

## PERSONNEL SYSTEM STANDARDS

The personnel system standards subscribed to by the County shall conform to the following:

- (a) 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.
- (b) Providing equitable and adequate compensation.
- (c) Training employees as needed, to assure high-quality performance and justify reasonable performance standards.
- (d) 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.
- (e) 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.
- (f) Providing a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

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## **Chapter 1 - Role and Authority**

# Policy Manual

## 100.1 PURPOSE AND SCOPE

The manual of the County is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this county. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual. Individual County departments may have a need for specific or alternate policies. Such policies may be implemented as long as:

- (a) They are approved by the department head.
- (b) They are not at odds with the policies in this manual.
- (c) They are not at odds with the Laws of Utah or of the United States.
- (d) They are not at odds with any county ordinance.
- (e) The Board of County Commissioners reserves the ultimate right to rescind such policies.

If any departmental policies are found to be in conflict with this policy manual then this policy manual shall govern unless the departmental policy is more restrictive. In those instances, the most restrictive policy shall govern.

## 100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this county under the circumstances reasonably available at the time.

### 100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the County and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The County reserves the right to revise any policy content, in whole or in part.

## 100.3 AUTHORITY

The Board of County Commissioners shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable

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federal, state, and local laws, rules, and ordinances. The Board of County Commissioners or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain. Directives from the Board of County Commissioners or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual.

**100.4 DEFINITIONS**

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different 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.

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

**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 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 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 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 individual who directs a County department under the direct authority and supervision of the Board of County Commissioners.

**Director** - An individual who plans, organizes, directs, and manages a service or function which comes under the direct authority and supervision of the Board of County Commissioners.

**Dismissal** - The termination of employment of an employee.

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**Elected official** - Any individual who serves in the County government based upon selection by a public vote, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

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

**Employee** - Any person employed by the County, including:

- Full- and part-time employees.
- Appointed personnel. This does not include persons appointed to fill an elected official vacancy.

**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 is covered under the Fair Labor Standards Act.

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

**Manual** - The County Policy Manual.

**May** - Indicates a permissive, discretionary, or conditional action.

**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 the 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.

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

**Probationary period** - An at-will period of at least six months of regular employment or equivalent beginning with the date of employment. The probationary period is considered the final step in the selection process prior to achieving regular employment status.

**Promotion** - A change in status of an employee from a position in one 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.

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**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 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 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 of such position or by distributing such duties among existing positions.

**Regular Employee** - An employee whose continued retention has been approved by the Human Resources Director at the completion of a probationary period, either as a full-time or part-time employee.

**Rehire** - The return to employment of a 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 a 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.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other county employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

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

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

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**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.

**100.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all employees on the county network for viewing and printing. No changes shall be made to the manual without authorization from the Board of County Commissioners or the authorized designee.

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the Board of County Commissioners or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

**100.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Board of County Commissioners will ensure that the Policy Manual is periodically reviewed and updated as necessary.

**100.7 REVISIONS**

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All county employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the Board of County Commissioners as appropriate.

# Standards of Conduct for All Employees

## **101.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the County and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this county or an employee's supervisor.

### **101.1.1 DEFINITIONS**

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

## **101.2 POLICY**

The continued employment or appointment of every employee of the County shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action.

## **101.3 GENERAL STANDARDS**

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

## **101.4 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the county's ability to effectively serve the public.

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**101.4.1 LAWS, RULES, AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in county manuals.
- (b) Disobedience of any lawful direction or order.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

**101.4.2 ETHICS**

- (a) Using or disclosing one's status as an employee of the County in any way that could reasonably be perceived as an attempt to gain influence or authority for non-county business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's work with the County.
- (d) Acceptance of fees, gifts, or money contrary to the rules of this county and/or laws of the state in accordance with the [accompanying procedure](#).
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Any other failure to abide by the standards of ethical conduct.

**101.4.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM**

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

**101.4.4 RELATIONSHIPS**

- (a) Unwelcome solicitation of a personal or sexual relationship during work hours or through the use of one's official capacity.
- (b) Engaging in sexual activity during work hours, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship as a direct result of any official business.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization.

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**101.4.5 ATTENDANCE**

- (a) Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to work without reasonable excuse.

