits") equal to 66.66% of the employee's weekly wages at the time of the injury, up to a maximum of the state weekly average, adjusted for eligible dependents. Holidays occurring during total temporary disability are taken in lieu of Indemnity Benefits. The Indemnity Benefit continues until the employee is released by the Medical Care Provider to Transitional, Full Duty or when the employee has reached Maximum Medical Improvement.

1022.5.1 WAITING PERIOD

(a) An injured employee does not receive Indemnity Benefits for the first three days after the injury occurs, unless the period of total temporary disability lasts more than 14 days.

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(b) Employees must supplement Indemnity Benefits on a taxable basis, up to 100% of employee's regular wages. No employee may receive more than the equivalent of 100% of his or her regular wages, adjusted for taxes and deductions. Supplemental compensation may be generated by using any available leave.

(c) Employees who return to work in a full-time modified duty capacity receive 100% of their wages and benefits.

1022.6 FAILURE TO FOLLOW APPLICABLE LAW, POLICIES AND PROCEDURES

Failure by an employee to follow procedures for reporting and processing workers' compensation claims as required by state law and the Utah Labor Commission may result in the denial of a claim and/or in the loss of benefits by the employee. **Failure by an employee to follow program reporting policies, Transitional duty requirements, or any other law, policy or procedure related to the program shall result in employee disciplinary action up to and including termination of employment.** Employees are strongly encouraged to contact the Human Resources Office if questions should arise regarding the reporting, treatment, or processing of workers' compensation claims.

1022.7 SPORTS PLAY WHILE ON DUTY

(a) Certain sports play while on duty is prohibited due to a high number of injuries, which result from such activity.

(b) Activities specifically prohibited include:

1. Basketball
2. Football
3. One on one physical sporting activities.
4. Other team sport activities.

(c) Activities that are permitted include:

1. Volleyball
2. Racquetball
3. Walleyball
4. Aerobic Exercise
5. Weight Training
6. Individual exercise performed on stationary equipment.

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Occupational Disease and Work-Related Injury and Death Reporting

1023.1 POLICY

The West Valley City Police Department will address occupational diseases and work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Utah Code 34A-2-407; UAC R612-200-1).

1023.2 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Human Resources to ensure proper medical attention is received, and to document the circumstances of the incident.

It is the policy of the West Valley City Police Department to ensure an employee who is injured in the line of duty is given prompt and professional medical attention.

The City is also committed to ensuring that appropriate follow-up care is provided and that the employee is able to return to duty as soon as possible.

1023.2.1 CITY POLICY FOR WORK-RELATED INJURIES AND/OR ILLNESS

All work-related injuries and/or work-related illnesses will be reported and handled per West Valley City Personnel Policies and Procedures Manual, Part 11, found on the West Valley City Intranet website.

1023.2.2 TREATING AN INJURY

When injured, an employee shall immediately obtain necessary treatment from the City-authorized care provider. If the condition is life threatening, the employee should seek medical treatment from the nearest medical facility or call 911. Life-threatening conditions may include unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning.

Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to the City-authorized care provider for follow-up treatment.

It is the responsibility of the employee to advise the emergency medical provider that the City will not be financially responsible for any follow-up treatment by such an emergency medical provider or by providers referred by the emergency medical provider, unless the follow-up treatment or referral has been approved by the City-authorized care provider and by the City's workers' compensation insurance, WCF.

1023.3 IMMEDIATE REPORT OF ON THE JOB INJURIES

In the case of all injuries sustained by an employee in the course of duty, immediately report the injury to an on-duty supervisor and to Human Resources, either by telephone or email and electronic notification using the City's Intranet reporting forms. The report to Human Resource

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shall be made **no later than 24 hours** following the occurrence of the injury. A claim is not deemed reported unless the employee notifies their supervisor and Human Resources.

The employee is responsible to follow up with WCF Insurance and speak to a claims adjuster to assure that the details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall assure that the required reporting is completed.

In all cases, the ultimate responsibility for properly reporting a work-related injury is that of the injured employee. Failure to properly report an injury in a timely manner may result in the delay or denial of benefits, or in disciplinary action.

1023.3.1 ACCIDENT DEFINED

Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1023.3.2 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor and Human Resources.

Any employee observing, or learning of, a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to periodically call in during absences as directed. Employees are to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee, or employee who has suffered a work-related illness, shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury, and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1023.3.3 SUPERVISOR AND COMMAND RESPONSIBILITIES

A supervisor learning of any work-related injury, illness or accident shall notify the Workers' Compensation specialist in Human Resources of the injury within 24 hours of the supervisor receiving notice of the injury.

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All injuries will be noted on the daily State of the Watch report and critical incident notifications. Included in the critical incident notification will be the date, time and circumstance of the injury and when it was reported to Human Resources AND the health care facility where the employee was treated.

1023.4 RETURN TO WORK

(a) Immediately following initial treatment for a work-related injury the employee shall return to work for regular full duty ("Full Duty") unless directed otherwise by the treating authorized medical provider. The employee shall obtain a written return to work release ("Work Release") from the medical provider and shall report to the Human Resource Office before returning to the employee's regular place of work. The employee's supervisor shall verify that the employee has reported to the Human Resource Office before allowing the employee to return to the work site.

(b) If an employee is directed by the authorized medical provider not to return immediately to full duty, the employee shall immediately provide the Human Resource Office with a physician's note that states:

1. The medical provider has directed the employee not to return to full duty.
2. The reasons for such direction and the prognosis of the injury.
3. The expected date and time the employee will be released by the medical provider to Transitional Duty and ultimately Full Duty.
4. The work restrictions the medical provider has placed on the employee.

1023.4.1 MANDATORY TRANSITIONAL DUTY

(a) West Valley City Has an aggressive return to work policy.

(b) Transitional or modified duty is mandatory on the part of the employee and where practicable will be made available to all injured employees who, based on the authorized medical provider's opinion, are unable to return to Full Duty immediately following an injury. An injured employee shall be required to return to Transitional Duty immediately upon release to do so by the medical provider.

(c) The Following are the responsibility of the injured employee:

1. Notify all medical providers or specialists who provide treatment for the work-related injury that Transitional Duty for the employee is available and that Transitional Duty is mandatory.
2. Provide a complete and accurate description of the employee's job description and regular work tasks to the medical provider or specialist to enable such provider or specialist to determine whether the employee will return to Full Duty or to Transitional Duty.
3. Assure that if return to Full Duty immediately following the work-related injury is not approved by the medical provider, that written work restrictions ("Work Restrictions") are prepared by the medical provider in consultation with the employee and the City, and that such restrictions are provided to the Human

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Resource Office and to WCF at such time as the employee reports to the Human Resource Office for work.

4. Upon release to work by the medical provider for either Transitional Duty or for Full Duty, the employee shall immediately report to the Human Resource Office with a work release and any written restrictions from the medical provider. **The employee shall not return to the work site prior to reporting in person to the Human Resource Office.** The employee's supervisor shall verify that the employee has reported to the Human Resource Office and notified WCF. The employee's supervisor shall confirm any Work Restrictions placed on the employee with the Human Resource Office, and shall review any Work Restrictions with the employee before allowing the employee to return to the work site.

1023.4.2 TRANSITIONAL DUTY ASSIGNMENTS

The Human Resource Office and the Department shall determine the Transitional Duty in which the employee shall be required to participate until the employee is released to Full Duty in writing by the authorized medical provider.

1023.5 SETTLEMENT OF INJURY CLAIMS

Occasionally an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed.

1023.5.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1023.5.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

1023.6 WORKERS' COMPENSATION WAGE REPLACEMENT ("INDEMNITY BENEFITS")

If an industrial injury or illness causes total temporary disability (i.e., the employee cannot perform any work tasks for the City) as verified by the authorized medical provider, the employee will receive weekly wage replacement ("Indemnity Benefits") equal to 66 2/3% of the employee's

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weekly wages at the time of the injury, up to a maximum of the State weekly average, adjusted for eligible dependents. Holidays occurring during total temporary disability are taken in lieu of Indemnity Benefits. The Indemnity Benefit continues until the employee is released by the medical care provider to Transitional or Full Duty, or when the employee has reached maximum medical improvement.

1023.6.1 WAITING PERIOD

(a) An injured employee does not receive Indemnity Benefits for the first three days after the injury occurs, unless the period of total temporary disability lasts more than 14 days.

(b) Employees must supplement Indemnity Benefits on a taxable basis, up to 100% of employee's regular wages. No employee may receive more than the equivalent of 100% of his or her regular wages, adjusted for taxes and deductions. Supplemental compensation may be generated by using any available leave.

(c) Employees who return to work in a full-time modified duty capacity receive 100% of their wages and benefits.

1023.7 FAILURE TO FOLLOW APPLICABLE LAW, POLICIES AND PROCEDURES

Failure by an employee to follow procedures for reporting and processing workers' compensation claims as required by State law and the Utah Labor Commission may result in the denial of a claim and/or in the loss of benefits by the employee. **Failure by an employee to follow program reporting policies, Transitional Duty requirements, or any other law, policy or procedure related to the program shall result in employee disciplinary action up to and including termination of employment.** Employees are strongly encouraged to contact the Human Resource Office if questions should arise regarding the reporting, treatment, or processing of workers' compensation claims.

1023.8 SPORTS PLAY WHILE ON DUTY

(a) Employees are prohibited from engaging in certain sports activities while on duty due to the high number of injuries that result from such activity.

(b) Activities specifically prohibited include:

1. Basketball.
2. Football.
3. One on one physical sporting activities.
4. Other team sport activities.

(c) Activities that are permitted include:

1. Volleyball.
2. Racquetball.
3. Walleyball.

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4. Aerobic Exercise.
5. Weight Training.
6. Individual exercise performed on stationary equipment.

1023.9 BENEFIT PROTECTION CONTRACT

The West Valley City Police Department will provide a benefit protection contract for any public safety service employee who suffers a qualifying injury or illness as defined and required in State law (Utah Code 49-14-602).

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Personal Appearance Standards

1024.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, it is the policy of the Department that employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

1024.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except for those whose current assignment make the standards inappropriate, and where the Chief of Police has granted exception.

Members shall present a clean and neat appearance at all times when representing the Department. Uniforms should be in good repair, conform to standards, and be pressed and clean at all times. Clean personal hygiene should be paramount to members when representing the Department.

1024.2.1 HAIR

Members shall have well groomed, neat and clean hair, styled in a manner that represents a professional image. Many styles are acceptable in the Department and the acceptability of the style will be judged by the criteria described below:

(a) Hair will not be extreme in appearance or color.

(b) Bulk or length of hair will not interfere with the wearing of all standard headgear.

(c) Wigs and hairpieces will conform to the standard haircut criteria.

Male Officer in Uniform:

(a) Hair will not fall over the top of the ears and will not extend over the eyebrows.

(b) Hair must be above the collar line.

Female Officer in Uniform:

(a) Length may be long or short

(b) Hair must be styled in such a manner that it does not hang in front of the face or hinder vision.

1024.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn.

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

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1024.2.3 SIDEBURNS

Sideburns shall not extend downward below the top of the earlobe and will be neatly trimmed. The base will be cleanly shaven and tapered and no more than 1" in width.

