# Duchesne County
# Personnel Policies and Procedures Manual


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# Title 1. Introduction and Policy Statements

## Chapter A. Human Resources Director

1. **Human Resources Director.** A position entitled Director of Personnel Management ("Human Resources Director") shall administer the human resource and personnel functions of Duchesne County. The Human Resources Director's duties shall be those described herein and in the Utah Code § 17-33-5 as codified on July 28, 2012, and any amendments thereafter. Any conflict between these policies and procedures and the requirements of the statute shall be resolved in favor of the statute.

2. **Duties**: The Human Resources Director's duties include those set forth herein below. The Commission may, from time to time, adjust the Human Resources Director's specific duties, based upon the County's needs. Others duties may necessarily evolve because of the nature of the position. The following are, therefore, some of the duties of the Human Resources Director's:

    1) The Human Resources Director shall lead the County in the development of its human resource department and in all personnel management issues, including working with other County departments, agencies and offices.

    2) The Human Resources Director shall advise the County legislative and executive bodies on all human resource matters.

    3) The Human Resources Director shall develop and implement programs for the improvement of County employee effectiveness, such as training, safety, health, counseling, and welfare.

    4) The Human Resources Director shall periodically investigate the operation and effect of the Personnel Policies and Procedures and report its investigations to the Board of County Commissioners.

    5) The Human Resources Director shall make an annual report to the Board of County Commissioners regarding the work of the Human Resource Department.

    6) The Human Resources Director shall establish and maintain all records of all County employees.

        1. Although the Human Resources Director shall be responsible to propose, maintain, and supervise the County compensation plan, the Clerk/Auditor shall administer all payroll functions.

        2. The Clerk-Auditor shall maintain the payroll records but nothing shall be removed therefrom without the Human Resources Director's knowledge and prior approval.

    7) The Human Resources Director's shall apply and carry out all human resource and personnel statutes and policies and procedures, subject to the grievance and

appeal rights granted herein. Additionally, the Human Resources Director shall recommend and propose new policies and procedures to the Board of County Commissioners.

8) The Human Resources Director shall preside at all administrative hearings, except when the Commission or Career Services Council hears an appeal or requires the appeal be heard by an Administrative Law Judge (ALJ). In such cases, the Human Resources Director shall represent the interests of the County with the assistance of the County Attorney's office.

9) The Human Resources Director shall respond to inquiries regarding human resource policies from elected officials, supervisors and employees in a timely manner.

10) The Human Resources Director shall assist the Board of County Commissioners in any labor negotiations and act as a neutral point of transference of information therein.

11) The Human Resources Director shall serve the Board of County Commissioners in such capacities regarding personnel matters as it may otherwise require and as provided by law or policy.

# Title 1. Introduction and Policy Statements

## Chapter B. Personnel Policies

1. **Policies.** These policies as enunciated in the Personnel Policies and Procedures manual constitute the Personnel Policies and Procedures for Duchesne County.

2. **Policies Not Contractual.** Neither this nor any other policy of the County is a contract either express or implied with any party. The rights of individuals derive from law or express contract, not from this policy. The Board of County Commissioners reserves the right to enact, remove, or alter policies in order to promote the good operation of the County.

3. **Policies Severable.** All policies and procedures shall be interpreted so they do not conflict with any federal, state, or local law. If any policy or procedure cannot be interpreted to comply with such laws, the policy or procedure shall be severed from this manual and be considered unenforceable.

4. **Departmental Policies**

   a. **Departmental Policies.** The Commission realizes that some County departments have specific circumstances and needs that do not apply to the County Government as a whole. Therefore the Commission may authorize some departments to prepare more specific or alternate policies and procedures so long as: A) they are not at odds with the Policies and Procedures promulgated by the Commission, B) they are not at odds with the Laws of Utah or of the United States, C) they are not at odds with any City or County Ordinance or Contract made by the County, and D) the Commission reserves the ultimate right to rescind such policies.

   b. **Professional Codes and Standards of Conduct.** If employees within a department are required to adhere to professional codes or standards of conduct to perform their jobs or to maintain their position, Department Heads and Elected Officials should adopt any such applicable codes of professional conduct or other standards of conduct. The departments shall provide copies of the same to all employees within their respective departments, to the Human Resources Director, and to the Commission.

   c. **Human Resources Director Review.** All departmental policies shall be approved by the Human Resources Director prior to enactment by a department. After the Human Resources Director's approval, copies shall be distributed to the Commission, which shall have ten (10) working days to reject the policies before they become effective. Even if the Commission does not exercise its right of rejection, the Commission retains the right to rescind the policies at a later time.

5. **Amendment, Addition & Revision**

   a. **Amendment or Revision.** These Personnel Policies and Procedures may be

amended at any time.

b. **Amendment by Commission.** The Board of County Commissioners may amend the Policies and Procedures at their own discretion. They may delegate to others the authority to review and make recommendations regarding the Policies and Procedures, including the Human Resources Director.

c. **Amendment by Departmental Heads.** Department Heads may amend or revise-departmental policies only. The Human Resources Director shall certify that any such amendments are not a violation of existing policy or contract. The Board of County Commissioners may also amend departmental policies and procedures.

e. **Distribution of Amendment and Revisions.** Any and all amendments to these Policies and Procedures shall be provided to all County employees.

f. **Employee Maintenance of Personal Copies of Personnel Policies and Procedures.** It shall be the responsibility of the employee receiving additions, amendments, or revisions to these Policies and Procedures to maintain their own copy of the document.

# Title 1. Introduction and Policy Statements

## Chapter C. Definitions

1. **Employee Classifications.** Employees shall be classified as follows:

   a. **Executive Employee.** An employee hired by the County or appointed by the Board of County Commissioner or other elected official as follows:

      1. Non-elected Department Heads.

      2. Chief Deputies. A Chief Deputy appointed by an elected County officer pursuant to Utah state law, Utah Code Annotated § 17-33-8(1)(b)(iv), or as subsequently amended.

      3. Confidential Secretaries. A Confidential Secretary, if any, assigned to each elected County officer and Department Head.

      4. Administrative Assistants. An Administrative Assistant, if any, to the Board of County Commissioners, any member of the county legislative body, and each elected official.

      5. Division Directors. After May 2008, any person in a confidential relationship with an elected County officer who was appointed by an elected County officer to be a Division Director to administer division functions in furtherance of the performance of the elected officer's professional duties.

      6. Key-Policy Employees. Any employee in a position that by its confidential or key policy-determining nature, cannot or should not be considered an occupational employee.

   b. **Occupational Employee.** A full time employee not occupying a Temporary or Executive position.

   c. **Part Time Employee.** An employee regularly scheduled for less than 30 hours per week.

   d. **Temporary Employee.** An employee hired, leased, and or contracted for a limited period of time not to exceed 270 days.

   e. **Stand-by Employee.** A temporary employee who is irregularly used to replace other employees.

   f. **Probationary Employee.** All Executive and Occupational Employees who are employed by the County are initially a probationary employee for the first six-month period of their employment. This six-month probationary period may be extended for good cause by any Department Head or Elected Official, subject to a right of appeal as described later in this policy manual.

# Title 1. Introduction and Policy Statements

## Chapter D. Career Service Council

1. **Selection.** It is Duchesne County's intention to comply with the provisions of the County Personnel Management Act (PMA) currently found at Utah Code Ann. §§ 17-33-4, to establish a Career Services Council. To the extent that the provisions of this policy in any way conflicts with the PMA or any later amendments, the County expressly incorporates the provisions of the controlling state statutes.

    a. **Appointment of Regular Council Members.** The Board of County Commissioners shall appoint three individuals to serve as regular members of the Duchesne County Career Services Council.

        1. The individuals appointed shall:

            a. Be persons in sympathy with the application of merit principles to public employment, and
            b. Be actual and bona fide residents of the state of Utah and Duchesne County for a period of not less than one year preceding the date of appointment.

        2. The individuals appointed shall not, during the terms of their appointment:

            a. Hold another government office, or
            b. Be employed by Duchesne County.

    b. **Appointment of Alternate Council Members.** The Board of County Commissioners may appoint two additional members as alternate members to hear appeals that one or more Regular Career Service Council Members are unable to hear.

        1. The individuals appointed shall:

            a. Be persons in sympathy with the application of merit principles to public employment, and
            b. Be actual and bona fide residents of the state of Utah and Duchesne County for a period of not less than one year preceding the date of appointment.

        2. The individuals appointed shall not, during the terms of their appointment:

            a. Hold another government office, or
            b. Be employed by Duchesne County.

2. **Terms of Council Members.**

    a. **Regular Council Members.**

1. **Terms.** Each Regular Council Member shall serve a three year term that will expire on the June 30th that is three years after the date of his or her appointment.

    a. **Initial Terms of Regular Council Members.** When the Career Service Council Regular Members are first appointed, the members will be designated as Regular Council Member A, Regular Council Member B, and Regular Council Member C.

        1. The term of Regular Council Member A shall expire on June 30th of the year following his or her appointment.
        2. The term of Regular Council Member B shall expire on June 30th of the second year following his or her appointment.
        3. The term of Regular Council Member C shall expire on June 30th of the third year following his or her appointment.

2. **Removal.** A Regular Council Member may be removed by the Board of County Commissioners for cause.

    a. Before a Regular Council Member may be removed for cause, he or she will be given a copy of the charges against him or her.
    b. Upon being given the charges, a Regular Council Member may request a public hearing before the Board of County Commissioners to answer the charges.
    c. If removed, the Regular Council Member shall hold office until his or her successor is appointed.

3. **Appointment to fill vacancy.** In the event that a Regular Council Member position becomes vacant before the expiration of the term, a successor may be appointed by the Board of County Commissioners. The term of the successor shall run only to the end of the vacant position's term.

b. **Alternate Council Members.**

1. Terms. An Alternative Council Member may be appointed for a one year term only which shall expire on June 30th of the year following his or her appointment.

2. **Removal.** An Alternate Council Member may be removed by the Board of County Commissioners for cause.

    a. Before an Alternate Council Member may be removed for cause, the Council Member shall first be given a copy of the charges being made.
    b. Upon being given a copy of the written allegations, an Alternate Council Member may request a public hearing before the Board of County Commissioners to answer the charges.
    c. If removed, the Alternate Council Member shall hold office until a

successor is appointed.

3. Appointment to fill vacancy. In the event that an Alternate Council Member position becomes vacant before the expiration of the term, a successor may be appointed by the Board of County Commissioners. The term of the successor shall run only to the end of the vacant position's term.

c. The Career Services Council must be a bipartisan council.

**3. Compensation of Career Services Council Members**

a. Council members shall receive compensation for each day or partial day they are in session at a per diem rate determined by the Board of County Commissioners.

**4. Career Service Council Proceedings**

a. The career service council:

1. Shall make an initial determination in each appeal whether it has jurisdiction;
2. Shall hear appeals not resolved at lower administrative levels in the cases of Occupational Employees suspended, transferred, demoted, or dismissed;
3. Shall hear appeals in the cases of grievance not resolved by the grievance procedure at the division or department level;
4. Shall review written appeals in cases of applicants rejected for examinations and report final binding appeals decisions, in writing, to the county legislative body;
5. Shall hear appeals of Probationary Employees whose probationary status has been extended by a Department Head or Elected Official beyond the original six month term;
6. May not hear any other personnel matter;
6. May affirm, modify, vacate, or set aside an order for disciplinary action; and
7. May take any other action permitted by statute.

b. The Career Services Council shall elect one of its Regular Council Members as chairperson.

c. Two or more members of the Council shall constitute a quorum necessary for carrying on the business and activity of the Council.

d. The Council shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in justice courts.

## 5. Administrative Law Judge Review

a. The Board of County Commissioners may appoint one or more administrative law judges to hear appeals referred by a career service council under this section.

   1. Each administrative law judge shall be trained and experienced in personnel matters.

b. A career service council may refer an appeal to an administrative law judge appointed under Subsection (a) if the career service council determines that the referral is in the parties' best interest.

c. After holding a hearing on an appeal described in Subsection (b), the administrative law judge shall make findings of fact and a recommendation to the career service council.

d. After receiving the administrative law judge's recommendation, the career service council may request the administrative law judge to hold a further factual hearing before the career service council issues a decision.

e. The career service council may adopt or reject the administrative law judge's recommendation, whether before or after a further hearing under Subsection (b).

f. A career service council shall refer an appeal to an administrative law judge appointed under Subsection (a) if the county employee or the County requests that the appeal be referred.

g. In an appeal described in Subsection (f), the administrative law judge, not the career service council, shall issue a final decision.

# Title 2. Hiring

## Chapter A. General

1. **Competitive Placement.** Employment by Duchesne County shall be based upon open competition, an individual's merit, and shall be free from personal and political considerations.

2. **Psychological Testing.** As it is an essential function of any peace officer to be able to respond well in highly stressful situations, it is the policy of the Duchesne County Sheriff's Office that all sworn peace officers will be required to submit to and pass a psychological evaluation as a condition to appointment as a peace officer. The evaluation and/or examination shall be conducted by a provider selected by the Sheriff's Office with the current preferred provider being Associated Behavior Consultants of Holladay. An exception to this requirement may be made at the sole discretion of the Sheriff for applicants (1) who are currently employed on a full-time basis for any other Law Enforcement Agency for which there was a full-time personnel/human resource department and (2) where the applicant has received a satisfactory background check. (Rev. 05/05/14)

# Title 2. Hiring

## Chapter B. Recruitment

1. **Advertisement.** The County shall advertise the availability of any open position as follows:

   a. **Promotions within a Department.** Department Heads may desire to promote from within their respective departments before seeking employees from other County departments or the general public. Part-time, Temporary, and Stand-by Employees who have previously worked or are currently working for the County in the same or a similar position within the Hiring Department may be promoted or rehired without advertising the position so long as the employee hired meets the minimum requirements of the position to be filled.

   b. **Open Positions.** Where a position has not been filled from within a department as described in § 2.B.1.a above and the Department Head of the particular department so desires, the County may advertise the availability of employment internally to all County employees for one week prior to advertisement to the public. If the Department Head is unable to fill the position with a suitably qualified applicant from another County department or believes in his or her discretion that additional advertising would be beneficial, the availability of employment shall be advertised to the general public in a way and manner designated to appropriately advertise the availability of the position.

   c. **Salary upon Transfer.** If an employee is promoted within or rehired into a department as described in § 2.B.1.a above or is hired from another department as described in § 2.B.1.b above and the salary in to which he or she transfers has lesser salary and/or benefits, the employee is obligated to accept the lesser salary and/or benefits of the new position.

2. **Fair Hiring Practices.** Department Heads, Supervisors, etc. shall not attempt to give unfair advantage to any applicant, such as giving advance notice of interview questions, nor shall they in any way attempt to circumvent any applicable laws or rules. Additionally, no Department Head, Supervisor, or Manager shall order any employee not to apply for a position in another department nor shall they fail to post job notices distributed by the Personnel Officer. All Department Heads, Supervisor, and Managers shall disclose to the Personnel Officer any previous knowledge or relationship with an applicant.

# Title 2. Hiring

## Chapter C. Employment Application Information

1. **General Policy.** It is the County's policy to comply with the Utah Employment Selection Procedures Act (UESPA) with regard to obtaining, using, and maintaining personal information of applicants for employment with the County. Additionally, UESPA requires that the County maintain and make available this policy to all such applicants. The County shall comply with all federal, state, and local laws concerning the selection and hiring of persons for employment.

2. **Definitions.** In implementing this policy, the County will be guided by the current definitions stated in Utah state statutes and regulations or in case law construing the statutes and regulations, and applicable federal law. In the event of any conflict between the definitions in the UESPA and the definitions in this policy, the legal definitions found in the UESPA will control. The following definitions are provided for general guidance of employees and applicants in understanding the policy.

   a. **Applicant -** A person who has applied for employment with Duchesne County.

   b. **Personal Information -** All information about an applicant obtained by the County in a written, electronic, audio, or visual record, whether generated by the applicant or by the County, for the purposes of considering Applicant for employment or further review. Examples of personal information include, but are not limited to, name, physical address, mailing address, phone number, email address, employment history, residence history, references, personal contacts, physical characteristics, resumes, restricted personal information, and any other data and information obtained about applicant.

   c. **Restricted personal information -** An Applicant's Social Security number, date of birth, and/or driver license number.

   d. **Prohibited Use -** Providing or disclosing an Applicant's Personal Information to a person other than a County employee, agent, officer, or official, or providing or disclosing an Applicant's Personal Information for the purposes of marketing, profiling, reselling, or other similar use.