**101.4.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE**

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this county.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this county for personal or financial gain or without the express authorization of the Board of County Commissioners or the authorized designee.
- (c) Loaning, selling, allowing unauthorized use, giving away, or appropriating any county badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (d) Using county resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

**101.4.7 EFFICIENCY**

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during work hours or assignments.
- (e) Failure to notify the County within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

**101.4.8 PERFORMANCE**

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

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- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any county record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any county-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this county or its employees.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this county or subverts the good order, efficiency, and discipline of this county or that would tend to discredit any of its employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  1. While on county premises.
  2. At any work site, during work hours, or while using any county equipment or system.
- (g) Improper political activity, including:
  1. Unauthorized attendance during work hours at official legislative or political sessions.
  2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on county property except as expressly authorized by county policy, an employment agreement or contract, or the Board of County Commissioners or the authorized designee.
- (h) Engaging in political activities during work hours except as expressly authorized by county policy, any employment agreement or contract, or the Board of County Commissioners or the authorized designee.
- (i) Any act that brings discredit to this county.

**101.4.9 CONDUCT**

- (a) Failure to promptly and fully report activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.
- (d) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the County.

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- (e) Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the County.
- (g) Unauthorized possession of, loss of, or damage to county property or the property of others or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of county property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of county property or the property of another person.
- (i) Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Board of County Commissioners or the authorized designee of such action.
- (k) Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this county, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the County or its employees.

101.4.10 SAFETY

- (a) Failure to observe or violating county safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform the work assigned, if applicable.
- (d) Unsafe firearm or other weapon handling, including loading or unloading firearms in an unsafe manner.
- (e) Carrying, while on the premises of the work site, any firearm or other weapon that is not authorized by law or the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

101.4.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol during work hours.

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- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to work.

# Employment Status

## **102.1 PURPOSE AND SCOPE**

All employees, officers, and other personnel not exempted herein, are deemed to be fully covered employees under these personnel policies and procedures.

## **102.2 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 Human Resources 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:

- (a) Members of policy, advisory, review, and appeal boards, or similar bodies who do not perform administrative duties as individuals.
- (b) Attorneys serving as legal counsel.
- (c) Time-limited positions established for the purpose of conducting special study or investigation.
- (d) Emergency or seasonal employees who generally work fewer than 20 hours per week, or less than 1040 hours per fiscal year.
- (e) Bona Fide contractual employees whose services are limited by time or project specifications.

## **102.3 SPECIAL APPOINTMENTS**

Temporary, seasonal, and emergency appointments are defined as being limited to a definite period of time generally for not more than six 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 Human Resources 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.

## **102.4 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

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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 contractor service agreement.

### **102.5 REGULAR FULL-TIME EMPLOYEES**

An employee who has satisfactorily met the requirements for employment, is generally working between 32 and 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.

No regular full-time 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.

### **102.6 REGULAR PART-TIME EMPLOYEES**

Employees who have completed the orientation period and are working less than 32 hours per week, but generally more than 20 hours each week (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 20 hours per week; however, management may negotiate pay options which could include more complete and comprehensive benefits or allow benefit participation on a prorated 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.

### **102.7 SPECIAL APPOINTMENTS, SEASONAL, EMERGENCY, AND TEMPORARY EMPLOYEES**

All such employees are excluded from fringe benefits but may be entitled to overtime as allowed by law.

### **102.8 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.

## **Chapter 2 - Organization and Administration**

# Electronic Mail

## **200.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the County.

## **200.2 POLICY**

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

## **200.3 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any county technology system (see the Information Technology Use Policy for additional guidance).

## **200.4 RESTRICTIONS ON USE OF EMAIL**

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the County.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire County are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

## **200.5 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records should ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

# Information Technology Use

## 201.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of county information technology resources, including computers, electronic devices, hardware, software, and systems.

### 201.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the County that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the County or county funding.

**Hardware** - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file, or file** - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

## 201.2 POLICY

It is the policy of the County that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the County in a professional manner and in accordance with this policy.

## 201.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any county computer system.

The County reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the County, including the county email system, computer network, and/or any information placed into storage on any county system or device. This includes records of all key strokes or web-browsing history made at any county computer or over any county network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through county computers, electronic devices, or networks.

