

## SECTION I - PERSONNEL SYSTEM PROVISIONS

- A. Purpose: Beaver County is a political subdivision operating under the laws of the State of Utah and administering public funds. The policies and procedures relative to the personnel working for the County are set forth for a dual purpose:
1. To give employees clear, concise information as to their rights, privileges, obligations and responsibilities.
  2. To provide administrative officials and officers direction in dealing fairly, consistently and justly with all employees.
- B. Applicability of Policies and Procedures: The policies procedures, rules, and regulations of this document shall apply to all employees of Beaver County, except where specifically excluded. These policies and procedures do not apply to unpaid members of boards, persons engaged under contract to supply professional or technical services, and volunteer personnel who receive no or nominal compensation from the County.
- C. System Standards: The system standards subscribed to by the County shall conform to the following:
1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill levels, including open consideration of qualified applicants for initial appointment.
  2. Providing equitable and adequate compensation.
  3. Training employees as needed, to assure high quality performance and justify reasonable performance standards.
  4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and terminating employees whose inadequate performance cannot be corrected or corrected in a timely manner.
  5. Assuring non-discrimination for applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, sexual orientation, gender identity, genetic information, pregnancy, or disability and with proper regard for their privacy and constitutional rights as citizens.
  6. Providing a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

## SECTION II - EQUAL EMPLOYMENT OPPORTUNITY

- A. Legal Compliance: It is the policy of the County to comply with the guidance set forth in Title VII of the Civil Rights Act of 1964, according to Public Law 92-251 approved March 24, 1972; with Executive Order No. 11245, of September 24, 1957; with Title V, Section 504 of the Rehabilitation Act of September 25, 1973 (P.L. 93-112); Equal Pay Act of 1963, Americans with Disabilities Act of July 25, 1990, Civil Rights Act of 1991, Genetic Information Nondiscrimination Act of 2008, The Pregnancy Discrimination Act of 2008a, and any other regulation which is or may yet be promulgated relating to fair employment practices.
- B. Anti-Discrimination: The County will provide fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, disability, national origin, age, sexual orientation, gender identity, genetic information, pregnancy, or any other characteristic protected under applicable federal, state or local law with proper regard for their privacy as citizens and for their constitutional rights. No class of jobs will be closed to any individual because of the above referenced criteria.
- C. Compensation: No individual will receive reduced compensation on the basis of race, color, religion, sex, disability, national origin, age, sexual orientation, gender identity, genetic information, or pregnancy.
- D. Nepotism: The County shall adhere to the County Nepotism Policy (Reference Appendix A). If special circumstances warrant consideration of an exception, the HR Director shall make the recommendation and prior approval must be given by the Board of County Commissioners. All exceptions must conform to conditions outlined in UCA 52-3-1. Employment in such a case will be considered temporary until review has been presented by the immediate supervisor and department head/elected official to the HR Director verifying the individual's suitability for the position.
- E. Affirmative Action: The County shall take affirmative action in all aspects of Human Resource to assure compliance with EEO standards. Affirmative Action plans and programs shall be undertaken when deemed necessary by the Board of County Commissioners or otherwise required by a regulatory agency of the State of Utah or the federal government. Implementation shall be at the direction of the Board of County Commission and consent of elected officials.
- F. Conflict of Interest: The County shall adhere to the County's Conflict of Interest Policy (Reference Appendix B). The County shall also adhere to the Public Officers' and Employees' Ethics Act (UCA 67-16-1 et seq.) and the County Officers' and Employees Disclosure Act (UCA 17-16A-1 et sq.).

### SECTION III - ADMINISTRATION

- A. Administration of Policies: The day-to-day management of personnel activities and operations within the county is a responsibility of the county HR Director, elected officials and appointed department heads, who are also responsible for assuring the effective administration of all policies and procedures. Under the direction of the Board of County Commissioners and elected officials, the county or HR Director shall coordinate and manage all aspects of the personnel management system and enforce all policies and procedures which shall include, but not be limited to:
1. The administration of the classification and compensation plans.
  2. The administration of a system of employee performance management.
  3. Notification of vacancies, recruitment and selection processes.
  4. Procedures involving the training and disciplining of employees.
  5. Maintenance of all personnel records and actions.
  6. Promotions, demotions, suspensions, and terminations.
  7. Reassignments and reclassifications.
  8. Make reasonable and practical interpretations in the absence of precedent regarding the meaning and intent of policies, procedures, etc.
  9. Other actions as prescribed by County rules, regulations, policies and procedures.
- B. Official Personnel Records:
1. It is the policy of the County to maintain personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.
  2. The County strives to balance its need to obtain, use and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary to conduct County business or which is required by federal or state law or County Ordinance.
  3. The HR Director is responsible for overseeing the record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured. The HR Director shall maintain the official personnel record. In accordance with 29 C.F.R § 1630.14(c)(1), all medical files shall be maintained separate from other personnel records.
  4. Employees have a responsibility to make sure their personnel records are up to date and should notify the department head/elected official or HR Director of any changes in at least the following:
    - a. Name;
    - b. Address;
    - c. Telephone number;
    - d. Marital status (for benefits and tax withholding purposes only);
    - e. Number of dependents;
    - f. Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);

- g. Beneficiary designations for any of the County's insurance, disability or retirement plans;
  - h. Persons to be notified in case of emergency.
- 5. Personnel records shall contain, as appropriate:
  - a. Record of application for employment and employment eligibility certification (I-9).
  - b. Reference to transcripts of academic preparation.
  - c. Performance evaluation ratings.
  - d. References to any formal reprimand, corrective action or commendation.
  - e. Records of actions affecting employee salary, status, or standing.
  - f. Leave records.
  - g. Any other information felt to be pertinent by the department head/elected official, HR Director or employee.
- 6. The County will, upon written request, supply the employee with a copy of any document it places in the employee's file.
- 7. An employee has the right to review the contents of his or her personnel record as governed by law and may challenge any information contained in the official personnel record, under the grievance process (Section XIV), but may not remove any of its contents. All challenges must be directed to the HR Director and/or department head/elected official.
- 8. If a disciplinary action is rescinded or disapproved upon appeal, all forms, documents and records pertaining to the case shall be removed from the personnel record and destroyed, as allowed under the Government Records Access and Management Act (GRAMA).
- 9. Personnel records are private data and available for review only to the employee and users authorized by law or as determined by the HR Director who have a legitimate need to know. A log or record of those reviewing personnel records and information shall be maintained together with the reasons for access to the records. All reviews of personnel records shall be done in the presence of the HR Director or designee.
- 10. Requests for Information: Information and records management shall be conducted in a manner consistent with state law, Government Records Access and Management Act (GRAMA). When completing request for verification of employment; names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, numbers of hours worked per pay period, dates of employment, relevant education, previous employment, and similar job qualifications of present employees shall be treated as public information. Such requests or inquiries should be directed to the HR Director or designee. The actual net salary of the employee is confidential information. When providing information on previous employees for a reference check, the County's response shall be limited to the same information as provided for employment verification. Under no circumstances shall character judgments be issued.

11. Records Retention: All active employee files shall be kept up to date and the content of the file must be relevant to some aspect of current employment and work history. The County shall adhere to the General Records Retention Schedule as outlined by the Utah State Archives and Records. For complete and accurate records of all medical examinations required by the law and records of any personal or environmental monitoring of exposure to hazardous materials, the County shall adhere to all Utah Occupational Safety and Health Act as outlined through OSHA guidelines.
- C. Conflict of Laws: If any provisions of these policies and procedures or the application thereof are found to be in conflict with any state or federal law, the conflicting part is hereby declared inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these policies and procedures of any of its applications.
- D. Departmental Policies and Procedures: A department head/elected official may implement internal policies and procedures for that department, so long as any such policies and procedures do not conflict with The Beaver County Policies and Procedures Manual. If any such departmental policies and procedures are found to be in conflict with The Beaver County Policies and Procedures Manual, then The Beaver County Policies and Procedures Manual shall govern.

## SECTION IV - POSITION MANAGEMENT

- A. Position Allocation: The official establishment of a position by a department head/elected official cannot take place without the approval of the Board of County Commissioners. No person shall be hired or appointed, and no regular employee promoted to any position (exceptions may occur for the occasional seasonal, emergency/temporary, contractual or part-time professional work needs), until it has been properly allocated as follows:
1. The development or revision of a current job description.
  2. The proper classification of the position and assignment to an established pay grade and range.
  3. The presentation and justification as to the need for the position or for the promotion and advancement of an employee.
  4. Verification that funds are available to support the position.
- B. Job Description: The initial content of all job descriptions shall be provided by subject matter experts such as department head/elected officials, supervisors and incumbent workers through the use of questionnaires, written documents and related materials. If needed, verification shall be obtained through on-site job audits conducted or coordinated by the HR Director. Based upon obtained information, the HR Director shall prepare the description in approved format for final draft. All employees will be assigned to employment as provided in an established job description and must be able to meet the requirements for performing the “essential functions” of the position to which assigned. Standard formats shall be established by the HR Director to include essential and marginal duties and responsibilities and minimum qualifications (training, education and experience). The description shall be used by the county as the basis for:
1. The classification of the position and determination of the pay rate.
  2. Preparation of examinations and for determination as to whether an applicant or employee meets minimum requirements for a particular class of position.
  3. As a basis for preparation of a position announcement soliciting applications from interested individuals for position vacancies.
  4. The orienting of a new employee to the duties and responsibilities of a position to which hired or promoted by an administrative officer, supervisor or department head/elected official.
  5. The basis for the development of performance management objectives and evaluations.
- C. Classification: All positions shall be comparatively evaluated against a set of common factors and are assigned a class title encompassing a specific salary range on the compensation plan. All employees hired will receive compensation according to the classification of the position for which they are hired. No salary shall be approved for any individual unless it conforms to the approved classification and compensation plan. Most employees will be hired at the entry level and will progress through the salary range based on job knowledge and performance warranting such advancement. Refer to Section VIII for further details regarding advancement through the salary range.
- D. Reclassification: If the duties and responsibilities of a position change significantly, the HR Director, under the direction of the elected official, shall perform or cause an analysis to be performed of the job to determine reclassification eligibility. Reallocation of a class or

reclassification of a position to a class with a different pay range shall not generally decrease an employee's salary. Normally; the employee's pay shall be adjusted to a step within the new pay range which is at least equal to the current salary. The HR Director shall inform the Board of County Commissioners of such reclassification actions.

E. Reorganization: Reclassification may be required from time to time as a result of reorganization. Should circumstances arise from the reorganization or reclassification process which requires the abolition of a position, this shall be treated as a reduction-in-force (see Section VII). Reorganization shall also be sufficient cause for reclassification by way of reassignment. In an effort to minimize the effects of a reduction-in-force brought about by reassignment, reclassification or reorganization, the following options shall be considered:

1. The employee may be returned to a lesser position.

OR

2. The employee may be transferred to another position, depending upon qualifications and available position vacancy.

If the employees pay is greater than the maximum for the position to which assigned or transferred, the employee shall be placed on a salary freeze for a period not to exceed two (2) years. If during the two (2) year period, the employee's rate of pay falls back within the assigned pay range, the freeze shall be lifted. If at the end of two (2) years, the employees pay rate still falls above the maximum of the pay range, that employees pay rate shall be reduced to the maximum of the assigned position.

## **SECTION V - HIRING FOR NEW AND VACANT POSITIONS**

- A. Recruiting: Selecting and advancing employees in the County personnel system shall be made on the basis of their ability, knowledge, and skill levels related to the vacant position.
- B. Disqualification: The County reserves the right to reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applicants and subsequently hired applicants who make false statements or who are found to have engaged in any type of deception or fraud in the application or testing process shall be rejected or immediately terminated. If the applications are not received by the closing date the applicant shall be disqualified. However, extensions maybe permitted by the Elected Official or Board of County Commission when good cause exists.
- C. Testing: Applicants may be subjected to competitive testing which may include, but not be limited to: determination of bond ability, rating of education and experience, written, oral or physical agility tests, essential function demonstrations, and/or background investigations, proof of academic attainment, etc. Applicants for positions which require the worker to operate county vehicles or equipment on public roadways must provide a valid driver's license. For competitive examinations specific to certain county positions, i.e. law enforcement, the deadline for receiving applications shall be seven (7) days prior to the scheduled examination day. When all test results are compiled, the eligible candidates shall be ranked according to test scores, and a list of the eligible candidates shall remain active for two (2) years, with a one (1) year extension at the option of the County Sheriff.
1. When a fully qualified applicant is not available a trainee appointment may be approved for current employee who does not meet the minimum qualifications, but who the elected official/Board of County Commission determines, through a competitive application process will meet the qualifications for the position after a period of on the job training up to eighteen (18) months. The elected official/ Board of County Commission may extend the training period in special circumstances.
  2. During the training period the trainee may be paid at one (1) step below the pay range minimum. Upon the successful completion by the trainee, the Department Head/Elected Official shall document in writing the completion of the training period and submit the documentation to the HR Director.
  3. If the trainee meets the qualifications during the training period the wage may be adjusted to the appropriate level. Trainee service shall not be applied toward satisfying the probationary period.
- D. Physical Examination/Drug Testing: Public health and safety demands that employees be physically able to perform the duties of the job classification to which the employee is hired. The physical requirements of the job constitute bona-fide occupational qualifications. The County will also accommodate employees and applicants in compliance with the Americans with Disabilities Act (ADA) and provide "reasonable accommodation" when the cost of such is deemed "reasonable" within the County's ability to pay, and where doing so does not impair the County in its business necessities.



1. A physical examination may be required before an applicant is appointed to some County positions. The results of the exam will be presented to the department head/elected official, in writing. A disabled applicant may be required to submit to a physical exam only subsequent to a job offer being made and only if all newly hired employees within the department are required to do the same.
2. The County may require a medical examination at any time during the employee's work tenure, if deemed necessary to assure the safety and health of the employee, co-workers and the public. The County will pay the cost of any required medical examination.
3. As one of the hurdles in the selection process, final candidates for any position may be required to undergo chemical screen testing to determine the presence of alcohol and chemical substances in the blood. Subject to ADA requirements, any applicant who tests positive may be disciplined according to state law (see Drug Free Work Place policy, Utah Code 34-38-8).

E. Employment Eligibility Verification: In conformance with the "Immigration Reform and Control Act of 1985" (P.L. 99-503) and in order to avoid monetary penalties for the improper hiring of workers, the HR Director shall establish an employment verification system, and shall verify that all applicants for vacant positions or persons hired to fill vacant positions are authorized to work within the boundaries of the United States.

1. The HR Director shall complete or have completed Immigration and Naturalization Service Form I-9 prior to a hired employee's first day of work and verify work eligibility through examining such documents as a U.S. passport, birth certificate, social security card, driver's license or an alien identification document.
2. Employees must also attest that they are authorized to work in the United States. Verifications shall be kept along with other personnel records as required by Utah State Archives.

F. Hiring Procedures:

1. When a position opens or a need arises to create a new position, the elected official or department head shall notify the Board of County Commissioners of recruitment needs. Notification shall be accompanied by the position title and a description of the duties, responsibilities and required knowledge and skills. Minimum qualifications for education and experience shall be outlined for recruited positions. Authorization to hire individuals into newly created positions must be approved in advance by the Board of Commissioners.
2. Upon being given approval by the Board of County Commissioners the HR Director shall prepare, advertise, and post the opening in the manner most likely to make all County employees aware of the vacancy. The County may advertise for a position internally before opening the position to the general public.

3. Upon closing the recruitment, the supervisor and/or department head/elected official over the position being recruited shall review all applications and interview the most qualified candidates. The following procedures shall be followed for hiring:
    - a. Elected Officials: the elected official shall hire the most qualified candidate. The new hire shall be presented to the Board of County Commissioners for ratification. Such ratification will not be unreasonably withheld.
    - b. Department heads under the direct jurisdiction of the county: shall, after the interview process, submit a new hire recommendation to the Board of County Commissioners and receive approval prior to hiring for the position, or ratification may be made for a new hire at the next County Commission meeting after an informal polling of the Commissioners.
  4. After a hiring decision has been made the HR Director may retain applications for an appropriate retention period as outlined by Utah State Archives.
  5. If elected official or Department Head is unsatisfied with the application pool, they may request re-advertisement of the vacant position.
- G. Employee Induction: After the new employee is hired, he/she shall promptly receive a general orientation concerning benefits, compensation practices, personnel policies and procedures and various employment expectations from the HR Director and immediate supervisor. The involvement of the department head/elected official is also encouraged.
- H. Probationary Period: All appointments to positions within the County, whether new hires, rehire, reinstated (affected by reduction-in-force or leave without pay) or promotional, require a probationary period during which both the County and the employee can determine compatibility and competence. This period is regarded as a testing period designed to acquaint the new employee with the position and allow the employee, supervisor and department head/elected official to measure fairly the employee's suitability for the job. The probationary period shall be six (6) months in duration. The employment relationship may be terminated at any time during the new hire probationary period, with or without notice, and with or without cause, by either the employee or the County. Promoted employees who fail to demonstrate competence and/or compatibility with the new assignment within the six (6) month period shall be restored to their former position and status and shall have all rights of appeal and due processes as defined by policy and procedures. For deputy sheriff, corrections officer, and dispatcher/corrections positions, the six (6) month probationary period does not begin until the employee completes POST (Peace Officers Standards and Training) and the Sheriff's Office FTO Program.