1024.2.4 FACIAL HAIR

Traditional full beards may be worn if they are well groomed and neatly trimmed at all times in order to prevent a ragged appearance. Full beards and goatees are authorized; however, patchy, spotty clumps of facial hair are not considered beards and as such are not permitted.

Full beards are defined as facial hair that follows the natural arch of the mouth, extending just below the cheekbones, down under the chin and jawbone, with the neck remaining clean shaven. Other variations or partial beards are prohibited unless authorized by the Chief of Police or designee.

Officers may work during a "grow-in" period; however, officers are prohibited from repeatedly starting and stopping the "grow-in" period in an effort to maintain an unshaven look.

Facial hair may be no longer than 3/8 of an inch. Designs shaved or trimmed into facial hair are not permitted. Soul patches and non-natural dyes are not allowed.

Officers who are assigned an air-purifying respirator (APR) may not wear facial hair that interferes with a proper seal.

See attachment: Photos - Facial Hair Approved and Not Approved Examples.pdf

1024.2.5 FINGERNAILS

Fingernails will not extend beyond the tip of the finger, as they can pose a safety hazard to officers or others.

Fingernails will be well manicured and only clear or light nail polish will be permitted in uniform.

Non-sworn uniformed employees will be well manicured and may wear conservatively-colored nail polish.

1024.2.6 JEWELRY AND ACCESSORIES

Safety should always be a consideration when wearing any jewelry in uniform. Jewelry should not impede the officer's ability to perform duty functions in a safe manner for both the officer and others.

Visible jewelry, including earrings or other ornaments, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or designee.

(a) Wrist watch.

(b) Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.

(c) Medical alert bracelet.

(d) Earrings - A female officer may wear two pairs of earrings in the ear lobe, provided they shall be the post type for pierced ears and shall have a visible portion no greater

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than 3/16 inch in diameter. A male officer or male uniformed employee shall not wear earrings.

1024.3 TATTOOS, BODY ART, BRANDS, OR DECALS

(a) Tattoos, body art, brands, or decals located on the head, face, neck (above the collarbone), or scalp are not approved and cannot be visible while on-duty or representing the Department in any official capacity.

(b) Hand and cosmetic tattoos, body art, brands, or decals:

1. Hand tattoos/brands/markings shall remain conservative and should not cover the whole hand.
2. Tattooing for medical purposes is authorized when directed by licensed, qualified medical personnel to correct a medical condition, illness, or injury for both men and women.
3. When not medically directed, cosmetic tattooing is permitted if done to apply permanent facial makeup (i.e., eyebrows, eyeliner); the cosmetic tattooing must have a natural appearance and be conservative, moderate, within reasonable limits, not excessive or extreme, not distinctly contrast with the employee's complexion, and be in good taste.

(c) Tattoos shall be covered by a long-sleeve uniform or an armband during the following responsibilities:

1. Any court proceedings.
2. Any formal public safety event (dinner, banquet, etc.).
3. Funerals or memorial services.
4. Or as otherwise directed by the Chief of Police.

(d) Under no circumstance may an employee manipulate, modify, or wear a uniform in a manner that draws attention to a tattoo.

(e) Restricted Tattoos, Brands, or Scarification, regardless of location on the body, if there is any correlation to the employee's employment with West Valley City:

1. Tattoos, brands, or scarification that depict or refer to intolerance or discrimination based on race, color, sexual orientation, creed, religion, gender, or national origin.
2. Tattoos, brands, or scarification that depict or refer to extremist or supremacist philosophies, or any organization or group that advocates such intolerance or discrimination.
3. Tattoos, brands, or scarification that depict violence, sexual acts, or lewd images or content.
4. Tattoos, brands, or scarification that depict "score keeping" related to police activity.
5. Tattoos, brands, or scarification of the above nature, or any content that does not conform to the Department's values, or which undermines public trust and/or

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the trust of co-workers. Such tattoos, brands, or scarifications negatively affect the reputation of the employee and bring the Department into disrepute.

(f) The Police Department reserves the right to determine the appropriateness of visible tattoos and to require that they be covered if deemed necessary.

1024.4 BODY PIERCING OR ALTERATION

Visible body piercing or alteration to any area of the body in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

1024.5 EXCEPTIONS

(a) Officers of the Department on special assignment, where their attire and hairstyle must be conducive to the nature of the assignment and clientele dealt with, are exempt from this policy for the duration of the assignment. For the purpose of this directive, the Police Chief will determine what constitutes a special assignment within the meaning and intent of this exception.

(b) The Police Academy Rules and Regulations regarding personal appearance govern police recruits.

(c) Exceptions to this policy may be made on a case by case basis to prevent discrimination based on religion, national origin, gender-related identity, or other legal basis.

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Authorized Attire - Uniforms and Equipment

1025.1 PURPOSE AND SCOPE

The uniform policy of the West Valley City Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated sections of the West Valley City Police Department Policy Manual:

- Court Attire and Subpoenas
- Department-Owned and Personal Property
- Body Armor
- Grooming Standards

1025.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear uniforms in order to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose which is to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

(a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of the Department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) All peace officers of the Department shall possess and maintain at all times a Class A dress uniform as specified in the section regarding Class A uniforms, below.

(d) All officers and employees, unless specifically exempted by the Police Chief, shall wear the prescribed uniform when on duty.

(e) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications.

(f) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(g) The uniform may be worn off duty only with the permission of the Chief of Police. If the uniform is worn off duty, the wearer will not engage in any activity which will reflect in a negative or discreditable way upon the uniforms, nor will the wearer be present in such places where the atmosphere may bring discredit upon the police service which the uniform symbolizes.

(h) Subject to certain regulations, the uniform may be worn while engaged in approved outside employment. Applications to perform outside employment in uniform (or in plain clothes) will be reviewed each year and must be properly approved.

(i) Employees are forbidden to purchase or drink alcoholic beverages while wearing any part of the Department uniform including the uniform pants.

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(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or designee. Jewelry should not impede the officer's ability to perform duty functions in a safe manner for both the officer and others. Permitted jewelry:

1. Wristwatch.
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.
4. Earrings. A female officer or female uniformed employee may wear one pair of earrings in the ear lobes, provided they shall be the post type for pierced ears and shall have a visible portion no greater than 3/16 inch in diameter. A male officer or male uniformed employee shall not wear earrings.

1025.2.1 DEPARTMENT-ISSUED IDENTIFICATION

(a) The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(b) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practical.

(c) Officers may be excused from the possession and display requirements when directed by their Section Commander.

1025.2.2 OWNERSHIP AND TRANSFER OF UNIFORM

(a) All patches, insignia, badges, etc. bearing Department or City identification are owned by the Department and/or City, NOT by the employee. Prior to destruction, transfer of ownership, sale, donation, or trade of any uniform bearing such identification, the employee shall ensure that all identifiable markings owned by the Department and/or City are removed and turned back in to the Department, or destroyed by means that ensure they cannot be used again.

(b) The uniform and its component parts are available from approved commercial sources.

(c) That part of the uniform personally owned by the officer or employee, if stripped of all identifying marks, insignia, etc., may be sold, given or transferred to another person.

(d) That part of the uniform personally owned by the officer or employee, if stripped of all identifying marks, insignia, etc., and not giving the appearance of a police uniform which might cause public confusion as to lawful police authority, may be worn by a separated or retired officer or employee, or by any person to whom said uniform has been sold or given.

(e) The right of an officer or employee to dispose of his/her personally-owned uniform applies to the uniform considered as clothing only. Nothing in these regulations shall

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absolve a person from the charge of impersonating an officer if the person wears the uniform in a way that tends to cause public confusion as to lawful police authority.

1025.2.3 UNIFORM ALLOWANCE
Officers and uniformed staff will receive a uniform allowance for the purchase of uniforms and equipment necessary for the performance of duty.

1025.3 SWORN AND NON-SWORN UNIFORM STANDARDS

Uniform specifications and standards are subject to revision by the Chief of Police. A notice of specifications will be distributed to the Department's commercial suppliers periodically that lists specific details of Department-approved items of clothing and accessories that may be worn as part of uniforms. Any variation or deviance from uniform standard policy must be approved by the Chief of Police.

1025.3.1 CLASS A UNIFORM
All sworn uniformed officers shall have a serviceable Class A uniform available at all times.

Class A Uniform Standards:

As listed in the policies for Class A and Class B Uniforms:

(a) Long-sleeve shirt.

(b) Dress hat.

(c) Black tie with plain silver tie bar.

(d) Leather or synthetic leather basket weave belt and duty gear.

(e) Footwear approved for duty use, highly polished.

(f) Patches, Badge, Name Tag, Button Covers, Insignias, and Service Stars.

(g) Commendation Bars and Medals:

1. All commendation bars will be of enamel construction and 1 3/8" by 3/8" in size.The surrounding color tone will be silver.
2. Commendation bars will be worn over the right pocket flap with no more than three bars per row and centered. Subsequent bars will be worn over the first row in the same fashion.
3. Multiples of the same commendation bar will be indicated by decorative bronze stars on that respective bar and should not exceed three stars.
4. Commendation bars will be centered 1/8" above the name tag.
5. Service stars should be worn centered 1/8" above the name tag.
6. Name tag should be on top of the right pocket flap and 1/8" below commendation bars, if commendation bars are worn. If commendations bars are not worn, then the name tag should be worn 1/8" above the right pocket flap.
7. Commendation bars and medals may only be worn on the Class A uniform.

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8. All previously awarded honor ribbons may be worn on the uniform. However, honor ribbons and enameled commendation bars may not be worn on the uniform at the same time.
9. The Medal of Valor is to be worn around the neck and draped over the front of the tie. No other medals will be worn around the neck.
10. All other medals, such as the Medal of Honor, Police Star, and any other medal designated by the Chief of Police, will be worn on the right pocket flap and underneath the name tag.
11. Any previously awarded medals may be worn in the fashion in which they were received.

1025.3.2 CLASS B UNIFORM

All sworn officers, regardless of assignment, will keep and maintain in good condition, the standard uniform as specified below.

Class B Uniform Standards:

(a) Shirt: Department-approved long- or short-sleeved uniform shirt in LAPD/Navy blue with flat or pleated pockets and button covers.

(b) Body Armor:
1. Department-approved body armor only.
2. Mandatory for sworn officers in uniform.

(c) Under Shirt.
1. Short:
   - White, dark blue, or black T-shirt type with round neckline.
   - Long-sleeve compression shirts are approved for wear with short-sleeve uniform shirts.
2. Long:
   - White, dark blue, or black with round or mock turtleneck neckline.
   - Not to hang below sleeve of a long-sleeve uniform shirt.

(d) Pant: Department-approved uniform pants in LAPD/Dark Navy blue. Exterior cargo pockets are NOT authorized for the basic uniform pant.

(e) Belt: black basket weave or nylon duty belt as specified in the section of this policy regarding Duty Belt and Equipment.

(f) Footwear:
1. Black in color, police style shoe or boot.
2. The following styles will be authorized:
   - Black smooth leather oxford.