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### **201.4 RESTRICTED USE**

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

#### **201.4.1 SOFTWARE**

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any county computer. Employees shall not install personal copies of any software on any county computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the County while on county premises, computer systems, or electronic devices. Such unauthorized use of software exposes the County and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of county-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

#### **201.4.2 HARDWARE**

Access to technology resources provided by or through the County shall be strictly limited to county-related activities. Data stored on or available through county computer systems shall only be accessed by authorized employees who have a legitimate county-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

#### **201.4.3 INTERNET USE**

Internet access provided by or through the County shall be strictly limited to county-related activities in accordance with the [accompanying procedure](#). Internet sites containing information that is not appropriate or applicable to county use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites in accordance with the [accompanying procedure](#). Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

#### **201.4.4 USE DURING NON-WORK HOURS**

Non-exempt employees shall only use technology resources provided by the County during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell

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phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access county resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

### **201.5 PROTECTION OF SYSTEMS AND FILES**

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure county computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

### **201.6 INSPECTION AND REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the County involving one of its employees or an employee's duties, an alleged or suspected violation of any county policy, a request for disclosure of data, or a need to perform or provide a service.

Qualified staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the county computer system when requested by a supervisor or during the course of regular duties that require such information.

# Local Government Use of Social Media

## 202.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the County is consistent with the County mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by county employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this county.

### 202.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the county website or social networking services.

## 202.2 POLICY

The County may use social media as a method of effectively informing the public about county services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

## 202.3 AUTHORIZED USERS

Only employees authorized by the County Commission or the authorized designee may utilize social media on behalf of the County. Authorized employees shall use only county-approved equipment during the normal course of duties to post and monitor county-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The County Commission may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by the County Commission prior to posting.

Requests to post information over county social media by employees who are not authorized to post should be made through the appropriate supervisory channels.

## 202.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the County mission, and that conforms to all county policies regarding the release of information may be posted. Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

**202.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the County Commission or the authorized designee will be responsible for the compilation of information to be released.

**202.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the County or its employees.
- (e) Any information that could compromise the safety and security of county operations, employees of the County, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this county's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will report such content to a social media monitor. The social media monitor will ensure that the content has been archived and removed from public view. The social media monitor will also investigate the cause of the entry and report any discrepancies to the County Commission.

**202.5.1 PUBLIC POSTING PROHIBITED**

County social media sites shall be designed and maintained to prevent posting of content by the public. Exceptions to this prohibition may be made on a case-by-case basis as approved by the Board of County Commissioners.

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The County may provide a method for members of the public to contact county employees directly.

**202.6 MONITORING CONTENT**

The County Commission will appoint social media monitors to review, at least annually, the use of county social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

**202.7 RETENTION OF RECORDS**

The County Commission should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

**202.8 TRAINING**

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on county sites.

# Subpoenas and Court Appearances

## 203.1 PURPOSE AND SCOPE

This policy establishes the guidelines for county employees who must appear in court. It will allow the County to cover any related work absences and keep the Department Head informed about relevant legal matters.

## 203.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

## 203.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the County or any of its employees may do so.

### 203.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party shall notify their immediate supervisors without delay regarding:

- (a) Any civil case where the County or one of its employees, as a result of the employee's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's work activity or because of the employee's association with the County.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the County.

The supervisor will then notify the County Attorney and the appropriate prosecuting attorney if applicable. The County Attorney should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

### 203.3.2 WORK-RELATED SUBPOENAS

The County will compensate employees who appear in their official capacities on matters arising out of their official duties.

The County should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

## *Subpoenas and Court Appearances*

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### 203.3.3 OTHER SUBPOENAS

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the County will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### **203.4 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

### **203.5 COURTROOM PROTOCOL**

When appearing in court, employees shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress and prepared to proceed immediately with the case for which they are scheduled to appear.
- (c) Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

#### 203.5.1 TESTIMONY

Before the date of testifying, the subpoenaed employee should review relevant reports or documents in order to be prepared for court.

#### 203.5.2 RECORDS

When an employee is directed by a subpoena to appear in court with records, that employee should notify the Custodian of Records promptly after receiving the subpoena that the specified records are needed for court.

### **203.6 JURY DUTY**

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.

# Limited English Proficiency Services

## 204.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 204.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the County to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Qualified bilingual employee** - An employee of the County, designated by the Board of County Commissioners or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 204.2 POLICY

It is the policy of the County to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the County or its employees.

The County will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

## 204.3 LEP COORDINATOR

The Board of County Commissioners or the authorized designee should delegate certain responsibilities to an LEP coordinator.