3. **Guidelines**.

   a. The County will not request an Applicant's Restricted Personal Information unless (i) the County has offered the applicant a job; or (ii) the County needs applicant's restricted personal information to obtain, and the Applicant consents to the County obtaining, a criminal background check, credit history, and/or driving record of Applicant, in accordance with all applicable state and federal laws.

   b. The County will not use an Applicant's Personal Information other than to determine whether or not the County will consider the Applicant for further

review or will hire the Applicant as an employee. However, the County may (i) provide an Applicant's Personal Information upon request to a government official if required to be disclosed by order of a governmental agency, legislative body, or a court of competent jurisdiction, or to a representative of the Utah Labor Commission's Division of Antidiscrimination and Labor in a formal investigation of the County's compliance with UESPA; or (ii) if the Applicant is hired as an employee, use the Applicant's Personal Information for a performance review or promotion application review that is similarly conducted and applied to other employees in a similar position.

c. The County will maintain this Employment Application Information Policy and will make it available for review to an applicant immediately upon request by such Applicant, including before Duchesne County obtains or Applicant provides Applicant's Personal Information.

d. If the County does not employ the Applicant, it will not retain Applicant's Personal Information for more than two years after the date on which Applicant provides the information to the County as part of the application process.

e. The Human Resources Director is responsible for implementing this policy, including determining when to request restricted Personal Information, when and how to use and disclose an Applicant's Personal Information, and when to destroy or dispose of it.

# Title 2. Hiring

## Chapter D. Interview Process

1. **Interviewing.** The Human Resources Director shall be present at all hiring interviews. The County shall not interview nor hire any person for a position who does not meet the minimum requirements listed in the job description and/or advertisement. All interviewees will have substantially the same opportunity to present themselves and answer inquiries. The Commission or Commissioners have the right to be present at any interviews.

2. **Selection.** All persons interviewing for employment with the County shall be subject to the same criteria. It is the policy of the County to hire the most qualified Applicants available. The primary decision on employee selection belongs to the Department Head and/or Elected Official; however, the Human Resources Director has the right to veto a selection if the Human Resources Director determines that the selection will violate law or policy. In such a circumstance, the Board of County Commissioners shall make the final hiring decision in departments not headed by an Elected Official.

    a. **Seniority.** A County employee's seniority consists of the entire amount of time the employee has been employed by the County in a full-time capacity (at least 30 hours per week). The Elected Official and/or Board of County Commissioners may consider seniority as a factor in promotion, advancement, job bidding or other advancement. Where certain skills are relevant only to one department, seniority for the purposes of advancement and job bidding may be departmental. Within these bounds, every department may have a seniority policy providing it is approved by the Human Resources Director and Commissioner over that department. Nothing herein shall be construed as to require seniority as a factor in making a hiring decision. Additionally, no department shall, because of seniority, be deprived of a skill necessary to its good operation. Determinations as to what is to be considered a necessary skill shall be made by the Department Head or, if it so desires, by the Board of County Commissioners.

# Title 2. Hiring

## Chapter E. Job Functions

1. **Essential Job Functions.** All persons employed by the County shall be able to perform the essential functions of their positions with or without reasonable accommodation. Reasonable accommodation is available to qualified Applicants and employees with disabilities whether they work part-time or full-time, or are considered probationary, temporary, or stand-by. The request for reasonable accommodation must be requested by the job applicant or employee.

# Title 3. Employee Conduct

## Chapter A. General Conduct

1. **General Conduct**. County employees are in the business of providing essential services to the citizens of Duchesne County. Whether hired or appointed, County employees are public servants of the citizens of this County, to whom the government belongs, and bear responsibility for the trust and mandate that citizens have placed on their government. As such, County employees shall, at all times perform their duties faithfully and in full. Employees shall conduct themselves so that the commitment of the County to providing good governance for its citizens shall be unquestioned.

2. **Professional Standards.** In addition to general employee conduct requirements, County employees shall comply with and abide by established professional standards of conduct and practice specific to their area of expertise or job description. Where professional standards are not formally or specifically adopted by the County, but are otherwise generally upheld within a professional group or industrial sector, such standards shall apply to the County's professional employees and are deemed to be incorporated herein.

   a. National Incident Management Systems (NIMS) Training. All employees shall complete all NIMS compliance training as required by FEMA. Employees shall complete all training with 6 months of their hiring date, and thereafter shall attend all mandatory training sessions they are notified of. The Human Resources Director, in conjunction with the Emergency Services Director, shall indicate in each employee's job description the NIMS compliance required. The Human Resources Director shall maintain a checklist in each employee's file indicating NIMS compliance courses completed. In the event employees are uncertain as to the NIMS compliance training required, each employee is individually responsible to ascertain the compliance level required by contacting the Emergency Services Director. Failure to timely obtain all training required shall be grounds for immediate termination. Most initial NIMS compliance trainings can be achieved online at http://training.fema.gov/IS/NIMS.asp

3. **Employee Demeanor.** County employees shall maintain a demeanor and attitude of politeness and respect while fulfilling their employment responsibilities, interacting with other County employees, and in their interactions with the general public. Rudeness, uncooperativeness, unresponsiveness, refusal to communicate, or bullying are unacceptable and will not be tolerated.

4. **Communications Conduct.** Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or any other applicable laws. The County does however encourage employees to be aware of their direct and indirect representation of the County in the media, including personal social media accounts. Statements made, by County employees, to media sources shall be held to the conduct standards set forth by the

Personnel Policy manual. In addition to this, statements made by employees online or to the media that negatively affect the County or the harmony of its employees may be subject disciplinary action.

# Title 3. Employee Conduct

## Chapter B. Employee Conduct Guidelines

1. **Loyalty to the County.** No employee shall refuse to perform their job responsibilities or fail to comply with the established policies, procedures, and ordinances of County Government. No employee shall comment to the media or public on matters which are internal to the workings of the County. No employee shall make false statements against the County.

2. **Confidentiality.** Many employees have access to information that is sensitive and private in nature. Much of that information is protected under federal, state, and local law. Employees also have access to information that could unfairly influence the bidding process. Employees are expected to keep all such information obtained by and through their County employment strictly confidential.

3. **Additional Employment.** The County may not preclude an employee from obtaining additional or outside employment so long as (a) the additional employment does not conflict or interfere with employee's County employment, and (b) the additional or outside employment, and the nature thereof, is first disclosed to the employee's immediate supervisor and the County Human Resources Director. An employee shall not work for more than one department of the County where the total working time would exceed normal working hours or require the payment of overtime pay.

4. **Telephone Use.** County telephones may be provided to employees for use in performing their employment responsibilities. County issued telephones are for County business and employment purposes only. It is recognized that some personal telephone calls may be necessary from time-to-time, as in the case of a family emergency or a personal matter requiring immediate attention. The duration of emergency or urgent personal telephone calls should be as brief as possible and the number of calls kept to a minimum. Personal calls that can otherwise be made outside of working hours should not be made or received during business hours. County issued telephones are the property of the County; and as such, telephone use may be tracked or monitored and employees have no expectation of privacy.

   Employees may not use any cell phone, personal or County-issued, while operating a County vehicle or a private vehicle when conducting County business. For more information on the safe use of cellular phones, please refer to the Duchesne County Safety Manual.

5. **Use of County Property.** Some employees may be given County property to perform their jobs. County property includes, but is not limited to, vehicles, electronics, cell phones, computers, equipment, and/or tools. Employees shall use County property only for the use intended and at the direction or discretion of their Supervisors. County property shall not be used for personal purposes. Theft or destruction of County property is strictly prohibited. The County maintains

ownership in all County property, may demand the return of the property, or may assign the property to another employee at its sole discretion. Employees have no right of privacy in County property, and nothing precludes the County from tracking, monitoring, inspecting, or repossessing the same. Additionally, the County may track monitor, inspect, or review any item, program, document, and/or file created or stored on or by the County property.

6. **Duty to Report Workplace Injuries.** Employees shall report all non-minor injuries to an employee's immediate supervisor and the County Human Resources Director within twenty-four hours.

7. **Duty to Report Personnel Policy Violations.** Employees shall report any employee violation of the Duchesne County Policies and Procedures Manual, any employee's commission of a Class A or Class B misdemeanor or felony to their immediate supervisor within five (5) working days or as soon as possible if that violation or commission endangered the life or limb of any person whomsoever. This duty includes an employee's obligation to report (a) his or her own violation or commission and (b) any other violation or commission of any other person observed by the employee. Supervisors are required to report any such violation or commission within two (2) working days to the Human Resources Director. Failure of any employee or supervisor to report a violation or commission shall be a violation of the County Policies and Procedures Manual.

# Title 3. Employee Conduct

## Chapter C. Dress and Grooming Standards

1. **General.** Department Heads and Supervisors who have County employees permanently assigned to them have the right to establish dress standards, which must be applied uniformly throughout a department.

2. **Dress and Appearance.** The County, Department Heads, and Supervisors may require employees to dress in a manner which is consistent with dress requirements for employees in the private sector doing similar work. Except that all employees working in a general office environment, including the County offices, shall wear casual business attire, which shall be more clearly defined by the County. Employees performing manual labor, or working in environments where clothes regularly become dirty, may wear the most comfortable and easy to maintain clothes possible, consistent with the dress code established by their Department Head or supervisors. Provocative and revealing clothing shall not be worn.

3. **Grooming.** Employees shall maintain a standard of cleanliness and hygiene consistent with the work they perform. Specific grooming standards may be established by Department Heads and Supervisors that are consistent with the work to be performed in a department. Other grooming standards are as set forth in the Duchesne County Safety Manual.

4. **Authority to Create Standards.** Department Heads and Supervisors shall be authorized to set dress and grooming standards for their own departments subject to rejection or reversal by the County Human Resources Director or Commission as described in Title 1.B.4.

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# Title 3. Employee Conduct

## Chapter D. Occupational Safety and Health

A safe and healthy working environment is essential to the continued strength of any organization, including Duchesne County. Therefore, the following are general rules to direct us to that end.

1. **Utah Occupational Safety and Health Act**. It is the intent of Duchesne County to comply with all applicable rules and regulations pertaining to the Utah Occupational Safety and Health Act. In addition to this policy, the Sheriff's Office Policies and Procedures Manual will provide additional guidance for Public Safety employees and a safety manual will be provided to the Public Works, Buildings and Grounds, and Weed Departments.

2. **Hazard-Free Workplace**. Duchesne County will make every effort to furnish and maintain a hazard-free workplace for its employees. Each employee shall comply with the standards, orders, rules, and regulations of the Utah Occupational Safety and Health Act. In addition to this, each employee has a responsibility to notify their supervisor of any and all potential work place hazards.

3. **Safety Officer/Supervisor Responsibility.** Each elected official and department head shall serve as or designate a competent person or persons to serve as the safety officer for their office or department. The safety officer shall inspect work areas frequently for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, take appropriate action in coordination with the Elected Official or department head to immediately correct such conditions. Supervisory personnel shall enforce safety regulations and issue necessary rules to protect the health, safety and lives of county employees. Employees will not be permitted to work in unsafe conditions, except for the purpose of making such conditions safe.

4. **Employee Accidents and Injuries / Workers' Compensation Coverage.**

A. Duchesne County operates under the State of Utah Workers' Compensation Act found at Utah Code Unannotated, Section 34A-2-101 et seq.

B. Reporting injuries: Any injury occurring on the job must be reported to the employee's supervisor immediately, but no later than the end of the employee's regular shift. An employee Accident / Incident form must be completed and submitted to the Human Resources Department within 24 hours of the injury. All necessary forms can be obtained from the Human Resources Department or the County website. https://www.duchesne.utah.gov

C. Record of Accidents: An accurate record of all accidents involving an injury to an employee while on duty shall be kept in the Human Resources and Clerk Auditors Office.

D. Injury Report Procedure:

a. Report the injury- no matter how slight – to your supervisor immediately. (You may lose your worker's compensation rights if your injury is not reported promptly.)
b. The employee is required to fill out the employer's first report of injury form. A copy of this report is to be given to you, your supervisor and the Human Resources Department.
c. If medical treatment is necessary – Report to the Uintah Basin Medical Center work-med walk-in clinic located in Roosevelt, Utah. ONLY if the accident occurs during hours in which the clinic is closed or if the injury is life threatening may an employee report to the emergency room.
d. Tell the doctor HOW, WHEN AND WHERE the accident happened. The doctor will fill out a medical report form.

5. **Safety Training and Risk Management.** The Duchesne County Risk Management Team is committed to providing employees with the tools and training needed to create a safe working environment. Risk Management trainings are mandatory and a condition of continued employment. Employees will be given advance notice of trainings and a reasonable time to complete safety certifications. The scheduled trainings will also be posted on the "Duchesne County Training Calendar" so that employees have an opportunity to schedule time to attend in advance. Questions regarding Risk Management trainings should be directed to the Risk Manager (Clerk / Auditor) or the Human Resources department.

# Title 3. Employee Conduct

## Chapter F. Political and Religious Activities

1. **Religious and Political Activities.** An employee may belong to the political party or persuasion of their choice, or to the religion of their choice; and employees may be active in the same.

2. **Religious and Political Displays at Work.** Employees shall not, while at work or at a County work site: (a) prepare or distribute any materials promoting or opposing a matter of a political or religious nature; (b) solicit money or services for any matter of a political or religious nature; (c) proselytize or otherwise organize religious worship. Duchesne County will accommodate religious observances during work hours as may be required by law.

3. **No Religious or Political Affiliation Requirement.** No person shall be denied or otherwise forfeit employment or promotion because of their political or religious activities or affiliation.

4. **Union Activities.** No employee shall be discriminated against in matters of hiring, promotion, discipline, or evaluation with regard to membership (or lack of) in a labor union or association.

# Title 3. Employee Conduct

## Chapter G. Drug Free Workplace

The County prohibits drug and alcohol use or impairment in the work place in order to protect the public and the County's employees. The County has adopted comprehensive drug and alcohol regulations to implement this policy.

# Title 3. Employee Conduct

## Chapter H. Prohibited Conduct

1. **Prohibited Conduct.** Employees shall not engage in any conduct that adversely impacts the efficiency, harmony, good order, or lawful and good purposes of the County or its Departments to efficiently and honorably serve the needs of Duchesne County's citizens. Conduct that is deemed to prevent the County from accomplishing its mission in this regard is categorized as follows:

    A) Class I Offenses (minor offenses)

    B) Class II Offenses (moderate offenses)

    C) Class III (major offenses)

2. **Specific Instances of Prohibited Conduct.** The following are some specific instances of generally prohibited conduct. This is not an exhaustive list and is intended only to define certain specific types of prohibited conduct.

    a. **Abusive Language.** Employees shall not use language that is intended to disparage, demean, insult, provoke, or bully.

    b. **Attendance.** Employees shall not be late for work, unless otherwise excused by their immediate supervisor. Employees shall timely attend all requirement meetings and conferences required by their job descriptions and supervisor.

    c. **Conflicts of Interest.** Employees shall avoid conflicts of interest. It shall be a violation of these policies to violate Utah Code Annotated § 67-16-1, et seq., as currently codified or subsequently amended, or any other federal, state, or local statute governing conflicts of interest. If any employee reasonably believes that he or she may have a potential conflict of interest in the performance of any aspect of his or her job performance, that employee shall file a notice of conflict of interest with his immediate supervisor and the Human Resources Director. Failure to disclose a conflict of interest in any matter pertaining to County business is unethical, strictly prohibited, and may result in disciplinary action.

    d. **Fabrication, Falsification, or Fraud.** Employees shall not willfully and purposefully falsify any document relating to his or her employment or make any false verbal statement regarding the same. An Employee who gives false testimony or statements in a personnel action regarding another person, or, who knowingly withholds pertinent evidence regarding personnel actions, is guilty of violating this paragraph. It is also a violation to falsify any portion of an application or interview for employment. Violations can include falsification of time cards or medical releases.

    e. **Failure to Comply with Order of Emergency Personnel.** Employees shall

comply immediately and fully with the orders and instructions of all emergency and law enforcement personnel. Failure to do so constitutes a serious breach of discipline endangering life and property. Employees are hereby warned that any damage or injury resulting from non-compliance may result not only in disciplinary action but civil or criminal liability.

f. **Firearms and Weapons.** Although firearms and weapons may be carried at work, employees that choose to do so must exercise extreme caution and vigilance in so doing. Unless specifically permitted by his or her job, employees shall not brandish (to wave in a threatening or excited manner) or flourish (to hold up and show in an excited or proud way) any weapon or firearm during business or working hours or inside of a County Vehicle or upon County property at any time. An accidental discharge will not be tolerated and in most situations will lead to immediate dismissal, and possible criminal prosecution. Any violation of this section will be deemed a Class III Offense.

g. **Horseplay and/or Fighting.** Employees shall not engage in any physical action that could reasonably be believed to harm or demean another person. Nothing herein shall be construed to prohibit an attempt to prevent harm by pulling a person out of the way of danger, trying to gain attention in a noisy environment for safety purposes, or acting in self-defense.

h. **Insubordination.** Employees shall not deliberately refuse to obey or carry out a reasonable, legal, and proper directive from a County superior in a professional and respectful manner.

i. **Negligence.** Employees shall not act negligently by engaging in any action, physical, written or verbal, which could reasonably be believed to subject any person to harm, injury, or death, or which could reasonably subject County property to damage or destruction.

j. **Nepotism.** Employees shall not engage in nepotism as set forth in Utah Code Annotated § 52-3-1, et seq. In the event of a potential conflict of interest under this section of this Policy and Utah Law, employees shall immediately inform their immediate supervisor and file a conflict of interest form with the Human Resources Director as set forth herein above

k. **Personal Mail and Packages.** If in the discretion of an employee's supervisor the use of delivery services has become abusive, employees shall not have delivered or receive personal mail or packages at work.

l. **Solicitation and Business Activities at Work.** Employees shall not engage in work for, or solicit on behalf of, outside business during his or her hours of work for the County. Nothing herein, however, shall prohibit solicitation for charitable contributions provided disruption is minimal, excepting political or religious charities, with the approval of an employee's immediate supervisor.

m. **Violations of Duchesne County Policies.** The County will from time to time

adopt and amend policies such as policies governing e-mail, computer usage, retention and destruction of documents, and personal use of county facilities. Employees are required to read and follow these policies. Any violation of these policies is prohibited.