During the new hire probationary period, all benefits accrue. In the case of vacation benefits, the benefits accrue but cannot be used until the completion of the probationary period. Sick leave benefits may be used after one (1) month of County service (See section IX). Upon completion of the probationary period, the supervisor shall conduct a performance review to apprise the employee of his or her suitability for the position and determine the employment status.

I. County Residence Requirements:

1. Residence restrictions are valid when they bear a rational relationship to a legitimate government purpose, such as encouraging the presence of trained and skilled employees within the community, enhancing the effectiveness of the employees by ensuring that they are familiar with and feel a part of the County, and bringing about the general economic benefits to the County which result when employees spend their salaries locally. Accordingly, all employees shall be residents of Beaver County. Any person applying for employment with the County shall become a resident of the County within six months after obtaining employment. Likewise, an employee who fails to establish and/or maintain residency within the County during the period of employment may be subject to disciplinary proceedings, as outlined in Section XIII. Beaver County residency may be established with the presentation of one or more of the following documents:
  - a. Utah driver's license, showing a residence within Beaver County.
  - b. Voter registration, showing the employee is registered to vote within Beaver County.
  - c. Tax records, showing the employee is the owner of real property within Beaver County.
  - d. Stamped, delivered mail, showing the Employee receives mail at a Beaver County address.
  - e. Utility bill, showing the employee pays for utility services at a Beaver County address.
  - f. Other documentation establishing proof of residency.
2. Exceptions to the residency requirement may be temporarily granted by the Board of County Commission upon the presentation of satisfactory proof that the residency requirement would create an undue burden upon the health of the applicant or a member of the applicant's family, or that non-residency is temporarily necessary for educational purposes.

## SECTION VI - EMPLOYMENT STATUS

- A. Applicability: All employees, officers, and other personnel not exempted herein, are deemed to be fully covered employees under these personnel policies and procedures.
- B. Exempted Positions: The following types of positions have been designated as being exempt from the provisions of the personnel system (as defined below, positions in these categories are also exempt from the overtime provisions of the Fair Labor Standards Act). The HR Director will specify in writing those positions which fall under the exempt categories listed below. Exempt positions should be reviewed annually to determine whether or not their exempt status should be withdrawn based on changes of duties and related factors. Workers in such positions are “at will” and may be terminated from employment for reasons other than cause, such positions include:
1. Members of policy, advisory, review, and appeal boards, or similar bodies who do not perform administrative duties as individuals.
  2. Attorneys serving as legal counsel.
  3. Time-limited positions established for the purpose of conducting special study or investigation.
  4. Emergency or seasonal employees who generally work fewer than 20 hours per week, or less than 1040 hours per fiscal year.
  5. Bona Fide contractual employees whose services are limited by time or project specifications.
- C. Special Appointments: Temporary, seasonal and emergency appointments are defined as being limited to a definite period of time generally for not more than six (6) consecutive months. However, each circumstance shall be evaluated on a case-by-case basis and extensions to special appointments may be granted on a month-by-month basis. Appointments, such as summer help, may be made by the elected officials and department heads and coordinated through the HR Director, to carry out necessary seasonal work. Temporary employees, whether part-time or full-time, shall not qualify for regular employee benefits (except that mandatory benefits shall be provided as prescribed by law, i.e. social security, workers compensation, retirement and unemployment). Temporary employment does not count as credit toward the completion of an orientation period.
- D. Exempt Status Employees: An exempt employee regularly supervises two or more other employees, has management as the primary duty of the position, is paid by salary, and has some genuine input into the job status of other employees (such as hiring, firing, promotions, or assignments). All exempt employees are considered “at will.” Non Exempt Employees, who are paid on an hourly basis, do not supervise two or more employees and do not have management as a primary responsibility are entitled to overtime. Also exempt are contractual employment relationships which shall only apply to time limited positions requiring specific professional skills and abilities. The duration of the contracts shall be established by state statute, the Board of County Commissioners, or shall be specifically determined on a project-by-project or service-by-service basis. Participation in any benefit program may be negotiated as part of the contract or service agreement.

- E. Regular Full-time Employees: An employee who has satisfactorily met the requirements for employment, is generally working between thirty two (32) and forty (40) hours per week, and successfully completed the appropriate orientation period is considered a regular full-time employee and is eligible for all the benefits, programs, rights and privileges described in County policies and procedures. Such employees are non-exempt.
- F. Regular Part-time Employees: Employees who have completed the orientation period and are working less than thirty two (32) hours per week, but generally more than twenty (20) hours each week (is expected to work more than 1040 hours per year, but less than 1664) on a continuous or reoccurring basis shall be considered regular part-time employees. Participation in the health and medical benefits requires at least twenty (20) hours per week; however, management may negotiate pay options which could include more complete and comprehensive benefits or allow benefit participation on a pro-rated basis. Such employees are generally paid by the hour. The number of hours worked may be increased or decreased at the discretion of the department head/elected official. Such employees are non-exempt.
- G. Special appointments, seasonal, emergency, and temporary employees: All such employees are excluded from fringe benefits as defined in Section IX, but may be entitled to overtime as allowed by law.
- H. Volunteers: A volunteer is a person that provides a service to the County without any compensation for that service, as defined by the Utah Volunteer Governmental Workers Act.

## **SECTION VII - PERSONNEL ACTIONS**

- A. **Promotion:** A promotion is defined as a change in job title and/or grade recognizing increased capacity and responsibility of an employee from a position in one class to a position in another class having a higher entrance salary. Personnel promoted into a higher pay grade will receive a pay increase. Department head/elected officials will work in conjunction with the HR Director in establishing promotion criteria for various job classifications. The pay increase shall be effective the pay period following approval from the Board of County Commissioners.
- B. **Layoff (Reduction-in-Force):** Should it become necessary to undergo a reduction of the work force, brought about by a curtailment of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of the County, the Board of County Commissioners, in cooperation with elected officials and the HR Director, shall attempt to utilize the following sequence as far as practicable to achieve the required reduction:
1. Temporary/Seasonal employees (may be separated or reduced in work hours).
  2. Regular part-time employees (may be separated or reduced in work hours).
  3. Regular full-time employees (may be separated or reduced in work hours).
- In determining which employee(s) shall be separated, the HR Director, in conjunction with department head/elected official(s) shall recommend which job classes are affected and may utilize such factors as, but not limited to, merit, performance, longevity, and organizational needs. The Board of County Commissioners or affected elected official(s) shall have the final say when layoffs affect regular, full-time employees. A reduction-in-force is not a termination.
- C. **Abolishment of Job:** If a circumstance should arise requiring the abolition of a certain position, employment status shall be maintained by one of the following:
1. The employee shall be returned to a previous position at a salary appropriate for the position, which may entail a reduction in pay.
  2. The employee may be promoted based upon performance, qualifications and position availability.
  3. The affected employee(s) may be transferred to another office/department to fill an open position commanding equal or lesser compensation.
  4. If none of the alternatives are available, the employee shall be terminated.
- D. **Termination:** Regular full-time and regular part-time employees may be subject to termination for cause. Otherwise, all employees will be retained on the basis of the adequacy of their performance and terminated if inadequate performance cannot be corrected. Regular employees have the right to appeal as outlined in Section XIV. Temporary, seasonal, contract, and exempt personnel may be terminated “at will” or according to terms of individual employment agreements.

- E. Resignation: Excessive turnover is costly and, therefore, management shall take all precautions necessary to prevent misunderstandings and other avoidable causes for resignation.
1. Whenever an employee resigns, an exit interview should be conducted by the department head/elected official and/or HR Director. If the reason for the resignation is a misunderstanding or mistake by the County, an effort shall be made to correct the situation.
  2. Employees who resign and desire to leave the County in good standing should give a minimum of two (2) week notice if they are to be considered for re-employment at a future date. Resignation must be in writing and submitted to the department head/elected official.
  3. Job Abandonment: An employee who is absent from work for three (3) consecutive work days and capable of giving proper notifications, but does not inform the supervisor, shall be deemed to have resigned and shall be informed of the same in writing by the department head/elected official.
- F. Reinstatement/Rehire: Former employees, who left voluntarily, and in good standing, may be reinstated to a vacant position only when their qualifications and ability indicate a potential for performance which would clearly exceed expected performance of current and promotable employees. Previous experience may be given credit in determining placement of employee on salary schedule and accrual of benefits if the rehire or reinstatement occurs within one (1) year from the date of termination. A new application form shall be submitted for all reinstatement/rehires made after six (6) months of voluntary termination of employment.
- G. Transfer: When a position becomes vacant in any office/department, other County employees are free to make application for the position without hindrance from any department head/elected official. However, employees are encouraged to visit with his or her department head/elected official before making such application. The office/department accepting the transferring employee shall accept accrued vacation, sick leave and compensatory time as their budgetary obligation.
- H. Reassignment: The effective operation of an office/department requires periodic changes in work assignments to match functional needs with capabilities of office/department personnel. An employee may be reassigned, subject to approval of the HR Director, from one position to a similar position in the same classification and grade within the office/department. Also, employees may request reassignments, but must do so in writing through established chains of authority.
- I. Performance Documentation: It is the responsibility of elected officials, department heads and immediate supervisors to properly, and in a timely manner, document noteworthy or critical incident behaviors of employees. Such records may be used to support decisions which affect employee status related to job advancement, rewards, discipline and discharge. Performance evaluations may be performed annually, at a minimum, by the department heads/elected officials on the anniversary month of the employee hire. Evaluations may be performed more often at the discretion of the supervisor.

## SECTION VIII - COMPENSATION

- A. Equability: Compensation for County employees shall be equitable and competitive with the market place in as much as possible. The assignment of employees to position and pay rates shall be consistent with the formal compensation plan.
- B. General Wage/Salary Adjustment: It is the intent of the County to consider prevailing practices related to cost of living and market trends in establishing wages and salaries. On all occasions, the amount of salary change will ultimately be based upon the anticipated affects upon the County budget. Final determination and any changes to the compensation plan will be made by the Board of County Commissioners. Where general, across-the-board raises are awarded, the raise will be effective on a date determined and approved by the Board of County Commissioners.
- C. Cost of Living vs. Market: Adjustments to the compensation plan shall be determined periodically through analysis of market trends in comparison to cost-of-living. This may be done once per year and the County may utilize either market survey results or cost-of-living index data (federal) or a combination of both. All employees, regardless of employment status (see Beaver County Human Resource Manual, Policies & Procedures, and Sec. I, Red Circle Rate), shall receive the benefits of such general adjustment to the compensation plan. Adjustments to the base County compensation plan shall be made annually by the HR Department to accommodate cost-of-living increases, if the adjustment is authorized by the Board of County Commission.
- Total Compensation: In determining the total compensation value of the position, benefits must be considered including base salary plus cost of benefits to equal total compensation. In comparing benefit packages provided in the labor market, the County may evaluate both level and cost of benefits or other factors as deemed appropriate.
- D. Initial Appointment: All initial appointments shall normally be assigned to the starting rate of pay grade to which the position is classified in the Beaver County Human Resource Manual. Exceptions may be allowed if:
1. An employee cannot be recruited to the position at the beginning rate; or
  2. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same or higher step.
- E. Probationary Period: Upon being appointed as a new hire or promoted to a new position, employees are assigned a review date approximately six (6) months from the date of hire or promotion. A six (6) month extension may occur or new hires may be terminated at any time during this probation period, with or without notice or cause. Employees promoted to a new position may be reassigned to a different position at any time during this probation period, with or without notice or with or without cause. Upon completion of the probation period, the new hire shall be classified a merit employee.
- F. Merit Increases: New employees are eligible for a pay increase after satisfactory completion of six (6) months employment. Thereafter, the employee is eligible for a merit based increase as determined by Department Head and approved by Board of County Commission. With an



exception of a Special Merit Increase, no employee shall be eligible for a merit increase more than one (1) time within a twelve (12) month period. Pay increases for Certified Peace Officers and Special Function Officers (SFO) shall be made in accordance with the current wage schedule.

- G. Special Merit Increases: A department head may request a Special Merit Increase for any employee to reward unusual or outstanding achievement. Special Merit Increases require approval of the Board of County Commission.
- H. Overtime: Overtime is often unavoidable at different times of the year. However, every effort should be made to keep the accumulation of overtime hours to a minimum. Any time worked over forty hours in any defined work week or work period (84 hours in 14 days for law enforcement and corrections personnel) by FLSA covered employee, which the supervisor has approved, shall qualify as overtime. The following rules apply to the accumulation and compensation of overtime. For the purpose of calculating overtime under the Fair Labor Standards Act (FLSA), the work week shall begin at 12:00 a.m. on Sunday and end at 12:00 midnight on Saturday.
1. Exempt employees (as defined by the FLSA as any supervisor, manager or department head spending at least 80% time performing administrative functions, volunteer workers, members of boards or commissions) are not eligible for overtime except where specifically granted or established by policy.
  2. For all non-exempt, FLSA covered employees, overtime shall be paid and/or compensatory time accrued at the rate of one and one-half (1 ½) the regular rate of pay for all hours worked in excess of the forty (40) hour work week (eighty four (84) hours in fourteen (14) days for law enforcement and corrections personnel). All authorized monetary payments for overtime shall be issued on the regularly scheduled pay day for the work period in which it was earned. The maximum accrual for non-exempt personnel shall be twenty (20) hours (without approval by the Board of County Commissioners) (160 hours for road and building department personnel). Compensatory time should be utilized during the current or following pay period, unless special arrangements have been made between the supervisor and the employee. If any employee exceeds the maximum of twenty (20) accrued hours of compensatory time (160 hours for road department personnel), then the HR Director is directed to use up such compensatory time prior to utilizing vacation or sick leave.
  3. When an employee is required to work more than eight (8) hours during any work day, whenever possible an adjustment should be made in a later work day during the same work week to eliminate the need to pay overtime.
  4. Records of overtime hours worked shall be maintained by the department head/elected official, County Clerk/Auditor, HR Director or designee for all employees and shall be retained for a three (3) year period.
  5. When call-out occurs, as in the case of emergencies, the County shall pay a minimum of one (1) hour when called out to work other than their regular work schedule.

6. All time spent in training, in conferences, at workshops, meetings, travel, etc., when such attendance is required by the County shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA.
  7. An employee who has accrued compensatory time shall, upon termination of employment, be paid for all unused compensatory time.
- I. Termination Pay: When employees terminate, they shall be required to return all equipment and to clear all financial obligations involving their employment with the County prior to receiving their final paycheck. Receipts shall be issued for all payments made in satisfaction of the obligation. The final paycheck, including compensation for all hours worked, unused vacation and overtime will be issued on the next regularly scheduled pay period following termination. The HR Director, under the direction of the elected official or department head, shall determine the amount of termination pay to which the employee is entitled. In the event of the death of an employee, final payment shall be made to the employee's beneficiary.
  - J. Pay Advancement: The County will not make pay advances to employees.
  - K. Severance Pay: When it becomes necessary to terminate an employee from employment, and it is in the best interest of both the employee and the County to expedite such action; that employee shall be issued severance pay not to exceed two (2) weeks, in lieu of two (2) week notice. Employees terminated for cause shall not be eligible for severance pay.
  - L. Payroll Deductions/Withholdings: Payroll deductions other than FICA, State and Federal Income Tax Withholdings and Garnishments, can only be made with the approval of the Board of County Commission and the HR Director, on a program basis.
  - M. Pay Day: Beaver County employees shall be paid on a bi-weekly basis with the pay periods running from Sunday of the first week of the pay period to Saturday of the second week. Pay day shall be on the Friday following the end of the pay period. Employees will be paid in the form of direct deposit.
  - N. Safety Shifts: Law enforcement personnel may choose to work safety shifts upon approval by the appropriate supervisor at one and one-half (1 ½) their regular rate of pay.
  - O. SWAT Team: The Beaver County Sheriff's Office SWAT (Special Weapons and Tactics) team members will normally work six (6) training hours per fourteen (14) day work week and shall be entitled to be paid for these training hours at one and one-half (1 ½) their regular rate of pay.
  - P. Bailiff and Security Shifts: Beaver County Sheriff's personnel who sign up and are used for bailiff and security shifts shall be paid at one and one-half (1 ½) their regular rate of pay the contract rate with the Fifth District Court.

## SECTION IX - FRINGE BENEFITS

- A. Group Health Insurance: Employees who are hired to work a minimum of thirty two (32) hours per week are eligible for single, double or family coverage under the County group health insurance plan. Employees who are hired to work a minimum of twenty (20) hours per week are eligible for single coverage under the County group health insurance plan. The level of participation in the payment premiums by the employee and the County is determined on a year to year basis and may be prorated based upon average number of hours worked per month.

Employees terminating employment who have been employed for six (6) consecutive months prior to the termination event will be allowed to continue group medical & hospitalization insurance coverage at a cost to the employee for up to eighteen (18) months from the date of termination (except when terminated for gross misconduct as defined in Section XIII). (See UCA section 31A-22-714, or Consolidated Omnibus Budget Reconciliation Act, 1985 [COBRA]). Employees and/or dependents shall be notified within five (5) days from date of termination regarding extension and conversion privileges and must reply in writing and submit the premium payment within fifty (50) days of notice or forfeit his/her extension right.

