

THE CITY OF WEST JORDAN, UTAH

**ORDINANCE NO. 22-06**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
(PART-TIME POSITION HOURS AND PAY- SECTION 1-9-6)**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and

WHEREAS, the City Council of the City (“City Council”) desires to add a certain section of the City Code, regarding employment of part-time employees in the City. (“proposed City Code amendments”); and

WHEREAS, External agencies/jurisdictions create situations where part-time employees directly lose hours and pay; that in these situations it becomes difficult to retain valued employees:

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

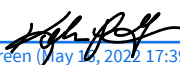
**Section 1. Amendment of Code Provisions.** City Code Title 1 Chapter 9 is amended to read as shown on Attachment 1 to this Ordinance.

**Section 2. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 3. Effective Date.** This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.



PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 11<sup>TH</sup> DAY OF MAY 2022.

CITY OF WEST JORDAN

By:   
Kelvin Green (May 11, 2022 17:39 MDT)

Kelvin Green  
Acting Council Chair

ATTEST:

Cindy M. Quick, MMC  
Council Office Clerk

*(continued on the following page)*

**Voting by the City Council**

**"YES"      "NO"**

Council Chair Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Pamela Bloom	~ absent ~	
Council Member Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Christopher McConnehey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON MAY 16, 2022.**

Mayor's Action:   X   Approve             Veto

By:   
Mayor Dirk Burton

  May 18, 2022    
Date

ATTEST:



Tangee Sloan  
City Recorder

**STATEMENT OF APPROVAL OF PASSAGE (check one)**

  X   The Mayor approved and signed Ordinance No. 22-06.

       The Mayor vetoed Ordinance No. 22-06 on \_\_\_\_\_ and the City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_\_ to \_\_\_\_\_.



       Ordinance No. 22-06 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan  
City Recorder

## CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 23rd day of May 2022. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

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Tangee Sloan  
City Recorder

*(Attachment on the following page)*

# Attachment 1

[Attachment to ORDINANCE NO. 22-06

## AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE (PART-TIME POSITION HOURS AND PAY- SECTION 1-9-6)]

### 1-9-6: CROSSING GUARD WORK SCHEDULE PROTECTION

#### A. Definitions:

1. Covered Employee. An individual employed by the City of West Jordan as a crossing guard.
2. Excused Absence. An unpaid, but authorized, absence from a regularly scheduled work shift: (i) upon the Covered Employee's request; or (ii) after declining an alternate work assignment from the Mayor or Mayor's designee offered pursuant to this Section.
3. Non-City Entity. The State of Utah or any political subdivision, board, agency, district, or school that that has the ability to take action that directly or indirectly prevents West Jordan crossing guards from having work to perform as a crossing guard during their regularly scheduled work shift.

B. **Purpose:** It is the City's policy to ensure that with the sole exception of an Excused Absence, Covered Employees continue to receive pay from the City during periods when a Non-City Entity prevents them from working as crossing guards.

C. **Non-City Entity Action.** If a Non-City Entity takes an action that prevents a Covered Employee from performing their regularly scheduled work as a crossing guard, including but not limited to ordering an unscheduled school closure or transfer of students to virtual learning, the Mayor or Mayor's designee must ensure Covered Employees continue to receive pay from the City by either:

1. Offering the Covered Employees an alternate work assignment within the City for the same number of hours and amount of pay that the Covered Employee would have performed as a crossing guard if the Non-City Entity had not taken its action; or
2. Ensure the Covered Employees are paid for their crossings even though the crossings were prevented from occurring by a Non-City Entity.

D. **Alternate Work Assignment.** If the Mayor or Mayor's designee makes the operational decision to offer Covered Employees alternate work duties pursuant to Paragraph C, the following shall apply:

1. The Mayor or Mayor's designee shall determine what if any alternate work is available to provide Covered Employees;
2. The Mayor or Mayor's Designee shall inform the Covered Employees where to report for alternate work assignment and what the alternate work assignment entails;

3. The Mayor or Mayor's designee may stop providing alternate work assignments at any time if he determines there is no longer suitable alternative work available in the City, but must then begin ensuring Covered Employees are paid for their lost shifts; and
4. If the Covered Employee declines an alternate work assignment that they are physically able to perform, the Covered Employee shall take an Excused Absence and not receive any pay for the work missed due to the action of the Non-City Entity.

E. **Pay for Canceled Crossings.** If the Mayor or Mayor's designee chooses to continue pay for Covered Employees pursuant to Paragraph C, the following shall apply:

1. The pay provided to Covered Employees shall be identical to the pay the Covered Employee would have received had the Non-City Entity not taken its action and the Covered Employee had been able to work as scheduled; and
2. Continued pay provided pursuant to this section shall not be extended beyond fifty (50) consecutive business days or the end of the academic year, whichever is shorter.

F. **Effective Date.** The continued pay provisions of this ordinance shall be retroactive back to January 15, 2022. Any shifts of Covered Employees canceled due to an action of a Non-City Entity between January 15, 2022 and the effective date of this Ordinance shall be paid to Covered Employees upon the Covered Employee's request and proof of canceled shifts.











# Ordinance No. 22-06 PT Position Hours and Pay Section 1-9-6 - Crossing Guards


Final Audit Report

2022-05-23


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 Agreement completed.

2022-05-23 - 2:07:09 PM GMT