**3. Classes of Prohibited Conduct**

a. **Class I Offenses.** Class I Offenses are those offenses or violations deemed by an immediate supervisor or department head to be minor in nature with not significant adverse impact to the County or its citizens. Generally stated, minor offenses are violations of County or department policy and procedure which cause no real harm to the employee, other employees, a department, or the County. Incidences of minor offenses may include, but are not limited to, tardiness, lateness in completing assignments, lack of respect, minor incidences of insubordination, poor attitude, etc.

b. **Class II Offenses.** Class II Offenses are those offenses of violation which are deemed by an immediate supervisor or department head to be moderate in nature with a moderate possibility of harm to the County or its citizens. Incidences of moderate offenses may include, but are not limited to, multiple or repeated minor offenses, negligence posing risk to the employee, other employees, or the County, failure to report something required in the County Policies and Procedures, the conviction of a crime of dishonesty, drugs, or etc.

c. **Class III Offenses.** Class III Offenses are those offenses of violation which are deemed by an immediate supervisor or department head to be severe in nature which pose a serious possibility of harm to the County or its citizens. Incidences of serious offenses may include, but are not limited to, multiple or repeated minor or moderate offenses, negligence posing risk to the employee, other employees, or the County

# Title 3. Employee Conduct

## Chapter I. Reimbursements for Travel and use of the County Credit Card

1. **Meal Expenses.** Per Diem may be granted to employees for meal expenses. All requests for per diem must be in the form of a voucher, approved by the Department Head, and submitted to the County Commission at least 2 weeks (10 working days) before needed to allow time for commission approval and to allow time for the auditor's office to generate the check. Per Diem will be set at the following rates: $10.00 for breakfast; $15.00 for lunch; and $20.00 for dinner. The maximum per diem rate for any one-day of travel is $45.00.

    a. The breakfast per diem will only be applicable if the employee is required to leave his/her home before 8:00 a.m. to reach the travel destination in a timely manner and on successive days of travel when the employee is required to be away from home more than one day.
    b. The lunch per diem is applicable if the employee is required to be at the travel destination at 12:00 noon.
    c. The dinner per diem is applicable if the employee will not be able to leave the travel destination and arrive at his/her home before 6:00 p.m. and on successive full days of travel.
    d. If a meal or meals are provided (included) as part of the workshop, training or seminar, etc., then the amount(s) of the meal(s) shall be deducted from the total per diem rate.

2. **Lodging.** Expenses for lodging will be reimbursed at the actual rate charged by the hotel/motel for single occupancy where the employee stays. Hotel/motel rates must be approved prior to travel by the Department Head. Receipts for lodging must be submitted with a voucher to the County Auditor's office for payment. If the purpose of the travel is for a meeting, convention or training at a specific hotel/motel, reimbursement for lodging will not exceed the amount the hosting hotel/motel would charge for a single occupancy room.

3. **Meal or Lodging Reimbursement.** Expenses that are charged on a private or county credit card will be reimbursed at the same rates specified above. All applicable receipts must accompany the credit card bill and be submitted to the County Auditor's office.

4. **Travel Allowance.** Authorized travel by private vehicle will be reimbursed at a rate set by the Board of County Commissioners. Mileage will be paid only for the distance from the employee's home to the authorized destination and home again. Travel expenses for a county-owned vehicle will be reimbursed upon presentation of

expense receipts that have been approved by the appropriate Department Head. The mileage allowance will not be applicable when a county-owned vehicle is used.

5. **Budget.** Travel expenses must be included in an annual budget for each department anticipating travel, as a part of the budgetary process. Any travel expenses in excess of the amount budgeted must have the approval of the County Commission.

6. **Reimbursement.** Expenses will be reimbursed for the amount of the expense if the expense meets the following requirements: 1) prior approval by the elected official or department head before the expenditure; 2) a receipt must be submitted with a voucher to the County Auditor's office, and 3) there is a business connection for the expenditure.

# Title 3. Employee Conduct

## Chapter J. Policy Regarding News Media

1. **Overview.** Duchesne County is frequently contacted by the news media for information associated with County programs; to inquire about a recent unexpected event such as natural disasters; arrests; accidents or injuries; customer or employee complaints; or federal, state or local regulatory actions. The media may contact the County to get general information on a topical story in the community, such as changes in county governmental officials or policies, problems or issues specific to the communities we serve. The County has a responsibility to be open and responsive to media information requests because media reports are among the many ways our clients and the public build their individual perceptions of the County.

2. **Purpose.** This policy has been adopted to ensure that information disclosed by Duchesne County employees or officials is timely, accurate, comprehensive, authoritative and relevant. Adherence to this policy is intended to provide an effective and efficient framework to facilitate the timely dissemination of information in response to news media requests.

3. **Scope.** This media policy applies to all employees of Duchesne County, including appointed or elected officials, members of committees or commissions, contractors and volunteers. This policy covers communication with all external news media, including radio and television broadcast media, print media and electronic media.

4. **Designation of Spokesperson(s).** The official spokesperson or media contact for Duchesne County is the Duchesne County Commissioner or other Elected Official who oversees the department or program about which information is being sought. The County Commissioner or other Elected Official may delegate authority to provide a response to a media information request, on a case-by-case basis, to a Department or Division Head (or a County Attorney if there is potential, pending or active litigation associated with the request). The County Commissioners, other Elected Officials or their designees are best suited to weigh each media inquiry to determine the best way to provide information in relationship with other information that is not yet public. The County Commissioners, other Elected Officials or designees are best suited to express the official County position on issues of significance or situations that are particularly controversial or sensitive in nature.

5. **Guidelines for Talking with the Media.** Refer all media contacts to the County Commissioner's Office or to the Elected Official in charge. Do not say that you are not allowed to talk to the media or that you have to get permission to do so. Instead, tell the media representative that ***"it is the policy of Duchesne County to refer all media inquiries to the Duchesne County Commission office or to the Elected Official in charge."*** Provide a telephone number for the media to use.

Whenever taking a call from the media, the same courtesy and professionalism which we offer the public shall be displayed to the media. Our policy is to act quickly when approached by the media to ensure that reporter deadlines are met. This is very important as the way this call or contact is handled may be the reporter's first impression of the County and that first impression may end up in the story published or broadcasted. In order to promote the County's positive customer service image, it is important to respond to media contacts quickly, courteously and professionally.

Immediately contact the County Commissioner's Office or the Elected Official in charge if and when you have been approached by the media. Immediately contact the County Attorney's office if you have been approached by the media regarding a matter that is associated with potential, pending or active litigation. Do not allow a member of the media to compel you to answer questions on the spot. Everything that you say and do may be observed and reported by the news media.

Even though you have referred the media to the County Commissioner's, other Elected Official or County Attorney's Office, the Commissioners, Elected Officials or Attorneys may need your assistance to prepare a response. Be prepared to supply any documentation associated with the media inquiry upon the Commissioner's, Elected Official's or Attorney's request.

6. **Media Photos or Filming**. A reporter with camera or video crew may arrive unannounced at county facilities and may or may not request permission to take photographs or film. The First Amendment protects the right of the media and individuals to record audio and video regardless of whether County officials consent. If permission is requested, such permission should be granted only by the County Commissioners, Elected Officials, Department Heads or a County Attorney. Permission shall not be denied when indoor or outdoor public spaces are proposed to be used. In granting permission for the media to take photographs or film, care should be taken to ensure that such activity does not interfere with public access to County facilities and services.

7. **Guidelines for Seeking Media Coverage.** In circumstances in which you believe that you have a positive news story to share with the public, contact the County Commissioners or other Elected Official for permission to proceed. Authority to grant such permission may be delegated to Department or Division Heads. These individuals are the only persons authorized to distribute news releases, seek coverage of particular events or hold news conferences. Do not call a news media representative without first receiving permission from the County Commissioners, other Elected Official or your Department or Division Head.

# Title 3. Employee Conduct

## Chapter K. Fleet Management & Transportation

**1. Purpose and Intent.** It is the intent of Duchesne County to establish a Fleet Management Program governing the vehicles that provide transportation for Duchesne County employees to perform their assigned duties. The Clerk-Auditor's Office and Buildings and Grounds Department are responsible for the administration of the fleet. This includes the maintaining, servicing and tracking of county vehicles; enforcing policies regarding their use and care, and budgeting projections. The fleet may include cars, trucks, sport utility vehicles (SUV), trailers, all- terrain vehicles (ATV), or other mechanically engineered motorized vehicles. Vehicles and equipment specifically used by the Sherriff's Office, Roads department and Landfill shall be managed by the appropriate department head or elected official for that department.

Fleet vehicles shall be purchased to meet the needs of county departments providing:

a. A safe vehicle,
b. Quantifiable fuel efficiencies/economy and
c. Ensuring maximum return in the county's investment of capital.

The Clerk-Auditor will be responsible to evaluate the marketplace and recommend to the County Commissioners the most appropriate methods of purchasing, leasing, or otherwise acquiring vehicles for use by county employees.

**2. Ownership/Responsibility.** Ownership of all county assets, including fleet vehicles and/or equipment, shall be in the name of Duchesne County. The Clerk-Auditor, under the direction of the County Commissioners, manages the Fleet Management Program and assists department heads in making informed decisions. Once a vehicle is assigned to a county department, the department head is responsible for determining how that vehicle will be used to best meet the needs of the organization.

**3. Driver's License Status and Record.**_The County shall review the Driver's license status and Motor Vehicle Record of all operators of county vehicles, including volunteers, and those who the County should reasonably anticipate will drive a vehicle in the scope of employment:

a. Before extending an offer of employment or, in the alternative, extending a conditional offer of employment based upon an acceptable driver's license history; or
b. If already employed, before driving occurs; and
c. Annually to determine license status, restrictions, or modifications.

**4. Maintenance.** All vehicles will receive regular service in accordance with requirements specified by the Maintenance Director. Vehicles shall be maintained at locations approved by the Clerk-Auditor. Any and all warranty work will be coordinated with the Clerk-Auditor's Office and Maintenance Director in order to maintain accurate records for the fleet management program. The manufacturer's service schedule program must be followed.

Department heads shall report any fleet vehicle problems or damage to the Clerk- Auditor immediately as per county accident policy.

**5. Safety Measures.** Duchesne County encourages safe use of cell phones and radios by drivers while operating County fleet vehicles/equipment. It is important that cell phone or radio usage not detract from safe driving practices. County drivers shall use hands-free wireless communication devices when possible. County drivers shall not manipulate any handheld communication device while operating a moving motor vehicle, included but not limited to, text messaging, emailing, dialing a phone number, accessing the internet, viewing or recording video, or entering data into a handheld wireless communication device. Any violation of this provision shall be a class C Misdemeanor and may result in termination or loss of driving privileges.

**The employee will wear and require all passengers to wear their seat belts at all times in county fleet vehicles.**

It shall be the responsibility of each driver to ensure that his/her county fleet vehicle is properly parked and locked while the vehicle is not in use.

**7.Gas Cards.** A county gas card is assigned to each county vehicle with the exception of Road Department vehicles. Road Department employees shall refer to the fueling polices specific to their department. The employee driving the vehicle is responsible for the proper use of the county gas card. This card will stay with the vehicle and/or equipment at all times. A personal security code is a requirement to activate the gas card.

**8.Vehicle Damage.** Any damage to any fleet vehicle shall be reported to the immediate supervisor or department head, Clerk-Auditor and Human Resources Director immediately. Any damage to the vehicle caused by negligence or non-compliance with fleet management rules shall be repaired and the cost of the repair shall be charged to the responsible department. If the vehicle operator is found to be negligent, he/she will be subject to discipline.

**9.Vehicle Alterations.** No county department or employee may make any alterations to or physical changes to any fleet vehicle or equipment without the written consent of the department head and Maintenance Director. Altering the vehicle includes glue-on attachments, screws, drill holes, additional wiring, or adding unauthorized decals to the vehicle, etc.
Any unauthorized alterations shall be repaired and charged back to the appropriate department and the responsible employee may be subject to disciplinary action.

**10. Requirements to Operate County Fleet Vehicles and Motorized Equipment**

The following are required for employees and volunteers to obtain and maintain the privilege of operating a county fleet vehicle:

a. A current Utah driver's license with the correct class for the vehicle operated.
b. Be the age of 18 or older.
c. Possess a license that is not under suspension, revocation or denied.
d. Not be mentally or physically unable to drive safely.
e. Alcohol and drugs will not be transported in County Vehicles. Public safety employees transporting evidence is the only exception to this rule.
f. Not be a habitual violator of traffic laws and have (3) or more moving violations listed on their Motor Vehicle Record within the previous (2) years.
g. Operators who have caused two or more vehicle accidents while driving during the course of their employment within a two-year period of time may lose driving privileges or be terminated from employment, if driving/operating a vehicle is a condition of their employment.
h. Each employee who drives a county fleet vehicle within the scope of their employment must complete a driver-training course which is approved by, or offered by the Utah Counties Indemnity Pool within their first 6 months of employment as a condition of successfully completing their probation.
i. Each employee must read and sign the driver agreement provided by the Human Resources Office.

**11. Unauthorized Use**

The following are unauthorized uses of county vehicles:

a. Use of county vehicles and/or motorized equipment to transport family members, other employees or private citizens for personal business, recreation, etc. Family members who desire to travel with an employee on County business MUST sign a waiver and file it with the Clerk-Auditor.
b. Use of county vehicles for purposes not incidental or relevant to Duchesne County business.
c. Use of County fleet vehicles while under the influence of alcohol or any other substances that could impede judgment or the safe operation of county vehicles and/or motorized equipment.
d. Use of any tobacco products in county fleet vehicles.

**12. Vehicle Availability.** County vehicles assigned to any one department may be reassigned for use by other departments at any time as determined by the County Commission, Department Head, or Clerk-Auditor.

**13. Collision Investigation Involving Employee and/or Vehicles.** If, while operating a county vehicle or a privately-owned vehicle in the performance of official duties, an employee is involved in an accident resulting in personal injury or property damage, he/she shall:

a. Request that all parties concerned remain and render assistance at the scene of the accident, if possible, until a law enforcement representative has arrived and released them.
b. All employees involved in an accident involving county vehicles, or persons on duty and actively engaged in county business, shall file a report with the appropriate law enforcement agency.
c. Employees are to refrain from making statements regarding the accident to anyone other than the investigating law enforcement representative, appropriate county officials, and representatives of his or her own insurance company if the employee's privately-owned vehicle is involved. Statements made to investigating authorities should be factual information and statements made to the other party or parties involved in the accident should be confined to the exchange of driver's license and insurance information.
d. Immediately inform the department head, Clerk-Auditor and Human Resources Director of the accident.
e. A copy of all police reports, any statements attached thereto and (2) bids for repair (unless the bid is from a designated UCIP preferred vendor, in which case only that one bid is required) shall be forwarded to the Clerk-Auditor's office immediately after completion of the investigation. The Clerk-Auditor will report such accidents to the County Accident Review Board and to the county's insurance carrier.