Upon the death of an active member in the line of duty, payment of benefits shall be paid as outlined in UCA 49-23-503.

Dependents (or terminated employee) are eligible to continue insurance at their cost for up to thirty-six (36) months upon the occurrence of the following:

1. An employee's loss of eligibility for coverage (except for termination due to gross misconduct as defined in Section XIII).
2. The death of the covered employee.
3. When dependents cease to be dependent under applicable law.
4. Then Medicare-eligible employees cease participation in employer-sponsored plans.

Insurance cannot be continued beyond any of the following:

1. The person has not been continuously insured and eligible under the group policy, or its predecessor, for at least the six (6) months prior to termination.
2. The date the premium is not paid.
3. The date when the individual becomes covered under any other group health plan or is entitled to Medicare benefits.
4. In the case of a spouse, when the spouse remarries and becomes covered under another group health plan.
5. On the date when the employer ceases to provide any group plan, except the County would be obligated to allow employees or dependents to continue coverage under any replacing group policy or policies.

An eligible employee, who chooses not to participate in the group health insurance, will be compensated at a rate to be set by the Board of County Commission. An employee wishing to receive compensation in-lieu of participation in the group health insurance must show proof of coverage with another health insurance plan.

B. Vacation:

1. Beaver County believes that a reasonable period of time away from the job is conducive to good health and the well-being of employees, and can have a refreshing effect that is to the advantage of Beaver County, as well as the employee. It is therefore the policy of Beaver County to grant paid vacations to certain categories of employees.
2. All qualified employees are eligible for vacation as accrued. Employees who work more than twenty (20) hours per week, but less than or equal to thirty nine (39) hours per week, are eligible for vacation on a pro-rated basis.
3. Former employees who are re-hired with reinstatement rights following military service or recall from active layoff status shall be entitled to assume the same eligibility for vacation as accrued prior to leave or layoff.
4. Accumulation of vacation shall be based upon the following schedule:

County Service	Monthly Accrual	Yearly Accrual
0 – 2 Full years	.5	6
3 – 8 Full years	1	12
9 – 16 Full years	1.5	18
17+	2	24

All advancements through the above schedule shall become effective on the employee anniversary date. Beginning the year in the term stated through the full completion of the year stated.

5. Unused current and accrued vacation may be carried forward to succeeding years according to the following schedule:

Hours Worked Per Week	Accumulated Vacation Hours
40+	240
35-39	210
30-34	180
25-29	150
20-24	120

All hours above the allowed accumulated vacation hours will be forfeited each year on the employee's original date of hire.

6. Vacation leave may not be accrued during a period of time when leave of absence without pay (LWOP) is being granted or when an employee is not working due a work related injury or illness.
7. Utilization: Employees shall be entitled to utilize vacation upon approval of the Department Head, except employees currently in probationary status. (See section V, subsection H).

8. An authorized holiday which falls within the time period of an employee's scheduled vacation shall not be charged as used vacation.
  9. The County will not advance vacation days. No elected official or department head shall authorize the use of non-accrued vacation time. If a non-exempt employee becomes an exempt employee that employee shall forfeit all accrued vacation and sick leave. However, comp time shall still be paid in full.
  10. Termination: Accumulated earned vacation time shall be paid for by the employing department when an employee terminates from County service. Salary computations for all terminating employees shall be calculated on a working day basis at the base in effect at the time of termination. Deductions from termination pay may be made where the terminating employee has outstanding obligations to the County. Also, the County may withhold the payment of termination pay if the employee fails to return County property in his/her possession.
  11. Responsibility: Each elected official and department head will make every effort to encourage employees to utilize their vacation and try to arrange work schedules to permit employees to take vacation at times convenient to them and the County.
- C. Record Keeping: The official record of accrued and used vacation is to be kept by the Human Resource Department.
- D. Sick Leave: Compensated sick leave is a County owned benefit afforded to those County employees who become ill or injured and cannot perform their normal duties.
1. All eligible employees shall be eligible for sick leave upon completion of one (1) month County service.
  2. Eligible County employees shall accumulate sick leave at the rate of one (1) day of leave per month. Unused current and accrued sick leave may be carried forward to succeeding years. However, no more than sixty (60) days will be carried over from one year to the succeeding year. At the Employee's date of hire each year, any accumulated sick leave in excess of sixty (60) days shall be paid at fifty (50) percent of the employee's daily rate of compensation for the number of days in excess of sixty (60) days.
  3. Sick leave may not be accrued during a period where a leave of absence without pay is being granted for reasons other than a personal or family related illness or condition as defined by the federal Family & Medical Leave Act (FMLA). Sick leave may not accrue when the employee is not working due to a work related injury or illness (Workers Comp Injury). Sick leave may be utilized for the first three (3) days of a work related injury or illness if those days are not compensated under Worker's Compensation benefits.
  4. Employees to be absent from work due to their own illness or injury should report the necessary absence to the department head or supervisor as soon as possible.

5. Employees absent from work due to their own illness or injury will be carried on the payroll in a leave without pay (LWOP) status for time equal to compensated illness leave accrued, or twelve (12) weeks, whichever is greater.
6. Saturdays, Sundays, and legal holidays occurring while an employee is ill are not deducted from his/her compensated illness leave credit.
7. Employees terminating from County service shall not be compensated for any unused sick leave.
8. Employees retiring pursuant to the provisions of the Utah Retirement Act, and the Utah Public Safety Retirement Act, shall receive fifty (50) percent of their daily rate of compensation for the number of sick hours accumulated; and shall be entitled to participate in the group insurance plan through COBRA by continuing payment of the premium amount.
9. In cases where an employee leaves one department and transfers to another, arrangements must be made for the transfer of any accrued sick leave between departments.
10. Elected officials and department heads are charged with the responsibility to approve or disapprove sick leave requests, and shall require the employee to provide evidence of illness or injury after two (2) consecutive absent days.
11. An official record of accrued sick leave is to be kept by Human Resource Department.
12. Additional compensated sick leave may be granted (advanced) to an employee by the Board of County Commission at its discretion.
13. In the event of illness to an immediate family member, (spouse, son, daughter or parent as defined by FMLA), an employee may use any accrued sick leave per incident upon approval of the department head; if necessary the employee shall be allowed to utilize an additional number of days of leave without pay (LWOP) (for a total of twelve (12) weeks leave, in compliance with FMLA – twelve (12) weeks per year allowed to qualified employees).
14. Donation of Leave:
  - a. Purpose: To establish a leave donation program to provide full-time employees a more extensive sick leave plan to use in the event of a non-occupational personal or immediate family serious health condition, injury, or temporary disability. Serious health condition or injury is defined as an illness or injury that requires a leave of absence from work of more than ten (10) work days within two (2) pay periods.
  - b. Definitions: For the purpose of donation of leave, immediate family includes spouse, son, daughter or parent as defined by FMLA; and donated “leave” is defined as sick leave and/or compensatory time.

- c. Employee Request: An employee requesting donation of leave, must; (a) have an absence due to a non-occupational, personal or immediate family illness or disability for which they have sufficient information for the HR Department to reasonably determine whether the condition applies to the leave request; (b) have exhausted all sick leave and other accruable leave hours; (c) not be receiving any paid benefit such as Short-Term or Long-Term Disability or Worker's Compensation.
- d. Written Request: An employee requesting the donation of leave must first submit a written request to the HR Department including (a) medical certification of the personal or immediate family member's serious health condition; (b) an expected return date to work. If an employee is physically or mentally unable to make a request for leave donation, a family member or designee may file the request, with proper documentation, on the employee's behalf. The requesting employee must also submit a signed Recipient Agreement to the HR Department verifying current leave balances and acceptance of donated sick time and/or compensatory time.
- e. Donating Leave: An employee wishing to donate leave hours to another employee, must submit the Donor Agreement to the HR Department how many hours of sick leave and/or compensatory time they wish to donate and to whom they wish to donate this leave and/or compensatory time.
- f. Donation Maximum: An employee donating sick leave cannot donate an amount which will cause the donating employee's sick leave balance to fall below eighty (80) hours of accrued sick leave and cannot donate more than ten (10) hours per incident. An employee donating compensatory time may donate all their comp time available.
- g. Irrevocable Leave: An employee's donated sick leave and/or compensatory time is irrevocable and the total amount of donation will be reduced from their accrued sick leave and/or compensatory time upon receipt and approval of their request from the HR Department.
- h. Refunding Leave Balance: When the employee receiving the leave receives more hours than needed, upon returning to work, the balance of donated hours remaining will revert back to the donors on a percentage given basis.
- i. No Coercion: Donation of leave is completely voluntary by each employee and is up to his/her discretion whether to donate. No employee, elected official or department manager shall threaten, coerce, or attempt to threaten or coerce another employee for the purpose of interfering with rights involving leave donation receipt of leave donation, or the use of donated leave.
- j. Misstated leave: If an employee was granted donated leave and it was found the employee received such leave on the basis of misstated, erroneous, or false statements, the employee will be required to reimburse the donated leave and will be subject to some other form of discipline.

15. When an employee eligible for sick leave changes to the capacity of an elected official That employee becomes exempt from having sick leave and shall not be allowed a pay-out of the employee’s accrued sick leave benefits.

E. Funeral Leave:

1. When death occurs within the “immediate family,” to a relative or close friend, the number of hours or days to be allowed off with pay shall be determined by the supervisor according to the following policy.
2. “Immediate family” normally means spouse, child, parent, brother, sister, grandparent, spouse’s grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law and son-in-law. For members of the immediate family, employees shall be granted leave with pay from the day following the death through the day of the funeral. This time shall be charged as time off against an employee’s sick leave. Employees desiring extended funeral leave may be required to use compensatory time, vacation or leave without pay (LWOP) if extended leave is granted. Deaths which occur during use of vacation shall be treated as described in this paragraph and not be charged to vacation.
3. For other family relations and friends, compensatory time, vacation or leave without pay (LWOP) may be taken when agreed upon by the department head/elected official, and shall not normally exceed four (4) hours.

F. Holiday Leave:

1. The following days have been designated by the County to be paid holidays:

New Year’s Day	January 1 <sup>st</sup>
Human Right’s Day (MLK)	3 <sup>rd</sup> Monday in January
President’s Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Harvest Day (in lieu of Columbus Day)	1 <sup>st</sup> Monday of Deer Rifle Hunt
Veteran’s Day	November 11 <sup>th</sup>
Thanksgiving	4 <sup>th</sup> Thursday and Friday of November
Christmas	December 25 <sup>th</sup>

2. When any of the above holidays fall on a Sunday, the following Monday shall be observed as the holiday. When any of the above holidays fall on a Saturday, the preceding Friday shall be observed as the holiday. However, those offices required by law will remain open for business.



3. Should a holiday accrue while an employee is on vacation, the employee will not be charged with vacation on the day of the holiday.
- G. Holiday Pay: All regular employees working more than 1040 hours per year will receive holiday pay for all designated holidays on a pro-rated basis upon their standard work week. For offices closing on the holiday, employees will be required to take time off on the designated holiday.
- H. Court or Jury Leave: An employee who, in obedience to a subpoena or direction by proper authority, appears as a witness or juror for the federal government, the State of Utah, a political subdivision thereof or the County, shall be entitled to leave with pay. However, the regular court compensation fees shall be signed over to the County.
- I. Maternity Leave - Includes Adoption of a Child:
1. An employee who becomes pregnant may continue working until such time as she can no longer satisfactorily perform her duties or her physical condition is such that her attending physician deems continued employment to be hazardous to her health.
  2. Paid sick leave or family & medical leave without pay, which is available to cover the time for physical examinations and periods of incapacitation, will be available to the pregnant employee for the same purpose.
  3. Maternity leave shall be treated as any other illness. Leave granted for maternity purposes shall be allowed on the same basis for which sick leave or family & medical leave without pay is granted.
  4. Employees who have exhausted all accumulated sick leave shall be granted family & medical leave without pay for maternity purposes. Employees desiring extended leave due to “pregnancy disability” shall receive it on the same basis as any other disability (see leave without pay).
- J. Military Leave: Leave shall be granted for a period of active military service. Extended military leave is six (6) months or more, not to exceed four (4) years unless approved by the County. Short-term military leave is any leave of less than six (6) months in duration, normally not longer than fifteen (15) days.
1. Short-Term Military Leave: is authorized for employees pursuant to the following conditions:
    - a. Any employee requesting such leave must provide the department head/elected official with a copy of the military orders.
    - b. Employees who are members of reserve units of the military shall notify the department head/elected official at least four (4) weeks, if possible, in advance and shall indicate in writing their intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the individual employee’s personnel file.

- c. Employees requesting short-term military leave may go to leave without pay status prior to using accrued vacation and compensatory time.
  - d. While on short-term military leave, none of the employee's benefits shall accrue, except that health and life insurance benefits will remain in force.
2. Extended Military Leave Without Pay: shall be granted to employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the provision of the Universal Military Training and Service Act. Former employees may be permitted to return to County employment pursuant to the following conditions:
- a. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
  - b. An employee leaving active military duty is allowed forty (40) days from the active duty release date in which to request reinstatement to an available position of comparable status and compensation. If the employee declines an offer for position vacancy, reinstatement rights may be canceled by the department head/elected official.
  - c. If, due to a service connected disability or for some other reason, an employee is not qualified to perform all the duties of the vacated position, the employee will be placed on an eligibility list for consideration for future openings. Under the American's With Disabilities Act, reasonable accommodation shall be provided unless doing so would prove to be an undue hardship.

K. Active Military Return to Work: The County shall comply with USERRA.

L. Leave Without Pay (LWOP): Leave of absence without pay for reasons other than personal or family illness, injury or other qualifying event as defined by the Family & Medical Leave Act (FMLA), shall not be regarded as an acquired right by employees and shall be granted only when the County service will not be adversely affected thereby. Requests for leave shall be made in writing, and filed with the department head/elected official. Circumstances which may be eligible for LWOP consideration may include, but not be limited to educational pursuits or emergency service.

- 1. A leave of absence without pay granted to an employee may not exceed one (1) year in duration and may be terminated prior to the expiration date thereof by the department head/elected official. Failure of an employee to report for duty promptly at the expiration of his/her leave or violation of an agreement or understanding entered into by the employee relative thereto, or upon termination by the County, shall be just cause for discharge and the removal of the employee's name from any eligible list or lists on which it may appear.
- 2. Prior to being granted leave of absence without pay status, all personal leave and compensatory time must first be exhausted.
- 3. Positions vacated by granting leave of absence without pay may be filled on a temporary basis. If the employee on leave violates the terms of the leave, or fails to comply to a

request by the County to return to work, the County may grant full-time status to a temporary employee or conduct an open recruitment.

4. Employees desiring to continue health insurance coverage while on leave without pay may receive such coverage upon making arrangements with the County. During such period it shall be the responsibility of the employee to pay the complete premium. If LWOP is for medical reasons, health insurance and life insurance coverage may continue as prescribed in paragraph "A" of this section.
  5. No benefits shall be provided nor shall personal leave accrue while on leave without pay.
- M. Administrative Leave: In cases of training, special educational pursuits, hardships, or other cases not provided for in these policies, the elected official or Board of County Commissioners may grant short-term leaves at full or partial pay, or without pay. The denial of such requests are at the discretion of the elected official and are not subject to appeal. This policy may be utilized by the County Sheriff in situations which may qualify under "relief of duty without prejudice".
- N. Family & Medical Leave Without Pay: The County will comply with all applicable requirements of the Family & Medical Leave Act of 1993 (FMLA).
1. Eligibility: All employees who have worked for the County for at least twelve (12) months (which need not be a consecutive twelve (12) month period) and have worked for the County at least 1250 hours in the previous consecutive twelve (12) month period qualify for family and medical leave without pay.
  2. Eligible employees may receive up to twelve (12) weeks of unpaid, job protected, leave in any twelve (12) month period for the following reasons:
    - a. To care for a child upon birth or upon placement for adoption or foster care;
    - b. To care for a parent, spouse, or child with a serious health condition;
    - c. When an employee is unable to work because of a serious health condition.

A serious health condition is defined as any illness, injury, impairment, or physical or mental condition that involves either in-patient care or continuing treatment by a health care provider as stated in FMLA. Also, a single event or occasion which results in a regimen of continuing treatment under the supervision of the health care provider, such as a regimen of medication or physical therapy qualifies. Excluded from coverage are voluntary or cosmetic treatments which are not medically necessary and preventive physical examinations.
  3. Notice & Verification: Employees who want to take FMLA leave ordinarily must provide the County with at least thirty (30) days notice of the need for leave, if the need for leave is foreseeable. If the need is not foreseeable, the employee should give as much notice as is practicable. The employee notice shall contain the reason for the leave, the anticipated timing of the leave and the expected duration of the leave. In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification of the serious health condition within fifteen (15) days after the request or as soon thereafter as is reasonably possible. The County may also require a

second or third opinion (at the County's expense), periodic recertification of the serious health condition (as frequently as every thirty (30) days), and when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The County may deny leave to employees who do not provide advance leave notice or medical certification within the established time frame.