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- Black lace boot.
- Black mid-height boot.
- Other police-style footwear sold by a police uniform vendor.
- Athletic shoes will not be authorized.

(g) Socks: black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.

(h) Safety Vest: To be worn during traffic control and other incidents where high visibility is necessary for officer safety.

(i) Utility Coveralls (Optional):

- Navy blue colored fine line twill coveralls.
- 65% polyester and 35% cotton.
- Two front breast pockets, butted zipper.
- Waistband is to be partially shirred.
- Two back patch pockets.
- Cloth badge to be affixed to the left side breast.
- "West Valley Police" on back.
- Long or short sleeve.

(j) Raincoat (Optional):

- High visibility color with snap or zipper front closure.
- Slash pockets with grommets for badge.
- "Police" identification in bold letters on raincoat, if possible.
- Slash in weapon side for access to weapon.

(k) Winter Coat:

- Navy blue police-style coat/jacket from an approved public safety uniform supplier.
- Affixed Department-issued cloth badge.
- Affixed Department-issued patches required.

1025.3.3 CLASS C UNIFORM

Class C Uniform Standards:

(a) Shirt:

1. Ripstop material, long- or short-sleeved uniform shirt in LAPD/Dark Navy Blue with epaulets.
2. Officer First Class, FTO, or Sergeant stripes shall be affixed as outlined in the Class B uniform guidelines.

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3. Lieutenant, Deputy Chief, and Chief of Police rank insignia shall be embroidered upon the collar or affixed by ran patch on the collar (3/4" size, silver or gray in color, over a dark navy background patch when used) as outlined in the Class B uniform guidelines.

(b) OPTIONAL: Department-approved ripstop material, long- or short-sleeved, under-vest performance base shirt (no epaulets) in LAPD/Dark Navy Blue, worn with approved Class C external armor carrier.

1. The base shirt may not be worn without the Class C armor carrier outside of secure facilities.

2. The base shirt must have shoulder patches and a badge patch affixed. Rank, first initial and last name embroidered on the right chest, no taller than 5/8" and silver or gray in color.

(c) Body Armor:

1. Department-approved body armor only.

2. Mandatory for sworn officers in Class C uniform while outside secure facilities unless otherwise authorized by the Chief of Police.

3. The Class C uniform may be worn with concealable body armor in Dark Navy and Department-approved Class C external carrier.

4. High quality, professionally-produced pouches in black nylon or kydex may be added to the Class C external carrier. Pouches must be securely affixed on the carrier. The pouches must retain their shape and finish while under load. Authorized pouches include: single or double magazine pouch, Conducted Energy Device, CED (Taser) holster with molle mount, handcuff pouch, ASP baton pouch, radio pouch, OC pouch, tourniquet pouch, small utility pouch and/or BWC pouch/molle mount. Items in pouches must be securely retained. The carrier will present a professional, streamlined appearance and shall not be overloaded with pouches. Officers shall maintain the Class C external carrier in clean condition and good repair. Class C external carriers are subject to inspection by any supervisor.

5. The Class C external carrier shall be equipped with a Flex badge on the left chest, name tape on the right chest with the rank, first initial and last name (1" lettering in silver or gray over dark navy name tape). The rear panel may be equipped with a back patch marked "POLICE," with silver or gray lettering over a dark navy background. The front panel may be equipped with a single "POLICE" patch with silver or gray lettering over a dark navy background. No other patches are permitted on the Class C external carrier.

(d) Under Shirt.

1. Short:

- White, dark blue, or black T-shirt type with round neckline.
- Long-sleeve compression shirts are approved for wear with short-sleeve uniform shirts.

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2. Long:
    (a) White, dark blue, or black with round or mock turtleneck neckline.
    (b) Not to hang below sleeve of a long-sleeve uniform shirt.

(e) Pants: Department-approved navy blue tactical pant. Other pants only as approved by the Office of the Chief.

(f) Footwear:
1. Black in color.
2. The following styles will be authorized:
    (a) Black lace boot.
    (b) Black mid-height boot.
    (c) Department approvedpolice-style footwear sold by a police uniform vendor.

(g) Socks: black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under the uniform pant.

(h) Holster and Leg Shroud:
1. Officers deploying the Class C uniform may optionally place an authorized duty holster on a single strap leg shroud.
2. Officers deploying the Class C uniform may optionally place an authorized duty TASER holster on a single strap leg shroud on the support side thigh.
3. Leg shrouds will be securely affixed to the thigh(s) and will not move about unnecessarily.

1025.3.4 SPECIALIZED UNIT UNIFORMS

Parking Compliance Unit:

(a) Shirt:
1. Blauer 8133-65, Performance Colorblock Polo, high visibility upper royal blue lower black.
2. "Parking" must be on both sleeves centered, bottom edge, no taller than 5/8" and silver or gray in color.
3. Name: First initial and last name on right chest and "Parking Compliance" identification in reflective bold letters on back no taller than 3 ½" and silver or gray in color.

(b) Undershirt:
1. Short Sleeve.
    - White, dark blue, or black T-shirt type with round neckline.
    - Long-sleeve compression shirts are approved for wear with short-sleeve uniform shirts.

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2. Long Sleeve.
    - White, dark blue, or black with round or mock turtleneck neckline.
    - Not to hang below sleeve of a long-sleeve uniform shirt.

(c) Pant: Department-approved uniform pants, navy or black in color. Zip off pants are NOT authorized for the uniform pant.

(d) Footwear:

1. Plain black.
2. The following styles will be authorized:
    - Black smooth leather oxford.
    - Black lace boot.
    - Black mid-height boot.
    - Other police-style black footwear sold by a public safety uniform vendor.

(e) Socks: Black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.

(f) Safety Vest: To be worn during traffic control and other incidents where high visibility is necessary for officer safety.

Police Service Dog K-9 Unit:

(a) Navy blue BDU-style uniform pant.

Solo Motorcycle:

(a) Breeches cut to fit in the same style as the CHP pant stock #34337.

(b) Breeches may be made from any of the materials approved for regular uniform trousers.

(c) Motor officers are authorized to wear knit short-sleeve shirt during regular duty assignments.

(d) White ascot worn only by motorcycle officers when they ride motorcycles.

(e) Department and safety-approved Helmet.

(f) Authorized motor boot.

(g) Leather/Motor Jacket may be worn only by motorcycle officers. Custom leather black motorcycle jacket.

Bicycle:

The optional bicycle uniform is the same uniform as the Special Events Uniform with the following exceptions:

(a) Pants: Ripstop material uniform pant in LAPD/Dark Navy Blue.

(b) Shorts: Ripstop material uniform shorts in LAPD/Dark Navy Blue.

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(c) Shoes: If footwear with clipless pedals are to be utilized, shoes must still meet Department policy specifications.

(d) Socks: White or black socks will be worn while wearing the bike shorts with this uniform. The socks will not rise above the lower calf.

(e) Helmets:

1. Must be Snell and ANSI approved.
2. May be white or black. Contrasting white or black POLICE decal on the sides of the helmet.
3. Must be worn when operating the bicycle.

(f) Gloves:

1. Cycling gloves, black, full or half finger.
2. Must be worn when operating the bicycle.

(g) Eye Protection:

1. Be within Department policy specifications.
2. Must be worn when operating the bicycle.

(h) Belt Gear: The nylon belt and gear must be worn with the bike uniform.

(i) Body Armor: Officers will be required to wear Department-issued, or approved, body armor at all times while operating as a uniformed bicycle officer.

Training:

(a) Members of this Department will dress appropriately for all training.

1. Sworn members will wear the soft uniform, training uniform, or business casual clothing to training unless other instructions are given by the instructor (when the training is being conducted outside the Department), Training Unit, or the Chief of Police.
2. Non-sworn members will wear their assigned uniform or business casual clothing to training unless other instructions are given by the instructor (when the training is being conducted outside the Department), Training Unit, or the Chief of Police.

(b) The Training Uniform is designed to be worn by members of the Training Unit, officers instructing Department training, and is optional for officers attending Department training.

1. Shirt:
   - Department-approved navy blue shirt embroidered with the Training Unit logo and the name and rank of the instructor.
   - Officers assigned to the Training Unit as their primary assignment may also wear the same shirt in gray.
2. Pants:

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- Department-approved tan or khaki tactical pant.
- Officers assigned to the Training Unit as their primary assignment may also wear the same pant in green.

Soft Uniform:

(a) The soft uniform may be worn as authorized by the Office of the Chief and/or on search warrants, call outs, crime scenes, and special events where the wearing of the standard uniform or police jackets would not be practical.

(b) The authorized shirt must meet the following specifications:

1. Shirt: Department-approved dark navy shirt with long or short sleeves.
2. Rank, first initial (period) and last name embroidered on the right chest, no taller than 5/8" and silver or gray in color. Rank abbreviations: "OFC.", "DET.", "SGT.", "LT.", "D.C.", "CHIEF". NOTE: When text is too long for reasonable embroidery parameters, rank may be spelled out below the first initial/last name.
3. The Department-approved cloth badge will be sewn on the left chest.

(c) Pants: Department-approved tan or khaki tactical pant. Other pants only as approved by the Office of the Chief.

(d) Socks: Black or tan socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.

(e) Belt must be black or tan.

(f) Footwear must be plain black or tan and may be lace-up or mid-height boots or athletic shoes. (Belt and shoe color shall match)

Utility Uniform/Coveralls:

(a) The Department-approved navy blue utility uniform/coverall may only be worn as approved by a supervisor.

(b) The utility uniform/coverall is not to be worn as casual daily attire.

(c) The Department-approved shoulder patches will be sewn on both shoulders.

(d) The Department-approved cloth badge will be sewn on the left chest

Special Events Uniform:

(a) The Special Events Uniform may be worn by officers working special events outside of their primary assignments and is optional.

1. Shirt: Blauer 8133-52, Performance Colorblock Polo, high visibility upper with dark navy lower.
   - 3 ½" reflective "POLICE" on both sleeves, in large block lettering on the back of the polo.
   - Embroidered "POLICE," in large block lettering no taller than 5/8" in dark navy thread, centered at the bottom edge of both sleeves.

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- Last name embroidered on the right chest in large block lettering, no taller than 5/8" with dark navy thread.
- The Department-approved cloth badge with rank designation will be sewn on the left chest. No other rank designation will be worn on the shirt.

2. Pant: Department-approved navy blue tactical trouser with stretch.
3. Footwear: All black athletic style shoe or tactical style boots are approved.
4. Socks: Black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under uniform pant.
5. Duty Belt: Black leather basket weave or nylon duty belt, and as specified for the Class B Uniform.

Special Operations:

(a) Detectives in the Investigation Section are authorized to wear business casual attire that is professional and does not have holes or fraying.

(b) Detectives in the Special Investigation Section are authorized to wear plain clothes that do not have holes or fraying.

(c) Socks: black socks will be worn with footwear lower than mid-height and any footwear that allows the sock to be seen under the pant.

(d) Supervisors may deviate from this policy if it is relevant to a specific investigation.

