

## **CHAPTER 2 – EMPLOYMENT**

### **2.1 Equal Employment Opportunity Statement.**

2.1.1 It is the policy of Cedar City Corporation to comply with Title VII of the Civil Rights Act of 1964 the Utah Anti-Discriminatory Act, Title 34, Chapter 35, Utah Code Annotated, 1953 as amended, The Americans With Disabilities Act of 1990, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended and related provisions as established by law and adopted by Cedar City’s Equal Employment Opportunity Plan, 1994.

It is the intent of the City to provide a work environment that is free from unlawful discrimination. Unlawful discrimination includes undesired harassment based on race, gender, religion, national origin, age, disability, marital status, and any other basis prohibited by law. Unlawful discrimination in the workplace on the part of any employee is prohibited and any employee found to have engaged in unlawful discrimination will be subject to disciplinary action.

It is the intent of the City to apply these polices to all employment related practices, including, but not limited to: job application procedures and testing; hiring; promotion; demotion; termination; tenure; compensation; training; recruitment; advertising of job openings; lay-off and recall; leaves of absence; fringe benefits; and all other employment related activities.

Discrimination of any kind should be immediately reported to the employees Supervisor, Department Head or Human Resources.

Any employee who is seeking reasonable accommodations under the American’s With Disabilities Act should contact Human Resources.

Amended by Resolution Number 18-0214-2.

2.1.2 Cedar City Corporation will hire, promote, classify, transfer, discipline and discharge all persons concerned without reference to race, color, religion, sex, pregnancy, childbirth, or pregnancy-related conditions, age if the individual is forty years of age or older, religion, national origin, or disability.

2.1.3 Personnel will be compensated on the basis of equal pay for equal work. No individual will receive reduced compensation for equal work on the basis of race, color, religion, sex, pregnancy, childbirth, or pregnancy-related conditions, age, if the individual is forty years of age or older, religion, national origin, or disability.

### **2.2 Anti-nepotism.**

2.2.1 It shall be the policy of Cedar City Corporation to comply with the Anti-Nepotism clause as stated in the Utah Code Annotated, 1953 as amended, Volume 5B: Title 52-3-1.

### **2.3 Veterans Preference.**

2.3.1 In accordance with Title 71, Chapter 10, Utah Code Annotated, eligible veterans and their spouses shall be given preference in interviewing and hiring for a position.

## **2.4 Pregnancy Temporary Transitional Duty Policy**

### 2.4.1 PURPOSE

It is the purpose of this policy to establish guidelines relating to temporary transitional duty for full and part-time employees during pregnancy. It is the purpose of the Cedar City Corporation to provide equal employment opportunities to employees and to comply with the Pregnancy Discrimination Act (PDA).

### 2.4.2 POLICY

It is the policy of the Cedar City Corporation to provide pregnant employees an opportunity to continue to participate in the work force during pregnancy where possible. This policy is to implement the provision of a temporary transitional duty assignment for pregnant employees. Pregnant employees who are able to work must be permitted to do so on the same conditions as other employees if they are able to fully perform their regularly assigned job duties. The pregnant employee's acceptance of temporary transitional duty will not result in reduced pay or benefits.

#### **I. REPORTING AND PROCESSING PREGNANCY/TRANSITIONAL DUTY LEAVE**

- A. If an employee becomes pregnant and she has physical limitations that prohibit her from performing the functions of her regularly assigned position, she **shall** notify, or cause to be notified, her Supervisor and Human Resources.
- B. To notify the Cedar City Corporation, the employee **must** submit a Medical Release-Pregnancy Form signed by her medical care provider that verifies the employee is pregnant, identifies any physical restrictions to apply during the temporary transitional duty assignment, and states how long the restrictions apply.
- C. The employee is responsible, with the advice of her medical care provider, to determine how long she will continue working in her regularly assigned position. An employee is not required to accept a temporary transitional duty assignment. The employee may

request temporary transitional duty at any time during her pregnancy pursuant to the advice of her medical care provider.

## II. PROCEDURE

- A. Once the Cedar City Corporation has knowledge the employee is pregnant and the employee has requested light duty, she will be eligible for consideration for a temporary transitional duty assignment. Cedar City Corporation is under no obligation to create or design a job or assignment specifically for such temporary transitional duty, but will allow a pregnant employee who cannot perform the physical duties of her assigned position to fill a temporary transitional duty position to the extent one is available. Temporary transitional duty assignments may be either in the employee's own department or elsewhere in the City, depending on availability. The temporary transitional duty assignment shall comply with the physical restrictions imposed by the employee's medical care provider.
- B. The employee can remain in a temporary transitional duty position until she is physically unable to perform her temporary transitional duty assignment, or she can return to her regularly assigned position as certified by her medical care provider. Temporary transitional duty assignments are temporary and are intended to last only for the duration of the pregnancy and only to the extent there are physical limitations due to the pregnancy that would cause the employee to be unable to continue working in her regular assignment.
- C. FMLA, sick and vacation leave:
  1. Once the employee is unable to perform her light duty assignment, she may be granted leave in accordance with the procedures set forth in the City's FMLA policy. Nothing herein shall be construed to limit an employee's use of FMLA leave at any time of the pregnancy pursuant to the City's FMLA policy.
  2. Sick and vacation leave will be recognized as part of this policy where applicable.
  3. Certain pregnancy related conditions may qualify an employee to receive reasonable accommodations under the ADA.

## III. TRAINING

While on temporary transitional duty status, the employee will participate in department-level training classes that other employees are undergoing, as long as the training classes do not pose any risk to the employee.

## IV. RETURN TO REGULAR ASSIGNMENT

- A. In order to return to her regularly assigned job duties an employee must submit a Medical Release, signed by the employee's physician, indicating the employee is released to full duty, with no restrictions.

- B. Upon an employee's request to return to a full duty assignment with a signed Medical Release, the Cedar City Corporation will reinstate the employee to her regularly assigned position.

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