**14. Accident Review Board**. The Risk Management Committee shall serve as the County Accident Review Board and will meet as a committee and review all vehicle accidents occurring on County time or in a County vehicle. Generally, the Accident Review Board will meet with employees when an accident's cost exceeds $1,000 or if there is a personal injury. The Accident Review Board retains the right to meet with employees, supervisors, and others regarding any accident, regardless of cost.

**15. Failure to Comply.** Failure to comply with requirements of this section could result in loss of driving privileges or disciplinary action, up to and including termination from employment.

**Driver Agreement**

All county employees, elected officials and volunteers and those who the County should reasonably anticipate will drive a vehicle in the scope of employment shall sign the following Driver Agreement before operating a County fleet vehicle:

I, _____, have read and understood Duchesne County's safe driving policies and procedures.

I currently hold a valid Utah driver's license and I have attached a photocopy of my license to this agreement.

I agree to follow the County policies and procedures while operating a County fleet vehicle and understand that violating these policies and procedures may lead to disciplinary action, up to and including termination.

I hereby agree to abide by the following driving guidelines:

a. I will use the safety belt (seat belt) whenever operating a County vehicle, or whenever driving for County business.
b. I will operate only those vehicles I am trained and licensed to operate.
c. I will operate only those vehicles I am approved by my supervisor to operate.
d. I will always check the vehicle for defects and adjust safety devices such as seat belts and mirrors before operating.
e. I will never operate any vehicle when impaired by fatigue, medication, drugs, or alcohol.
f. I will never operate any vehicles that I do not feel capable of handling in both normal and emergency situations.
g. I will obey all traffic laws, rules, regulations, and County policies.
h. I will use common sense and adjust speed and operation in consideration of road conditions and possible hazards or dangers.
i. I will operate vehicles in a courteous manner, irrespective of behavior of others.
j. I will drive defensively; anticipating possible dangers or hazards.
k. I will leave the vehicle in the same manner in which I received it; free of trash and any personal belongings, with a full tank of gas and I will wash the exterior if needed.

Signature: _____ Date: _____

# Title 3. Employee Conduct

## Chapter L. Purchasing Card

1. **Obtaining a Purchasing Card.** An application or agreement must be approved by the County Clerk Auditor and the employee's supervisor.

    a. The application or agreement must indicate the specific types of purchases the employee will be able to purchase.
    b. Only those items that are exempt from competitive bidding may be purchased with the charge card. (See Duchesne County Procurement Code 1-9-9-a)

2. **Using the Charge Card.**

    a. Immediately upon receipt of the card it must be signed by the cardholder if required.
    b. The card will be issued in the name of the employee. The cardholder is responsible for the proper usage and safeguarding of the card and is the only authorized user of that card.
    c. The intended use of the card will be expressed by the supervisor requesting the card and the procurement agent shall continuously review the purchases for compliance. If an employee uses the purchasing card outside the purposes designated in the application/agreement, the procurement agent will notify the clerk/auditor and supervisor of noncompliance with the purchasing policy card.
    d. Each card will have a single or monthly limit and may not exceed the single or monthly limit set for each cardholder without supervisor approval.
    e. Purchases may be made in-store, by mail, by phone, by fax or on the internet.

3. **Unallowable Purchases.**

    a. Sales tax is not allowed on purchases made within the State of Utah. If sales tax is paid, within the State of Utah, the cardholder is responsible for getting a refund from the vendor in form of a credit to the charge card.
    b. No personal purchases with the charge card even if the cardholder had intended to reimburse the county or is combining the personal purchases with other county related purchases.
    c. Gift cards purchased may be only for clients/customers or for employee incentives.
    d. No meals unless specifically allowed under Duchesne County's travel policy. (See DCPPM Title 3, Chapter I).

4. **Credit Limits.** Each charge card will have a credit limit. To increase the credit limit, the director must submit a written request with justification to the procurement agent. The procurement agent will be responsible to notify the Clerk Auditor of any credit limit changes.

5. **Reconciliation and Record Keeping.** Copies, either hardcopy or electronic copy are acceptable, of all receipts and statements must be kept by the Clerk Auditor in a secure location and should comply with the retention schedule set for accounts payable documents.

    a. The cardholder will reconcile original receipts with the bank statement monthly.
    b. Copies of statements and receipts shall be submitted to the Auditor's Office for payment within 5 business days from receiving the statement.
    c. The card issuer must be notified of any disputed transactions within 60 days of the statement date.

6. **Discipline.** Failure to comply with this policy will result in discipline including: rescinding the card, withholding cardholder pay equivalent to inappropriate purchase amount resulting from inappropriate card use, and/or written warnings or terminating employment. The determination to rescind the card may be made by the department head or elected official.

7. **Lost or Stolen Cards.** If a card is lost or stolen, the card issuer, the cardholder's supervisor, procurement agent and the Clerk Auditor should be notified immediately.

8. **Audits.** Audits of the charge card system may be conducted at any time. Internal or External auditors will review charge card activity in their departments on at least an annual basis.

9. **Employee Termination.** Upon notice of a cardholder terminating their current employment, the cardholder's supervisor is responsible to take possession of the card and any outstanding original receipts. The supervisor should immediately notify the clerk auditor to close the account.

# Title 4. Performance Evaluations

## Chapter A. Job Descriptions

1. **Job Requirements.** Job descriptions outlining the essential functions of the position shall be established for every position by the Human Resources Director and updated as needed. Every County employee, regardless of status, shall be able to execute the essential functions of their position with or without reasonable accommodation. If an employee is unable to perform up to the standard required for the position or the essential functions of the position, a meeting with the employee will be arranged to determine the reasons for the inability to meet these requirements and what changes or corrections may be required to either the work environment or resources available to assist the employee. Failure to do so may result in disciplinary action. Unwillingness of an employee to cooperate in taking the necessary steps to improve his or her performance may result in termination.

2. **Employee Performance.** Employee performance plans shall be established by the Human Resources Director in collaboration with the Department Heads and Supervisors for each employee under their supervision on a yearly basis or more often if needed.

# Title 4. Performance Evaluations

## Chapter B. Performance Evaluations

1. **Annual Evaluation.** At least annually the employee's supervisor shall conduct a performance evaluation. The purposes of the evaluation are as follows:

    a. To communicate supervisor expectations to the employee.
    b. To develop goals for the employee to work toward.
    c. To allow the employee to discuss any suggestions, problems or concerns the employee may have.
    d. To identify any deficiencies in the employee's performance and to outline a plan of correction.
    e. To provide documentation for potential promotions, bonuses, disciplinary actions, or discharge.

    Upon completion of every probationary period, a performance evaluation will be completed by the appropriate supervisor.

2. **Review.** The Human Resources Director will review all evaluations for consistency and for compliance with these policies. The Board of County Commissioners may, from time to time, evaluate non-elected Supervisors.

# Title 5. Discipline

## Chapter A. General.

1. **Applicability.** Any Executive Employee, Part-Time Employee, Temporary Employee, Stand-by Employee, or Probationary Employee may be discharged at the will of the County. Such employees have no expectation of continuing employment and have no expectation that they will be subject to any notification prior to discharge. Additionally, no Executive Employee, Part-Time Employee, Temporary Employee, Stand-by Employee, or Probationary Employee is entitled to any progressive discipline unless these policies and procedures and/or applicable provisions of federal, state, or local law expressly provides for such progressive discipline. Accordingly, the provisions of Title 5 of this Manual do not apply to such employees unless expressly made applicable to the particular classification of employees in the body of the applicable provision.

2. **Discipline Appropriate.** Any employee committing an offense against the County, wherever named, may be subject to disciplinary actions up to and including termination.

3. **Fair Discipline.** The County shall implement discipline without regard to race, color, creed, national origin, sex, age, disability, marital status or the intent to bear children. Discipline shall be applied fairly and evenly based upon its own discretion and balanced against aggravating and mitigating circumstances.

4. **Initiation of Discipline.** Generally, any disciplinary investigation or process is initiated by a Department Head (whether elected or not) or an employee's immediate supervisor. However, the Commission, or a Commissioner, may order a disciplinary investigation and impose warranted disciplinary action. The Human Resources Director, may, if he or she has evidence that a Department Head is refusing to act, investigate a report of infraction provided only that he or she informs the Commission in writing that he or she is doing so. Nothing herein shall be so construed as to relieve any person of any duty to report violations of the Policies and Procedures or thereafter impose discipline.

5. **Enforcement.** Although the decision to apply discipline belongs primarily with the Department Head, it is the Human Resources Director's responsibility to oversee the discipline and ensure compliance with these procedures. Except as noted elsewhere in these Policies and Procedures, any applicable processes, forms, etc., shall be approved by the Human Resources Director.

# Title 5. Discipline

## Chapter B. Types of Discipline.

1. **Verbal Warning.** A Verbal Warning is a private discussion between a supervisor and an employee regarding any offense or violation of the employee deemed by the supervisor to warrant a verbal discipline. Any employee deficiency verbally communicated from a supervisor to an employee is a Verbal Warning.

2. **Written Warning.** A Written Warning is a written document prepared by a supervisor and delivered to an employee regarding any offense or violation of the employee deemed by the supervisor to warrant a written discipline. Any employee deficiency communicated in writing from a supervisor to an employee is a Written Warning.

3. **Suspension.** A Suspension is a disciplinary action in which an employee is prohibited from working for the County for a period of time. The suspension may be with or without pay. Any prohibition from working for the County for any period of time is a Suspension.

4. **Disciplinary Transfer.** A Disciplinary Transfer is a disciplinary action in which an employee is transferred to a different position in a different department or division of the County, or transferred from the supervision of one supervisor to another.

5. **Demotion.** A Demotion is a disciplinary action in which an employee is moved to a lower pay grade, moved to a subordinate position that results in a reduction in pay, or removed from a position of responsibility resulting in a reduction in pay.

6. **Dismissal or Discharge.** A Dismissal or Discharge is a disciplinary action in which an employee's employment relationship with the County is involuntarily terminated and the employee is removed from the payroll.

7. **Other Disciplinary Measures.** The disciplining official or body may determine to fashion disciplinary measures other than those specifically identified above. In such cases, the disciplining official or body should attempt to classify such measures within one of the above-identified classifications.

# Title 5. Discipline

## Chapter C. Administration of Discipline.

1. **Purpose of Discipline.** The County's policies on disciplinary procedures are designed to achieve the following goals:

   a. To eliminate employee disciplinary problems in advance by letting employees know what offenses will be punished and what disciplinary steps will be taken;
   b. To protect employees from the unsafe actions of their co-workers that might put them at risk of physical harm;
   c. To assure all employees that basic disciplinary procedures will be applied uniformly in all departments;
   d. To give employees who commit offenses or violations the opportunity, where appropriate, to improve by informing them what specific actions they should take to meet behavioral and performance standards.

The County may use corrective discipline for violations of standards of conduct in a progressive manner. Increasing severity of disciplinary action may be given each time an employee is disciplined.

2. **Procedure for Use of Disciplinary Methods**

   a. Verbal Warnings. If, in the matter of any Class I violation, the disciplining authority deems it in the best interest of all concerned to issue only a Verbal Warning, and not to initiate any formal discipline, the disciplining authority may speak to the employee about the specific action deemed to be an offense or violation.

      1. In such cases, the disciplining authority should prepare a written record specifying the date and time of the Verbal Warning and identifying with specificity the reason for the Verbal Warning. The record of the Verbal Warning should be placed in the employee's personnel file.

      2. A Verbal Warning may not be used for Class II or Class III violations. Additionally, a Verbal Warning may not be used for a second Class I offense that is the same or similar to another Class I offense for which an employee received a Verbal Warning within the previous year.

   b. Written Warnings. If an employee commits any Class I or Class II violation and the disciplining authority deems it in the best interest of all concerned to issue only a Written Warning, and not to initiate any other formal disciplinary measures, the disciplining authority may issue a Written Warning.

      1. In such cases, the disciplining authority shall prepare a Notice of Intent to Issue a Written Warning which identifies with specificity the reason(s) why

the disciplining authority intends to issue a Written Warning against the employee. The Notice of Intent to Issue the Written Warning should be delivered directly to the employee by any appropriate method that ensures delivery was made.

2. An employee who is given a Notice of Intent to Issue a Written Warning must be given an opportunity to respond, either verbally or in writing, before a Written Warning is issued. An appropriate employee response time shall be based upon the seriousness of the circumstance(s) at issue, but under no circumstances shall the employee response time be less than one working day.

3. If a Written Warning is issued, it must be delivered to the employee by any appropriate method that ensures delivery and then placed in the employee's personnel file. Although not necessary for administration of the Written Warning, an employee should be given an opportunity to sign the Written Warning to evidence that he or she was delivered a copy. If an employee refuses to sign the Warning, the disciplining authority should date the Warning and document that the employee refused to sign it.

4. A Written Warning may not be used for a Class III violation. Additionally, a Written Warning may not be used for a second Class II offense that is the same or similar to another Class II offense for which an employee received a Written Warning within the previous year.

d. Suspension, Demotion, Disciplinary Transfer, Discharge or Dismissal. If an employee commits any Class I, Class II, or Class III violation, and the disciplining authority deems it in the best interest of all concerned to Suspend, Demote, Disciplinarily Transfer, Discharge, or dismiss the employee, the disciplining authority must comply with the following procedures.

1. The disciplining authority should prepare a Notice of Intent to Suspend, Demote, Transfer, Discharge, or Dismiss ("Notice of Intent to Discipline"), which identifies with specificity the reason for the proposed action. The Notice of Intent to Discipline should be delivered to the employee by any appropriate method that ensures delivery.

2. An employee who is given a Notice of Intent to Discipline must be given an opportunity to respond to the proposed discipline verbally, in writing, or both before any discipline are issued. The employee may request that he or she be allowed to provide both verbal and written responses. The employee response time should be a reasonable amount of time under the circumstance, but in no event shall the employee response time be less than three (3) working days.

   a. A disciplining authority may immediately suspend an employee without pay and require the employee to leave the premises if, in the sole discretion of the disciplining authority, circumstances require such action.

In such a circumstance, if a later hearing is held on the proposed discipline, the employee must be paid any salary withheld during the suspension unless the disciplining authority determines that immediate action was necessary because the employee's intentional and willful violation of policy, the safety of the public or other County employees, or the protection of property required immediate action.

3. Once final discipline is issued, the Notice of Disciplinary Action must be delivered to the employee by any appropriate method that ensures delivery and placed in the employee's personnel file. Although not necessary for administration of the discipline, an employee should be given an opportunity to sign the Notice of Disciplinary Action to evidence that he or she was delivered a copy. If an employee refuses to sign it, the disciplining authority should date the Notice of Disciplinary Action and document that the employee refused to sign it.

e. Other Forms of Discipline. If a disciplining authority determines to issue an alternative form of discipline to those described above, the employee is entitled to the procedure that is most closely aligned to the discipline that is issued. The Human Resources Director will ultimately determine which procedure is most appropriate after giving due deference to the disciplining authority's opinion as to the appropriate procedure.

# Title 5. Discipline

## Chapter D. Right of Former Occupational Employee Appointed as an Executive.

1. **Senior Executive Employees.** In the event that an Occupational Employee accepts an appointment to become an Executive Employee, he or she shall be reinstated as an Occupational Employee in a position for which he or she is qualified in a pay grade comparable to the pay grade he or she had when last employed as an Occupational Employee if (a) he or she is not retained by the appointing official, (b) he or she was not discharged for cause, and (c) an Occupational Employee position exists. If a comparable Occupational Employee position does not exist, the employee may be appointed to a lesser position pending the opening of a comparable position. If the employee is placed in this pending position, he or she shall have precedence over other employees and applicants who are waiting for such an Occupational Employee position.

# Title 5. Discipline

## Chapter E. Disciplinary Appeals.

1. **Applicability.** No Executive Employee, Part-Time Employee, Temporary Employee, Stand-by Employee, or Probationary Employee has the right to appeal any disciplinary decision. Accordingly, the provisions of Title 5, Chapter E of this Manual do not apply to such employees unless expressly made applicable to the particular classification of employees in the body of the applicable provision.

2. **Right to Appeal.** Before an employee may appeal any disciplinary action, the employee must first exhaust the County's Grievance Procedure found in Title 9 of these Policies and Procedures. Employees may not appeal verbal warnings or written warnings.