1025.3.5 HATS AND CAPS

Dress Hat:

- Officers are required to own a dress hat.
- Optional for duty wear.
- May be mandatory for certain events requiring a Class A uniform.
- Hat badge to be Department-issue only.
- Navy blue officer's hat, round cap cover, summer frame with open can sides, or winter frame style. Hat visor to be polished with black trim strap.
- Sergeant's and Lieutenant's hat visor to be polished with silver trim strap.
- Command Staff will wear hat frame with silver embroidered visor and silver trim strap.

Utility Cap:

- Department-approved, black or dark navy blue, flex or fitted, baseball cap with or without Department-approved logo and placement. (See photo) Mesh "trucker" caps are not approved.
- Shall be worn facing forward in a traditional manner.
- May be worn with the Class C uniform, soft uniform, training uniform and special events uniform.

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- May be worn with the motorcycle uniform when not actually operating the motorcycle. When operating the motorcycle the approved helmet must be worn.



Cold weather Cap or Headband:

- Department-approved, black or dark navy blue, beanie-style hat or headband, with or without Department-approved logo and placement. (See photo)
- Hats and caps will be purchased from a police uniform vendor.

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1025.3.6 DUTY BELT AND EQUIPMENT
Duty Belt:

(a) Leather,Synthetic LeatherDuty Gear:
- Shall be black, basket weave, highly polished.
- Buckle and metal snaps shall be silver.
- Velcro and concealed snaps are approved.
- Keepers shall have snap or Velcro closure.
- Keepers will be the same.

(b) Optional Nylon Belt and Gear:
- Shall be black, police-style, nylon belt sold by a police uniform vendor.
- Velcro, black or concealed closures.
- Keepers shall be the same.

(c) Holster:
- Black.
- Basket weave if leather.
- Will cover the trigger, and the trigger guard.
- Will have acceptable weapon retention security advantages.

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- The holster shall be officer's preference and need not be of the same brand as the other duty gear. Holsters that require the use of the trigger finger to break retention are not approved for use.

(d) Handcuffs and Case:

- Department-approved handcuffs only.

(e) Radio and Case:

- Black.
- Snap or Velcro retention strap.
- Department-issued radio.

(f) OC Case:

- Black.
- Snap or Velcro retention cover.
- Department-issued OC only.

(g) Impact Weapon Holder:

- Approved ASP holder.
- Department-issued or approved ASP.

(h) Guns:

- Department-issued weapon.
- Department-approved weapon.

(i) Magazines:

- Three Department-issued magazines for Department-issued weapons. Three magazines for Department-approved weapons.

(j) Ammunition:

- Department-approvedduty ammunition only.

(k) Utility Tool/Knife:

- Optional utility tool and/or knife may be worn on belt.
- Must be in black case.
- Leather basket weave or purchased from a police supply store..

1025.4 REQUIRED EQUIPMENT

(a) All patrol personnel at the rank of sergeant and below will carry, at minimum, their service weapon with three magazines, radio, handcuffs, OC aerosol spray, conducted electrical weapon (CEW. "Taser") (if issued), and body-worn camera (BWC) while on duty. CEW devices must be carried on, and drawn from, the non-gun side. In addition, all patrol personnel at the rank of sergeant and below will have ready access to their collapsible baton and flashlight.

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(b) All personnel (sworn, civilian, or volunteer), will carry, if issued, the fluorescent green reflective traffic safety vest or the Hi-Viz raincoat (when authorized), while on duty or working secondary employment/special events. Affected personnel shall wear the fluorescent green reflective traffic safety vest available for use at all times in the following situations:

1. Directing traffic.
2. Investigating crashes.
3. Handling lane closures, obstructed roadways, and disasters.

(c) Sergeants are required to inspect this equipment regularly.

(d) Plainclothes sworn employees, including all police personnel of the rank of sergeant or below assigned to plainclothes duties, will carry their service weapon with magazines and handcuffs while on duty. The firearm must be secured in an approved holster.

1025.5 UNIFORM REGULATIONS FOR NON-SWORN PERSONNEL

(a) All non-sworn employees, unless specifically exempted by the Police Chief, shall wear the prescribed uniform when on duty.

(b) When the uniform is worn off duty, such as to and from work, the wearer will not engage in any activity which will reflect in a negative or discreditable way upon the uniform. The wearer will not be present in such places where the atmosphere may bring discredit upon the police service which the uniform symbolizes.

(c) Non-sworn employees in a Department-identifiable uniform will not act in any manner that causes the public or others to believe that they are a sworn officer. Non-sworn employees will correctly represent themselves as their assignment dictates.

1025.5.1 NON-SWORN ADMINISTRATIVE PERSONNEL

Uniforms for non-sworn Administrative personnel will consist of the following:

(a) Shirt:

1. Department-authorized light or dark gray button-down uniform shirt with long or short sleeves.
2. Department-authorized light or dark gray polo shirt, with long or short sleeves.
3. Shirts shall have the Department-issued patch on the left chest, and employee's first initial and last name embroidered with black or white thread on the right chest, in the same font and size as approved for sworn officers.
4. Supervisors shall have their job title (Director or Supervisor) embroidered with black or white thread below their name on the right chest, in the same manner as sworn supervisors.

(b) Pants:

1. Plain black dress pants or twill pants, without cargo pockets, suitable for wear as contemporary office attire.
2. Belts shall be plain black.

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(c) Skirt (Optional):

1. Plain black dress skirt, knee length. May only be worn with a button-down uniform shirt.

(d) Footwear:

1. Plain black shoes or boots may be worn with the black pants.
2. No backless or open-toe shoes may be worn.
3. Plain black heels or dress shoes may be worn with a skirt.
4. Socks or stockings will be plain black.

(e) Fleece Jacket or Vest (Optional):

1. Black or gray Department-approved items from an approved public safety uniform supplier.
2. Fleece jackets and vests shall have the Department-issued patch and name embroidery in the same locations as the uniform shirts.
3. Patches and embroidery may be attached with Velcro and removable.

(f) Jacket/Coat (Optional):

1. Plain black Department-approved light- or heavyweight police-style jacket/coat.
2. Shall have the Department-issued patch and name embroidery in the same locations as the uniform shirts.
3. Patches and embroidery may be attached with Velcro and removable.

(g) Cold-Weather Items:

1. Any additional items such as gloves and scarves shall be plain black.

1025.5.2 NON-SWORN INTELLIGENCE UNIT PERSONNEL

Uniforms for non-sworn personnel in the Intelligence and Information Unit (IIU) will consist of the same uniform options as for non-sworn Administrative personnel, with the following addition:

(a) Pants:

1. Non-sworn employees in the IIU may also wear black tactical pants.

1025.5.3 NON-SWORN RECORDS SECTION PERSONNEL

Uniforms for non-sworn personnel in the Records Section will consist of the same uniform options as for non-sworn Administrative personnel.

1025.5.4 NON-SWORN EVIDENCE UNIT PERSONNEL

Uniforms for non-sworn personnel in the Evidence Unit will consist of the same options as for non-sworn Administrative personnel, with the exception that skirts will not be allowed. The following additional options are allowed for Evidence Unit uniforms, consistent with working in the Property Room environment:

(a) Pants:

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1. Evidence Unit employees may also wear black tactical pants, or dark black (non-faded) jeans.

1025.5.5 NON-SWORN FORENSICS SECTION PERSONNEL

Uniforms for Forensics Section personnel will consist of the same uniform options as for non-sworn Administrative personnel with the exception that skirts will not be allowed. The following are additional uniform options for the Forensics Section:

(a) Pants:

1. Forensics Section employees may also wear black tactical pants.
2. Supervisors may authorize exceptions to the uniform policy for events such as laboratory cleaning and similar tasks that may arise.

(b) Shirts:

1. Shirts shall have the Department-issued patch on the left chest, and employee's first initial and last name embroidered with white thread on the right chest, in the same font and size as approved for sworn officers.

(c) The following protective attire will be worn while working within the Forensic Services laboratory processing area:

1. White laboratory coat.
2. Protective latex or neoprene gloves.
3. Safety eye wear when handling chemicals.

(d) Additional items for field work and responding to crime scenes:

1. Any additional clothing such as rain jackets, coats, hats and vests may exhibit the Forensics Section patch and embroidery as approved for other uniform items. Patches and embroidery may be attached with Velcro and removable.
2. The Forensics Section uniform may have a Department-authorized black and silver patch or "FORENSICS" embroidered on the back of uniform jackets, designed to be visible in the field.

1025.6 INSIGNIA AND PATCHES

(a) Badge:

1. To be worn on left side uniformed shirt and will be Department-issue only.

(b) Shirt Buttons:

1. Pewter/silver colored buttons.
2. Issued by the Department.
3. To be worn on the shirt pockets and epaulets.

(c) Shoulder Patch:

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1. To be worn centered on the side of the shoulder with top edge 1/4" below the shoulder seam of the shirt.
2. Department-issue and OWNED only.
3. Shoulder patch to be worn by sworn officers only.

(d) Name Plate:

1. To be worn on the right breast above the pocket flap of shirt, centered with bottom edge of name plate even with top seam.
2. Department-issue only.
3. Silver with brushed matte finish.
4. Last name with optional first initial.
5. Black lettering, 2 ½" by 5/8".

(e) Insignia:

1. The designated insignia indicating the employee's rank must be worn at all times while in uniform. Rank insignia on outerwear will be the larger size insignia and will be placed on the epaulet of the outerwear. The Chief of Police may authorize exceptions.
2. Collar insignia of rank and only insignia of rank.
3. Worn parallel to the front edge of the collar, centered between the point of the collar and the point at which the collar meets the neck, and with the closest part of insignia 5/8" from the front edge of the collar.
4. Rank collar insignia area to be of miniature size, as designated by the military.
5. Will be silver in color.

(f) Assignment/Collateral Duty Insignia:

1. Worn centered, 1/8" above honor ribbons, service stars, or name tag.
2. One only, approved and representing current assignment or collateral duty.

(g) Service Stars:

1. Five-year stars may be worn in a straight line, centered above the name plate.
2. Service stars will be silver, 7/16".

(h) Tie/Tie Bar:

1. Optional with long-sleeve shirt.
2. Mandatory with Class A.

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3. Black with ready-tie knot, constructed to open when pulled with moderate pressure.
4. Tie bar is mandatory with a tie and shall be plain, silver, worn parallel to bottom of shirt pocket flap.

1025.6.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of the Department: From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county: From the time of death until midnight on the day of the funeral.

(c) Funeral attendee: While attending the funeral of an out-of-region fallen officer.

(d) National Peace Officers Memorial Day (May 15): From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1025.7 COURT ATTIRE

Uniformed officers and other employees of this Department shall present a professional demeanor and appearance while attending court on behalf of the city, county, state or federal government.

(a) All officers and civilian employees will ensure that their attire and appearance professionally represent the Department and City at all times when involved in any criminal or civil court proceedings.

(b) Male employees appearing at any court proceeding on behalf of the city, county, state or federal government shall wear:

1. Slacks or dress pants.
2. Long-sleeve button dress shirt with a tie.
3. Dress suit.
4. Sports coat and tie or a v-neck sweater.
5. Socks: black socks will be worn with any footwear that allows the sock to be seen under the pant.