4. County Communication Requirements: Upon receiving notice of an employee's need for FMLA leave the County must provide the employee with a detailed notice specifying the employee's rights and obligations in connection with the law and County policy and explain any consequences of a failure to meet these obligations. The County notice shall include:
  - a. A statement that the leave will be counted against the employee's annual FMLA leave entitlement;
  - b. Requirements for the employee to furnish medical certification of a serious health condition and the consequences for failing to do so;
  - c. The requirement for the employee to use accrued paid leave;
  - d. Any requirements for the employee to make or participate in the payment of insurance premiums, and the methods for doing so;
  - e. Any requirement of the employee to present a fitness-for-duty certificate in order to return to work;
  - f. The employee reinstatement rights to the same or equivalent job;
  - g. The employee's status as a "key employee" and the conditions under which reinstatement may be denied;
  - h. The employee's potential liability for health insurance premiums paid by the County during the leave if the employee does not return to work.
5. Method of Leave Usage: The leave may be taken intermittently or on a reduced leave schedule without the County's approval when medically necessary; therefore, department heads and elected officials shall take an active role in verifying medical necessity, especially in the case of emergencies and short notice situations. FMLA leave may be taken in half-hour, hourly, daily or weekly blocks of time.
6. Employee Entitlements: Employees taking qualified FMLA leave are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. In addition, the County shall reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms as previously provided. The County's obligation under FMLA to reinstate an employee returning from leave ceases once the employee has used up their twelve (12) week entitlement and continues on another form of leave, paid or unpaid. Also, the County may deny reinstatement if it can be demonstrated that the employee would not otherwise have been employed at the time the reinstatement request is made, such as when an employee's position is eliminated due to a layoff.
7. Accrued Benefit Impact: Employees use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, compensatory time, and sick leave during a FMLA leave for the employee's own serious health condition or for a seriously ill

family member. In calculating the number of leave days used as part of the twelve (12) week FMLA limit, all paid leave shall be included.

8. Defining 12 Month Period: The County shall use one of four (4) methods as defined by FMLA, and may change methods when determined to be in the best interest of the County in terms of administration. However, fifty (50) day notice must be given to employees of intent to change and employees must retain the full benefit twelve (12) weeks of leave. The County shall use one of the following:
  - a. The calendar year;
  - b. Any fixed twelve (12) month period, such as a fiscal year, an employee's anniversary date, or a year which is or may be required by state leave law;
  - c. The twelve (12) month period measured forward from the day an employee's first FMLA leave begins;
  - d. A rolling twelve (12) month period measured backward from the date an employee uses an FMLA leave.
  
9. Temporary Work Assignments: Where medical necessity dictates the need to use scheduled intermittent leave or a reduced work schedule, the County may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of leave than the employee's regular position. In addition, the County may transfer an employee to a part-time job with the same hourly rate of pay and benefits as long as the employee is not required to take more leave than is medically necessary.
  
10. Record Keeping Requirements: Records retention for FMLA purposes must be maintained in accord with record keeping requirements of the Fair Labor Standards Act (FLSA). Records must be kept for a minimum of three (3) years which includes the following information:
  - a. Basic payroll records;
  - b. Dates that FMLA leave is taken;
  - c. Hours of FMLA leave;
  - d. Copies of employee notification given to employer;
  - e. Copies of employer notices regarding employee rights and obligations;
  - f. Copies of County policies and procedures describing benefits and leave provisions;
  - g. Premium payments of employee benefits;
  - h. Documents pertaining to disputes regarding designation of FMLA leave.

All records relating to medical information must be kept in separate, confidential medical files.

- O. Retirement: The County is a participant in the public safety noncontributory and public employee noncontributory retirement programs of the Utah State Retirement System (URS). The County endorses the concept that performance and not age should be the standard for retaining qualified employees. There shall be no set retirement age from County employment. The County shall follow the provisions of the Utah State Retirement Act in administering retirement benefits. Contributions into the retirement system shall be made for all employees working twenty (20) hours or more per week.

1. Employees, at their discretion, may choose to retire any time after they are eligible under provisions of the Retirement Act.
  2. Employees over retirement age can be retained or hired as long as they are physically and mentally able to satisfactorily discharge the duties of the position.
- P. Unemployment Insurance: The County participates in the State Unemployment Insurance Program and each person that terminates will be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State. Employees terminated for cause shall not be eligible for unemployment benefits from the County.
- Q. Date of Hire: The fringe benefits described above as vacation and sick leave will be calculated each year from each employee's date of hire.

## SECTION X – TRAVEL POLICY

- A. Travel: Travel expenses associated with authorized trips on County business, for attendance at conventions, conferences, field trips, educational courses or meetings, etc., will be paid by the County. Actual costs for materials required for the seminar, training courses, etc., will be paid for or reimbursed by the County. The employee will provide receipts/ledger of expenses to the County upon completion of the trip, on the approved Travel Claim Form, no later than one (1) week after return to normal duties. An employee may be accompanied by a spouse or family member on approved County business trips with the understanding that the County will not pay any of the costs incurred by the spouse or be responsible for any liability associated therewith. The accompanying spouse shall provide the County Clerk a copy of the spouse's valid driver's license as a condition of any such travel. All absences from work to attend various meetings, training, seminars, conventions, etc., must be approved by the department head/elected official prior to attendance.
- B. Travel Expenses: Travel expenses must be included in an annual budget for each department anticipating travel as a part of the budget process. Any travel expenses in excess of the amount budgeted must have the approval of the Board of County Commission.
- C. Use of Personal Cars: Personal cars may be used for County business, if deemed advantageous to the County. When a personal car is used for County business, the County's reimbursement for the use of the car shall be at the rate allowed by the IRS. If a county car is available, the employee should use the county car. An employee may opt to drive a personal car, but shall only be reimbursed at 50% of the mileage reimbursement rate. If a county car is not available the employee may use a personal car subject to the full mileage reimbursement rate outlined below.
- D. Mileage Reimbursement Rate: Reimbursement rate for a personal vehicle used for approved travel shall be at a rate established by the Board of County Commissioners and allowed by the IRS, which may be adjusted from year to year. Employees anticipating travel may obtain the current reimbursement rate from the personnel office or County Auditor. Travel distances will be computed from a standard mileage chart when available. Vehicle odometer readings will be reimbursed for distances not charted, with approval of the department head/elected official. Reimbursement for public transportation (air, bus, train), when necessary, will equal actual cost of fares. First class accommodations will be utilized only when a lesser rate is not available, with proof of such occurrence.
- E. Per Diem: Reimbursement of expenses shall be provided to employees whose work related travel requires them to leave the County. Meals (excluding alcoholic beverages) will be reimbursed at a rate established by the federal government per diem rate found at [www.gsa.gov](http://www.gsa.gov). Meal reimbursement will follow the "7/7 rule." When you are in travel status for more than 12 hours, but less than 24 hours, you are entitled to 75% of the GSA per diem rate. When you are in travel status for more than 24 hours, you are entitled to 100% of the GSA per diem rate. A tabulation of total reimbursable costs must be submitted on the Travel Claim form and must include signature of authorizing department head, and include the conference agenda or conference registration brochure. When a meal is provided as part of the event you must deduct the entire allocated meal cost from the per diem.

Lodging is limited to actual costs not to exceed amounts allowed by the federal government lodging rate found at [www.gsa.gov/lodging](http://www.gsa.gov/lodging). If an Employee is unable to secure lodging at the federal lodging rate they must contact the County Purchasing Agent and receive prior approval before booking.

Under IRS guidelines amounts paid in excess of the federal per diem rates are subject to income tax and employment tax if they are not repaid to the employer. The allowance is not considered an absolute right of the employee and is authorized at the discretion of the Department Head/Board of County Commission.

1. Employees may be authorized to receive per diem in advance to cover meal expenses. Such advances must be requested at least two (2) weeks prior to the anticipated trip. A Beaver County Travel Claim form is to be used for this purpose and must be approved by the Elected Official/Department Head. Such a request must include a conference agenda or registration brochure.
- F. County Credit Card Use: County credit cards are issued by the Clerk/Auditor strictly for the convenience of elected officials and Department Heads who frequently travel out of the County, or for personnel who must make regular purchases in the performance of their duties and must use it as a privilege not to be abused.
1. The Clerk/Auditor shall be responsible for monitoring all credit card use.
  2. County credit cards are not to be used for personal expenses. They are to be used strictly for County business. Misuse may result in termination of employment and prosecution under the law by the County Attorney.
  3. The Clerk/Auditor may revoke a card at any time if it is misused or used so infrequently that possession is no longer warranted.
  4. Personnel who are issued a County credit card should use it for all travel related charges with the exception of gasoline. For gasoline charges involving County-owned vehicles (COV's) the employee must use the county gas credit card. If the employee uses their personal vehicle, they will be reimbursed for mileage. Therefore, they must pay for gasoline themselves. In those few cases where credit cards cannot be used, cash receipts must be obtained in order to receive reimbursement of expenditures.
- G. County Vehicles: Safe and courteous operation of County vehicles is mandatory. County vehicles shall not be used for private use or convenience, except as otherwise authorized. A valid state driver license or equivalent will be required by the County for each employee prior to the time the employee drives a County vehicle. The class of license required will be identified in the job description. Though the County carries liability and property damage insurance on all vehicles and thereby covers employees while driving vehicles on official County business, accidents which are found to have been avoidable or to be the fault of the employee may subject the employee to disciplinary action.
- H. Liability: Beaver County assumes no liability for use of vehicles outside the scope of County employment or for activities in violation of this policy. Nothing in this policy can increase the obligation or liability that Beaver County currently has to employees, officials, or third parties in regard to the operation of motor vehicles. Violation of this policy may result in employee discipline up to and including termination from employment. Departments may make more detailed rules for vehicles safety and maintenance.



1. County vehicles shall be used exclusively for County business. The only exceptions are those enumerated as part of a Commission-approved department policy and exceptions made in writing by the Board of County Commission.
2. Alcoholic beverages and drugs may not be kept in County vehicles unless required for law enforcement purposes.
3. Smoking is prohibited in County vehicles.
4. Except in unusual circumstances, ambulances (not County vehicles) shall be used to transport injured persons.

I. Eligibility To Operate County Vehicles: The following conditions are required to obtain/maintain the privilege of operating a County vehicle:

1. A current valid Utah driver's license of the correct class for the vehicle, a copy of which has been delivered
2. Age 18 or older.
3. Mentally and physically able to drive.
4. Obey traffic laws.
5. No convictions for driving under the influence of alcohol or drugs or reckless driving offenses within the previous four (4) years.

J. Special Provision for Approved Out-Of-County Training or Business: When attending out-of-County training or business in an authorized County vehicle, an employee may take non-employee passengers and may drive for purposes other than County business as appropriate for meals and relaxation in the non-business hours. An employee's spouse who complies with section "I" (Eligibility to Operate County Vehicle) may drive when the employee is in the vehicle, or when the employee is absent if such driving is in furtherance of the approved out-of-county training or business.

K. Rules For Driving Any Vehicle On County Business: In order to drive any vehicle on County or not on County business, employees must:

1. Possess a current valid Utah motor vehicle operator's license for the class of vehicle operated. If an employee's work requires driving, his license will be checked before employment and periodically thereafter. The employee must notify their supervisor immediately upon expiration, suspension or revocation. Failure to report or continuing to drive a County vehicle will result in discipline, including possible termination.
2. Drive a vehicle that is properly registered and insured in the amounts required by State Law.
3. Observe and inspect the vehicle for obvious defects and safety hazards. If a hazard is apparent, the vehicle shall not be operated.
4. Drive with courtesy, care, and caution, and make the safety of the driver, passengers, pedestrians, and other drivers, of paramount concern.
5. Obey all traffic laws, rules and regulations and use common sense and good judgement.
6. Not drive after ingesting alcohol or illegal substances or while impaired by prescription drugs.
7. Observe all accident reporting procedures.

8. Not allow an unauthorized person to have the keys to or operate a County vehicle, unless an emergency requires it.
  9. Ensure that all vehicle occupants properly use the restraint and other protective devices consistent with applicable laws.
  10. Beaver County will not be liable for injuries or damages arising from activities outside the scope of employment, including but not limited to person use of rented vehicles by employees during a County-authorized business trip. If a County employee on County business is involved in an accident while driving a personal vehicle, the employee's personal insurance shall provide the primary coverage.
- L. County Vehicle Maintenance: Employees are primarily responsible for the condition of their vehicle, including compliance with scheduled maintenance, reporting needed repairs, and maintaining cleanliness. Department Heads will establish and each department will adhere to a proper maintenance schedule for each vehicle. Drivers must ensure their County vehicles are properly parked and locked.
- M. Accident/Violation Procedure: If an employee driving on County business is involved in an accident resulting in personal injury or property damage, the employee shall;
1. Report the accident immediately to their supervisor.
  2. Submit to such drug testing as may be required in the accident investigation.
  3. Notify the supervisor immediately if their license is suspended, revoked, or canceled, or if they are disqualified from driving.
  4. Report the accident to a law enforcement agency.
  5. If your accident involves damage or injury to non-County property or a non-County employee, request an accident report from a law enforcement agency other than the Sheriff's Office. Exchange information with non-County driver and attempt to locate, and exchange information with a property owner and provide it to the investigating agency.
  6. If there is no damage to non-County property and no injury to non-County employees, request an accident report from the law enforcement agency having jurisdiction and await their arrival.
  7. In addition to reporting all accidents immediately to the supervisor, Commercial Driver's License (CDL) holders must:
    - a. Notify the immediate supervisor writing thirty (30) days of conviction for any traffic violation (except parking) no matter what type of vehicle you are driving, on or off the job;
    - b. Notify the motor vehicle licensing agency within thirty (30) days if convicted in any other jurisdiction of any traffic violation (except parking) no matter what type of vehicle you were driving on or off the job.
  8. No one can drive a commercial motor vehicle without a Commercial Driver's License.
  9. The Beaver County Accident Review Board consisting of a member from HR Department, Attorney's Office, Sheriff's Department, Department Head and Commission Member, will review all vehicle accidents involving County vehicles or County business. Based on driving history and circumstances, the Accident Review Board may recommend loss of driving privileges, defensive driving courses, reassignment, termination or other appropriate discipline.

10. Notwithstanding paragraph 9 above, a department head may conduct his/her own review of the reported accident without referring it to the Accident Review Board for recommendations, if the following criteria are satisfied:
  - a. There is no personal injury or potential claim of injury.
  - b. All property damage is confined entirely to property owned by the County;
  - c. The total of all damage does not exceed \$500.00; and
  - d. In the department head's opinion, after a review of all facts, the incident is isolated and does not reflect a pattern of other driving misbehaviors.
  
- N. County Fuel Cards: All fuel cards must be documented in the Clerk/Auditor's Office. Cards are issued to specific vehicles only. The Personal Identification Number (PIN) number is issued for an employee's exclusive use. Any misuse of the card or PIN will result in personal and legal liability. The PIN is an electronic signature of the person to whom it is issued.
  
- O. Cellular Telephone Use in County Vehicles: The County requires employees to abide by Utah State Law regarding cell phone use in vehicles.
  
- P. Traffic Accidents: Employees involved in a traffic accident while on duty are required to notify the County Risk Manager, local police, County Sheriff, or Highway Patrol to secure a formal report of the accident. It is the employee's responsibility to secure the names and addresses of any witnesses in addition to requesting the other party to prepare a statement to be written and delivered to the County Human Resource Director. Notification to the supervisor, the proper accident reports, and related information, should be expedited to enable the timely filing of insurance claims.
  1. Failure to notify the supervisor and or County Human Resource Director within one (1) working day of the traffic accident shall result in a reprimand or other disciplinary action.
  2. Depending upon the seriousness of the accident in which the employee is involved, the employee's job status and compensation could be affected through reassignment, reclassification, demotion, or termination. Employees who have their driver's license suspended or revoked, who are no longer able to perform the essential functions of the job may be placed upon administrative leave or be terminated. Each situation shall be given case-by-case consideration and employees so affected may appeal through the established grievance procedure.
    - a. Vehicle Safety & Operator Guidelines: Beaver County has established standard operating procedures with regard to the operation of office/department vehicles and equipment. These guidelines include, but are not limited to mandatory use of seat belts (all passengers), etc.

## SECTION XI - WORK HOURS

- A. Normal Work Periods: A regular pay period is normally defined as semi-monthly with all employees being expected to work their designated hours, with each work week beginning at 12:00 a.m. on Sunday and ending at 12:00 midnight on Saturday. Due to seasonal road department and Sheriff's Office shift schedules, variations in the hours worked per week may occur which shall be managed according to the overtime provisions of the Fair Labor Standards Act (FLSA).
- B. Attendance: An employee who is unable to report for duty on a work day shall notify the supervisor or department head/elected official within one-half (1/2) hour of the regularly scheduled starting time.
- C. Lunch Break: Non-paid lunch breaks are provided after the beginning of the work day, for not less than thirty minutes or longer than one hour.
- D. Rest Periods: Two optional ten minute rest periods may be allowed at the approval of the supervisor to employees daily. One rest break may be used in the middle of the first four (4) hour block of the work day and one (1) may be used in the middle of the second four (4) hour block, the last half of the work day. No unused ten (10) minute rest period may be used to shorten the work day.
- E. Unforeseen Work Interruptions: It is the policy of the County that on those days when there is an interruption of work for causes outside the control of the County, employees shall be compensated for the entire day of the occurrence, regardless of the time released from work.