3. **Appeal Initiation.** Upon the receipt of notice of the final disposition of the Duchesne County grievance procedures outlined in Title 9, an employee has the right to appeal the disciplinary process and action imposed to the Duchesne County Career Service Council.

   a. Time for Appeal. An employee must submit a written notice of appeal to the County Human Resources Director within ten (10) days or an employee will be deemed to have waived all appeal rights.

   b. Initial Determination of Jurisdiction. The Career Services Council shall make an initial determination as to whether the Council has jurisdiction under Utah Code Ann. § 17-33-4(b). This determination shall be done without the necessity of a hearing.

   c. Hearings. If the Career Services Council determines that it has jurisdiction, it shall have discretion to require written submissions, conduct a hearing, or to conduct any other proceedings necessary to hear and resolve the appeal. Additionally, although the Career Services Council is generally an appellate body with reviewing authority to determine the appropriateness of the decision of the disciplining authority, it may have all the powers to compel witnesses to attend the hearing where it deems appropriate and as authorized by applicable state statute.

   d. Final Decision. Upon the completion of a hearing or any other proceeding, the Career Services Council may affirm, modify, vacate, or set aside the discipline imposed. The decision is by majority vote. The decision is not final until it is placed in written form, signed, and served upon the appealing party either by hand-delivery or placed in certified mail return receipt requested. Service is complete upon hand-delivery to the appealing party or placement of the decision in the mail.

# Title 6. Non Discrimination

## Chapter A. General

1. **Equal Opportunity.** Duchesne County is an Equal Opportunity Employer. It is the practice of the County to select, develop, and promote employees based on their ability and performance. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfers, and leaves of absence, compensation, and training. This policy also extends to those who seek to do business with the County.

   As an Equal Opportunity Employer, the County does not discriminate on the basis of race, color, gender, religion, age, national or ethnic origin, disability, marital status, veteran status, genetic information, sexual orientation, gender identity (as that term is defined in the Utah Antidiscrimination Act currently codified at 34A-5-101 *et seq.*), or any other classification prohibited by federal, state, or local law. The County adheres to and upholds the mandate set by the Utah Right to Work Law in that the right of persons to work for the County "shall not be denied or abridged on account of membership or non-membership in any labor union, labor organization or any other type of association."

2. **Expression of Religious or Moral Beliefs.** Pursuant to the requirements of Utah Code § 34A-5-112, an employee may express his or her religious or moral beliefs at work so long as the expressions are made reasonably, non-disruptively, and in a non-harassing way. However, Elected Officials and Department Heads, with the concurrence of the Board of County Commissioners, may establish rules prohibiting these types of expression upon a specific and express finding that "the expression is in direct conflict with the essential business-related interest" of the Department.

3. **Discrimination is Punishable.** It is the obligation of every person employed by the County, including Department Heads and Elected Officials, to uphold these policies and the laws from which they are derived.

4. **Military Service Protected.** No County employee shall be disadvantaged or discriminated against because of his/her service in the Armed Forces of the United States (including the U.S. Coast Guard). Nor shall the County discriminate in hiring because of membership in the Guard and Reserve components of the Armed Forces.

# Title 6. Non Discrimination

## Chapter B. Harassment

1. **All Legally Prohibited Harassment and Discrimination Prohibited.** The County prohibits the harassment and discrimination of its employees, contractors, consultants, Board of County Commissioners, other elected or appointed officials, and customers in any manner. The County will not tolerate verbal, visual, or any other communication including email, internet, or telephone, physical misconduct, or any other actions by any employee that harasses, discriminates, or that impacts another's job function and performance or who creates a hostile work environment by demeaning or harassing any person based on an individual's gender, gender identity (as defined in the Utah Antidiscrimination Act currently codified at 34A-5-101 *et seq.*), sexual orientation, race, age, national origin, religion, disability, genetic information, or any other legally protected characteristic.

2. **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

   Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

   - The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex;
   - The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker; or
   - The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

   Sexual harassment can occur in different types of situations. For instance, it is illegal sexual conduct (1) if submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment or advancement or (2) where a job benefit is directly tied to an employee submitting to unwelcome sexual advances.

   Moreover, conduct can be sexually harassing if the sexual conduct unreasonably interferes with an individual's job performance or creates a hostile, intimidating or offensive work environment without regard to tangible or economic job consequences: the person may not lose pay or a promotion. Such sexual harassment may include, but is not limited to:

   - repeated requests for sexual favors
   - demeaning sexual inquiries and vulgarities

- offensive language
- other verbal or physical conduct of a sexual or degrading nature
- sexually offensive, explicit or sexist signs, cartoons, calendars, off color jokes, gender stereotyping, literature or photographs displayed in plain view
- offensive or vulgar graffiti.

3. **Reporting Process.** It is helpful for the employee who feels he or she has been the victim of or witness to any illegal harassing behavior to directly inform the harasser that the conduct is unwelcome and must stop. However, such action is not required, but the employee or witness to acts of harassment should document the occurrence.

   Employees and/or witnesses must report the incident(s) to his or her supervisor or another member of Management. In the event that the behavior is from an employee's supervisor, the victim or witness can make a report directly to the Human Resources Director or any member of the Board of County Commissioners. If the offending individual is the Human Resources Director, the victim or witness may report the incident to the Board of County Commissioners.

4. **Investigations.** All allegations of discriminatory or harassing behavior will be taken seriously and investigated immediately by the Human Resources Director or another duly delegated individual while maintaining as much as possible the privacy and confidentiality to the parties involved. Where appropriate, immediate corrective action, including termination, may be taken. All claims are encouraged to be reported immediately.

   No person shall lose wages or in any way be made subject to any disciplinary action for reporting sexual harassment. The Human Resources Director is explicitly authorized to grant paid leave if necessary to protect the reporting person.

5. **"Zero Tolerance" of Retaliation.** It is important for County employees to know that by law, any retaliation against an employee who opposed any illegal discrimination or harassment or made a charge or participated in an investigation is prohibited under Title VII of the Civil Rights Act of 1964. No employee will be penalized for factual representation of the events. Employee behaviors that are protected include:

   - resisting advances, discrimination, or other harassment
   - registering a complaint of harassment or discrimination
   - supporting the claim of another employee
   - picketing in protest of illegal discrimination or harassment
   - notifying law enforcement authorities

6. **False Claims.** In the event it is found that claimant or witness made false accusations or use this policy to intimidate, harass or create groundless claims against another, will be subject to corrective action up to and including termination.

# Title 6. Non Discrimination

## Chapter C. Employees with Disabilities

1. **Discrimination against those with Disabilities.** It is the County's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. Additionally, the County will reasonably accommodate qualified individuals with disabilities. The County shall comply with all federal, state, and local laws concerning the employment of persons with disabilities.

2. **Definitions.** The County shall use the following definitions in implementing its policies. In the event of any conflict between the definitions in this policy and applicable state and federal law, state and federal law shall control.

   a. "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has a record of such impairment is referred to as "disabled individual."

   b. "Major life activity" may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A "major life activity" may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.

   c. "Direct threat to safety" refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

   d. A "qualified individual with a disability" refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

   e. "Reasonable accommodation" refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to; job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

   f. "Undue hardship" refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3)

the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the Company; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire Company; and (8) the relationship of the particular facility to the Company. These are not all of the factors but merely examples.

g. "Essential job functions" refers to those activities of a job that are the core to performing the job in question. The County prohibits the harassment and discrimination of its employees, contractors, consultants, Board of County Commissioners, other elected or appointed officials, and customers in any manner. The County will not tolerate verbal, visual, or any other communication including email, internet, or telephone, physical misconduct, or any other actions by any employee that harasses, discriminates, or that impacts another's job function and performance or who creates a hostile work environment by demeaning or harassing any person based on an individual's gender, race, age, national origin, religion, disability, genetic information, or any other legally protected characteristic.

**3. Guidelines.**

a. The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question.

b. An individual who can be reasonably accommodated for a job in question, without undue hardship, will be given the same consideration for that position as any other employee or applicant.

c. All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

d. The Human Resources Director is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

**4. Telecommuting**

Due to the nature of the business needs of Duchesne County, the County does not allow telecommuting to hourly employees in most instances. Telecommuting is neither a universal employee right nor a universal employee benefit; telecommuting is a management option for an alternative work arrangement- only under special extraneous circumstances and only for a very limited time.

1. Telecommuting is not appropriate for all employees and jobs, nor all employees in the same or similar jobs, and should be considered on a case by-case basis.

2. Telecommuting may be approved on a time-limited basis and exceptions may be required to meet department needs.

3. The Board of Commission must be involved when department heads or elected officials consider authorizing and making arrangements for an hourly employee to telecommute.

4. Telecommuting work arrangements must be mutually agreed to by the employee, department head, and the Board of Commission with the understanding that the arrangements may be discontinued by the County at any time.

5. Elected Officials and Department Heads are responsible to notify Human Resources when a telecommuting agreement has been made regarding the parameters of the agreement.

## Title 6. Non Discrimination

### Chapter D. Reasonable Accommodation for Pregnancy and Breastfeeding

1. **Reasonable Accommodation.** It is the County's policy to provide reasonable accommodations for an employee with conditions related to pregnancy, childbirth, or breastfeeding, unless the accommodation creates an undue burden upon the County. It is the employee's responsibility to notify the Human Resources Director of any condition related to pregnancy, childbirth, or breastfeeding, which needs accommodation.

2. **Certification.** Depending upon the stated condition requiring reasonable accommodation, the County may require the employee to provide a certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation. The certification shall include: the date the reasonable accommodation becomes medically advisable; the probable duration of the reasonable accommodation; and an explanatory statement as to the medical advisability of the reasonable accommodation.

3. **Break Time for Breastfeeding.** The County will comply with the requirements of the Patient Protection and Affordability Care Act (PPACA) and the Fair Labor Standards Act (FLSA) by providing break times during the work day for nursing mothers to express breast milk for her nursing child. Break time and a designated location shall be available to employee nursing mothers for one (1) year following the child's birth. Employees shall not be compensated for breaks taken for the purpose of expressing breast milk, although nothing herein shall prevent employee mothers from expressing during their normal employee break times and being compensated in the same way that other employees are compensated for the same break times.

    a. Consistent with the requirements of the PPACA and FLSA, the County will provide a designated location other than a bathroom, wherein employee mothers can express breast milk in a space that is sufficiently sized, shielded from view, and free from intrusion from co-workers and the public.

# Title 7. Benefits & Compensation

## Chapter A. General

1. **Benefits and Compensation.** Compensation for County employees shall be equitable and adequate. The compensation plan and assignment of County employees and position to pay grades shall be determined by the Board of County Commissioners.

2. **Affordable Care Act.** The Affordable Care Act refers to two separate pieces of legislation — the Patient Protection and Affordable Care Act (P.L. 111-148) and the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152).

   In compliance with the Affordable Care Act (ACA), Duchesne County offers health insurance benefits to employees working an average of 130 hours or more per month. Employee's hours will be tracked using the standard look-back measurement method. Duchesne County's look-back cycle begins on November 1st and ends on October 31st each year. Every employee who has worked an average of 130 hours or more per month during this 12 month measurement period will be offered health insurance benefits for the following 12 months. An administration period will be observed from November 1st to December 31st each year during which eligible employees may enroll in health insurance benefits that will begin January 1st of the next year. Employees may contact the Human Resources Office regarding ACA guidelines and eligibility.

# Title 7. Benefits & Compensation

## Chapter B. Holidays

1. **Holidays.** It is the County's intention to provide 100 hours of holiday leave (based on 12 and ½ holidays) to its employees working 40 hour workweeks. All benefited-employees who work less than a 40 hour workweek shall receive a pro-rated amount of holiday time consistent with their normal workweek. Additionally, for those departments who work alternative schedules (such as 10 hour days), the Elected Official or Department Heads shall adjust work schedules in order to meet the needs of the departments and the County with the goal of providing the holiday hours to its employees. The days listed below shall be recognized and observed as Holidays. In addition, the Board of County Commissioners may, from time to time, declare additional days as Holidays. Days so declared entitle employees to the same benefits as if the day were part of the list.

    a. NEW YEARS DAY; the 1st day of January.
    b. HUMAN RIGHTS DAY, the 3rd Monday of January.
    c. PRESIDENT'S DAY, the 3rd Monday of February.
    d. MEMORIAL DAY, the last Monday of May.
    e. INDEPENDENCE DAY, the 4th day of July.
    f. PIONEER DAY, the 24th day of July.
    g. LABOR DAY, the 1st Monday of September.
    h. COLUMBUS DAY, the 2nd Monday in October.
    i. VETERAN'S DAY, the 11th Day of November or the Monday thereafter.
    j. THANKSGIVING DAY, the 4th Thursday in November.
    k. FRIDAY AFTER THANKSGIVING.
    l. CHRISTMAS EVE, December 24$^{th}$ (1/2 day)
    m. CHRISTMAS DAY, the 25th Day of December

2. **Holidays Observed.** When one of the above-listed days falls on a Saturday, the day before shall be considered the Holiday. If it falls on a Sunday, the Monday after shall be considered the Holiday. If Christmas Eve falls on either a Saturday or Sunday, it shall be observed on the preceding Friday.

3. **Compensation for Work on Holidays.** Benefited employees shall be compensated for work on holidays at straight time. However, it is the County's policy to discourage such work on holidays, and supervisory personnel should organize their department workload to avoid the same as much as possible.

# Title 7. Benefit & Compensation

## Chapter C. Annual Leave

1. **General.** Annual leave is intended to benefit the employee, and employees are encouraged to take annual leave in the year in which it is earned.

2. **Accrual.** Annual leave shall accrue during an employee's probationary period, but shall not be available for use until the employee has completed his or her probationary period. Each regular full-time employee shall accrue annual leave with pay according to the following rates based on twenty-six pay periods.

   a. Beginning on the first date of employment and going through to the end of the fifth year of employment, employees shall accrue 3.69 hours per pay period for annual leave. (Approximately 96 hours per year)

   b. Beginning with the sixth year of employment and going through to the end of the tenth year of employment, employees shall accrue 4.62 hours per pay period for annual leave. (Approximately 120 hours per year)

   c. Beginning with the eleventh year of employment and each pay period worked thereafter, employees shall accrue 5.54 hours per pay period for annual leave. (Approximately 144 hours per year)

   d. A maximum of one hundred twenty hours annual leave may be carried from one calendar year to the next. Accrued annual leave in excess of one hundred twenty hours shall be forfeited if not used prior to the end of the year. Deferment of annual leave may be requested by the Elected Official or Department Head on behalf of an employee, in which case special provision may be granted by the Board of County Commissioners.

   e. All permanent part-time employees who work more than twenty (20) hours per week continuously will receive a percentage of annual leave according to the number of hours that they work.

   f. Annual leave shall not accrue during an employee's leave of absence or short-term disability periods.

   g. If a paid holiday falls within the annual leave period taken by an employee, it will be treated as a holiday and will not be charged against the employee's annual leave.

3. **Scheduling.**

   a. The approval and timing of an employee's annual leave shall be at the discretion

of the Elected Official or Department Head. The Elected Official or Department Head will give consideration to the wishes of the employee as well as the needs and demands of the County.

b. An employee's supervisor may require an employee to take forty hours or one consecutive week of annual leave per year.

c. Vacation time will be scheduled at least five working days in advance so as to meet the operating requirements of each department and, insofar as possible, at the preference of the employee. Seniority within various departments shall apply in case of conflicting leave requests or schedules.

d. It is intended that vacation be taken in blocks of five days or more, but may be taken in two hour blocks for special circumstances if approved by the Department Head.

**4. Records.** It shall be the responsibility of each Elected Official or Department Head to maintain accurate records of annual leave used by each employee. Such records shall be delivered to the County Auditor at the end of each pay period, or immediately upon employee's termination to be placed in the employee's permanent personnel records.

Elected Officials or Department Heads shall also be responsible for entering ALL annual and sick leave, comp time and/or overtime for their employees, and shall review and make changes accordingly to any entries. Elected Officials or Department Heads may assign a designee to enter the information, however, final approval and review is the sole responsibility of the Elected Officials or Department Heads.

**5. Termination.** Payment of accumulated earned annual leave shall be made by the employing department when an employee separates from County service, except in the case where an employee terminates during the probationary period.

# Title 7. Benefits & Compensation

## Chapter D. Sick Time

1. **General.** Sick leave is not a right of employment; it is a privilege. Though employees may request to use accrued sick leave and the County offers a cash reward upon termination of unused sick leave, ownership of the leave belongs to the County.

2. **Usage.** Sick leave is for an employee's personal sicknesses, injuries, or doctor visits. For illness or injury not qualifying for coverage under the Family and Medical Leave Act (FMLA), forty hours of sick leave, per year, may also be utilized to cover an employee's absence from work to care for an ill or injured person for whom the employee is the primary care giver. After sick leave is exhausted, an employee must use annual leave for his or her sick absences. Once an employee exhausts all sick and annual leave for sick leave, for illness or injury not qualifying for coverage under the FMLA, an employee may request leave without pay, which shall be granted at the sole discretion of the Department Head or Elected Official, or the procedure for Contributed Leave may be initiated. Holidays which fall on a regular working day within a period when sick leave is being taken shall be credited as a holiday and not as a day of sick leave.