The responsibilities of the coordinator should include but not be limited to:

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- (a) Coordinating and implementing all aspects of the county's LEP services to LEP individuals.
- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- (c) Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:
  1. Languages spoken.
  2. Contact information.
  3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
  1. Content on the county website should be included in this review and should be translated on the website, if appropriate.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.
- (h) Periodically reviewing efforts of the County in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding county LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to county services, programs, and activities.
- (k) Requiring third parties providing county services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.

**204.4 FOUR-FACTOR ANALYSIS**

Because there are many different languages that employees could encounter, the County will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which

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measures will provide meaningful access to its services and programs. It is recognized that contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by county employees, or who may benefit from programs or services within the jurisdiction of this county.
- (b) The frequency with which LEP individuals are likely to come in contact with county employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

### **204.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The County will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The County will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept county-provided LEP services at no cost, or they may choose to provide their own.

County-provided LEP services may include but are not limited to the assistance methods described in this policy.

### **204.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the county website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

### **204.7 AUDIO RECORDINGS**

The County may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### **204.8 QUALIFIED BILINGUAL EMPLOYEES**

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established county procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services

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must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual employee is not available, personnel from another department who have been identified as having the requisite skills and competence may be requested.

### **204.9 AUTHORIZED INTERPRETERS**

Any person designated by the County to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **204.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The County may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of another department within the County.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as court interpreters, among others.

#### **204.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the County to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the

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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### **204.10 CONTACT AND DOCUMENTATION**

Although all public contacts, services, and individual rights are important, this county will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this county is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the County or some other identified source.

### **204.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The County will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

#### **204.11.1 EMERGENCY ASSISTANCE**

County employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.

If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.

### **204.12 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this county are important to the ultimate success of local government and achievement of the county's mission. This county will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

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**204.13 TRAINING**

To ensure that all employees who may have contact with LEP individuals are properly trained, the County will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.

New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

**204.13.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

Authorized interpreters will receive annual refresher training.

# ADA Compliance

## 205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

### 205.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** - The employee designated by the Board of County Commissioners to coordinate the County's efforts to comply with the ADA (28 CFR 35.107).

**Assistive devices, auxiliary aids, and services** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a county service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

**Power-driven mobility device** - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

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**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### **205.2 POLICY**

It is the policy of the County that persons with disabilities have equal access to county services, programs, and activities.

The County will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

### **205.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR**

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each county department to provide equal access to services, programs, and activities including:
  - 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
  - 1. Inspection of current county buildings and facilities to identify access issues.
  - 2. Review of current county services, activities, and programs for access issues.
  - 3. Assessment and update of current compliance measures.
  - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
  - 5. Review of the county's emergency programs, services, and activities as they apply to persons with disabilities.
  - 6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to county services, programs, and activities.

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- (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to county services, programs, and activities, as appropriate.
- (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing county services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
  - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
- (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (i) Requiring third parties providing county services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (k) Developing and implementing procedures to provide that new construction and alteration of county-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
- (l) Coordinating with appropriate county staff to address the needs of persons with disabilities in the County's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

### **205.4 REQUESTS**

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

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If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### 205.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  1. A substantial alteration of the service, program, or activity.
  2. An undue financial or administrative burden on the County.
  3. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
  4. A threat to or the destruction of the historic significance of an historic property.
  5. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
  1. Reassigning services, programs, or activities to accessible buildings or facilities.
  2. Utilizing technology, equipment, rolling stock, or other conveyances.
  3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
  4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

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**205.4.2 PERSONAL DEVICES AND ASSISTANCE**

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

**205.4.3 SURCHARGES**

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

**205.5 MOBILITY DEVICES**

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

**205.5.1 INQUIRIES REGARDING MOBILITY DEVICES**

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

**205.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES**

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

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The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

### **205.6.1 TYPES OF ASSISTANCE AVAILABLE**

Employees shall not refuse an available type of assistive device, auxiliary aid, and service to a person with a disability who is requesting assistance. The County will not require persons with disabilities to furnish their own assistive device, auxiliary aid, and service as a condition for receiving assistance. The County will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services.

Persons with disabilities may choose to accept county-provided assistive devices, auxiliary aids, and services, or they may choose to provide their own.