(c) Female employees appearing at any court proceeding on behalf of the city, county, state or federal government shall wear:

1. Dress, skirt, or slacks. The skirt shall be no shorter than the top of the knee.
2. Button-down shirt or blouse.
3. Blazer.
4. Classic heels no higher than three inches, loafers, or flats.

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(d) Uniformed employees appearing at any court proceeding on behalf of the city, county, state or federal government have the option to wear:

1. Department-approved uniform as specified in this policy governing authorized attire.
2. Department-approved tie and tie bar if in long-sleeve uniform shirt.
3. While wearing the summer uniform, no tie need be worn while in uniform.
4. Soft uniforms are allowed if it is the regular, assigned uniform.

This policy shall apply to all members of this Department regardless of current assignment.

1025.8 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, West Valley City Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the West Valley City Police Department to do any of the following:

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose any product, service, company, or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or on any Web site.

1025.9 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department-issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1025.10 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

(a) West Valley City Police Department employees may not wear any uniform item, accessory, or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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(b) West Valley City Police Department employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Nepotism and Conflicting Relationships

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of the Department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1026.1.1 DEFINITIONS

Definitions related to this policy include:

Appointee - An employee whose salary, wages, pay, or compensation is paid from public funds (Utah Code 52-3-1).

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department employee's annual interest, compensation, investment, or obligation is greater than $250.

Conflict of interest - Any actual, perceived, or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

Household member - A person who resides in the same residence as the public officer (Utah Code 52-3-1).

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion, or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

Public officer - An employee who holds a position that is compensated by public funds.

Relative - An employee's father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law (Utah Code 52-3-1).

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

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1026.1.2 WEST VALLEY CITY NEPOTISM POLICY

The City complies with state laws prohibiting nepotism, or the employment of relatives. Except as allowed by state law, the City prohibits City employees from employing, appointing, voting for the appointment of, directly supervising, or being directly supervised by the employee's relative. In addition to the provisions of state law, the City also prohibits the following:

(a) Relatives may not be employed within the same City department.

(b) Relatives of the Mayor, City Council Members, the City Manager, Assistant City Manager, or any Department Head, shall not be employed by the City.

(c) Employees who marry may not be employed within the same City department. The City will make an effort to transfer one of the employees. If a transfer does not occur, employment of one of the employees will be terminated.

(d) The prohibitions described in subsections (I) and (II) above shall take effect on September 12, 2005, and shall not apply to City employees hired prior to that date.

(e) Except as otherwise provided by law, temporary or part time employees who do not receive benefits may be employed in City departments where relatives are employed. Items a. and b. above apply to all employees including non-benefited, temporary or part-time employees.

1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply.

(a) West Valley City Policy-Personal Relationships in the Workplace-states: The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment. Personal relationships are defined to include intra office dating, cohabitation or any other relationship that could give rise to an actual or perceived conflict of interest or appearance of favoritism. It is recognized that certain personal relationships between supervisors and their subordinates could lead to actual or perceived conflicts of interest, favoritism or sexual harassment. A supervisor should not be involved in a personal relationship with a subordinate. Supervisors who have dated or are dating another employee should not supervise or evaluate that employee. If an employee is hired, promoted, transferred, or otherwise changed into a position that would violate this policy, the situation should be immediately reported to the Human Resource Office who will discuss the concerns with the employees involved. The City will evaluate each situation and determine what changes need to take place to comply with this policy. If no changes can be made an employee may be transferred or terminated.

    1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

    2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer

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or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(a) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(b) Whenever possible, FTOs and other trainers will not be assigned to train household members.. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(c) To avoid actual or perceived conflicts of interest, members of the Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(d) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives or registered sex offenders, or anyone who engages in serious violations of state or federal laws.

1026.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1026.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations, through the chain of command.

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Department Badges

1027.1 PURPOSE AND SCOPE

The West Valley City Police Department badge and uniform patch, as well as the likeness of these items and the name of the West Valley City Police Department, are property of the Department and their use shall be restricted as set forth in this policy.

1027.2 STANDARD

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this Department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1027.2.1 ADDITIONAL BADGES

Sworn officers, with the approval of the Chief of Police may purchase, at their own expense, a uniform badge, flat badge (capable of being carried in a wallet), or a detective badge. The use of these badges are subject to the same policies as the Department-issued uniform badge.

(a) Should an additional badge become lost, damaged or otherwise removed from the officer's control, the officer shall make the proper notifications as outlined in the Department-Owned and Personal Property policy.

(b) An honorably retired officer may keep their flat badge upon retirement.

1027.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may keep their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1027.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer or others authorized by the Chief of Police.

The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail, or Web sites and Web pages.

The use of the badge, uniform patch, and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan their Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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1027.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided they are used in a clear representation of the association and not the West Valley City Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police.

1027.5 PHOTO IDENTIFICATION

All West Valley City Police Department employees shall be issued a photo identification card at the time that their employment begins. The purpose of this photo identification card is to ensure that the public can identify that they are dealing with a law enforcement officer or employee of the Police Department. The card should be kept on one's person anytime they are on duty and readily accessible. Sworn officers shall have their Department photo identification on their person anytime they are armed and or carrying a concealed weapon.

In the event that a request is made to view the employee's issued West Valley City Police identification, the employee shall present the photo identification card. If only the name, rank or identification number is requested, then the employee shall politely provide the requested information. An exception to these requests will be made if such action is likely to jeopardize an investigation or put an officer at risk.

The identification card will contain the following information:

(a) Lettering that identifies the West Valley City Police Department.

(b) A digital representation of the Department badge.

(c) The employee's name and signature.

(d) The employee's identification number (IBM).

(e) The current position or rank of the employee.

(f) The signature of the Chief of Police.

(g) Security features to reduce the likelihood of fraudulent replication.

(h) For sworn officers, indication that the individual is authorized to carry a loaded and or concealed firearm.

1027.6 CIVILIAN PERSONNEL

Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the employee (e.g. Records Clerk, Evidence, Forensics).

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(a) Civilian personnel shall not display any Department badge on their uniforms.

(b) Civilian personnel shall not display any Department badge or represent themselves, on or off duty, in a manner which would cause a reasonable person to believe that they are a sworn peace officer.

1027.7 VOLUNTEERS, INTERNS AND CONTRACT WORKERS

Department identification cards will be issued to any volunteer, intern or contract employee and will be clearly marked to reflect the specific position that they are assigned to.

(a) Under no circumstances will any volunteer, intern or contract worker be issued or display any Department badge.

(b) Issued identification cards will be worn around the neck of any volunteer, intern or contract worker at all times while within any public safety facility or workplace and will adhere to the same standards of information that is contained on any other employee identification card.

(c) Identification cards are the property of the West Valley City Police Department and are required to be returned to the Office of the Chief upon completion of the assigned task or terms of agreement.

(d) All volunteers, interns, and contract workers will be required to be accompanied and supervised by a full-time employee of the Department or, under some circumstances, a full-time employee of the City while within any public safety facility or workplace.

1027.8 REQUEST FOR IDENTIFICATION

All employees shall politely give their name, rank or position, and identification number to a requestor, including requests made over the telephone, unless such an action is likely to jeopardize the successful completion of a legitimate Department-related assignment, or creates unnecessary risk to the employee.

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Temporary Modified-Duty Assignments

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness, injury, or condition, and are unable to perform their regular assigned duties. The Department may consider off-duty illness, injury, or condition for eligibility similar to duty-related illness or injury. Eligibility for modified duty assignment is subject to the approval of the Chief of Police or designee.

The Department shall not have long-term or permanent modified-duty assignments. Assignment to modified duty is limited to a period of 90 days, except in the case of pregnancy as stated in City policy, and is subject to review.

1028.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification.

1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Utah Antidiscrimination Act (Utah Code 34A-5-101 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the West Valley City Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1028.4 PROCEDURE

To request assignment to modified duty, employees shall provide to the Human Resource Department a signed report from a treating physician of their inability to perform the basic

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and essential job functions of his/her regular duties, and their ability to perform the basic and essential job functions associated with the duties of a modified-duty assignment. The document shall indicate the nature of the injury or illness, the employee's limitations/restrictions, and the expected duration. The physician must also indicate if the employee requires any workplace accommodations, mobility aids, or medical devices.

The Human Resource Department, in consultation with the Watch Commander or section lieutenant, will determine what modified-duty assignments may be available, considering the needs of the Department, limitations of the employee, suitability of an assignment, and may place the employee in a suitable and available modified-duty assignment.

Employees may also be directed to perform a modified-duty assignment by the Chief of Police or designee.

1028.4.1 ASSIGNMENT TO MODIFIED DUTY

At the direction of the section commander or other assigning supervisor, employees assigned to modified duty shall work the scheduled shift of the unit to which they are assigned, or the shift, hours, and duties specified in the modified assignment until they are re-assigned to another modified-duty assignment, cleared for full duty, or removed/excluded from assignment to modified duties. The section commander or other assigning supervisor has discretion to reassign modified duty schedules to suit Department needs.

The employee and supervisors should be informed in writing of the schedule, modified-duty assignment, supervisor, and limitations and/or restrictions as directed by the treating physician or the Department.

1028.4.2 ACCOUNTABILITY

Supervisors of the regular and modified-duty assignments for the employee shall coordinate efforts to ensure proper time accountability.

While on duty, employees on modified duty are responsible for coordinating required doctor visits and physical therapy in advance with their supervisor and must properly account for the time.

Employees shall immediately notify the Human Resource Department if there is a change in their condition which causes their physician to modify their duty assignment in any fashion, and shall submit a status report for each visit to the treating physician. A duty status report shall be provided by employees assigned to temporary modified duty to the Human Resource Department no less than every 30 days the employee is on modified duty.

Supervisors of employees on modified duty shall keep the section commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified duty assignments which extend beyond 60 days will require a written status report and request for extension to the section commander updating the history, current status, and anticipated date of return to regular duty. Extensions require approval by the Chief of Police. When it is determined that an employee is no longer restricted to performing a modified duty assignment, the supervisor of the modified-duty assignment shall notify the section commander, documenting and coordinating the change

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as necessary. All training and certification necessary for return to regular duty shall be reviewed and updated as necessary.

1028.4.3 MEDICAL EXAMINATIONS

The Department may request a medical examination by a physician retained by the Department prior to the employee's return to work and/or release to full duty. The Department may also request a medical examination by a physician retained by the Department to determine if it is appropriate for the employee to work a modified-duty assignment. Such medical examinations shall be at the expense of the Department.

Employees shall return to their regularly assigned duties when they have recovered from their illness, injury, or condition and the treating physician provides the Human Resource Department with a signed clearance for full duty indicating that the employee is capable of performing the basic and essential job functions of his/her assignment.

1028.5 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Utah Code 34A-5-106(1)(g)).

1028.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy shall notify her immediate supervisor of the pregnancy as soon as medical confirmation is obtained. The employee must inform the Human Resource Department of her intentions regarding reassignment, job accommodation, anticipated leave for the pregnancy and prenatal care. The employee shall also submit verification from her physician confirming any job restrictions to which she might be subject.

1028.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the verification of the pregnancy from the Human Resource Department and a request for job accommodation, reassignment, or leave by the employee, the supervisor shall notify the section commander who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed medically necessary by the treating physician.