On the day immediately following the occurrence, employees shall be expected to report to work at their regularly scheduled start time, unless otherwise notified by the department head/elected official/supervisor. Such notification shall be initiated no later than one (1) hour prior to the regular start time. Reasonable diligence to make contact is the responsibility of both the department head/elected official/supervisor and employee. If such notification is made, there will be no compensation for that work day. If no such contact is made, employees are to report to their regular work stations at their appointed time. The decision to terminate work shall be made by the individual department head/elected official on the day of the occurrence as well as the day following the occurrence. Extended work termination beyond the day of occurrence shall be determined by the Board of County Commissioners, and such decision will be communicated to each department head/elected official.

## **SECTION XII - PRODUCTIVE WORK ENVIRONMENT**

- A. General Conduct: The very nature of governmental business makes relations one of the most important aspects of the job. The quality of our interactions impacts all employees of the County and the public perception of the County as a whole. Employees are to take every opportunity through the course of performing in the job to create “good will” with the public. Employees are required to be courteous and show understanding in spite of the difficulty of situations which may arise. Reports of a negative nature will be investigated by supervisors, and disciplinary actions could result.
1. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
  2. Employees are expected to make prudent and frugal use of County funds, equipment, buildings and supplies.
  3. Employees are expected to observe work place rules.
  4. Employees are to report conditions or circumstances that would prevent them from performing their job effectively or completing assigned tasks.
  5. Employees are expected to practice dress and grooming habits which are consistent with their business environment and beneficial in promoting a favorable public image.
- B. Outside Employment: No employee may engage in any outside employment which in any manner interferes with the proper and effective performance of official duties, is detrimental to County service or which results in conflicts of interest. In the event that an employee’s outside employment adversely affects the performance of County responsibilities, disciplinary action may be taken by the department head/elected official, and may result in termination. Department head/elected officials may establish more stringent guidelines and procedures related to secondary employment depending upon the nature of the work performed for the County.
- C. Political Activity: Except as otherwise provided by law or by rules and regulations promulgated by the State of Utah or the federal government for federally aided programs, County employees may voluntarily participate in political activity subject to the following provisions:
1. No person shall be denied the opportunity to become an applicant for a position by virtue of political opinion or affiliation.
  2. No person employed by the County may be dismissed from service as a result of political opinion or affiliation.
  3. An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and to allow employees to serve as voting County officers and as state or county delegates without jeopardizing public programs for which they are responsible.

4. No employee, whether elected or appointed department head/elected official, may directly or indirectly coerce, command, advise or solicit any officer or employee covered under the personnel system to pay, lend, or contribute part of his/her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No supervisor, manager, department head or employee, whether elected or appointed, may attempt to make any officer's or employee's employment status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.
5. No officer or employee may engage in any political activity during the hours of employment nor may a person solicit political contributions from the county employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contributions by a county employee to the party of candidate of the employee's choice.
6. Nothing in this rule shall be construed to permit partisan political activity of any county employee who is prevented or restricted from engaging in such political activity by the provision of the federal Hatch Act.

D. Sexual Harassment: Sexual harassment is defined as unwanted conduct or communication of a sexual nature which adversely affects a person's employment relationship or working environment. The forms of illegal conduct include (but are not limited to) the act of, request for, or threat of sexual relations or bodily contact examples of which are pinching, grabbing, patting, propositioning, job threats or promises, inappropriate comments on appearance, embarrassing stories, pornographic material, assaults on the job by managers, fellow employees, non-employees, or any other repeated words or actions which are sexually offensive, intimidating, hostile, degrading or demeaning to another person. To qualify as sexual harassment the conduct must normally have a negative effect on the person's job, wages, chances for advancement, work duties, work environment, tenure or conditions of employment.

1. Policy: It is the policy of the County that employees and job applicants are entitled to a work place or recruitment process that is free from sexual harassment. Sexual harassment is an unlawful activity which violates personal principles and is prohibited as a form of sex discrimination under Title VII of the Civil Rights Act. Any employee, HR Director or non-HR Director, male or female, who engages in such activity, shall be subject to disciplinary action which may include reprimand, suspension, demotion, or dismissal. It is not intended that this policy be construed as an intent on the part of the County to regulate social interactions or relationships freely entered into by employees.
2. Prevention is the best tool for the avoidance or elimination of sexual harassment. The County will take all steps necessary to prevent such harassment from occurring and will take appropriate action when it is found to have taken place. All employees who feel that they are or have been, or someone else is or has been, a victim of sexual harassment must report the incident in one of the following three ways:
  - a. File a written or oral complaint with the direct supervisor; or
  - b. File a written or oral complaint with the Human Resources Director; or,
  - c. File a written or oral complaint directly with the Board of County Commission;

The written complaint or allegation shall contain details regarding dates, times, places, and circumstances surrounding the incident(s), and witness signatures when possible.

3. Any employee who becomes aware of the occurrence of sexual harassment shall report the matter through the most confidential and direct means possible:
  - a. Make a statement of known facts orally or in writing, to an appropriate authority; and,
  - b. Avoid discussing the matter with co-workers and persons not directly responsible for investigating the matter.
  
4. Investigation Procedure: When warranted, the authority receiving the complaint, shall take or direct immediate action by:
  - a. Obtaining an oral or written statement from complainant;
  - b. Discussing the matter with the alleged offender;
  - c. Obtaining statements from possible witness(es) from both sides of the issue; and,
  - d. Reporting any violations of criminal law to the Sheriff's office.
  
5. Action and Resolution: Based upon the report, steps shall be taken for immediate and appropriate action for determining whether alleged conduct constitutes sexual harassment. The HR Director or Board of County Commissioners will examine the record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis, and may involve special legal counsel. If there appears to be no foundation to the allegation, other than the complaint:
  - a. No record shall be made of the allegation in either the alleged offender's or complainant's personnel file;
  - b. A reiteration of the policy against sexual harassment may be appropriate; and,
  - c. If false allegations or misuse of this policy have occurred, disciplinary action shall be taken against the complainant.

If a foundation for the allegation exists, appropriate disciplinary procedures will be commenced against the offender. Discipline will be consistent with the severity of the offence.

- E. Drug Free Work Place: A healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, is essential to the maintenance of quality operations and all services provided to the public. The abuse of drugs and alcohol creates a variety of work place problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased work place theft, decreased employee morale, decreased productivity, and the decline in quality of overall facility operations. The County will take action against employees who use, distribute, or possess controlled substances on or off the job, and who violate County policy and rules in reference to possession, distribution and use of alcohol on the job. All processes, procedures, actions and requirements undertaken or imposed by the County shall be in conformance with Utah Code 34-38-(1-15), Drug and Alcohol Testing.

1. Employees must report to work in a fit condition for duty. Being under the influence of alcohol or drugs is prohibited.
2. Alcoholism and drug abuse are recognized as illnesses or disorders, and the County accepts a shared responsibility for providing channels of help, but it is the employee's responsibility to seek help. The extent of County assistance shall be limited to a referral program to various community resources and to the financial limitations as provided in the County health and medical insurance plan.
3. If the employee seeks help prior to discovery, then confidentiality, job security, and promotional opportunities will be protected. But, if the employee does not attempt to seek help and the problem, in some way, comes to the attention of the County, then disciplinary action will result.
4. Employees who use or distribute drugs on the job are subject to discharge, and any drugs confiscated will be turned over to local law enforcement.
5. If an employee is arrested off the job for drug involvement, the County will consider various circumstances surrounding the arrest before taking action.
6. If an employee is under treatment with a drug that could alter his or her ability to do the job, the employee could be subject to reassignment.
7. Any Department Head/Elected Official/Supervisor that has reasonable suspicion of an employee consuming alcohol or using illegal drugs while on the job shall require the testing of the employee.
8. Refusal by an employee to submit to drug testing may be interpreted as insubordination and subject to appropriate disciplinary action, including termination, after consideration of the circumstances and employee's previous work history. All testing will be conducted at authorized medical or drug testing centers at the expense of the County. Appeals and grievances related to such actions shall be processed and heard through the established grievance procedures of the County.

F. Non-Smoking Policy: It is the policy of the County to comply with all applicable federal, state, and local regulations regarding tobacco in the work place and to provide a work environment that promotes productivity and the well-being of its employees.

1. The use of all tobacco products including e-cigarettes, as defined in the UICAA (Utah Indoor Clean Air Act) section 26-38-2., is prohibited by employees while on-duty or at any time the employee is acting in an official capacity for the Department. Employees may use tobacco while on designated break but shall not use tobacco products any closer than one hundred (100) feet from a main entrance, exit or operable window of any County building and in accordance with County Code 4-4.
2. Smoking and other use of tobacco products is not permitted inside any County facility, office, equipment or vehicle (Utah Code 26-38-3).



3. It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses tobacco product inside County facilities and vehicles.
- G. Break Time for Nursing Mothers: It is the policy of the County to comply with all applicable federal, state, and local regulations to provide a work environment that promotes the well-being of its employees.
1. As defined in Utah Code section 34-49-202 A public employer shall provide for at least one (1) year after the birth of a public employee's child reasonable breaks for each time the public employee needs to breast feed or express milk, and consult with the public employee to determine the frequency and duration of the breaks.
    - a. This break to the extent possible, shall run concurrent with any other break period otherwise provided to the employee.
    - b. When feasible Beaver County shall provide employee a room or other location in close proximity to the employees work area that is not a bathroom or toilet stall, that has privacy shielded from the view of and intrusion from coworkers or the public, and has an electrical outlet.
- H. Internet Use Policy: This policy establishes standards for the proper use of Beaver County government provided internet services.
1. Applies to:
    - a. All internet systems and services provided or owned by Beaver County;
    - b. All users of Beaver County government internet services, including:  
Full and part-time employees; and,  
Contractors authorized to use Beaver County government owned equipment or network resources.
  2. Policy Details:
    - a. Internet access is a highly efficient research and communications tool that is provided by the Beaver County government to its employees to assist them in supporting Beaver County government functions and conducting the government's business within its own organization, with government and private business partners, and with public. Appropriate use of Beaver County government internet access can enhance the efficiency and quality of government services, but inappropriate use can conflict with Beaver County government policies and compromise availability of the system for all. This policy defines requirements and prohibitions for appropriate use of Beaver County government internet access.
    - b. Use of Beaver County government internet access constitutes consent to abide by all elements of this policy, including such monitoring of internet use as may be necessary and appropriate to effect Beaver County government policies

concerning the use of the internet access system and in aid of law-enforcement and auditing activities of Beaver County government agencies.

- c. Beaver County government internet access and all related services are “Beaver County government facilities” as that term is used in other policies and guidelines. These systems and services are the property of Beaver County and under management and control of the Information Technology Department or Contractor, as authorized by the Board of County Commission.
- d. All Beaver County government policies relating to intellectual property protection, privacy, misuse of government resources, sexual harassment, work place harassment data security, and confidentiality apply to use of Beaver County government internet access by persons and entities described under Section 1, above.
- e. Allowable Uses:

Research, communication, and information exchange directly related to the work tasks of a Beaver County government agency;

Research, communication, and information exchange for professional development, to maintain currency of training or education or to discuss issues related to the internet user’s Beaver County government activities;

Administration or applications for contracts or grants for Beaver County government programs or research;

Advisory capacity, standards, research, analysis, and professional society activities related to the user’s governmental work tasks and duties;

Announcement of Beaver County government laws, procedures, policies, rules, services, programs, information, or activities;

Use of new automated case management programs that become available in the future that include electronic filing and noticing components in both the federal and state courts;

Use of other authorized vendor programs available now or in the future, including FTP sites and remote diagnoses software;

Incidental personal purposes provide that such use does not:

(i) Directly or indirectly interfere with the Beaver County government operation of computing facilities or electronic mail services; or

(ii) Interfere with the internet user’s employment or other obligations to the Beaver County government;

Use of computer equipment and internet access to accomplish job responsibilities will always have priority over personal use.

f. Prohibited Uses:

(i) Any purpose that violates a federal, state, or Beaver County government law, code, or policy, standard or procedure;

(ii) The advertising or other promotion of any private business enterprise or activity;

(iii) Access to and/or distribution of:

(a) Pornography;

(b) Fraudulent information;

(c) Harassing material;

(d) Racially discriminatory, disparaging, or harassing information;

(e) Hate-related information or opinions;

(iv) Social media sites, except for direct County related use;

(v) Disruption, obstruction, or burden of network resources;

(vi) The intentional or negligent introduction of computer viruses into any Beaver County government system; users must prevent the introduction of computer viruses into Beaver County government systems and must maintain virus-scanning software to check any software downloaded as email attachments. Users must contact the IT Department or Contractor when virus detection software needs to be updated, repaired, and/or renewed.

(vii) Supervisors of departmental employees will have the final authority in determining whether an employee requires internet access and will advise their employees regarding Beaver County government's internet use policy. Supervisors will also assume the responsibility for making the final determination as to the appropriateness of their employee's use of the internet, when questions arise. This shall include the acceptability of internet sites visited and internet use for incidental personal purposes.

### SECTION XIII - DISCIPLINARY PROCEDURES

- A. Disciplinary Action: It is the responsibility of all employees to observe regulations necessary for the proper operation of County functions. Administrative procedures have been established for the handling of disciplinary measures taken against all employees such as dismissal, reprimand, suspension, and demotion. All such disciplinary measures shall follow finding of fact, the presentation of charges to the employee, and an opportunity for the employee to be heard.
- B. Corrective Action: When an employee's performance does not meet established standards for reasons other than willful misconduct, managers shall take appropriate corrective action in accordance with the following rules:
1. The department head/elected official/supervisor shall discuss the substandard performance with the employee in an attempt to discover the reasons for such performance and to plan an appropriate solution.
  2. Appropriate corrective actions include closer supervision, training, and referral for personal counseling, reassignment or transfer, use of appropriate leave, career counseling, or separation.
  3. During the implementation of corrective action, the department head/elected official/supervisor shall frequently evaluate and document the employee's progress.
- C. Verbal Warning: Whenever grounds for disciplinary action exist, and the department head/elected official determines that more severe action is not required, the department head/elected official should verbally communicate to the employee the observed deficiency. Written documentation of the reprimand will be kept for future reference. Sufficient time for improvement should be given before more formal disciplinary action is taken unless extenuating circumstances dictate otherwise. Such references shall be removed from the employee's file six (6) months from the date of issuance, provided that there have not been subsequent occurrences of the same or similar offense
- D. Written Reprimand: The department head/elected official or supervisor may reprimand an employee in writing. Such reprimand should be addressed to the employee and a signed copy should be placed in the employee's personnel file. Except for special circumstances, written reprimands should be removed from the employee's file three (3) years from the date of issuance, provided that there have not been subsequent occurrences of the same or similar offense.
1. First Reprimand: A written warning notice will be issued to the employee with a copy placed in the employee personnel file.
  2. Second Reprimand: Leave without pay in accordance with suspension, demotion and discharge policy.
  3. Third Reprimand: The penalty for a third reprimand shall be possible termination (subject to paragraph E).
- E. Third Reprimand/Warning: If an employee receives three (3) written warning notices for the same or different offenses for the following or similar situations within a twelve (12) month period, the

employee may be terminated from employment at the time of issuance of the third notice. Actionable behaviors include, but are not limited to:

1. Failure to report to work without notifying the supervisor, unless it is impossible to give such notice and/or excessive absenteeism or tardiness.
2. Violating a safety rule or practice.
3. Inattentiveness to work, failing to start work at the designated time, quitting work early, or leaving employer's work premises without authorization from the supervisor.
4. Vending, soliciting, or collecting contributions on the employer's time or premises without proper authorization.
5. Unauthorized personal use of County equipment.
6. Any other good and sufficient reason.

F. Suspension: The department head/elected official may suspend without pay an employee for up to, but not exceeding, thirty (30) calendar days as a disciplinary measure. On or before the effective date, both the employee and the Board of County Commissioners shall be furnished with a written statement setting forth reasons for the suspension. Normally, employees may not be suspended without pay for more than sixty (60) calendar days in one (1) year.

G. Immediate Suspension: The employee may be subjected to immediate suspension with dismissal pending the results of a formal investigation. A written letter stating reasons for disciplinary action must be sent by certified mail or be hand delivered to the employee by the department head. The HR Director shall schedule and conduct a hearing with the employee within fourteen (14) days of such action. Failure of the employee to appear, without good cause, constitutes a waiver of further appeal by the employee through the County grievance procedure. All dismissals are subject to the review and approval of the Board of County Commissioners. Immediate suspension may be utilized for commission of any of the following and any other good and sufficient reason:

1. Gross neglect of duty.
2. Insubordination (willful noncompliance to a reasonable directive or assignment).
3. Conviction of a felony or a crime of moral turpitude while an employee of the County.
4. Deliberate or careless conduct endangering the safety of the employee, other employees or the public.
5. Inducing or attempting to induce any employee to commit an unlawful act or violation of County regulations, policy procedures, practices or orders.
6. Incompetence and inefficiency in the performance of job duties which cannot be corrected and has resulted in one or more unsatisfactory rating on performance evaluations.