County-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

### **205.6.2 AUDIO RECORDINGS AND ENLARGED PRINT**

The County may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

### **205.6.3 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

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- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use county-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

### **205.6.4 TTY AND RELAY SERVICES**

The County will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### **205.6.5 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the County to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, county employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### **205.6.6 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

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- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

**205.6.7 FIELD ENFORCEMENT CONSIDERATIONS**

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

**205.7 SERVICE ANIMALS**

Service animals that are assisting persons with disabilities are permitted in all county buildings and facilities and other areas where the general public is allowed. County employees are expected to treat people with service animals with the same courtesy and respect that the County affords to all members of the public (28 CFR 35.136).

**205.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS**

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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**205.7.2 INQUIRIES REGARDING SERVICE ANIMALS**

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

**205.7.3 CONTACT WITH SERVICE ANIMALS**

Service animals are not pets. County employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

**205.7.4 REMOVAL OF SERVICE ANIMALS**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

**205.8 WEBSITE ACCESS**

The ADA coordinator should work with appropriate county employees to develop online content that is readily accessible to persons with disabilities. County web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice.

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

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**205.9 DOCUMENTATION**

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the County or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

**205.10 COMPLAINTS**

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a county program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

**205.11 TRAINING**

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

# Volunteers

## 206.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist county personnel in their duties. Trained volunteers can augment county personnel and help complete various tasks.

### 206.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the County without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

## 206.2 POLICY

It is the policy of the County that volunteers be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

## 206.3 ELIGIBILITY

Requirements for participation as a volunteer for the County may include but are not limited to:

- (a) Residency in the County.
- (b) The ability to meet any necessary age requirements.
- (c) Possession of a valid driver's license, if the position requires vehicle operation.
- (d) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the County.
- (f) The ability to meet physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the County, as validated by a background investigation, as appropriate.

Exceptions may be made to these eligibility requirements based on organizational needs and the qualifications of the individual.

### 206.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

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### **206.4 RECRUITMENT, SELECTION, AND APPOINTMENT**

The County shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this county.

#### **206.4.1 RECRUITMENT**

Volunteers should be recruited on a continuous and ongoing basis consistent with county policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the County in serving the public.

Requests for volunteers should be submitted in writing by interested county employees to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All county employees should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

#### **206.4.2 SELECTION**

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation or screening.

#### **206.4.3 APPOINTMENT**

Service as a volunteer with the County shall begin with an official notice of acceptance or appointment by the Department Head or the authorized designee. Notice may only be given by an authorized representative of the County, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the County. Enrollment paperwork and the agreement of service shall be provided to the County Clerk at the earliest opportunity.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the County.

Volunteers serve at the discretion of the County.

### **206.5 IDENTIFICATION AND DRESS CODE**

As representatives of the County, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

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Uniforms and necessary safety equipment will be provided for each volunteer, if appropriate for the volunteer position. Identification symbols worn by volunteers shall be different and distinct from those worn by county employees through the inclusion of "Volunteer" on the uniform.

Certain volunteers may be issued county identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard county identification cards, except that "Volunteer" will be indicated on the cards.

### **206.6 PERSONNEL WORKING AS VOLUNTEERS**

Qualified regular county personnel, when authorized, may also serve as volunteers. However, this county shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the volunteer coordinator should consult with the Human Resources Director or the authorized designee prior to allowing regular county personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

### **206.7 VOLUNTEER COORDINATORS**

Volunteer coordinators may be appointed by the Department Head or the authorized designee on an as-needed or case-by-case basis.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the County, and to direct and assist efforts to jointly provide more productive volunteer services. Volunteers serve under the general direction of the supervisor in charge of the volunteer's assignment but report to the volunteer coordinator.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator or the authorized designee include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers.
- (b) Conducting volunteer meetings, as appropriate.
- (c) Establishing and maintaining a volunteer callout roster, as necessary.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (j) Maintaining volunteer orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers.

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An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

### **206.8 VOLUNTEER RESPONSIBILITIES**

Volunteers assist county personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the County.

#### 206.8.1 COMPLIANCE

Volunteers shall be required to adhere to all county policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to county employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet county-approved training requirements as applicable to their assignments.

#### 206.8.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

### **206.9 TASK-SPECIFIC TRAINING**

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment as determined by the volunteer coordinator.

Volunteers should be provided with an orientation program to acquaint them with the policies of the County and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the County. They shall always represent themselves as volunteers.

All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the County.