If, at any point during the pregnancy, it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding Family and Medical Care Leave.

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1028.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1028.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Military Deployment and Reintegration

1029.1 PURPOSE

The City of West Valley will grant all employees administrative leave to fulfill military service obligations in accordance with applicable laws. This applies to any branch of military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The purpose of this procedure is to provide minimum guidelines for the Department when a member will be deployed for 90 days or longer.

1029.2 DEPLOYMENTS

Members seeking a military leave of absence will provide advanced notice of his/her intent to take military leave to their Watch Commander/Supervisor and the Public Safety Human Resources Senior Advisor, unless advanced notice is precluded by military necessity or is otherwise impossible or unreasonable, considering all relevant circumstances. Anticipated dates of mobilization will be required to facilitate scheduling, leave, authorization, and salary. Members may submit a copy of his/her orders.

Full-time employees who are members of the National Guard or any reserve branch of the United States Armed Forces, or who are serving in a training capacity or are deployed under official military orders are entitled to annual paid leave not to exceed 110 hours per calendar year.

An employee may not use military leave to make up for any designated holiday occurring during the leave. When actual military leave exceeds the allowed military leave hours, employees may draw on PTO or accrued holidays to remain on the City's payroll. The City Manager, with approval from the City Council, may allow additional benefits to be paid to employees who are called up to active duty in times of national emergency. If the employee has no accrued time and still desires to remain covered under the City's insurance programs, they must pay the entire cost.

The City may grant military leave for military pre-induction examinations. The department head and the Human Resources Office require verification of military leave for active military duty or military pre-induction examinations. The verification must be forwarded to the City Manager, the Human Resources Office, and Finance Department with the employee's time card.

Eligible employees will be paid the difference, if any, between their military pay, from all sources and their hourly rate of pay, (base pay), at West Valley City.

West Valley City will continue to pay contributions of up to 20% of base salary into the Utah Retirement Systems and to the employees 401-a account if applicable, and to the City's Long Term Disability Plan if applicable, while the employee is on active duty.

The employee will be eligible for military pay as outlined in this section of the Personnel Policy and Procedure Manual. Employees are eligible for 110 hours per calendar year of military pay. When military leave exceeds the eligible hours, employees may draw on accrued Personal Time Off leave and accrued holidays to remain on the City's payroll. Unless otherwise notified by the employee, all accrued leave will be paid out each two week period, (normal payroll periods), until

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it is depleted. Personal Time Off leave will continue to accrue as if the employee is actively at work; however, Personal Time Off leave hours will also be paid out as it is accumulated unless the employee notifies the City.

Health and Dental insurance will continue to be provided as long as the employee pays their portion of the expense. The Health and Dental plans in place will be responsible to determine what, if any, benefits are payable to the employee and their dependents serving in the military. West Valley City will have no input into disputed claims. If the employee chooses to cancel the City's medical and dental benefit plans while on active duty, he/she may do so; however, the employee must remain on the plan in order to continue to provide benefits for his/her dependents.

1029.3 DEPLOYMENT OF 90 DAYS OR LONGER

Military personnel deployed for a period of 90 days or longer will follow the Department's deployment and reintegration process to ensure:

- Contact is maintained between the employee and the Department before, during, and after deployment.
- The employee's equipment is secured and accounted for.
- The employee receives refresher training facilitating reintegration back to work.
- The employee and his/her family receive support when needed.

Pre-deployment

(a) The Public Safety Human Resources Senior Advisor will act as the agency point of contact for deployed members. He/she will also serve as the point of contact regarding employee benefits and salary continuation.

(b) Members will participate in an "exit interview" with the Public Safety Human Resources Senior Advisor prior to deployment to establish the following:

1. Contact information including, but not limited to:
    i. The employee's military e-mail and phone number, if available.
    ii. Family contact information, including any support the Department may be able to provide during the employee's deployment.
    iii. Unit name and identification.
    iv. Commanding Officer's name, telephone number, and e-mail address.
    v. Immediate military supervisor's name, telephone number, and email address.
    vi. Name of the military ombudsman (or equivalent) telephone number and e-mail address.
2. Arrange for the secure storage of registered weapons, ammunition, credentials, assigned vehicles, Department key cards/fobs, portable radios, and any other work-related equipment. Department-owned equipment will be securely stored through the Training Section.

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Deployment

(a) Deployed employees will maintain periodic communication with the Public Safety Human Resources Senior Advisor regarding status changes.

(b) A deployed employee may direct requests for assistance regarding personal or family needs to the West Valley City Peer Support supervisor or team member.

(c) The Training Section will maintain a record of any certifications, qualifications, and applicable Department training missed by employees during deployment.

(d) If internet access is available to employees during deployment, they will check their city e-mail whenever practical to receive personal correspondence from Department members, information regarding Department events, policy updates, and roll call trainings.

(e) The Department will make reasonable efforts to notify deployed employees of promotional opportunities and accommodate testing processes.

Reintegration

(a) Prior to returning to full duty, returning employees will meet with the Chief of Police and/or Watch Commanders/Supervisors for a reintegration interview. This interview may include, but is not limited to:

1. The completion of any necessary paperwork regarding salary or benefits with the Public Safety Human Resources Senior Advisor.
2. The return of any equipment stored by the Department during deployment.
3. The need for any medical examinations or psychological evaluations for the member.

(b) The Training Section will schedule required weapons qualifications/re-certifications.

(c) The T.A.C. Coordinator will arrange for any necessary NCIC re-certifications.

(d) The Accreditation Manager will verify returning employees have received all policy updates.

(e) Returning employees may be assigned to a refresher training program for their assigned area with a trainer, as determined by a section commander or his/her designee. If training is deemed necessary, the trainer will complete a memo to the section commander at the conclusion of the training, documenting what was accomplished and the member's progress.

1. Employees, or the trainer, may request a longer training period. Refresher training exceeding 40 hours will require a meeting with the employee, the trainer, and the employee's supervisor to determine the employee's needs and the next course of action.

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Speech, Expression, and Social Networking

1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the West Valley City Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1030.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the West Valley City Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1030.3 SAFETY

Members of the Department should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of West Valley City Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow Department member.

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- Otherwise disclosing where another officer can be located off-duty.

1030.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the West Valley City Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (Utah Code 67-16-4).

(g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the West Valley City Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the member (e.g., social or personal website).

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1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens, members may not represent the West Valley City Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police (Utah Code 20A-11-1206):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose any product, service, company, or other commercial entity.

(d) Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

(e) Use the email of West Valley City Police Department for any political purpose (Utah Code 20A-11-1205).

Additionally, when it can reasonably be construed that a member, acting in their individual capacity, is affiliated with this Department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the West Valley City Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1030.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

The Department may not require a member to disclose a username and/or password that allows access to the member's personal internet accounts (Utah Code 34-48-201).

1030.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

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(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1030.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

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Employee Wellness Initiative Public Safety Therapist / Counselor

1031.1 PURPOSE AND SCOPE

The West Valley City Police Department is committed to ensuring, whenever possible, the safety and well-being of all members. Department employees may experience events that will evoke intense emotional reactions (trauma), or cumulative trauma over time, and can threaten to overwhelm their usual psychological coping abilities. The Department recognizes that its members will experience the same stressors and mental health issues as the general population and, in addition, those stressors which are unique to the profession of policing and to police family life. The purpose of this policy is to provide guidance on how the Public Safety Therapist/Counselor will respond to stressors and traumatic events experienced by Department members in a timely and effective manner that enhances the affected employees' psychological well-being and their ongoing capability to carry out their duties with professionalism.

1031.2 POLICY STATEMENT

The Department supports and encourages employees' obtaining high quality, confidential, therapeutic assistance. In keeping with this commitment, the Department has established the Employee Wellness Initiative, staffed with a Public Safety Therapist/Counselor, teamed with trained Peer Support Team members who provide confidential counseling and consultation.

(a) Emotional problems may have a negative impact on performance, and, in extreme instances, may present a danger to the welfare and safety of individual officers and civilian personnel, their families, the public, coworkers and fellow officers.

(b) The Employee Wellness Initiative shall provide Department members with access to mental health services.

(c) The Employee Wellness Initiative is governed by a policy of confidentiality as allowed by law, which mandates that no information, including identifying factors, identifying biographical material, clinical notes, or therapy issues can be reported to, or requested by, the Department. Individual employees should expect, and shall be granted, complete privacy when seeking counseling assistance through the Employee Wellness Initiative in accordance with Utah State law.

1031.3 DEFINITIONS

Definitions related to this policy include:

Traumatic incident – A traumatic or critical incident is a mentally painful and highly stressful event that cannot be resolved through normal, stress-coping mechanisms. These events may cause disabling emotional and physical problems unless Department members are adequately treated. A traumatic incident is defined by an individual's unique, internal reaction to an event, not necessarily the external appearance or apparent magnitude of the event. It is not necessarily a life-threatening incident.

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Common incident – Common incidents that pose the increased potential for trauma include, but are not limited to:

- Shootings
- An actual or perceived threat to one's life or of grievous physical harm
- Suicide or suicide attempt by a colleague
- Serious injury inflicted on, or death of, a colleague
- Serious injury or death of someone outside the Department, especially a child, under particularly tragic or grotesque circumstances
- Cruelty to/abuse of a child
- Line of duty contact with friend/relative during a tragic/traumatic event
- Death of or injury to a person resulting from duty operations
- Perceived 'failure' during a tragic/traumatic event
- Large scale or prolonged disaster
- Events with high media exposure
- Any tragic/traumatic event that may have private/personal emotional significance to a member of the Department, particularly when the event is characterized by relative surprise; intense negative emotion; and perceived helplessness.

Traumatic Incident Team – A group of individuals with varying levels of mental health training who are responsible for responding to traumatic incidents and providing mental health triage and assistance. The Team includes the Peer Support Program Coordinator, Public Safety Therapist/ Counselor, police chaplains, Peer Support Team members and if necessary, an external mental health professional.

Peer Support Team – Members of the Department, sworn and non-sworn, who have received training in assisting in traumatic or critical incidents. Peer Support Team members are not a substitute for professional help.

1031.4 GENERAL

(a) The Employee Wellness Initiative is staffed by a licensed mental health professional(s).

(b) The Employee Wellness Initiative office can be contacted Monday through Thursday between the hours of 8:00 a.m. and 5:00 p.m. by phone at (801) 232-0276, text message, e-mail to miriah.ike@wvc-ut.gov or by visiting the office on the third floor of the Department, and on an as-needed basis outside of business hours. E-mail contact can be made 24 hours a day, 7 days a week, and will be responded to during the following work week. Emergency contact can be made for call outs or specific incidents.

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(c) The Employee Wellness Initiative Coordinator can be reached by phone after hours by the on-scene supervisor when a traumatic incident occurs. Department members' self-referrals occurring after hours will be contacted the following day. If there is an emergency, members should contact the Employee Wellness Initiative on a call-out basis.

(d) The services of Public Safety Therapist/Counselor may be invoked by employee self-referral or, in the case of a Department member experiencing a life-threatening traumatic incident, by referral of the Department member by a supervisor or Peer Support Team member.