7. Carelessness or negligence with County funds or property (misfeasance, malfeasance, or non-feasance).
  8. Theft or intentional destruction of County property.
  9. Intentional falsification of personnel records, time reports, or other County records or documents.
  10. Being under the influence of intoxicants or drugs while on duty.
  11. Engaging in the distribution of or having possession of illegal drugs.
- H. Demotion: The department head/elected official or supervisor may demote any employee by written order setting forth specific reasons for the action. A demotion is defined as a reduction in pay, or position and pay, which may result from poor job performances, insubordination, incompetence or other disciplinary actions.
- I. Termination: No employee may be terminated from service as a result of a change in the appointed administration of the County or for the political expediency of an elected officer; except where specifically provided by statute, contract or terms of formal agreement as a condition of employment. Neither shall any employee be terminated from employment by means of job reclassification or transfer of job function when the evident purpose of the action was primarily for purpose of dismissing the employee.
- J. Appeal: Any employee subject to disciplinary action or termination under the provision of the above policies may appeal through the formal grievance/appeal procedures, outlined in Section XIV, to the HR Director and Board of County Commissioners; the decision of the Board shall be final.

## SECTION XIV - GRIEVANCE / APPEAL PROCEDURE

- A. General Statement: It shall be the policy of the County, insofar as possible, to prevent the occurrence of grievances and to deal with those which occur in a prompt, forthright, and professional manner.
1. Every effort shall be made to adjust grievances within the framework of existing laws and regulations, in a manner mutually satisfactory to employees and management.
  2. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment and desires remedial action and is desirous of filing an appeal for relief of the condition.
  3. The employee having the grievance shall have responsibility to carry on the grievance process as far as necessary to reach a satisfactory solution.
  4. The HR Director shall assure that all supervisors and elected officials respond affirmatively to this policy and procedure to expedite the resolution or processing of any grievance which may be received without the presence of discrimination, coercion, restraint or reprisal.
- B. Employee Rights: An employee has the right to:
1. Assistance from his or her own legal counsel, paid for by the employee.
  2. A reasonable amount of time during work hours to prepare the grievance.
  3. Freedom from reprisals for use of the procedures.
  4. Call other employees as witnesses at an appeal hearing and such employees shall be allowed to attend and testify at the hearing if reasonable advance notice is given to the witness's immediate supervisor.
- C. Automatic Step Processing & Waivers: Failure to answer an employee's appeal within the time specified automatically grants the aggrieved employee the right to process the appeal to the next step. Any appeal step, or any time limits specified at any step, may be waived or extended by mutual agreement, in writing, between the aggrieved employee and the person to whom the appeal is directed. Failure by the aggrieved employee to process an appeal from one step to the next, within the time specified, or time period mutually agreed to, is deemed a waiver by the employee of any right to process the appeal further or to appeal any level (if failure to process was not due to circumstances outside the control of the employee).
- D. Stipulations: No employee may submit an appeal more than one (1) year after the event giving rise to the appeal, nor does any person who has voluntarily terminated their employment with the County have any standing thereafter to submit an appeal.

E. Grievance Procedure Steps:

- STEP 1: Whenever a grievance arises or is directed to the attention of the elected official/department head or supervisor, the department head shall promptly discuss all relevant circumstances with the employee and remove the cause of the grievance to the extent the department head deems advisable and possesses authority.
- STEP 2: If the department head fails to settle the grievance to the satisfaction of the employee. The employee shall file a written appeal with the HR Director.
- STEP 3: If the HR Director fails to satisfy the grievance/appeal, the employee shall file a written appeal with the Board of County Commission. The Board of County Commission shall schedule a hearing with the party within forty five (45) calendar days after the receipt of the written appeal. The Board of County Commission shall be allowed to table the matter for deliberation, but shall render a written decision to the employee and to the department head within thirty (30) calendar days after the conclusion of the hearing. The County Commission shall render its findings and decision to all concerned parties in writing, which decision shall be final and binding.

F. Hearing Guidelines: The following procedures are intended to serve as a guide to assure orderly hearing processes and facilitate the bringing out of all relevant and material facts. Deviation from these processes may occur upon mutual agreement of all parties concerned.

1. The appellant may present his/her case personally or through legal counsel paid for by the employee.
2. The hearing shall not be bound either by legal procedures or by legal rules of evidence.
3. A tape recording shall be kept of the proceedings and at the request of either party, all witnesses shall be excluded from the hearing room until such time as they are called upon to testify.

G. Hearing Procedures:

1. The Elected Official/Department Head and employee may briefly summarize their cases in an opening statement.
2. At the conclusion of the opening statements, witnesses or material evidence may be introduced in support of the office/department position.
3. The appellant and then the hearing officer may ask questions of each witness of the office/department after said witness has testified.
4. The appellant presents material evidence, calls witnesses, etc. following the same processes as previously mentioned.



5. After presentation of appellant's case, the Elected Official/Department Head shall be allowed to present rebuttal evidence.
  6. Before closing the hearing, the hearing officer(s) shall allow the appellant and Elected Official/Department Head in turn to make closing statements.
- H. Termination or Transfer: In cases of termination or transfer, the employee may file a written notice of appeal with the HR Director within ten (10) calendar days after the termination or transfer. The HR Director shall then refer the appeal to the Board of County Commission, which shall begin its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for the termination or transfer. The employee shall be entitled to appear in person, to have a public hearing to confront the witness(es) whose testimony is to be considered, and to examine the evidence to be considered by the Board of County Commission.

## SECTION XV - OCCUPATIONAL LAWS

- A. Occupational Health & Safety: It is the intent of the County to comply with all applicable rules and regulations pertaining to the Occupation Safety and Health Act as established under Federal Law or Utah State Law. No job is so important and no service so urgent that time cannot be taken to perform work safely. Equipment, materials and operations must be understood before they are utilized. Unsafe conditions and circumstances involving accidents or the potential for accidents shall be reported immediately to the supervisor and County Clerk's Office.
1. The County shall furnish each of its employees a work environment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees and does hereby require that each employee comply with the occupational safety and health standards, orders, rules, and regulations promulgated under the Occupational Safety and Health Act. Compliance with this act shall be accomplished through the establishment of an occupational safety and health program as outlined herein.
  2. All employees are covered under the Worker's Compensation Act (Utah Code 35-9) for any injury sustained during the performance of their job. Compensation will be received for any loss sustained on account of such injury or death, and for medical and hospital services, medicines and funeral expenses. The County provides such compensation (Utah Code 25) through Worker's Compensation Fund of Utah. No compensation shall be allowed for the first three (3) days after the injury, except for authorized medical, nurse and hospital services, and for medicines and funeral expenses. However, if the temporary disability lasts for more than fourteen (14) days, compensation shall then be payable for the first three (3) days.
  3. In accordance with law, the department head/elected official shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. A Safety Review Board, consisting of representatives from the Sheriff's Office, County Clerk's Office, County Attorney's Office and the Commission Office, in conjunction with department head/elected officials, shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and the public. They shall warn all employees of any known dangerous conditions.
  4. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not time is lost. These records shall at all reasonable times be available to applicable regulatory agencies and shall be kept as requested by said agencies.
  5. The HR Director shall post, in a conspicuous place, a listing of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of an emergency.
  6. Supervisors and employees shall be required to insure clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time.

7. A report of any on-the-job injury resulting in disability or lost time shall be submitted to the HR Director as soon as practical, but no more than seven (7) days from the date of injury, on a first Report of Injury form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, fires, etc.) that might affect the safety or health of County employees or tend to increase the hazards thereof, the HR Director or other designated authority shall notify the applicable regulatory agencies at once. Such notification must be made whether or not any actual injuries result from the above occurrences or changes of conditions.
8. No person shall remove, displace, destroy or carry away any safety device or safeguard provided for use in any place of County employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees. Willful violation of these rules are grounds for disciplinary action or termination.
9. Additional information relative to the Occupational Safety and Health Act can be obtained from the Utah State Labor Commission.

- B. Worker's Compensation: According to state law, Worker's Compensation benefits are provided to all County Employees who become injured or contract occupational diseases on the job and cannot perform their normal duties. Under the ADA, reasonable accommodation will be made in all return-to-work situations, if doing so will not produce undue hardship. Eligible workers may receive benefits in various areas which include hospitalization, medical, disability, permanent loss of body functions, prosthetic devices, and death/burial benefits. Employees injured on the job, no matter how slight, must report the incident to a supervisor within forty-eight (48) hours, supervisor shall then report incident to the HR Director. Levels of compensation and County participation in payments to the worker shall be according to standards established by the Utah State Industrial Commission.

In the event an employee is injured on the job, he/she must apply for worker's compensation. In no circumstance will the employee receive or be entitled to both worker's compensation and paid leave.

Seasonal, part-time employees and volunteers who are injured on the job are not eligible for any other benefits other than those provided by the Utah State Worker's Compensation Fund.

## SECTION XVI - MISCELLANEOUS

- A. Supplies, Tools and Equipment: All employees are charged with the responsibility of maintaining the County's property in the best possible condition and making the most economical use of supplies issued to them, especially with regard to vehicles and vehicle operation.
- B. Telephone Use (personal): Toll calls will not be charged to the County at any time. Minimal personal telephone use shall be permitted so long as the use does not interfere with the employees work responsibilities.
- C. Use of County Property or Facilities: Except for property or facilities designed for public use, County property or facilities cannot be used by any employee or by the general public for any purpose other than official County business. Contractors and developers will not be supported by the use of County equipment or property at any time or by work performed by employees. No purchase shall be made through the County for personal use by any employee, except where otherwise provided for under special agreements or contracts.
- D. Uniform & Equipment Allowance: Offices desiring to utilize allowances for uniform purchase and maintenance or for non-issued equipment must do so through the budget process to assure availability of funds. Such allowances shall apply to entire job classifications.
- E. Acceptance of Gifts or Gratuities:
1. As defined in UCA 67-16-5, no employee or elected official shall solicit or accept a reward for the performance of duties other than salary, incentives, bonus, or recognition provided by the County or State. Likewise, no employee or elected official may knowingly receive, accept, take, seek, or solicit directly or indirectly, for him or herself or another, a gift or gratuity of substantial value or substantial economic benefit tantamount to a gift that:
    - a. Would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or,
    - b. The person knows, or that a reasonable person should know under the circumstances, is primarily for the purpose of rewarding the person for official action taken.
  2. The provisions shall not apply to:
    - a. An occasional non-pecuniary gift having a value of less than \$50.00;
    - b. An award publicly presented in recognition of public services;
    - c. Any bona fide loan made in the ordinary course of business; or,
    - d. A political campaign contribution.
- F. Cellular Phone: Employees desiring to have access to a cellular phone for official use, must obtain permission from the department head and have sufficient funds in the budget to cover the cost of such phone. The employee shall obtain a cellular phone service of his or her choice and submit the number to the department head and the HR Director. A cellular phone allowance shall be paid to the employee in conjunction with the payroll. An employee receiving such an allowance agrees to the publication of his or her cell phone number as return consideration for the allowance and may

be subject to GRAMA. The amount of the allowance shall be set by the Board of County Commission subject to available funding.

- G. Compensation for Internet Data Plans on Mobile Electronic Devices: Employees may only receive compensation for internet data plans on mobile electronic devices after approval is given by the Board of County Commission. The amount of compensation, if any, shall be determined on a case by case basis, depending upon the demonstrated, necessary level of use by the employee. The need for continuing compensation by an employee shall be reviewed annually by the Board of County Commission.
  
- H. Dress Code: Employees working in or based in any County business office shall maintain a standard of dress which is professional and businesslike. Employees should be neat, clean and well-kept in appearance. Blouses, button shirts and/or collared shirts are strongly encouraged. Khakis, slacks or trousers are also strongly encouraged. However, T-shirts with logos promoting alcohol, tobacco or illegal and/or inappropriate behavior may not be worn. Likewise, ragged, worn blue jeans or other ragged, unkempt clothing may not be worn. Shorts and tank-tops are also not permitted. Extreme hairstyles are similarly not permitted. Failure to abide by the provisions of this dress code after warning by the employee's immediate supervisor shall be considered an act of insubordination, and shall be punishable as set forth in Section XIII, disciplinary procedures.

## SECTION XVII - DEFINITIONS

The following definitions shall apply throughout these policies and procedures, unless context clearly requires another meaning.

Allocation (of position) - The official establishment of a position by an office/department, upon approval of the Board of County Commissioners, to hire an individual to perform a specified job as defined by a job description and assigned to an established pay range.

Agency - Any department, division, agency, commission, board, council, committee, authority, or any other institution of the county or any of its political subdivisions.

Assist – To act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

Board of County Commissioners - unless otherwise specifically defined, means the elected governing board of Beaver County.

Business Entity – A sole proprietorship, partnership, association, joint venture, corporation, firm trust, foundation, or other organization or entity used in carrying on business.

Classification or Class - A group of positions sufficiently similar in respect to duties performed, degree of supervision exercised or required, minimum requirements of training, experience, or skill, and other such inherent characteristics that the same title and the same tests of fitness may be applied to each position in the group.

Classification Plan - A plan for the internal valuation of all positions in the County with an appropriate title, pay grade and pay range.

Class Specification (also Job Description) - A description of the duties and responsibilities of each class of position within the County, and minimum qualifications required for the class of position including training and experience and other qualifications.

Compensation – Anything of economic value, however designated, which is paid, loaned granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal service, materials, property, or any other thing whatsoever.

Compensation Plan - An approved salary scale for the County, including initial, intervening and maximum rates of pay for each class of position.

Compensatory Time - Time off of work awarded in-lieu of cash for hours worked in excess of the forty (40) hour work week. See overtime provisions of these personnel policies and procedures.

Demotion - A reduction in grade of an employee, for cause such as inefficiency, or for disciplinary reasons, from one (1) position to another, either within the same class or to a different class having a lower entrance salary with a corresponding lowering of the employee's salary.

Department - A service area or function of the County established by statute or ordinance which comes under the direct authority and supervision of the Board of County Commissioners.

Department Head - An appointed position of the County to plan, organize, direct and manage a service or function established by statute or ordinance which comes under the direct authority and supervision of the Board of County Commissioners.

Discrimination - Action taken against an employee because of political or religious opinions or affiliations or because of race, national origin, sex or any other non-merit factor.

Dismissal - The termination of employment of an employee.

Elected Official - An individual chosen by the public to plan, organize, direct and manage a statutorily established political function of the County, i.e. County Commissioner, County Clerk, County Auditor, County Treasurer, County Recorder, County Attorney, County Assessor, County Sheriff, etc.

Eligible - An individual who is qualified for a position, benefits or privileges in the County under the provision of these policies and procedures.

Employee, Exempt - An employee not afforded protection by these personnel policies and procedures. Employees hired to fill exempt positions serve “at (the) will” of the Board of County Commissioners or department head/elected officials and may be terminated with or without cause at any time during the duration of their employment.

Employee, Non-Exempt - Any person in the employ of the County who is hired in accordance with the provisions of these policies and procedures, and whose status cannot be affected, except for cause or reduction-in-force after achieving regular status and are covered under the Fair Labor Standards Act.

Interest – The ownership, either legally or equitably, by an individual, the individual’s spouse, or the individuals children, or parents, or siblings of the outstanding capital stock of a corporation or an interest in any other business entity.

Job Description - A written statement describing the duties of a particular position within an office/department and the minimum requirements needed to perform them.

Minimum Qualifications - The requirements for training and experience, and other qualifications, to be measured by written and/or oral examination, or by performance tests and prescribed for a given class in the job specifications. Applicants with fewer than stated minimum qualifications are deemed ineligible or unqualified.

Office - A work or service function governed and managed by an elected official other than the Board of County Commissioners.

Orientation Period - An “at-will” period of at least six (6) months of regular employment or equivalent beginning with the date of employment. The orientation period is considered the final step in the selection process prior to achieving regular employment status.

HR Director - The designated HR Director of Beaver County.

Position - An office or employment in the County (whether part-time or full-time, temporary or regular, occupied or vacant) composed of specific duties.

Promotion - A change in status of an employee from a position in one (1) class to a position in another class having a higher entrance salary or pay grade.

Public Officer - A person who holds a position that is compensated by public funds, or elected, or appointed officers of the county or any of its political subdivisions who occupy policy making posts.

Reassignment - A change in classification of an employee, for administrative or other reasons not included in the definition of "Demotion", from a position in one (1) class to a position in another class normally having a lower entrance salary which could result in a reduction in salary.

Reclassification - A change from one (1) classification to another classification (either higher or lower) having a different job specification without a reduction in salary.

Reduction-In-Force - Any separation of an employee because of inadequate funds, change of workload, or lack of work, in which the County discontinues the use of the identifiable position occupied by such employee either by discontinuing the performance of the duties or such position or by distributing such duties among existing positions.

Regular Employee - An employee whose continued retention has been approved by the HR Director at the completion of an orientation period, either as a full-time or part-time employee.

Rehire - The return to employment of former employee who has resigned while in good standing, or who has been separated from the County without prejudice or cause.

Reinstatement - The resumption of employment of an employee who has been on leave of absence with or without pay.

Resignation - The termination of employment at the request of the employee.

Salary Adjustment - A change in the rate of pay for an employee to conform to the approved classification or compensation plan.

Salary Increase - An increase in salary of one or more steps within a grade of the compensation plan.

Series - A group of positions similarly classified as to title and duties, but with graduations in minimum qualifications and salary rates consistent with the degree of responsibilities.