3. **Accrual.** Each full-time and full-time probationary employee shall accrue sick leave at a rate of 3.69 hours per pay period. Sick leave will be prorated for employees who work 20-39 hours per week.

   a. Total annual accrual of sick leave shall be ninety-six hours.

   b. Unused sick leave may be carried over at the end of the calendar year, but in no event shall the carry-over amount exceed 520 hours.

   c. Sick leave shall not accrue during a leave of absence without pay nor shall it accrue on annual leave immediately preceding either leave of absence without pay or termination.

   d. For purposes of this Chapter, Saturdays, Sundays, and holidays shall not be considered regular working days.

4. **Approval.** Sick leave must be requested by an employee or another trustworthy source prior to or within one-half hour after his or her scheduled reporting time. This time limit may be extended where reasonable to do so. Sick leave will be approved at the discretion of the Elected Official or Department Head. An Elected Official or Department Head may insist that sick persons stay off the job, which absence shall be deducted from the individual's sick leave bank.

5. **Contributed Leave.** This is a method by which employees may contribute vacation time to fellow employees who have exhausted all available leave, i.e., sick and annual leave. Application for contribution of such time shall be made to the Office of the Human Resources Director by the elected official or department head responsible for the employee's department in conjunction with the employee's request for such

contribution. Upon approval of the application, the Human Resources Director will notify county employees regarding the need for such a contribution. Employees may then voluntarily contact the Human Resources Director advising the officer of the number of hours they wish to contribute. Any contribution would thus reduce the balance of hours in the contributing employee's leave bank. A contributing employee may not donate any leave if his or her leave bank will drop below forty hours.

6. **Cash Conversion.** Any unused sick leave up to 520 hours shall be reimbursed upon voluntary separation at 25%. If an employee dies while actively employed by the County, the beneficiary of the employee shall be reimbursed at 25% of the employee's sick leave bank. For purposes of this section, leaves of absence without pay will not be treated as voluntary separation.

7. **Certification.** Any time an employee is absent using sick leave for illness for more than twenty-four consecutive hours certification of illness must be provided by a health care professional. Additionally, a supervisor may require an employee to produce certification when there is reason to believe that sick leave is being abused or when an employee has been disciplined previously for any act of dishonesty.

8. **Absence for Workplace Injury**.

   a. An employee who sustains a bodily injury in the course of employment and who qualifies for Workers Compensation as having received an industrial injury shall not be denied any of the regular employment benefits he or she was receiving at the time of the injury. Such benefits will continue to accrue for the benefit of the injured employee during that period of time in which the employee is disabled as a result of the industrial injury and unable to return to work for the County. Such benefits include health insurance, accidental death and disability insurance, and accrual of sick leave, annual leave, and paid holidays.

   b. For sick leave granted to an employee for a period of disability which is compensable under provisions of the Workers Compensation Act, payment to the employee shall be reduced by the amount of the workers compensation benefit received.

   c. All other provisions of the sick leave policy apply to these types of illnesses and injuries.

9. **County's Needs.** If (a) an employee has exhausted all of his or her FMLA leave but still has sick leave remaining or (b) an employee is not entitled to FMLA leave but has unused accumulated sick leave, the County may dismiss the employee, despite his or her remaining accumulated sick leave, if, because of the employee's continued absences, the County or the Department for which the employee works will suffer undue hardship.

   a. Undue Hardship. Undue hardship includes, but is not limited to, increased and unreasonable costs to the County or Department caused by the employee's

continuing absences, inability to maintain adequate staffing because of the employee's continuing absences, unreasonably increasing co-workers' workloads as a result of the employee's continuing absences, disruption to the County or Department's operations caused by the employee's continuing absences, fundamental alteration of the nature or operation of the County or Department caused by the employee's continuing absences, and/or inability of the employee to fully perform the functions of his or her job without reasonable accommodation.

b. Dismissal Non-disciplinary. Dismissal in such a circumstance is considered non-disciplinary. An employee dismissed under these circumstances is entitled to receive the same cash conversion of sick leave as other employees as detailed in these policies and procedures. (Rev. 05/05/14)

**9. Fraud.** A person who abuses these policies or in any way fraudulently claims to be sick is engaged in prohibited conduct that will subject him or her to disciplinary action up to and including termination.

## Chapter E. Other Leave

1. **Emergency Leave.** Emergency leave may be used for deaths or in case of illness within the immediate family. For leave that does not qualify as FMLA leave, no more than three (3) working days (not to exceed twenty four [24] hours) in any calendar year may be taken as emergency leave. "Immediate family" shall be defined as wife, husband, child, stepchild, parents, brother, sister, brother-in-law, sister-in-law, father-in-law, mother-in-law, grandmother, grandfather, grandchild, or other dependent person living in the same household.

2. **Unpaid Leave of Absence.**

   a. Leaves of absences without pay may be granted for a period not to exceed one year to County employees because of illness that extend past the FMLA entitlement, for educational purposes, and for other reasons, provided that leaves granted to enable an employee to take an office in the service of the County shall be for the duration of such employee's service therein. Such leave shall not be regarded as an acquired right by employees and shall be granted only when the service will not be adversely affected and at the sole discretion of the Board of County Commissioners. Requests for leave shall be made in writing in the form made available by the County, and if approved by the Board of County Commissioners, shall be filed with the Human Resources Director. Leaves granted to employees who accept regular or full-time employment outside the County's service shall be subject to the approval of the Elected Official or Department Head and shall be denied unless the request thereof is accompanied by satisfactory proof that such employment is temporary and that the experience gained thereby will be for the betterment of the County's service.

   b. A leave of absence without pay granted to an employee may be terminated prior to the expiration date thereof with the consent of the appointing authority and Board of County Commissioners. Failure of an employee to report for duty promptly at the expiration of his or her leave or violation of an agreement or understanding entered into by him or her relative thereto, shall be just cause for discharge and the removal of his or her name from any eligible list or lists on which it may appear.

3. **Family Medical Leave.** The County will comply with the provisions of the Family and Medical Leave Act ("FMLA"). The County will administer such leaves of absences in accordance with FMLA and other applicable federal and state law. The Human Resources Director shall prepare, and update as appropriate, written guidelines to implement this policy and shall provide a copy of those guidelines to each employee. The type and length of leave, and compensation to be received, if any, during the leave will also be set forth in those guidelines. The most recent guidelines are appended hereto to this Chapter E as Appendix A. For purposes of calculation of entitlement under the FMLA, the County shall use a rolling twelve month look-back period.

4. **Break Time for Nursing Mothers.** The County will comply with the requirements of the Patient Protection and Affordability Care Act (PPACA) and the Fair Labor Standards Act (FLSA) by providing break times during the work day for nursing

mothers to express breast milk for her nursing child. Break time and a designated location shall be available to employee nursing mothers for one (1) year following the child's birth. Employees shall not be compensated for breaks taken for the purpose of expressing breast milk, although nothing herein shall prevent employee mothers from expressing during their normal employee break times and being compensated in the same way that other employees are compensated for the same break times.

a. Consistent with the requirements of the PPACA and FLSA, the County will provide a designated location other than a bathroom, wherein employee mothers can express breast milk in a space that is sufficiently sized, shielded from view, and free from intrusion from co-workers and the public.

5. **Disability Leave Caused by Employment Injury.** Should an employee be so injured in the course of employment with the County as to receive disability payment, that person may be placed on unpaid disability leave once his or her paid sick leave is exhausted. If the County replaces an employee on disability, he/she may reclaim his or her job provided that the replacement employee has not been employed for longer than six (6) months. After six months, the employee has preference for any County position for which he or she is otherwise qualified. Any person injured to an extent he/she cannot perform the essential functions of the position must bring a physician's release before returning to work. The County will, if necessary, make reasonable accommodations to assist a worker who has disabilities.

   a. Reporting. An employee must report to his/her immediate supervisor: (A) any injury or strain he or she believes should receive treatment, (B) an injury that may aggravate if not attended to, (C) any fall to the back or head, (D) any cut wherein the flow of blood may not be staunched by a regular "band-aid." They must report these incidents or injuries immediately if possible or at the earliest opportunity. Failure to do so may result in disciplinary action but does not bar him or her from claiming Workers Compensation benefits.

   b. Release to Return to Work. Any worker who claims disability or who is otherwise injured and declared unfit to work by a physician shall obtain a medical release to return to work before being allowed to do so. Either the worker or the County will present, if necessary, a job description to the physician so that he/she may give informed release.

   c. Designated Provider. The County may, from time to time, designate a physician or facility as "designated first provider," whom/where the injured worker must first see. The worker has the right under State law to visit another physician. However, the County and/or those administering its workman's compensation claim, retain the right to have a physician of their choosing examine the patient.

6. **Military Service Leave.** Leave shall be given as required by federal and state law to all qualified members of the armed services. The County currently provides 120 hours (15 days x 8 hours) for a full-time employee working a 40 hour workweek. Military leave will be prorated for part-time employees and for employees on uncommon tours of duty based proportionally on the number of hours in the employee's regularly scheduled biweekly pay period.
(Rev. 05/05/14)

**7. Jury/Witness Leave**

a. Witnesses. An employee who, in obedience to a subpoena or direction by proper authority, appears as a witness for the Federal Government, the State of Utah, or a political subdivision thereof, shall be entitled to the difference between his or her regular compensation and the compensation or fees received in excess of traveling expenses. Time absent by reason of a subpoena to be a witness in private litigation or by some party other than those identified above, to testify not in an official capacity shall be taken as annual leave without additional pay.

b. Juror. An employee who, in obedience to a subpoena or direction by proper authority, to appear as juror shall be entitled to the difference between his or her regular compensation and the compensation or fees received in excess of traveling expenses.

# EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**

**For additional information:**
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
**WWW.WAGEHOUR.DOL.GOV**

U.S. Department of Labor | Wage and Hour Division

WHD Publication 1420 · Revised February 2013

# Title 7. Benefits & Compensation

## Chapter F. Special Compensation and Other Allowances

### 1. Overtime

a. Workweek. The designated work week of the County begins each Saturday at 23:59:59 and ends 168 hours and one second later; i.e. midnight of the second Sunday after. Any time actually worked, regardless of when it occurs during the work week, in excess of forty (40) hours shall be designated overtime work. Overtime work shall be compensated at 1.5 times normal rate. Compensation shall be monetary except as provided below.

b. Computation. Overtime will be computed as required by law. Additionally, the following hours will be used for the purposes of calculating overtime and compensatory time at time and one-half:

1. For law enforcement personnel, including patrol, dispatch, and correctional, all hours worked within a 14 day work period which exceed 85 hours are overtime hours.

2. For all other county employees, all hours worked in excess of 40 hours in one work week are overtime hours.

c. Authorization. It is the County's policy to discourage the need to work overtime. Supervisory personnel should organize their department workload to avoid overtime hours. Overtime hours can only be approved by the Department Head or Elected Official.

d. Mandatory. The County may require overtime work. County employees may be required to make themselves available for overtime work.

Unnecessary Overtime. Occupational Employees who are classified as non-exempt (paid hourly) must, under the Fair Labor Standards Act, be compensated for all hours worked, including time worked over the standard 40 hour work week. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime is worked on such days.

1. Waiting Time

If Occupational Employees are required to arrive at work earlier than the scheduled start of the day, for example, to prepare the office to receive the public, or boot their computers and activate systems to be ready at the scheduled office open time, over time can be avoided in these ways:

a. Require the employee to take a longer break or lunch;

b. Allow the employee to leave work earlier at the end of the day; and
c. Set a staggered schedule for office coverage. If one employee opens the office, a different employee closes the office. Have employees overlap where needed.

2. Remote Work

Occupational Employees engaged in work outside of the office, i.e. home computing or to finish a project to meet a deadline, during non-core hours, are to be compensated for this time under the FLSA. Time worked remotely may be subject to the overtime law and has been defined by the US Supreme Court as:

"*"work" under the FLSA to be all time spent in physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer and the employer's business."*

Employees who are required or who ask to take work home should only be permitted to do so to meet a necessary deadline with approval. Employees should be given the option to leave early during the week, arrive later, or extend breaks or lunches.

Employees who take work home without prior approval that is not necessary to meet business needs and generates over time, must be paid for those hours worked, with the understanding that the employee may be subject to discipline for policy violation.

3. Non-payment of Overtime worked

Knowingly violating the overtime law by not paying or arranging for comp time for employees for hours worked in excess of the standard 40 hour work week, will subject the County and potentially create individual liability of Elected Officials and Department heads. This includes penalties of back pay to the employee, liquidated damages, fines up to $10,000 against the County and/or Elected Officials and Department heads. In some cases, a second violation conviction may result in imprisonment. Repeated violation of overtime pay requirements are subject to civil money penalties of up to $1,100 per violation. (29 USC §201 et seq.; 29 CFR Parts 510 to 794) (Rev. 05/05/14)

e. <u>Compensatory Time.</u> The Federal Government has allowed local and state governments to pay compensatory time (hereafter "Comp Time") instead of overtime monetary pay. This is provided that employees agree to the same and the rates at which it is paid are the same at which monetary compensation would

have been paid. For instance, a worker who works more than forty (40) hours per week will receive 1.5 hours of compensatory time for each hour of work over forty (40). Employees who are ineligible for overtime pay shall be eligible for Comp Time pay.

1. Use of Comp Time. Each Department who pays in Comp Time shall submit to the Commission & Clerk-Auditor & Human Resources Director a policy stating the maximum accumulation their Department will allow which shall not exceed 10 hours. Sheriff's Office and Roads Department shall not exceed 40 hours for each employee. The payroll system will automatically allocate comp time hours into a bank for each employee. Once the bank reaches the maximum accrual, the employee will be paid out hours earned over the allowed accrued amount. Employees who want to be paid out for hours already in their comp time bank will need to request that pay out for those hours through the system. Any remaining balance will be automatically paid out at year end. (Rev. 05/05/14)

The policy must provide the following:

a. Total Number of Hours accumulated:

   i. Employees engaged in public safety activities, emergency response activities, or seasonal activities that are not exempt from the Fair Labor Standards Act overtime rules may accumulate no more than 480 hours.

   ii. Employees engaged in any other activity not listed above and who are not exempt from the Fair Labor Standards Act overtime rules may accumulate no more than 240 hours. Additionally, once such employees have worked 160 hours of overtime, they may accumulate no more Comp Time.

b. The policy must include a provision that states that no employee may be forced or coerced to accept Comp Time in lieu of payment.

c. The policy must provide that the employees be allowed to use the Comp Time within a reasonable period after the employee makes a request for its use if that will not unduly disrupt the operations of the department.

The Commission may approve or reject any such policy at its sole discretion. If approved, a Comp Time report for each employee shall be submitted to the Clerk-Auditor every month on a form he/she shall provide. No employee shall be allowed to exceed the Departmental maximum. After the maximum has been reached, overtime pay shall be compensated monetarily. It is the sole responsibility of Elected Officials or Department Heads to ensure effective management of overtime and comp time. Departments that exceed allotted

hours outside of their approved budgets will be subject to review which may include a reduction in their manpower budget for the following year. (Rev. 05/05/14)

4. **On-Call Pay.** The time spent waiting while on-call is not considered working time rather an essential function of some County positions. If an employee is required by the employee's supervisor to return to work at other than the employee's regular work hour, the employee shall be credited with a minimum of one hour worked. Employees who are called out to work and have access to utilize public safety's central dispatch are to track call out hours by reporting to dispatch. Other employees are to report to their department head the time they are called out and the time in which they return home.

5. **Severance Pay.** When a full-time employee is separated from County employment due to a reduction-in-force through no fault of the employee, and when such a separation requires immediate action, the employee shall be paid two weeks' severance pay together with any compensation due for annual and sick leave as described elsewhere in these Policies and Procedures.

# Title 7. Benefits & Compensation

## Chapter G. Break Policy

1. **Periodic Breaks.** Breaks will be provided to employees at the discretion of the Elected Official or Department Head. A rest break is required for minors (employees under the age of 18) of at least 10 minutes for every three hour period or part thereof that is worked in accordance with Utah State labor laws. Employees may be compensated for two 15 minute breaks during an eight hour shift if such breaks are granted to them by the Department Head.

2. **Lunch Breaks.** Employees will have one half hour for lunch, which will be taken at a time determined by the Department Head in conjunction with the other employees, preferably between the hours of 12:00 noon and 2:00 p.m. The lunch break is not compensated. Employees may remain at their work site during their lunch break but may not be required to work during that time.