(e) All Department employees will be mandated to attend a minimum of 2 sessions per year, which will be scheduled by the Public Safety Therapist according to hire date. Higher risk/exposure units will be mandated to attend a session once per quarter, or four times per year. Additional therapeutic services beyond this are voluntary.

(f) All services offered by the Employee Wellness Initiative are available to all Department members.

(g) All counseling services provided by the Employee Wellness Initiative are at no cost to the employee. Referrals to a private therapist, specialist, outside agency, hospital, or non-Department providers, may not be covered by the program. Information regarding referral sources, credentials, programs, and the level of care provided may be obtained by the Employee Wellness Initiative or Human Resources. The Public Safety Therapist/Counselor may conduct follow-up sessions with Department members after they receive counseling services from an outside entity to ensure the quality of care provided by the outside entity is satisfactory to the employee.

(h) The Employee Wellness Initiative has been established to provide confidential supportive assistance, including peer assistance in partnership with the Peer Support Team, and referral services for all Department employees. Comprehensive services may include, but are not limited to:

1. Stress management training;
2. Alcohol and substance abuse support services and prevention training;
3. Individual counseling;
4. Grief counseling;
5. Communication skills;
6. Anger management and conflict resolution;
7. Traumatic incident stress management;
8. Referrals to pastoral counseling;
9. Gambling and addiction;
10. Debt management.

(i) The services provided by the Employee Wellness Initiative are designed and tailored to meet the unique needs of each Department member. This is accomplished by maintaining a network of quality resources (i.e., treatment facilities, self-help and

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support groups, and stress management training), which allows the program to respond promptly to the needs of each individual.

(j) The Public Safety Therapist will not conduct Fitness for Duty evaluations of any kind. These evaluations, if needed, will be contracted with providers outside of the Department.

1031.5 CONFIDENTIALITY

(a) The Employee Wellness Initiative will provide a trained mental health professional to advise Department members of any limitations regarding confidentiality with the mental health professional prior to the start of counseling.

(b) Counseling notes shall not be examined by any member of the Employee Wellness Initiative regarding any employee in counseling unless prior written approval has been obtained from the employee.

(c) No personally identifying information will be shared with the Department or Human Resources.No audit or review by the West Valley City Police Department may be conducted of the counseling documents maintained by the Employee Wellness Initiative. Department members will be provided with an informed consent form that includes the protections afforded to them before receiving counseling services from the Employee Wellness Initiative.

(d) No recording of any kind, audio or visual, will be permitted in the Public Safety Therapist's office during sessions or meetings.

(e) Confidentiality is protected according to the following laws:

1. Federal Rule of Evidence 501 is a general rule of evidence which states that no federal rule of evidence will modify or supersede existing law relating to the privilege of a witness, person, government, state or political subdivision.
2. Rule 506 of the Utah Rules of Evidence provides a confidentiality privilege protecting mental health professionals from being required to disclose any information acquired from persons consulting with a mental health professional in his or her professional capacity.
3. The exceptions to confidentiality for the Employee Wellness Initiative are outlined in Utah Code 58-60-114.

The rules of evidence regarding communications made to a Peer Support Team member differ from those made to a licensed mental health professional. For the exceptions to confidentiality regarding the Peer Support Team members, refer to the policy regarding Peer Support.

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Peer Support

1032.1 PURPOSE AND SCOPE

It is the policy of the West Valley City Police Department to provide support for West Valley City Police Department employees involved in highly stressful situations encountered in the course of their duties, provide emotional and tangible peer support in times of professional and personal need, and anticipate potential future needs of the Department and its employees. This will be accomplished through the use of a Peer Support Team and the application of the Critical Incident Stress Management (CISM) process.

The Peer Support Team may be comprised of sworn and non-sworn police department employees who have been specifically trained to assist in dealing with these types of situations. These employees are not counselors or therapists. The Peer Support Program is not an element of the Employee Assistance Program (EAP), nor is it a substitute for professional help.

The West Valley City Police Department Peer Support Team will also provide assistance to any other entity or West Valley City department as directed by the Chief of Police or his designee.

1032.2 DEFINITIONS

A critical incident is any situation faced by West Valley City Police Department employees that might result in unusually strong emotional reactions which have the potential to interfere with their ability to function or cope during or after the incident, impair their ability to adjust, and/or negatively impact the work environment. These emotional reactions may occur during a single incident or long-term exposure to multiple incidents.

The Peer Support Team offers assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family unit, or self.

1032.3 MISSION STATEMENT

The mission of the Peer Support Team is to assist employees with stresses caused by professional and/or personal events and help them continue to be productive members of the West Valley City Police Department.

The Peer Support Program has been developed to provide debriefing/de-escalation following critical incidents. The focus of this service is to minimize the harmful effects of job stress, particularly in crisis or emergency situations. As such, the highest priorities for the team are to maintain confidentiality, advocate for the affected individuals and their families, and to respect the feelings of the individuals involved.

1032.4 TEAM STRUCTURE

The Peer Support Team is part of the Office of the Chief of Police and is supervised by the lieutenant assigned to the role of Chief’s Executive Officer.

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The Team supervisor should be an employee in the rank of sergeant or higher, or the civilian equivalent, and shall be responsible for the Peer Support program and coordination of the Peer Support Team.

1032.5 CONDUCT

While acting in an official Peer Support capacity, Peer Support Members are expected to maintain a level of professionalism and appropriate conduct that is in accordance with current Department policy.

1032.6 CONFIDENTIALITY AND NOTIFICATIONS

Federal HIPPA regulations provide limited confidentiality to Peer Support participants. This regulation is generally not protected by legal privilege and confidentiality is administratively provided and may not be recognized in court proceedings.

Utah Code 78B-5-905(3) provides that, in accordance with the Utah Rules of Evidence, a Peer Support Team member may refuse to disclose communications made by a person participating in Peer Support services, including group therapy sessions. This applies only to communications made during individual interactions conducted by a Peer Support Team member who is:

(a) acting in the Peer Support Team member's capacity as a law enforcement or firefighter Peer Support Team member or an emergency medical service provider or rescue unit Peer Support Team member; and

(b) functioning within the written Peer Support guidelines that are in effect for the Peer Support Team member's respective law enforcement agency, fire department, emergency medical service agency, or rescue unit.

This State law does not apply if:

(a) a law enforcement or firefighter Peer Support Team member or emergency medical service provider or rescue unit Peer Support Team member was a witness or a party to the incident that prompted the delivery of Peer Support services;

(b) information received by a Peer Support Team member is indicative of actual or suspected child abuse, or actual or suspected child neglect;

(c) the person receiving Peer Support is a clear and immediate danger to the person's self or others;

(d) communication to a Peer Support Team member establishes reasonable cause for the Peer Support Team member to believe that the person receiving Peer Support services is mentally or emotionally unfit for duty; or

(e) communication to the Peer Support Team member provides evidence that the person who is receiving the Peer Support services has committed a crime, plans to commit a crime, or intends to conceal a crime.

In cases of an employee being an imminent danger to him/herself or others, the Peer Support Team member will contact the local law enforcement agency, and/or will take appropriate law enforcement action. IMMEDIATE notification will be made to the on-duty Watch Commander, the

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Peer Support Team supervisor, and the Chief's Executive Officer by the involved Peer Support Team member upon occurrence of such an incident.

Compromising a confidence will be considered a violation of this policy. Members of the Peer Support Team who violate the confidentiality of an employee contact will be subject to disciplinary action and removal from the Team.Accusations of a breach of confidentiality by a Peer Support Team member will be made in writing and submitted directly to the Peer Support Team supervisor or the Chief's Executive Officer for review and/or appropriate action.

1032.7 PEER SUPPORT TEAM

The West Valley City Police Department Peer Support Team is available 24 hours a day, 7 days a week to all police department employees. Any West Valley City Police Department employee who desires to speak to a Team member in regard to a critical incident or peer support situation may communicate directly with a Team member, without the knowledge or approval of a supervisor. Contact can be made via direct contact with any of the Peer Support Team members, through their City-issued cell phone or via the Peer Support email address peersupport@wvc-ut.gov. A current roster of Peer Support members can be located on the department H: Drive, in the Peer Support folder.

1032.8 CALLOUT GUIDELINES

The Peer Support Team supervisor shall be immediately contacted on any mandatory response incident and notified as soon as possible for a mandatory contact incident.Incidents that require mandatory response and mandatory contact are defined below. In the event that the Peer Support supervisor is unavailable, contact will be made with any member of the Peer Support Team. As soon as feasible, the Team member will contact the supervisor to advise of the callout. The Peer Support Team supervisor will electronically notify the Chief’s Executive Officer of any Team callout without unnecessary delay.

Mandatory Response:

(a) OIS;

(b) Serious injury or death of a coworker whether during an incident, enroute to or leaving a scene, or during a training exercise;

(c) Mass casualty incidents;

(d) In any incident classified as traumatic and/or in which an employee requests support, Peer Support callout will be initiated.

Mandatory Contact:

(a) Administrative Leave;

(b) Fatal Traffic Accident (non-employee involved);

(c) SIDS Death;

(d) Violent death or serious injury to a child;

(e) Serious injury/death of an employee’s family member;

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(f) In any incident classified as traumatic and/or in which an employee requests support, Peer Support callout will be initiated.

1032.9 PEER SUPPORT DURING INVESTIGATIONS

(a) Peer Support services will be provided to an involved employee from a viewpoint that they are the victim.

(b) Peer Support Team members will not interfere with ongoing investigations, nor will they take an active role in the investigation.

(c) Peer Support Team members can assist the involved employee in navigating the investigative process.

(d) Peer Support Team members will work in conjunction with investigators to make sure that every effort is put forth to not add undue stress to the involved employee.

(e) Peer Support assistance and follow-up is provided at the involved employee’s discretion and can be waived or terminated at any time the involved employee wishes.

1032.10 SELECTION PROCESS

The team selection process will be completed under the direction of the Team Supervisor.Final approval of successful applicants will be conducted by the Office of the Chief.

1032.11 TRAINING

Peer Support Team members shall complete a Peer Support Training program approved by the Utah Department of Public Safety, Peace Officer Standards and Training Division (POST), the State Fire Marshal's Office, or the Health Department, as applicable.

The Team Supervisor will help facilitate continual training in assistance techniques, stress management, etc.Training classes for Team members will be provided annually, or Team members will be notified of applicable training opportunities they can utilize. Each Team member is required to attend at least one Peer Support-related training class annually.Special circumstances that prohibit attendance will be addressed with the Team Supervisor.

1032.12 PAY AND COMPENSATION

Members of the Peer Support Team who respond to an incident, debriefing, or meeting when they would normally be off duty will be compensated per the policy regarding Overtime and Compensation. All overtime will be approved by the Program Coordinator.

Generally, when an employee is on duty, meetings and follow-up contacts by Peer Support Team Member will be coordinated with that employee's immediate supervisor. Consideration should be given to employee's position, minimum staffing levels, calls for service and availability.

1032.13 TEAM MEMBER PARTICIPATION

Peer Support Team membership is a voluntary collateral assignment and may be withdrawn by the Office of the Chief at any time.