Suspension - A forced leave of absence without pay for a period not to exceed fifty (50) calendar days in any one (1) year.

Temporary Appointment - An appointment or rehire for a period not to exceed nine (9) months.



Transfer (Interdepartmental) - A move from one County office/department to another. This should not be confused with managerial functions of moving personnel from one section to another within the same office/department by promotion, demotion or reassignment.



## APPENDIX A

### POLICY REGARDING NEPOTISM AND PROHIBITING EMPLOYMENT OF RELATIVES

1. Definitions:
  - a. “Appointee” means an employee whose salary, wages, pay, or compensation is paid from public funds.
  - b. “Chief administrative officer” means the person who has ultimate responsibility for the operation of the department or agency of the state or a political subdivision.
  - c. “Public officer” means a person who holds a position that is compensated by public funds.
  - d. “Relative” means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law or daughter-in-law.
  
2. No public officer may employ, appoint, or vote for or recommend the appointment of a relative in or to any position or employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, except as follows:
  - a. the appointee is eligible or qualified to be employed as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;
  - b. the appointee will be compensated from funds designated for vocational training;
  - c. the appointee will be employed for a period of 12 weeks or less;
  - d. the appointee is a volunteer as defined by the employing entity;
  - e. the appointee is the only person available, qualified, or eligible for the position; or
  - f. the chief administrative officer determines that the public officer is the only person available or best qualified to perform supervisory functions for the appointee.
  
3. No public officer may directly supervise an appointee who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds, except as follows:
  - a. the relative was appointed or employed before the public officer assumed his position, if the relative’s appointment did not violate the provisions of this chapter in effect at the time of his appointment;
  - b. the appointee is eligible or qualified to be employed by a department or agency of the state or political subdivision of the state as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;
  - c. the appointee will be compensated from funds designated for vocational training;
  - d. the appointee will be employed for a period of 12 weeks or less;
  - e. the appointee is a volunteer as defined by the employing entity;

- f. the appointee is the only person available, qualified, or eligible for the position; or
  - g. the chief administrative officer determines that the public officer is the only person available or best qualified to perform supervisory functions for the appointee.
4. When a public officer supervises a relative under Section 3:
- a. the public officer shall make a complete written disclosure of the relationship to the chief administrative officer of the agency or institution; and
  - b. the public officer who exercises authority over a relative may not evaluate the relative's job performance or recommend salary increases for the relative.
5. No appointee may accept or retain employment if he is paid from public funds, and he is under the direct supervision of a relative, except as follows:
- a. the relative was appointed or employed before the public officer assumed his position, if the relative's appointment did not violate the provisions of this chapter in effect at the time of his appointment;
  - b. the appointee was or is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;
  - c. the appointee is the only person available, qualified, or eligible for the position;
  - d. the appointee is compensated from funds designated for vocational training;
  - e. the appointee is employed for a period of 12 weeks or less;
  - f. the appointee is a volunteer as defined by the employing entity; or
  - g. the chief administrative officer has determined that the appointee's relative is the only person available or qualified to supervise the appointee.

## APPENDIX B

### POLICY REGARDING CONFLICT OF INTEREST

1. Definitions:
  - a. "Agency" means any department, division, agency, commission, board, council, committee, authority, or any other institution of the county or any of its political subdivisions.
  - b. "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.
  - c. "Public officer" means a person who holds a position that is compensated by public funds, or elected, or appointed officers of the county or any of its political subdivisions who occupy policy making posts.
  - d. "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on business.
  - e. "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.
  - f. "Interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's children, or parents, or siblings of the outstanding capital stock of a corporation or a interest in any other business entity.
2. No public officer shall have personal investments in any business entity which will create a substantial conflict between his private interests and his public duties.
3. No public officer may accept employment or engage in any business or professional activity that he might reasonably expect would require or induce him to improperly disclose controlled information that he has gained by reason of his official position.
4. No public officer may use or attempt to use his official position to:
  - a. further the officer's personal economic interest; or
  - b. secure special privileges or exemptions for himself or others;
5. Disclosure of interest in regulated business:
  - a. the public officer who is an officer, director, agent, employee or the owner of an interest in any business entity which is subject to the regulation of the agency by which the officer or employee is employed, shall disclose any such position held and the precise nature and value of the public officer's interest upon first becoming a public officer, and again whenever the public officer's position in the business

entity changes significantly or if the value of his interest in the entity is significantly increased.

- b. the disclosure shall be made in a sworn statement filed with the chief governing body of the political subdivision.
6. Public officer who may receive some private benefit from any transaction between county or any of its agencies must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to relations, friend, groups, or associations that hold a significant share of the officer's loyalty. An officer with a conflict of interest must make that interest public, abstain from voting on the matter, not participate in any deliberations on the matter.

## APPENDIX C

### GOVERNMENT RECORDS ACCESS AND MANAGEMENT POLICY

1. **Adoption of the Utah Government Records Access and Management Act.**  
Beaver County hereby adopts the Utah Government Access Management Act (the “Act”), as set forth in Utah Code Annotated § 63G-2-101, et. seq., as well as Utah Code Ann. §§ 63A-12-105 and 63A-12-107, as amended, except for the sections of this chapter that are contrary to or in addition to the Act and Utah Code Ann. §§ 63A-12-105 and 63A-12-107, as amended.
2. **Definitions:**
  - (a) “Act” means the Utah Government Records Access and Management Act codified at Utah Code Ann. § 63G-2-101, et seq., as amended.
  - (b) “Administrative Officer” means the elected official or appointed director of each County office or department.
  - (c) “Agency” means any office, department, staff, board, committee or other division of Beaver County government, any public or private entity which or person who contracts with the County to provide goods or services directly to the County, or any private nonprofit entity that receives funds from the County.
  - (d) “Chief Administrative Officer” means the County Clerk/Auditor, as the official records custodian for the County.
  - (e) “County Attorney” means the Beaver County Attorney and/or the appointed designee(s) of the Beaver County Attorney or the Beaver County Attorney’s office.
  - (f) “Local Appeals Board” a local appeals board made up of three members that handle appeals from the chief administrative officer.
  - (g) “Records Officer” means the individual designated or appointed by each administrative officer to work with state archives in the care, maintenance, scheduling designation, classification, disposal, and preservation of records.
  - (h) “Request” means a written request that contains the requesting party’s name, mailing address, and daytime telephone number as well as a description of the record(s) requested that identifies the record(s) with reasonable specificity, which is submitted by a requesting party, who is either unassociated with the County or, if associated with the County, is acting in a capacity separate and distinct from the County.
  - (i) “Requesting party” means the specific individual(s), entity(ies), governmental agency(ies), or otherwise who submit(s) a request to the County.
  - (j) “Responsible department” means the County office or department that usually keeps or maintains a requested County record, or the County office or department to whom a requested County record should be addressed.
3. **Right to inspect County records and receive copies of County records.**  
The County hereby adopts Utah Code Ann. § 63G-2-201, as amended, except for the sections of this chapter that are contrary to or in addition to the Act, to wit:  
Every person has the right to inspect a public record free of charge, and the right to take a copy of a public record after paying the cost of providing a record during normal working hours, subject to Utah Code Ann. §§ 63G-2-203 and 63G-2-204.

4. **Access to private, controlled, and protected County records.**  
The County hereby adopts Utah Code Ann. § 63G-2-202, as amended, regarding access to private, controlled, and protected County records.
  
5. **Fees.**  
The County hereby adopts Utah Code Ann. § 63G-2-202, as amended, except for any portions of this policy that are contrary to or in addition to the Act, to wit:
  - (a) In general, payment of fees in response to a request shall be made in full and at the time the records are made available or delivered to the requesting party.
  - (b) The County's fee schedule is as follows:
    - (i) a minimum fee of \$10 per request; or
    - (ii) an hourly charge of the records officer's wages who compiles, formats, manipulates, packages, summarizes, or tailors the record either into an organization or media to meet the person's request, whichever is greater; and
    - (iii) 10 cents per page paid up front before copies are made.
  - (c) The County may require payment of past fees and future estimated fees before beginning to process a request if:
    - (i) fees are expected to exceed \$50; or
    - (ii) the requester has not paid fees from previous requests.
  - (d) Any prepaid amount in excess of fees due shall be returned to the requester.
  - (e) An Agency may fulfill a record request without charge and is encouraged to do so when it determines that:
    - (i) releasing the record primarily benefits the public rather than a person;
    - (ii) the individual requesting the record is the subject of the record, or an individual specified in Utah Code Ann §§ 63G-2-202(1) or (2); or
    - (iii) the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
  
6. **Requests and Responses.**  
The County hereby adopts Utah Code Ann § 63G-2-204, as amended, except for any portions of this policy that are contrary to or additive to the Act, to wit:
  - (a) Requesting parties shall submit a request to the County and, if possible, direct the request to the responsible department.
  - (b) The first County office or department to receive a request shall:
    - (i) Date stamp the request with the date that accurately reflects the date when the request was first received;
    - (ii) Promptly forward the request to the receiving County office or department's Departmental Records Specialist;
    - (iii) If the request was submitted by the requesting party to the responsible department, the Departmental Records Specialist shall respond to the request consistent with this chapter and the Act, and, if necessary, confer with the Departmental Records Specialist's Administrative Officer, the Records Supervisor, and/or the County Attorney in responding to the request;



- (iv) If the request was submitted by the requesting party to a County office or department other than the responsible department, the Departmental Records Specialist for the office or department that initially received the request shall promptly forward the request to the responsible department; and
- (v) Once the responsible department has received the request, the request shall be promptly forwarded to the Departmental Records Specialist of the responsible department, who shall respond to the request consistent with this chapter and the Act, and, if necessary, confer with the Departmental Records Specialist's Administrative Officer, the Records Supervisor, and/or the County Attorney in responding to the request.
- (c) If a request is, is likely to become, or becomes contested, or if there is any concern regarding the request, the responsible department responding to the request may require that the requesting party provide a written release from the subject of the records, or an authorized representative of the subject of the records, before access to the requested records is provided.
- (d) Access to County records shall generally be provided only by and through the responsible department.
- (e) The responsible department is not obligated to provide certified copies of any records unless obligated to do so by law.
- (f) Notwithstanding anything herein to the contrary or otherwise, this chapter does not apply to a request by one or more County offices or departments to one or more other County offices or departments to obtain certain County records.
- (g) In circumstances where a record's public or nonpublic status is not specifically established by the Act, another statute, this chapter, or policies established or designations made under this chapter, the public's right to access and the subject of the record's right of privacy must be compared. The County shall not release any records when to do so would constitute a clearly unwarranted invasion of personal privacy, in accordance with the Act and the procedures established in this chapter.
- (h) Pursuant to Utah Code Ann. § 63G-2-307(2), as amended, a governmental entity is not required to classify a particular record, record series, or information until access to the record is requested. If the status of a record has not been established at the time of a request, either by Beaver County, the request shall be scheduled, in accordance to this chapter.

7. **Extraordinary circumstances.**

The County hereby adopts Utah Code Ann § 63G-2-205, as amended, except for any portions of this policy that are contrary to or additive to the Act, to wit:

- (1) A person making a request for a record shall furnish the County with a written request containing:
  - (a) the person's name, mailing address, and daytime telephone number, if available; and
  - (b) a description of the record requested that identifies the record with reasonable specificity.

- (2)
  - (a) Subject to Subsection (2)(b) of Section 7, of this policy, regarding “Extraordinary Circumstances,” a person making a request for a record shall submit the request to the County Department that prepares, owns, or retains the record.
  - (b) In response to a request for a record, an agency may not provide a record that it has received under Utah Code Ann. § 63G-2-206 as a shared record if the record was shared for the purpose of auditing.
  - (c) If an Agency is prohibited from providing a record under Subsection (2)(b) of Section 7, of this policy regarding “Extraordinary Circumstances,” the Agency shall:
    - (i) deny the records request; and
    - (ii) inform the person making the request that records requests must be submitted to the governmental entity that prepares, owns, or retains the record.
  - (d) A governmental entity may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying where and to whom requests for access shall be directed.
- (3) After receiving a request for a record, a governmental entity shall:
  - (a) review each request that seeks an expedited response and notify, within five business days after receiving the request, each requester that has not demonstrated that their record request benefits the public rather than the person that their response will not be expedited; and
  - (b) as soon as reasonably possible, but no later than 10 business days after receiving a written request, or five business days after receiving a written request if the requester demonstrates that expedited response to the record request benefits the public rather than the person:
    - (i) approve the request and provide a copy of the record;
    - (ii) deny the request in accordance with the procedures and requirements of Utah Code Ann. § 63G-2-205;
    - (iii) notify the requester that it does not maintain the record requested and provide, if known, the name and address of the governmental entity that does maintain the record; or
    - (iv) notify the requester that because of one of the extraordinary circumstances listed in Subsection (5) of Section 7, Extraordinary Circumstances, it cannot immediately approve or deny the request, and include with the notice:
      - (A) a description of the circumstances that constitute the extraordinary circumstances; and
      - (B) the date when the records will be available, consistent with the requirements of Subsection (6) of Section 7, of this policy regarding “Extraordinary Circumstances.”
- (4) Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person.

- (5) The following circumstances constitute "extraordinary circumstances" that allow a governmental entity to delay approval or denial by an additional period of time as specified in Subsection (6) of Section 7, of this policy regarding "Extraordinary Circumstances" if the governmental entity determines that due to the extraordinary circumstances it cannot respond within the time limits provided in Subsection (3) of Section 7, of this policy regarding "Extraordinary Circumstances":
- (a) another governmental entity is using the record, in which case the originating governmental entity shall promptly request that the governmental entity currently in possession return the record;
  - (b) another governmental entity is using the record as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit;
  - (c)
    - (i) the request is for a voluminous quantity of records or a record series containing a substantial number of records; or
    - (ii) the requester seeks a substantial number of records or records series in requests filed within five working days of each other;
  - (d) the Agency is currently processing a large number of records requests;
  - (e) the request requires the Agency to review a large number of records to locate the records requested;
  - (f) the decision to release a record involves legal issues that require the Agency to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law;
  - (g) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing; or
  - (h) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming. (5), if the Agency determines that due to the extraordinary circumstances it cannot respond within the time limits provided in Subsection (3) of Section 7, of this policy regarding "Extraordinary Circumstances":
    - (a) another governmental entity is using the record, in which case the originating Agency shall promptly request that the governmental entity currently in possession return the record;
    - (b) another governmental entity is using the record as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit;
    - (c)
      - (i) the request is for a voluminous quantity of records or a record series containing a substantial number of records;
      - or
      - (ii) the requester seeks a substantial number of records or records series in requests filed within five working days of each other;
    - (d) the Agency is currently processing a large number of records

- requests;
  - (e) the request requires the governmental entity to review a large number of records to locate the records requested;
  - (f) the decision to release a record involves legal issues that require the Agency to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law;
  - (g) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing; or
  - (h) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.
- (6) If one of the extraordinary circumstances listed in Subsection (5) of Section 7, of this policy regarding “Extraordinary Circumstances,” precludes approval or denial within the time specified in Subsection (3), the following time limits apply to the extraordinary circumstances:
- (a) for claims under Subsection (5)(a) of Section 7, of this policy regarding “Extraordinary Circumstances,” the governmental entity currently in possession of the record shall return the record to the originating entity within five business days of the request for the return unless returning the record would impair the holder’s work;
  - (b) for claims under Subsection (5)(b) of Section 7, of this policy regarding “Extraordinary Circumstances,” the originating governmental entity shall notify the requester when the record is available for inspection and copying;
  - (c) for claims under Subsections (5)(c), (d), and (e) of Section 7, of this policy regarding “Extraordinary Circumstances,” the governmental entity shall:
    - (i) disclose the records that it has located which the requester is entitled to inspect;
    - (ii) provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request;
    - (iii) complete the work and disclose those records that the requester is entitled to inspect as soon as reasonably possible; and
    - (iv) for any person that does not establish a right to an expedited response as authorized by Subsection (3) of Section 7, in this policy regarding “Extraordinary Circumstances,” a governmental entity may choose to:
      - (A) require the person to provide for copying of the records as provided in Utah Code Ann. § 63G-2-201(9); or
      - (B) treat a request for multiple records as separate record requests, and respond sequentially to each request;
  - (d) for claims under Subsection (5)(f) of Section 7, of this policy regarding “Extraordinary Circumstances,” the governmental entity shall either approve or deny the request within five business days after the response time specified for the original request has expired;

- (e) for claims under Subsection (5)(g) of Section 7, of this policy regarding “Extraordinary Circumstances,” the governmental entity shall fulfill the request within 15 business days from the date of the original request; or
  - (f) for claims under Subsection (5)(h) of Section 7, of this policy regarding “Extraordinary Circumstances,” the governmental entity shall complete its programming and disclose the requested records as soon as reasonably possible.
- (7) (a) If a request for access is submitted to an office of the County other than that specified by rule in accordance with Subsection (2) of Section 7, of this policy regarding “Extraordinary Circumstances,” the office shall promptly forward the request to the appropriate office.
  - (b) If the request is forwarded promptly, the time limit for response begins when the record is received by the office specified by rule.
- (8) If the Agency fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the record.