#### 206.9.1 VOLUNTEER TRAINING MATERIALS

Volunteers will be issued training materials when necessary, based upon the volunteer assignment. The materials should outline the subject matter and skills necessary to properly

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function as a volunteer with the County. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

### **206.10 SUPERVISION**

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

#### **206.10.1 FITNESS FOR DUTY**

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

### **206.11 INFORMATION ACCESS**

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position, or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by county policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a criminal background check and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the County. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any

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information concerning the activities of the County, or maintain that they represent the County in such matters without permission from the proper county personnel.

### 206.11.1 RADIO USAGE

Any volunteer who operates county radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

### 206.12 EQUIPMENT

Any property or equipment issued by the County shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the County and shall be returned at the termination of service.

### 206.12.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving. The specific training and course of study shall be determined by the volunteer coordinator and supervisor in charge of the volunteer's assignment.

Volunteers whose assignments require the use of a vehicle must first complete:

- (a) A driving safety briefing and, if necessary to the volunteer position, a county-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The volunteer coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating county vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate marked law enforcement or other emergency operation vehicles unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate county vehicles while using the vehicle's emergency equipment (e.g., emergency lights, siren).

### 206.13 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with county procedures applicable to regular employees.

Volunteers are considered at-will and may be removed from service at the discretion of the County, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation. However, if removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear the volunteer's name through a liberty interest hearing, which shall be limited to a single appearance before the Board of County Commissioners or the authorized designee.

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Volunteers may resign from volunteer service with the County at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

### 206.13.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the County.

## County Credit Cards

### **207.1 PURPOSE AND SCOPE**

This policy provides guidance regarding the use of county credit cards.

### **207.2 POLICY**

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.

- (a) The Clerk/Auditor shall be responsible for monitoring all credit card use.
- (b) 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.
- (c) The Clerk/Auditor may revoke a card at any time if it is misused or used so infrequently that possession is no longer warranted.

# Purchasing

## 208.1 PURPOSE AND SCOPE

The purpose of this policy is to:

- (a) Ensure fair and equitable treatment of all persons who wish to, or do conduct business with the County
- (b) Provide for the greatest possible economy in county procurement activities
- (c) Foster effective broad-based competition within the free enterprise system to ensure that the County will receive the best possible service or product at the lowest possible price.

### 208.1.1 DEFINITIONS

**Business** - Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

**Change order** - 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 delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

**Contract** - Any agreement for the procurement or disposal of supplies, services or construction.

**Invitation for bids** - All documents, whether attached or incorporated by reference, used for soliciting bids.

**Person** - Any business, individual, union, committee, club, other organization, or group of individuals.

**Procurement** - Buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction.

**Purchasing agent** - The person duly authorized by the governing body of the County to enter into and administer contracts and make written determinations with respect thereto.

**Purchase description** - 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.

**Request for proposals (RFP)** - All documents, whether attached or incorporated by reference, used for soliciting proposals.

## 208.2 POLICY

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. When a procurement involves the expenditure of federal assistance funds, the County shall comply with applicable federal law and regulations.

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**208.3 PURCHASING AGENT**

The Board of County Commissioners 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.

**208.4 SOURCE SELECTION AND CONTRACT FORMATION - GENERAL PROVISIONS**

**208.4.1 PURCHASES NOT REQUIRING SEALED BIDS**

The following purchases do not require sealed bids:

- (a) Purchases costing less than \$5,000.00 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 \$5,000.00 but less than \$30,000.00 in total, shall require two to three 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) Purchases 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 seven day advertising requirement was followed i.e. purchases from Federal or State surplus sales).

**208.4.2 SEALED BID PURCHASING PROCESS**

The following process shall be used for 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 seven 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 \$30,000.00 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.

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- (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.

**208.4.3 CANCELLATION AND REJECTION OF BIDS**

An invitation for bids, a request for proposals, or other solicitation may be canceled, 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.

**208.4.4 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 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 offers 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

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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.

**208.4.5 ARCHITECT-ENGINEER SERVICES**

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.)

**208.4.6 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.

**208.4.7 COST PLUS A PERCENTAGE OF COST**

Cost-plus-a-percentage-of-cost contracts are 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.

**208.4.8 REQUIRED CONTRACT CLAUSES**

The following clauses are required in county purchasing contracts:

- (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.

**208.5 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.

**208.6 APPEALS**

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 must be

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submitted in writing within five working days after the aggrieved person knows or should have known of the facts.

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 Board of County Commissioners.

The Board of County Commissioners governing board shall be the final appeal at the county level.