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Team members who fail to fulfill any of the outlined responsibilities may be withdrawn from the program.

A Team member may withdraw from the program at any time by giving written notification to the program coordinator.

The Team supervisor will memorialize additions to and withdrawals from the team roster through an IDC that is directed to the Peer Support Team file, the employee's file and the Chief's Executive Officer for the purpose of updating the employee's service record.

1032.14 OPERATIONS ANNUAL REVIEW

The Peer Support Team Supervisor will conduct an annual review of Peer Support-related operations.

Based upon this review, the program will be maintained, altered, or discontinued, and procedures for handling Peer Support matters may be revised.

The Peer Support Team supervisor will produce annual reports on Team staffing, activities and utilization at the direction of the lieutenant assigned as the Chief's Executive Officer.

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Early Intervention Program (EIP)

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to outline a process relative to the management and utilization of the Department's Early Intervention Program (EIP). This program is a management tool for identifying signs of potential issues concerning the performance of Department employees.

1033.2 DEFINITIONS

Early Intervention Program (EIP) – The Department's proactive, non-disciplinary approach to identify employees who may need assistance and to document actions taken to assist such employees.

Early Warning Notification – A notification when an employee meets or exceeds a predetermined threshold for uses of force, complaints, or vehicle damage within an established time frame.

Early Intervention Notification - A notification when an officer meets or exceeds a predetermined threshold of highly emotional, high-stress, or high-risk incidents within an established time frame.

Non-Disciplinary Remedy – Assistance provided to the employee that may include, but is not limited to, training, counseling, and/or referral to the City's Employee Assistance Program.

1033.3 GENERAL GUIDELINES

Although no particular set of criteria can determine job stress and/or performance problems, it is important that certain criteria be reviewed collectively and routinely as possible indicators of behavior patterns. The EIP is designed to provide a non-disciplinary, systematic review of predetermined data to highlight tendencies that might otherwise be overlooked. The EIP is a proactive system intended to enhance awareness of job stress and/or performance problems.

The emphasis of the EIP is on training and counseling, and is designed as a system to assist supervisory personnel in evaluating and guiding the employee. This program acts as a tool to identify employees who have shown a propensity for involvement in incidents that may indicate potential performance issues.

A notification is simply an indicator for supervisors to closely scrutinize the information that triggered the alert for that employee, analyze additional data if needed, and to take appropriate action, if necessary. **The focus should be on helping employees who may benefit from intervention.**

1033.4 PROCEDURE

(a) The EIP system automatically receives information on complaints, uses of force, vehicle accidents, vehicle pursuits, or other documented performance issues, from the Department's personnel management software program.

(b) The EIP system will be configured to generate an alert when an employee accumulates a certain number of incidents within a specified period. Incident information will be

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collected in the following areas, and an alert will be generated when the following thresholds have been met

1. Complaints, (internal and external) - 2 entries in 365 days.
2. Internal Affairs Investigations - 2 entries in 365 days.
3. Use of Force Incidents – 4 entries in 45 days for Patrol, or 5 entries for Street Crimes Units or K-9 Officers.
4. Vehicle Accidents – 2 "at-fault" accidents in 365 days.
5. Vehicle Pursuits - 2 entries in 90 days.

1033.5 SUPERVISOR RESPONSIBILITIES

(a) This policy does not supersede a supervisor's responsibility to take appropriate action if violations of policy or statute are found.

(b) First-line supervisors are a key element in the identification of employees with potential issues. First-line supervisors will familiarize themselves with their subordinates by direct observation, review, and documentation of demeanor, appearance, and conduct. Supervisors will notify their lieutenant whenever subordinates are involved in a highly emotional, high-risk, or high-stress incident.

(c) When the early-warning or the early-intervention reporting system identifies an employee who has met or exceeded the thresholds of the system, a notification will be generated. A member of the Administrative Services Bureau will analyze the notification and determine if further action is warranted. If action is warranted, the Administrative Services Bureau Lieutenant will generate an internal complaint in the Department's personnel management software labeled "Early Warning Intervention" and forward it to the involved officer's chain of command. This complaint will be used to document and track the steps taken.

(d) The lieutenant will review the incidents which created the notification. Based on the information contained in the reports and any other pertinent evaluation information, the employee's lieutenant will determine what level of intervention is appropriate.

(e) If supervisory intervention is not necessary, the lieutenant shall document their review in the Department's personnel management software and forward to their deputy chief. The deputy chief will review the information provided by the lieutenant and, if they agree with the conclusion, will finalize the review.

1. Documentation shall include a brief summary of the incidents triggering the notification and any other information including, but not limited to, input from the officer's sergeant used to make the determination.

(f) If supervisory intervention is necessary, the lieutenant shall meet with the officer to discuss the relevant information. A non-disciplinary remedy will be enacted. Documentation of the incidents, meetings, recommendations, and justifications will be forwarded to the employee's deputy chief, via the Department's personnel management software, for final review.

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1. When meeting with the employee, the lieutenant shall inform the employee of the purpose of the meeting and advise the officer the meeting is mandatory and non-disciplinary in nature.
2. The purpose of the supervisory intervention is to review with the employee their job performance and to determine what, if any, external factors may be adversely affecting their performance. The supervisor's goal should be to determine what, if any, assistance might be provided to the employee by the Department.

1033.6 PROGRAM EVALUATION

Annually, the Administrative Services Bureau will conduct a documented review of the EIP, including established warning thresholds and timeframes, and make recommendations for modifications, as necessary, to the Chief of Police.

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Line-of-Duty Deaths

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the West Valley City Police Department in the event of the death of an employee occurring in the line of duty and to direct the Department in providing proper support for the employee's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1034.1.1 CITY POLICY FOR WORK RELATED INJURIES AND/OR ILLNESS

All work-related injuries and/or work related illnesses will be reported and handled per West Valley City Personnel Policies and Procedures Manual found on the West Valley City Intranet website.

1034.1.2 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian Department member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased employee, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the employee and whether the individual was previously designated by the deceased Department member.

1034.2 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a death in the line-of-duty of a Department member, the deceased employee's supervisor should provide all reasonably available information to the Watch Commander and Dispatch.

  (a) Communication of information concerning the Department member and the incident should be restricted to secure networks to avoid interception by the media or others.

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the employee has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Chief of Police or the authorized designee should assign Department members to handle survivor notifications and assign employees to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable.

1034.3 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased employee's emergency contact information and make accommodations to respect the employee's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the Department member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting child care or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison, if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other West Valley City Police Department members may be apprised that survivor notifications are complete.

1034.4 EMPLOYEE / FAMILY SUPPORT

In cases of serious injury, disability or death, a Peer Support Team member will be assigned to assist the employee and/or his/her family and will coordinate with the West Valley City Human Resources Department to ensure that the Department's insurance carriers are notified. The Human Resources Department will also assist in preparing all forms relating to the employee's death or disability. In the case of an employee's death the Peer Support Team member and Human Resources will coordinate with government agencies and fraternal organizations to ensure that all available benefits are forwarded to the employee's family. This includes assisting with application for assistance when eligible for benefits through the Public Safety Officers' Benefits Program (PSOB). (2022 US HR 6943)

When a serious physical injury or death is suffered as a result of a crime, the Peer Support Team member assigned to assist the employee and/or his/her family will work with the investigators assigned to the case to assist the family during the criminal proceedings.

The Peer Support Team member assigned to assist the employee and/or his/her family will maintain long-term contact with the employee and/or his/her family, to ensure their needs are being met.

1034.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or Department members designated by the Chief of Police are responsible for notifying Department employees of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all employees on duty at the time of the incident. Department members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Department members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those employees who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Department members who have a close bond with the deceased employee should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for employees who are especially affected by the incident.

Supervisors should direct Department members not to disclose any information outside the Department regarding the deceased employee or the incident.

1034.6 FUNERAL SUPPORT

In the case of the death of a current or retired employee, the Department may provide assistance to the employee's family during the funeral and burial. The nature and extent of that assistance (motor escort, transportation, honor guard, etc.) will be dependent on the circumstances of the employee's death (line of duty, off-duty, retired Department member) and will be approved by the Chief of Police. The Chief of Police may designate an officer or member of the Peer Support Team to assist the family with the approved arrangements.

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LEFTA Systems Software

1035.1 PURPOSE AND SCOPE

This policy establishes a procedure for using the LEFTA software in accordance with the requirements set forth by the Administrative Services Bureau, Professional Standards Section and Training Unit.

In order for statistics in LEFTA to be up to date and complete, information must be uniformly entered in the LEFTA software system by employees and supervisors.

Employees will enter data regarding employee-involved traffic accidents or vehicle damage, uses of force, vehicle pursuits, firearm discharges, internal complaints, and external complaints into LEFTA. This information will be reviewed through the chain of command.

When an incident occurs, information about the incident will be completed and entered by the involved officer and sent to the appropriate supervisor. It will then be forwarded to the subsequent Watch Commander or Section Lieutenant through LEFTA. The Watch Commander or Section Lieutenant (or civilian equivalent) will review the incident and forward the report through LEFTA.

1035.2 PROCEDURE

1035.2.1 LEFTA ENTRIES

LEFTA shall be utilized by employees for documentation of employee-involved traffic accidents, uses of force, vehicle pursuits, firearm discharges, internal complaints, and external complaints.

Initial entries in LEFTA shall occur on the date of the incident. Initial entries for internal/external complaints shall be entered on the date a supervisor is notified of the complaint. Exceptions must be approved by a supervisor.

(a) **Use of Force Incidents** - All uses of force, firearm displays and conducted energy weapon displays will be entered into LEFTA by the involved employees and forwarded to their supervisor. A show of force occurs when a firearm, firearm designated for less lethal deployment, or taser is out, visible to a subject, and commands are being given by the officer, or any officer, for the purpose of influencing the subject's actions.

1. Physical Force

    i. Reportable physical force is the application of any physical techniques or tactics on another person when the other person is not voluntarily submitting to being searched, handcuffed, restrained or moved.

2. O.C. Spray
3. Conducted Energy Device, CED (Taser) display/discharge
4. ASP or other approved impact weapons
5. Less than lethal force or equipment/munitions
6. K-9 display/bite

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7. Firearms display/discharge
8. Tire deflation devices

(b) **Traffic Accidents** - Any traffic accident which involves a Department vehicle.

(c) **Vehicle Pursuits** - Pursuits involving West Valley City Police Department vehicles or officers taking police action under the authority of the West Valley City Police Department.

(d) **Firearm Discharges** – Any firearm discharge to include firing at a person, at an animal or accidental discharge.

(e) **Internal and External Complaints** – Any complaint received or initiated by a supervisor in accordance with the policy regarding Personnel Complaints.

All entries in LEFTA for the above-referenced incident types shall be complete and forwarded through the appropriate chain of command within 30 days of the incident.

1035.2.2 LEFTA ADMINISTRATORS

The Department administrators for the LEFTA software program are responsible for the maintenance and setup of the program, including adding users and levels of access for authorized users. Administrators may not change any approved access authority levels without prior approval from the Chief of Police or the Chief's designee.

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