3. **Timing and Use of Breaks.** Breaks are for the purpose of providing the employee with a respite from work during the middle of a work shift. Break time shall not be used immediately after a shift begins or immediately before a shift ends for the purpose of leaving work early or arriving to work late.

4. **Break Time for Nursing Mothers.** The County will comply with the requirements of the Patient Protection and Affordability Care Act (PPACA) and the Fair Labor Standards Act (FLSA) by providing break times during the work day for nursing mothers to express breast milk for her nursing child. Break time and a designated location shall be available to employee nursing mothers for one (1) year following the child's birth. Employees shall not be compensated for breaks taken for the purpose of expressing breast milk, although nothing herein shall prevent employee mothers from expressing during their normal employee break times and being compensated in the same way that other employees are compensated for the same break times.

    a. Consistent with the requirements of the PPACA and FLSA, the County will provide a designated location other than a bathroom, wherein employee mothers can express breast milk in a space that is sufficiently sized, shielded from view, and free from intrusion from co-workers and the public.

# Title 8: Drug-Free Workplace Policy

## Chapter A. Overview

1. **Duchesne County** is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

2. **Covered Workers.** Any individual who conducts business for the County or is applying for a position is covered by our drug-free workplace policy. Our policy includes, but is not limited to Elected Officials, department heads, managers, full-time employees, part-time employees and volunteers.

    a. Safety Sensitive Employees may be required to adhere to more specific guidelines and includes employees who work as public safety officers, those who are required to comply to DOT regulations as CDL holders, and employees who have access and permissions to operate a county owned vehicle.

3. **Applicability.** Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the County, regardless of the time of day/night or the location of the individual representing or conducting business for the County.

    a. If an employee in a safety sensitive position is called to work outside the regularly scheduled work period, the employee has the right to refuse to go to work if the employee has used alcohol and feels impaired. The employee must notify his or her supervisor if he or she has consumed any alcohol in the last four hours prior to being called in. There will be no adverse job consequences for employees who exercise their right under this policy.

4. **Prohibited Behavior.** It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

5. **Notification of Convictions.** Any employee who is convicted of a criminal drug violation in the workplace must notify the Human Resources Office and their immediate supervisor in writing within five calendar days of the conviction. Failure to do so may result in immediate termination.

6. **Searches.** Entering Duchesne County's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of lockers, desks and work stations and vehicles and equipment.

## Chapter B. Drug Testing

1. **Drug Screening.** To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

    a. All employees who require a CDL license to perform their job function will be tested following the controlled substances and alcohol use and testing for the Federal Highway Administration, 49 CFR part 382 (Copy on file in Human Resources Office). All collections will be performed according to 49 CFR part 40.

    b. Each employee, as a condition of employment, will be required to participate in pre-employment, random, post-accident and reasonable suspicion testing upon selection or request of management.

    c. Testing for the presence of alcohol will be conducted by analysis of breath and/or saliva. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

    d. Any employee who tests positive will be subject to disciplinary action up to and including termination.

    e. An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

2. **Guidelines - Procedures.** For reasonable suspicion testing the Employee may be transported, by a member of Management, for testing to be performed by a designated contract consultant.

    a. Employee must sign a consent form agreeing or refusing to be tested for drugs and/or alcohol.

        1. If the employee is considered to be impaired, management will transport the employee home.

b. If the drug/alcohol screen is negative, and it is determined the problem is medical, the employee will need a release from their physician stating fitness for duty before returning to work.

c. Employee testing post-accident may be suspended from work with pay, pending receipt of results of lab tests within 48 hours unless: The physical clearly states in writing that the employee is fit for duty following a Fitness for Duty Examination; OR: The direct supervisor determines the accident did not endanger persons or property and the cause was not the result of any action of the employee.

3. **Consequences.** One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

   a. In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug test.

   b. Upon required testing due to an accident or reasonable suspicion, the employee tested shall not engage in the operation of any County equipment or engage in any employment related duties, which his/her supervisor deems dangerous. This leave will be with pay pending the outcome of test results.

   c. If an employee violates the policy, he or she may be terminated from employment.

4. **Assistance.** Duchesne County recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

   a. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.

   b. Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

   c. Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

5. **Treatment.** Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

6. **Confidentiality.** Records produced or received by the County or other related entities as part of the drug-free workplace program, including drug and alcohol testing results, are classified as "protected" under the Government Records Access and Management Act (GRAMA) and available for review only by the administrator or designee on a need to know basis. Records produced, received, or generated by the County as part of the drug free workplace program will be maintained in a secure, confidential file by the Human Resources Office and will not be kept in the employee's personnel file unless the record is used as basis for disciplinary action. Any protected documents under this policy may be produced to law enforcement individuals as part of an investigation or when ordered by a judicial officer. Any protected documents under this policy may also be produced as part of clarification or explanation of discipline or termination.

7. **Shared Responsibility.** A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

   In addition, employees are encouraged to:

   a. Be concerned about working in a safe environment.

   b. Use the Employee Assistance Program.

   c. Report dangerous behavior to their supervisor.

   It is the supervisor's responsibility to:

   a. Inform employees of the drug-free workplace policy.

   b. Observe employee performance.

   c. Investigate reports of dangerous practices..

   d. Document negative changes and problems in performance..

   e. Counsel employees as to expected performance improvement.

   f. Refer employees to the Employee Assistance Program.

   g. Clearly state consequences of policy violations.

8. **Communication.** Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

   a. All employees will receive a written copy of the policy.

   b. The policy will be reviewed in orientation sessions with new employees.

## Title 9: Smoke-Free Campus Policy

**Chapter A. General Policy.** The Duchesne County Commission supports an environment where County employees and visitors are not exposed to secondhand smoke. Therefore, indoor smoking, and tobacco use is not permitted on any county owned property except in designated areas.

1. **Purpose.** Health risks associated with smoking are well documented with reliable studies. Research shows that smoking and breathing in secondhand smoke constitutes a significant health hazard. Smoking also contributes to institutional costs including fire damage, maintenance, and costs associated with employee absenteeism, health care and medical insurance.

2. **Definitions.**

   a. "Tobacco Products" refers to any form of lighted or heated tobacco including cigarettes, cigars, pipes, cigarillos, hookah, as well as any "dry" or "canned" tobacco including various forms of chewing tobacco, snus and snuff. Additionally, tobacco products include alternative tobacco products such as dissolvable tobacco and electronic-nicotine delivery systems (e-cigarettes, mods) or any alternative nicotine delivery system.

   b. "Smoke or "smoking" means and includes: carrying or holding a lighted pipe, cigar, cigarette, electronic nicotine delivery system of any kind, or of any lighted or heated smoking equipment.

   c. "Tobacco use" also includes the use of "dry" or "canned" tobacco including various forms of chewing tobacco, snus and snuff.

**Chapter B. Prohibitions**

1. **Tobacco-Free.** No person shall use any form of tobacco at or on the premises of Duchesne County owned or managed properties except in designated areas.

2. **Restricted Properties.** Indoor Smoke-free areas include but are not limited to: Duchesne County Administration Building(s), Librar(ies), Roosevelt Satellite Building(s), Sheriff's Office buildings and vehicles, Roads department shed and vehicles, Event Center, and Fairgrounds.

3. **Designated Areas.** Outdoor areas located at the facilities listed above, provided such locations are at least 25 feet away from the building and are identified by "Designated Smoking Area" location signs.

**Chapter C. Responsibility -** This policy applies to County employees and visitors using County Facilities.

1. **Implementation.** Effective implementation of this policy depends on the courtesy, respect, and cooperation of all department heads, supervisors and employees of Duchesne County.

2. **Designated Areas.** Department Heads and Supervisors will be responsible for informing employees of this policy and directing employees and visitors to designated smoking areas when applicable. All employees shall direct visitors to designated smoking areas if they witness smoking/tobacco use in non-designated areas.

3. **Reporting.** Employees and/or witnesses may report violations of this policy to his or her supervisor or another member of management. In the event that the behavior is from an employee's supervisor, the witness can make a report directly to the Human Resources Director.

**Chapter D. Cessation Services**

**1. Assistance.** Duchesne County will assist employees by facilitating access to recommended smoking cessation program and materials. These resources include:

a. The Utah Tobacco Quit Line (1-800.QUIT.NOW) provides telephone based counseling, support materials, and nicotine replacement therapy options for callers who qualify.

b. Utah Tobacco Referral System (1-800-483-3076). Once a referral form is submitted, the QuitLine will begin making attempts to reach the client to initiate their cessation attempt.

c. Way to Quit (www.waytoquit.org) provides online quitting guides, peer support through message boards and email, expert advice, and other services to help people quit using tobacco.

d. Some smoking cessation prescription medications may be covered by your health insurance provider under your preventative care coverage. Talk with your primary care physician about your options and with your insurance provider regarding coverage under your plan.

# Title 10. Grievances

## Chapter A. Issues Subject to Grievance Procedure

1. **General Policy.** Employees who perceive that they have a grievance against the County should exhaust the administrative procedure set forth in the body of this Policy before pursuing any appeal to the Career Services Council. An employee may file a grievance about any perceived work related injustice or oppression resulting from an act, occurrence, omission, condition, or unfair labor practice. Issues addressable throughout the grievance process include, but are not limited to:

   a. Employee-Supervisor relationships

   b. Duty assignments not affecting job classification

   c. Shift and job location assignments

   d. Working conditions

   e. Practices affecting granting of leave

   f. Any disciplinary action

2. **Applicability.** No Executive Employee, Part-Time Employee, Temporary Employee, Stand-by Employee, or Probationary Employee is entitled to the use of this Grievance Process. Accordingly, the provisions of Title 9 of this Manual do not apply to such employees unless expressly made applicable to the particular classification of employees in the body of the applicable provision.

# Title 10. Grievances

## Chapter B. Grievance Process

1. **Resolution Encouraged at the Lowest Levels.** Grievances should be resolved at the lowest administrative level possible. Employees and their Immediate Supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal to the appropriate responding official. Written grievances shall contain, at a minimum, the following information:

    a. Name of the employee

    b. Date the occurrence or action underlying the grievance occurred

    c. Nature of the grievance

    d. Historical information related to the grievance

    e. Requested resolution

    f. Signature of the employee filing the grievance and date filed

2. **Time for Filing Grievance.** Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event giving rise to the grievance, or within ten (10) days of when the employee acquires knowledge of the occurrence or event giving rise to the grievance. In the event that an employee determines to move to the next grievance level, the employee's grievance must be filed within ten (10) days of the response that the employee received from the preceding level of grievance. In the event that the responding official failed to respond within the time allotted, the ten (10) days begins to run from the date that the response was due.

3. **Time for Response to Grievance.** At each level of the grievance process, after a responding official has received an employee grievance, the responding official shall have ten (10) working days to respond in writing to the grievance.

    a. <u>Permissible Extension.</u> If a responding official is unable to answer the grievance within the specified time period due to extenuating circumstances, the official may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is considered unacceptable, the employee may grieve the decision to the responding official at the next level of the grievance process.

b. Failure to Respond. Absent exigent circumstances, if the responding official fails to respond within the allotted time, the employee may proceed to the next level of grievance.

4. **Issues Subject to Grievance.** Only the issues presented in the original grievance may be considered throughout the grievance process.

5. **Chain of Grievance.** A grievance shall be processed through the following chain of responding officials, if applicable:

   a. Immediate Supervisor
   b. Department Head
   c. Human Resource Director
   d. Board of County Commissioners

6. **Board of County Commissioners Decision is Final.** The decision of the Board of County Commissioners constitutes the final grievance level. The Board of County Commissioners shall issue a decision within forty-five days of the filing of the grievance with it. If the Commission fails to respond within forty-five days, the grievance is deemed to be denied by the Commission.

7. **Record of Grievance.** No document relating to a grievance shall be placed in the employee's personnel file. If any disciplinary action against an employee is rescinded as a result of the grievance process, the Department Head shall remove the record of the disciplinary action from the employee's personnel file. If any disciplinary action against an employee is modified as a result of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee's personnel file and the modified record of the disciplinary action shall be placed in the employee's personnel file.

# Title 11. Volunteers

## Chapter A. Generally

1. **Policy Statement.** The Commission recognizes that volunteers are essential to the productivity, efficiency, and cost-effectiveness of County operations, and therefore encourages and welcomes individuals and groups who have the skill, talent, ability, and time to volunteer in Departments, divisions, and facilities.

2. **Definitions and Classifications.** The County recognizes the following definitions and classifications of volunteers:

    a. **Volunteer.** A volunteer is a person who, of his or her free will, provides services to any unit of County government without receiving monetary or material compensation, except expenses actually and reasonably incurred as approved by the supervising agency. A compensatory service worker, as defined below, shall not be considered a "volunteer" as defined in this subsection. Except as expressly provided in this Title 10, volunteers are not considered employees for any purposes, including but not limited to the purposes of Titles 1 through 9 of this Manual, and volunteers are not entitled the protections or benefits found in Titles 1 through 9 of the Personnel Policies and Procedures Manual. Accordingly, the provisions of Titles 1 through 9 of the Personnel Policies and Procedures Manual do not apply to Volunteers.

    b. **Compensatory Service Worker.** A Compensatory Service Worker means a person who performs a public service with or without compensation for an agency as a condition or part of the person's: i) incarceration, ii) plea, iii) sentence, iv) diversion, v) probation, or vi) parole. (Rev. 08/04/14)

# Title 11. Volunteers

## Chapter B. Status

1. **Insurance for Volunteer.** As mandated by UCA § 67-20-3, as amended from time to time, the County shall consider authorized volunteers under UCA § 67-20-4 that are acting within the scope of authority granted to them as employees solely for purposes of:

    a. receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under UCA Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act, as amended from time to time, respectively.

    b. the operation of motor vehicles or equipment if the volunteer is properly licensed and authorized to do so; or is an authorized passenger in such vehicles or equipment while providing emergency management response services; and

    c. liability protection and indemnification normally afforded paid government employees; such liability protection and indemnification is subject to and contingent upon the authorized volunteer meeting the steps of UCA § 63G-7-902. All volunteers who fail to follow UCA § 63G-7-902, will not be afforded liability protection and indemnification by the County.

3. **County Employee Volunteers.** Volunteers who are County officers and/or employees are not permitted to voluntarily perform services which are the same as or are similar to their duties for which they are paid to perform by the County. (Rev. 08/04/14)

# Title 11. Volunteers

## Chapter C. Management

1. **Registration.** All volunteers shall register with the Human Resources Director and be approved under UCA § 67-20-4, before performing any volunteer work on behalf of the County. Registration shall be complete after the volunteer's services are approved by the Chairman of the Commission and the Human Resources Director. The Human Resources Director shall coordinate volunteer placement and activities within the County.

2. **Time.** A Volunteer Log will be maintained by the Human Resources Director, and/or by all Departments or facilities, and will contain volunteer names, dates, hours of service, and tasks assigned. Volunteers will daily sign in and out in the Volunteer Log before performing any volunteer services on behalf of the County.

3. **Licenses and Certification**. Volunteers must not be knowingly exposed to any unnecessary danger or hazards and must not perform any functions requiring a license or certification unless they have a current license or certification to do so.

4. **Screening**. Before providing any services, volunteers may be required to pass physical and/or medical screening requirements that apply to employees performing the same services that the volunteer will be performing on behalf of the County.

5. **Confidentiality**. Volunteers will maintain strict confidentiality of any information to which they may have access within the performance of their volunteer services. Volunteers are prohibited from using information or materials not generally available to the public and obtained by reason of their volunteer positions for the personal benefit of themselves or others.

6. **Departments**. Volunteers will work within the policies, procedures, and rules set by the responsible Departmental Heads. Volunteers who do not adhere to the policies, procedures, or rules of a Department or who fail to satisfactorily perform their volunteer assignment are subject to dismissal by Department Heads or their delegates.

7. **National Incident Management System** (**NIMS**). Volunteers providing emergency management response services shall be trained to work under the NIMS and adhere to the rules of the Chain of Command and Unity of Command. (Rev. 08/04/14)

# Title 11. Volunteers

## Chapter D. Equipment

1. **Equipment Use.** Volunteers will use only the space, equipment, and materials authorized during their assignment by the Human Resources Director or by the supervising Department.

# Title 11. Volunteers

## Chapter E. Reporting of Personal Injuries or Property Damage

1. **Injury to Volunteer.** An authorized volunteer that sustains personal injuries while performing activities within the scope of the volunteer's duties shall immediately inform the agency Supervisor of such injuries and supply all information in a timely manner to the agency Supervisor that is necessary to make a Worker's Compensation Fund claim. If the Volunteer fails to provide the agency Supervisor with the necessary information within ten (10) days from the date of the injury, the County shall be released from further compensation or seeking of compensation for the Volunteer.