8. **Denials.**

Utah Code Ann. § 63G-2-205:

- (1) If the County denies the request in whole or part, it shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address.
- (2) The notice of denial shall contain the following information:
  - (a) a description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or information exempt from disclosure under Utah Code Ann. § 63G-2-201(3)(b);
  - (b) citations to the provisions of this chapter, court rule or order, another state statute, federal statute, or federal regulation that exempt the record or portions of the record from disclosure, provided that the citations do not disclose private, controlled, or protected information or information exempt from disclosure under Utah Code Ann. § 63G-2-201(3)(b);
  - (c) a statement that the requester has the right to appeal the denial to the chief administrative officer of the governmental entity; and
  - (d) the time limits for filing an appeal, and the name and business address of the chief administrative officer of the governmental entity.
- (3) Unless otherwise required by a court or agency of competent jurisdiction, a governmental entity may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.

9. **Sharing records.** The County hereby adopts Utah Code Ann. § 63G-2-206, as amended, regarding sharing records. In addition to the sharing of records authorized and specified by the Act and unless contrary to federal or state law, the County Attorney is specifically authorized to share records with the Utah Department of Corrections, law enforcement agencies, and other prosecutors; the Beaver County Auditor is authorized to share records with contracted independent auditors; and the Beaver County Assessor is authorized to share records with the Utah State Tax Commission. A County department shall not release private, protected, or controlled County records to another governmental entity, until an official Beaver County Record Sharing Agreement has been completed by the County and signed by the recipient governmental entity.
  
10. **Subpoenas - Court ordered disclosure for discovery.** The County hereby adopts Utah Code Ann. § 63G-2-207, as amended, regarding subpoenas and court ordered disclosure for discovery. In the event of the service of a subpoena, discovery pleading, or court order regarding the disclosure of records or making records available to designated parties, such subpoena, pleading or order shall be promptly forwarded to the County Attorney for legal analysis, opinion and advice.
  
11. **Classification.** The County hereby adopts Utah Code Ann. §§ 63G-2-301 through 310, as amended, regarding classification. The Records Supervisor, under the direction of the Chief Administrative Officer and with the assistance, as may be required, of the Departmental Records Specialist(s), the applicable Administrative Officer(s), and/or the County Attorney, shall perform the records classification on behalf of the County and shall prepare and promulgate classification forms, rules and guidelines.
  
12. **Appeals.**
  - (a) A requester or interested party may appeal an access denial to the chief administrative officer of the governmental entity by filing a notice of appeal with the chief administrative officer within 30 days after:
    - (i) The governmental entity sends a notice of denial under Utah Code Ann. § 63-G-2-205, if the governmental entity denies a record request under Utah Code Ann. § 63G-2-205(1); or
    - (ii) The record request is considered denied under Utah Code Ann. § 63G-2-204(8), if that subsection applies.
  - (b) If the chief administrative officer of a governmental entity makes an “appellate affirmation,” which means a decision to affirm the denial of a record, the requester or an interested party may appeal that decision.
  - (c) Appeals must then be made to the local appeals board.
  
13. **Local appeals board.**
  - (a) A requester or interested party may appeal the decision of the administrative officer to the local appeals within 30 days of the denial of the record.
  - (b) GRAMA requires that a local appeals board be made up of three members:
    - (i) an employee of the governmental entity
    - (ii) a member of the public
    - (iii) a member of the public who is a professional records manager or records requester.

- (c) Decisions of a local appeals board can be appealed to the state records committee or district court by either the governmental entity or the requester. An appeal before the state records committee of the decision of a local appeals board is not “de novo,” but the records committee will review the decision of the local board. (Subsection (5)(b), 63G-2-403(1)(b))
14. **Collection of information and accuracy of records.** The County hereby adopts Utah Code Ann. § 63G-2-601 through 604, as amended, regarding the collection of information and accuracy of records.
15. **Remedies.** The County hereby adopts Utah Code Ann. § 63G-2-801, 803, and 804, as amended, regarding remedies.
16. **Designation of Chief Administrative Officer.** The position of Beaver County Chief Administrative Officer, is the presiding County Clerk/Auditor. The duties of the Chief Administrative Officer shall include, but are not limited to, the following:
- (a) Review and make recommendations for the development of guidelines, regulations and administration of a County Records Management Program;
  - (b) Coordinate the County Records Management Program;
  - (c) Assist in the preparation and maintenance of an inventory of County records;
  - (d) Provide assistance and training to County personnel for the handling, preservation, retention and management of County records;
  - (e) Act as the liaison and contact agent for the County with the Utah State Archives and Records Service, Department of Administrative Services, and work with that State agency in the care, maintenance, scheduling, designation, classification, disposal and preservation of County records;
  - (f) Screen requests and provide assistance to department heads with respect to reclassification of records; and
  - (g) Review all appeals after the initial appeal and issue recommendations to County officers, employees, agents, or representatives for the possible resolution of an appeal.
17. **Designation of Records Officer.** Each Administrative Officer shall designate one or more Departmental Records Specialists to assist the Chief Administrative Officer, and the Administrative Officer in all respects relating to this chapter and the Act. In general, the duties of a Records Officer, once designated, shall comprise only a limited portion of the designated employee's entire duties. The designation of one or more Records Officer by each Administrative Officer shall be done in writing and shall be filed with the Chief Administrative Officer. The duties of the Departmental Records Specialists shall include, but are not limited to, the following:
- (a) Act as a liaison between the Chief Administrative Officer and/or County Attorney and the Records Officer’s department;
  - (b) Assist the Chief Administrative Officer in scheduling and updating the Records Officer’s departmental records;

- (c) Attend regular training provided by the Chief Administrative Officer and/or other County representatives pertaining to acceptable records practices in compliance with the Act's guidelines;
  - (d) Receive and respond to records requests received by the Records Officer's department and, when necessary, consult with the Chief Administrative Officer and/or the County Attorney regarding a response to a record request; and
  - (e) Under the supervision of the Chief Administrative Officer, oversee and practice proper records retention and disposal procedures in compliance with the Act, the Utah State Archives records management guidelines, this chapter, and the County's applicable policies, procedures, and/or guidelines.
18. **Rules and policies.** Copies of all rules and policies developed, adopted and promulgated under this chapter shall be submitted by the Chief Administrative Officer to the Utah State Division of Archives and Records Service within thirty (30) days of the effective date of such rules and policies.
19. **Records to remain County property.** All County records shall remain the property of the County unless applicable federal or state statutory authority relating to a specific record or record series provides otherwise.
20. **County Clerk/Auditor.** Nothing in this chapter shall be construed to alter or diminish the authority and duties of the County Clerk/Auditor as set forth in state law or other County ordinances and policies with respect to records custody and management.
21. **Records maintenance and management procedures.**
- (a) Records maintenance and management procedures shall be developed to ensure that due care is taken to maintain, manage and preserve County records safely and accurately over the long term in a manner consistent with the Act.
  - (b) The Chief Administrative Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication and disposal of County records and shall monitor compliance with required standards of quality, permanence and admissibility pertaining to the creation, use and maintenance of records.
  - (c) Policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the Chief Administrative Officer.
  - (d) The destruction of hard-copy records shall be in compliance with the Act, the Utah State Archives records management guidelines, this chapter, and the County's applicable policies, procedures, and/or guidelines.
  - (e) The destruction of electronic records shall be in compliance with the Act, the Utah State Archives records management guidelines, this chapter, and the County's applicable policies, procedures, and/or guidelines.



22. **Copyright records.**
- (a) All County records which constitute an intellectual property right shall remain the property of the County unless federal or state legal authority provides otherwise.
  - (b) Property rights to County records may not be permanently transferred from the County to any private individual or entity, including those legally disposable obsolete County records of County Archives or other agencies.
  - (c) This prohibition does not include the providing of record copies for release or distribution under this chapter.
  - (d) All records disposals shall be conducted in accordance with County policies and procedures.
23. **Termination of position or agency.**
- (a) Administrative Officers and employees shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to the Chief Administrative Officer, the Chief Administrative Officer, or, at the direction of the Chief Administrative Officer, the Administrative Officers' successor(s).
  - (b) All records which are in the possession of any Agency shall, upon termination of activities of such Agency, be transferred to the Chief Administrative Officer, the Chief Administrative Officer, or, at the direction of the Chief Administrative Officer, the Agency's successor(s).
  - (c) All records created using County owned assets or in the course of conducting County business are the property of the County. Such records are subject to the Act, this chapter, and the County's policies, procedures, and guidelines, unless such records are exempt, privileged or otherwise not governed by the Act, this chapter, and/or the County's policies, procedures, and guidelines.
24. **Storage responsibility.** It is the responsibility of each Administrative Officer to receive, store and preserve the Administrative Officer's office or department records and other materials and to store and to provide reasonable access thereto as may be calculated to accurately and safely maintain County records over a long term in compliance with this chapter and the Act.
25. **Records format.** The County retains and reserves to itself the right to use any format[s] for the storage, retention and retrieval of government records, including, but not limited to, audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging or electronic information storage or processing equipment or systems, which are not prohibited by state statute and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain County records.
26. **Computer data and software.**
- (a) All computerized and nonwritten format records and data which are designated and classified in accordance with the Act and this chapter, shall be made available to a Requesting Party in accordance with this chapter and the Act.
  - (b) The County has the right to store and maintain any and all County records on any type of computer, data processor, or other electronic information storage system

which it deems reasonable and appropriate unless otherwise prohibited by state law.

- (c) All data and information contained on computers shall, if properly classified in accordance with the Act and this chapter as a public record, be available to a Requesting Party within a reasonable time and at a reasonable cost as determined by the County.
- (d) Access to computer information shall be allowed only in the manner determined by the Administrative Officer, the County Information Systems Director, the Chief Administrative Officer, and the County Attorney and may include, but is not necessarily limited to, the following methods:
  - (i) Allowing the Requesting Party to use a County computer terminal to retrieve and inspect data on the terminal and inspect data on the terminal screen; provided, however, that sufficient precautions be exercised to ensure that any data which might be defined by the Act or this chapter as not being public records shall not be retrieved or displayed on the screen nor able to be printed by the Requesting Party; that any data may not be altered or deleted by the Requesting Party; and that the terminal is available for use without unacceptable hindrance of County functions and needs;
  - (ii) Providing copies of computer printouts or computer tapes, discs, or other means of transmitting information if so requested by the requesting party; provided, however, that appropriate precautions be exercised to ensure that any data or files which may be defined by the Act or this chapter as not being public records will not be retrievable by the requesting party and that appropriate safeguards are taken to avoid contamination of the County computers by the insertion of discs provided by a requesting party;
  - (iii) Providing access to County computer, data processing, or electronic information systems by remote terminals pursuant to a written executed contract allowing such access; provided, however, that appropriate precautions be exercised to ensure that any data or files which may be defined by the Act or this chapter as not being public records will not be retrievable by the requesting party and that appropriate safeguards are taken to avoid contamination of the County computers by the insertion of discs provided by a requesting party.
- (e) Computer software, whether for word processing or data management, is not considered a public record or data. Computer software shall not be subject to disclosure under this chapter or the Act. Software shall include, but not be limited to, copyrighted software and other materials which have been purchased by or licensed to the County or which have been developed by the County.
- (f) Administrative Officers shall exercise due diligence to protect the security of the County computers, data processors, and electronic information systems including the software, data, files, and other materials contained therein.

27. **Justice court records.** Records activities of the County justice court system shall comply with and be governed by Section 702 of the Act, as amended.



**APPENDIX D  
PURCHASING POLICY**

**ARTICLE 1  
GENERAL PROVISIONS**

- 1) The underlying purposes of this policy are:
  - a) To ensure fair and equitable treatment of all persons who wish to, or do conduct business with the Beaver County (County).
  - b) To provides for the greatest possible economy in County procurement activities.
  - c) To foster effective broad-based competition within the free enterprise system to ensure that the County will received the best possible service or product at the lowest possible price.
  
- 2) Compliance – Exemptions from this policy.
  - a) This policy shall not prevent the County from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
  - b) When a procurement involves the expenditure of federal assistance funds, the County shall comply with applicable federal law and regulations.
  
- 3) Definitions
  - a) “Business” means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
  - b) “Change Order” means a written order signed by the purchasing agent, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the purchasing agent to order without the consent of the contractor or any written alteration in specifications, delivery point, rate of deliver, period of performance, price quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.
  - c) “Contract” means any County agreement for the procurement or disposal of supplies, services or construction.
  - d) “Invitation for bids” means all documents, whether attached or incorporated by reference, used for soliciting bids.
  - e) “Person” means any business, individual, union, committee, club, other organization, or group of individuals.
  - f) “Procurement” means buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction.
  - g) “Purchasing agent” means the person duly authorized by the governing body of the County to enter into and administer contracts and make written determinations with respect thereto.
  - h) “Purchase description” means the words used in a solicitation to describe the supplies, services, or construction to be purchased, and includes specifications attached to or made a part of the solicitation.
  - i) “Request proposals” means all documents, whether attached or incorporated by reference, used for soliciting proposals.

ARTICLE 2  
OFFICE OF THE PURCHASING AGENT

The governing body of the County shall appoint a Purchasing Agent. The Purchasing Agent shall be responsible to make procurements, solicit bids and proposals, enter into and administer contracts, and make written determinations for the County.

ARTICLE 3  
SOURCE SELECTION AND CONTRACT FORMATION – GENERAL PROVISIONS

- 1) Purchases not requiring sealed bids.
  - a) Purchases costing less than \$200.00 in total, shall not require bids of any type. (Purchases shall not be artificially divided so as to constitute a small purchase under this section.)
  - b) Purchases costing more than \$200.00 but less than \$2,000.00 in total, shall require (2 to 3) bids.
  - c) Purchases made through the cooperative purchasing contracts administered by State Division of Purchasing.
  - d) Purchases made through the cooperative purchasing contracts administered by the National Association of Counties.
  - e) Purchase made from a single-source provider.
  - f) Purchases required during an emergency, i.e., an eminent threat to the public's health, welfare, or safety. However, as much competition as practical should be obtained; and, such purchases should be limited to amounts necessary to the resolution of the emergency.
  - g) Purchases authorized by the Purchasing Agent that would be of benefit to the County but which might not be available if the 14 day advertising requirement were followed i.e. purchases from Federal or State surplus sales.
  
- 2) Purchases requiring sealed bids.
  - a) Contract shall be awarded by competitive sealed bidding except as otherwise provided by this policy.
  - b) An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for bids shall be given at least fourteen (14) days prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation.
  - c) Any procurement in excess of \$2,000.00 shall require a legal notice in a local newspaper of general circulation unless purchased through cooperative purchasing contracts administered by the State Division of Purchasing or the National Association of Counties.
  - d) Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
  - e) Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids.
  - f) Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to

cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the purchasing agent.

- g) The contract shall be awarded with reasonable promptness, by written notice, to the lowest bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

3) Cancellation and rejection of bids.

- a) An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the County. The reasons shall be made part of the contract file.

4) Use of competitive sealed proposals in lieu of bids.

When the purchasing agent determines in writing that the use of competitive sealed bidding is either not practical or not advantageous to the County, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals are most appropriately used for professional service-type contracts.

- a) Proposals shall be solicited through a request for proposals. Public notice of the request for proposals shall be given at least fourteen (14) days prior to the advertised date of the opening of the proposals.
- b) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.
- c) The request for proposals shall state the relative importance of price and other evaluating factors.
- d) Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- e) Award shall be made to the person whose proposal is determined, in writing, to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

5) Architect-Engineer services are qualification-based procurements. Requests for such services should be publicly announced. Contracts should be negotiated based on demonstrated competence at fair and reasonable prices see *Utah State Procurement Code*.

6) Determination of non-responsibility of bidder.

Determination of non-responsibility of a bidder or offeror shall be made in writing. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the purchasing division without prior written consent by the bidder or offeror.

7) Cost-plus-a-percentage-of-cost contracts prohibited.

Subject to the limitations of this section, any type of contract which will promote the best interests of the County may be used, provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in

writing that such contract is likely to be less costly to the County than any other type or that it is impractical to obtain the supplies, services, or construction required except under such a contract.

- 8) Required contract clauses.
  - a) The unilateral right of the County to order, in writing, changes in the work within the scope of the contract and changes in the time of performance of the contract that do not alter the scope of the contract work.
  - b) Variations occurring between estimated quantities of work in a contract and actual quantities.
  - c) Suspensions of work ordered by the County.

#### ARTICLE 4 SPECIFICATIONS

All specifications shall seek to promote overall economy and best use for the purposes intended and encourage competition in satisfying the County's needs, and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this article, Utah products shall be given preference.

#### ARTICLE 5 APPEALS

- 1) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. An appeal shall be submitted in writing within 5 working days after the aggrieved person knows or should have known of the facts.
- 2) The purchasing agent shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor, or perspective contractor of the right to appeal to the governing board.
- 3) The County's governing board shall be the final appeal on the County level.
- 4) All further appeals shall be handled as provided in the *Utah State Procurement Code*.

#### ARTICLE 6 ETHICS IN PUBLIC CONTRACTING

- 1) No person involved in making procurement decisions may have personal investments in any business entity which will create a substantial conflict between their private interests and their public duties.
- 2) Any person involved in making procurement decisions is guilty of a felony if the person asks, received, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the persons own use or the use or benefit of any other person or organization from any person or organization interested in selling to the County.