2. **Indemnification of Volunteer for Personal Injuries to Another.** As noted above, an authorized volunteer acting within the scope of his/her duties who causes injury upon another person or damages property shall request the County to defend the volunteer within ten days after service of process upon the employee.

3. **Damage to Volunteer's Vehicle.** If an authorized volunteer is using his/her own vehicle to carry out authorized duties for the County and damage is caused to the volunteer's vehicle, volunteer must report such damages to his/her County supervisor and the volunteer's own insurance. The Volunteer's vehicle insurer is the primary insurer; the County insurer acts only as a secondary insurance when a volunteer's vehicle is damaged.

# Title 12. Information Technology Resources

## Chapter A. General

1. **General Policy.** The purpose of county-provided information technology (IT) resources (e.g. Email, software programs, facsimile, the Internet, and future technologies) is to support county agencies in achieving goals, and to improve County government in general. These resources are intended to assist in the efficient and effective day to day operations of county agencies, including collaboration and exchange of information within and between other county and state agencies, other branches of government and others. These resources also provide public access to public information.

2. **Effective use of County-provided IT resources.** It is important to Duchesne County to effectively and responsibly utilize these resources. To help improve the effectiveness of these resources, incidental and occasional personal use is permitted1[1], as long as such use does not:

    a. Interfere with existing rules or policies pertaining to the agency
    b. Disrupt or distract the conduct of county business (e.g. due to volume or frequency)
    c. Involve solicitation
    d. Involve a for-profit personal business activity
    e. Have the potential to harm the County
    f. Involve illegal activities or violate this policy in any way
    g. Constitute an unacceptable use as defined in Appendix B

    Note: Any resource used for personal use that incurs a cost must be reimbursed to the County.

[1] Your judgment regarding incidental and occasional personal use is important. While this policy does not attempt to articulate all required or proscribed behavior, it does seek to assist in such judgment by providing the above guideline. If you are unclear about the acceptable "personal" use of a county-provided resource or wish to use the resource for what may be considered as a good cause, seek authorization from the appropriate authority.

# Title 12. Information Technology Resources

## Chapter B Purpose of this Policy

1. **Purpose of this Policy.** The intent of this policy is to assure that:

    a. The use of county-provided IT resources is related to, or for the benefit of, county government.
    b. County-provided IT resources are used productively.
    c. Disruptions to county government activities, because of inappropriate use of county-provided IT resources, are avoided.
    d. The county government community is informed about confidentiality, privacy, and acceptable use of county-provided IT resources as defined in this policy. This Policy is not meant to be a constraint on the use of these resources. Rather, the intent is to create an environment where communication can flow freely and with a minimum of policing. This policy should not discourage county agencies from using county-provided IT resources.

    Refer to the following appendices for detailed information:

    Appendix A – Responsibilities
    Appendix B – Unacceptable use of IT Resources
    Appendix C – Overview of Technologies

# Title 12. Information Technology Resources

## Chapter C Privacy Issues and Legal Implications

1. **General Policy.** The County has the right to access and disclose the contents of electronic files, as required for legal, audit, or legitimate county operational or management purposes. Do not transmit personal information about yourself or someone else using County IT resources unless you have prior proper authorization. The confidentiality of such material cannot be guaranteed. Email and other electronic files may be accessible through the discovery process in the event of litigation. Each of these technologies may create a "record" and therefore are reproducible and subject to judicial use.

2. **Retention/Disposition of Electronic Records.** As with any other government record, electronic records are retained or disposed of in accordance with Government Records Access and Management Act (GRAMA). Refer to GRAMA or seek information from the County Recorder, Clerk-Auditor, County Attorney's Office, or Information Systems for guidance in this area.

# Title 12. Information Technology Resources

## Chapter D Discipline

1. **Applicability.** Any Executive Employee, Part-Time Employee, Temporary Employee, Stand-by Employee, or Probationary Employee may be discharged at the will of the County. Such employees have no expectation of continuing employment and have no expectation that they will be subject to any notification prior to discharge. Additionally, no Executive Employee, Part-Time Employee, Temporary Employee, Stand-by Employee, or Probationary Employee is entitled to any progressive discipline unless these policies and procedures and/or applicable provisions of federal, state, or local law expressly provides for such progressive discipline. Accordingly, the provisions of Title 5 of this Manual do not apply to such employees unless expressly made applicable to the particular classification of employees in the body of the applicable provision.

2. **Discipline Appropriate.** Duchesne County shall review complaints of instances of unacceptable use brought to its attention. Any employee violating this policy may be subject to disciplinary actions up to and including termination.

# Title 12. Information Technology Resources

## Chapter E Video Surveillance

1. **Purpose and Scope**. Duchesne County is committed to protecting the safety and property of the County while respecting the privacy rights of our staff and citizens. Cameras provide a visual deterrent to crime, assist with overall security measures, and increase the potential identification and apprehension of person(s) who breach County policies and/or commit criminal acts. The use of security cameras extends the ability of the Sheriff's Office when officers are not immediately available. Cameras are not a guarantee of safety; however, they do serve as deterrents and can alert law enforcement personnel to potential danger. The primary use of surveillance cameras is to record images for future identification of individuals and activity in the event of violations of law or policy.

   This policy regulates the use of surveillance cameras to protect the legal and privacy interests of Duchesne County and its employees. Due to the sensitive nature and specific needs of some surveillance data; the Sheriff's Office and its employees will be subject to the procedures required by the Duchesne County Sheriff's Office Policy Manual.

2. **Policy Statement**. Duchesne County reserves the right to place video surveillance cameras on its property where necessary and appropriate. The County respects the right to privacy of the County staff and balances the right to privacy versus safety.

3. **Procedures**
   a) **Access and Use**
      i) Only authorized personnel, as determined by this policy and authorized by the County Attorney's Office, will be involved in, or have access to surveillance camera data.
      ii) When an incident is suspected to have occurred, only authorized personnel may review the images from surveillance camera data. Authorized personnel, in these cases, will be named by a representative of the Attorney's Office.
      iii) Reviewing or monitoring surveillance camera data, images, or audio recordings as an employee who has not been designated as "authorized personnel" will be grounds for disciplinary action up to and including termination.
      iv) Any use of surveillance data for unofficial purposes, misuse or improper disclosure is strictly prohibited and will be treated as a privacy breach. Employees engaging in such activities will be subject to disciplinary action up to and including termination.
      v) The Sheriff or Chief Deputy Sheriff may authorize copies of surveillance images if such copy is made for the use of carrying out law enforcement purposes. Only the County Attorney or his/her designee may authorize copies of surveillance images for any other non-law enforcement personnel.

vi) Video monitoring will be conducted only in areas where the public does not have a reasonable expectation of privacy.
vii) Any person requesting access to video surveillance data is required to complete a GRAMA request which will be reviewed and approved or denied by the County Attorney's Office.

b) **Data and Access Log Storage**
   i) Recorded camera images will be retained for at least 30 days.
   ii) Each authorized employee will be assigned an individual log-in to access surveillance data.
   iii) A log documenting access to and use of data stored in the County's centralized surveillance system will be maintained for a period of 12 months.
   iv) An "Access Record" will be completed each time surveillance is accessed by an authorized employee.
   v) The Access Record shall be presented to the Commission for review once a month.
   .

c) **Device Procurement, Installation, and Maintenance**
   i) The installation of new surveillance cameras, their locations, and purpose must be approved in advance by the County Commission.
   ii) Any access to surveillance data in order to complete scheduled maintenance must be logged and an "Access Record" must be completed.
   iii) In addition to scheduled maintenance, all authorized cameras and systems will be inspected annually by a qualified vendor to ensure that they are in proper working condition and meet policy guidelines.

d) **Investigation of Violations**
   i) Investigations into unacceptable activity shall be managed jointly by the County Human Resources Department and the Sheriff's Office.
   ii) Investigations will be conducted by a third party investigator and the results shall be reported directly to the Sheriff's Office and Human Resources Department for review.
   iii) Once the investigation has concluded, the Human Resources Department shall present its findings to the Department Head and the Commission for further action.

Video Surveillance Policy Acknowledgment –
To be completed by "Authorized Personnel"

I, _____, acknowledge that I have read and understand the Duchesne County Video Surveillance Policy.

I understand that it is a responsibility of my position to view surveillance data in some instances so that I may complete the essential functions of my job. I also understand that I have been trusted with this responsibility and I acknowledge the importance of that trust.

I understand that improper use of this data and any improper viewing of this data is considered a security breech and will lead to disciplinary action up to and including termination.

_____ _____
Employee Signature Date

_____ _____
Department Head Signature Date

# Title 12. Information Technology Resources

## Appendix A – Responsibilities

Access only files, data and protected accounts that are your own, that are publicly available, or to which you have been given authorized access.

1. Use IT resources efficiently and productively. Refrain from monopolizing systems, overloading networks with excessive data, or wasting computer time, connect time, disk space, printer paper, or other IT resources.

2. Be responsible for use of your own accounts. Under no condition should you give your passwords to another person. Guard yourself against unauthorized access to your accounts:

    a. Change your passwords with regular frequency or no less than every 90 days.
    b. Do not use obvious passwords.
    c. When you are away from your desk, take precautions to protect your accounts.

3. Report to your supervisor or the Information Systems Department if you:

    a. Receive or obtain information to which you are not entitled (Note: Also notify the owner or sender of such information).
    b. Become aware of breaches of security, or
    c. Know of any inappropriate use of County-provided IT resources.

4. Seek the advice of the authorized person responsible for any County-provided IT resource if you are in doubt concerning your authorization to access that resource.

5. Adhere to copyright law regarding use of software, information, and attributions of authorship.

6. Do not install downloaded software without authorization and be aware of what you are installing. Many programs like coupon toolbar, search assistant, etc. interfere with the operation of County IT resources.

7. Conduct yourself as a representative of Duchesne County as a whole. As a minimum, this means that you shall not use IT resources to:

    a. Distribute offensive or harassing statements; disparage others based on race, national origin, sex, sexual orientation, age disability or political or religious beliefs. Distribute incendiary statements which would incite a reasonable person to violence or describe or promote the use of weapons or devices associated with terrorist activities.
    b. Distribute or solicit sexually oriented messages or images.

# Title 12. Information Technology Resources

## Appendix B – Unacceptable Use of IT Resources

The first and foremost rule of using these technologies is:

*Don't say, do, write, or acquire anything that you wouldn't be proud to have everyone in the world learn about if the electronic records are made public.*

Any use of County-provided IT resources for inappropriate purposes, or in support of such activities, is prohibited (unless authorized through job responsibilities). The following list is currently considered unacceptable use of County-provided IT resources.

1. **Illegal Use.** Any use of county-provided IT resources for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.

2. **Commercial Use.** Any use for commercial purposes, product advertisements or "for profit" personal activity.

3. **Sexually Oriented.** Any sexually oriented use, whether visual or textual. You shall not view, transmit, receive, save, or print any electronic files which may be deemed as sexually oriented.

4. **Religious or Political Lobbying.** Any use for religious or political lobbying, such as using Email to circulate solicitations or advertisements.

5. **Offensive or Harassing Statements.** Words causing displeasure, anger, or resentment and/or which would annoy, alarm, or cause substantial emotional distress and/or which would otherwise be repugnant to the prevailing sense of what is decent to a reasonable person.

6. **Copyright Infringement.** Duplicating, transmitting, or using software not in compliance with software license agreements. Unauthorized use of copyrighted materials or another person's original writings.

7. **Unnecessary Use of IT Resources.** Wasting IT resources by intentionally:

    a. Placing a program in an endless loop.
    b. Printing unnecessary amounts of paper.
    c. Disrupting the use or performance of county-provided IT resources which are not authorized by the agency.
    d. Storing any information or software on county-provided IT resources which are not authorized by the agency.

8. **Security Violations.**

    a. Accessing accounts within or outside the county's computers and

communication facilities for which you are not authorized.

b. Copying, disclosing, transferring, examining, renaming or changing information or programs belonging to another user unless you are given express permission to do so by the user responsible for the information or programs.
c. Violating the privacy of individual users by reading Email or private communications unless you are specifically authorized to maintain and support the system.
d. Representing yourself as someone else, fictional or real.

9. **Viruses.** Knowingly or inadvertently spreading computer viruses. "Computer viruses" are programs that can destroy valuable programs and data. To reduce the risk of spreading computer viruses, do not import files from unknown or disreputable sources. If you obtain software or files from remote sources, follow proper procedures to check for viruses before use. You should adhere to any county-specific policy in this area.

10. **Junk Mail.** Distributing "junk" mail, such as chain letters, advertisements, or unauthorized solicitations.

11. **Confidential Information.** Transmitting classified information under the Government Records Access and Management Act without proper security. [2]

[2] [2] Use caution when sending classified information. Always display "Confidential" on the screen when sending classified information. Confirm that encryption has been enabled. Inform the recipient of the information's classification, their responsibility to keep it private, and their responsibility to dispose of it in a secure manner at the end of its retention period.

# Title 12. Information Technology Resources

## APPENDIX C – Overview of Technologies

The following are examples of technologies that this policy governs. As new technologies gain popularity and use, they too will be governed by this policy. This overview will increase understanding of these technologies as they relate to creating electronic records. Each of these technologies creates an electronic record. This is what separates these from other forms of communications such as a telephone conversation. An electronic record is reproducible and therefore deserves special recognition.

1. **Email.** Email is a major means of communication in county government and offers an efficient method of conducting county business. Email, as defined in this document, consists not only of the county-provided Email system, but also the act of sending and receiving Email through the Internet.

   There are a number of characteristics that distinguish Email from other means of communication, such as paper records, telephones, and information stored on electronic media such as diskettes. Awareness of these characteristics should guide your use of Email.

   a. **Backups.** As part of standard computing and telecommunications practices to prevent loss of data, Email systems and the systems involved in the transmission and storage of Email messages usually are "backed up" on a routine basis. This process results in copying data, such as the content of an Email message, onto stored media that may be retained for periods of time and in locations unknown to the sender or recipient of a message. The frequency and retention of backup copies vary from organization to organization. While it may be difficult and time consuming, it should be assumed backup copies of Email messages exist and can be retrieved, even though the sender or recipient has discarded his/her copy of a message.

   b. **Special Status.** While password protecting your Email account is beyond usual measures taken to protect access to paper records and telephones, it does not confer a special status on Email records with respect to applicability of laws, policies, and practices.

   c. **Monitoring.** In the course of their work, managers, supervisors, network and computer operations personnel or system administrators may monitor the network or Email system. It should be assumed that the content of Email messages may be seen by these authorized individuals during the performance of their duties.

   d. **Forgeries.** No system of communication is completely secure, including Email. An Email message can be forged, and it can be distributed beyond the address list originally defined by its author.

e. **Viruses.** Executable files (e.g., *.exe, *.com) can be transmitted via Email. You must always check executable files attached to Email messages for viruses before they are executed on county-provided IT resources.

**f. Legal Implications.** Email and other electronic files may be accessible through the discovery process in the event of litigation.

2. **Facsimile (Fax).** Fax machine, in the past, simply created a paper copy of the original message. With today's technology, this is becoming less and less true; an electronic copy may be created. The same rules governing acceptable use of other county-provided IT resources also apply to the use of fax technology. The faxed message may be "backed up" onto other storage media. As with other technologies, the content of faxed messages may be seen by authorized individuals during the performance of their duties.

   Use of fax technology does not always require a password for access. Recipients should not assume that the sender is always as reported. A fax should always be perceived as a non-private communication method. Remember, anyone at the other end may read your fax.

3. **Internet.** The Internet provides the ability to communicate, collaborate with others and access information throughout the world. However, there is little in the way of hierarchy or control of the information available. Increased access to computers and people all over the world also brings the availability of controversial material that may not be considered of value to an individual or the county, and may violate this policy.

   Even if you are able to encrypt your data, anything you transmit over the Internet is subject to interception, reading, and copying by other people. This includes Email, personal information and passwords that are transmitted when you log into an account or log into another computer.

4. **Voice Mail.** Voice mail is a means of communication that is in and of itself unique. It is similar to a telephone conversation, but it creates a "record." This should always be remembered by anyone using this technology. The sender must remember that the message can also be saved, replayed, and shared with others that the sender did not intend. It also can be used in litigation. The same rules of password protection and confidentiality that concern other technologies also apply here.

5. **Emerging Technologies.** This policy does not address the specific details of technologies that are yet to be invented or implemented with State and County government. This policy should be sufficient to allow you to determine the acceptable use of any new or emerging technology. If you have any questions regarding appropriate use of a particular technology not specifically covered in this policy, please contact the appropriate individual in the County agency.