All further appeals shall be handled as provided in the Utah State Procurement Code.

## **Chapter 3 - Facilities**

# Key and Electronic Access Device Controls

## **300.1 PURPOSE AND SCOPE**

The control and accountability of keys is important to maintain a safe and secure environment for employees and members of the public.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Key** - All electronic or mechanical devices used to access or exit county buildings and facilities. It includes proximity cards, key fobs, and other electronic access devices.

## **300.2 POLICY**

It is the policy of the County that all keys used to access local government buildings and facilities are inventoried and controlled.

## **300.3 KEY IDENTIFICATION**

All keys that open any doors or locks to county buildings or facilities should be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set should be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or codes on keys should not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained by the Department Head or the authorized designee.

## **300.4 KEY CONTROL**

Keys may be issued to employees or accessed and checked out by authorized employees from secure designated areas. Keys issued to or accessed and checked out by employees shall be limited to only those keys necessary for the employee's position.

Employees shall not loan a key or key set to another person. All keys must be issued or checked out through the control process. Employees shall not possess any key for which they have not been authorized.

All keys issued or checked out to employees remain the property of the County. Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the County Clerk or the authorized designee.

The Department Head or the authorized designee should regularly inventory all county keys.

## **300.5 LOCK POLICY**

All county buildings and facilities should be kept locked during non-operating hours. Employees shall not leave public entrances to county buildings and facilities unlocked or propped open during non-operating hours. Employees should never leave non-public entrances to county buildings and facilities unlocked or propped open.

*Key and Electronic Access Device Controls*

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**300.6 TESTING**

The Department Head or the authorized designee should periodically test locks to doors and gates for proper function and document the testing.

**300.7 EMERGENCY KEY SET**

At least one key set containing every key for county buildings and facilities should be kept separate from all of the other key sets in a secure location and made accessible only to the County Clerk or the authorized designee in the event of an emergency.

**300.8 MISSING KEYS**

Any employee who discovers that a key or key set is missing shall report it to the Department Head as soon as reasonably practicable. If a reasonable effort to locate the key fails, the Department Head shall notify the County Clerk or the authorized designee regarding the loss of the key, when it was discovered, and the circumstances involved.

The County Clerk or the authorized designee will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

**300.9 DAMAGED KEYS OR LOCKS**

Malfunctioning or damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key should be left in the lock. All portions of the damaged key must be turned in to a supervisor, who will provide a replacement key as needed. Damaged locks should be replaced or repaired as soon as practicable. Appropriate security measures should be taken until such time as the lock is properly restored.

**300.10 KEY CONTROL RECORDS**

The County Clerk or the authorized designee will maintain documentation for the accounting and security of all keys and key sets. Key control measures should be documented by the designated employee and the records retained in accordance with established records retention schedule.

# Public Safety Video Surveillance System

## **301.1 PURPOSE AND SCOPE**

This policy provides guidance for the placement and monitoring of county public safety video surveillance, as well as the storage and release of the captured images.

## **301.2 POLICY**

The County operates a public safety video surveillance system to enhance public safety and security in public areas. Cameras may be placed in strategic locations to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist county officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

## **301.3 OPERATIONAL GUIDELINES**

Only county-approved video surveillance equipment shall be utilized. Employees authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists.

### **301.3.1 PLACEMENT AND MONITORING**

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Department Head or the authorized designee should confer with any appropriate county department and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, and presence of vegetation or other obstructions, should also be evaluated when determining placement. The Board of County Commissioners shall review for approval all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

Cameras should only record video images and not sound. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To respond to critical incidents.
- (c) To augment resources in a cost-effective manner.
- (d) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be preserved and the appropriate department should be notified in a timely manner.

## *Public Safety Video Surveillance System*

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The County Attorney or the authorized designee may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by law enforcement, government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention of anything documented by public safety surveillance equipment is prohibited.

### **301.3.2 CAMERA MARKINGS**

All public areas monitored by public safety surveillance equipment should be marked in a conspicuous manner with appropriate signs to inform the public that the area is under surveillance by the County. Signs should be well lit, placed appropriately, and without obstruction to ensure visibility.

### **301.3.3 INTEGRATION WITH OTHER TECHNOLOGY**

The County may elect to integrate its public safety video surveillance system with other technology to enhance available information. Integration with video-based analytical systems may be considered based upon availability and the nature of the surveillance strategy.

The County should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems requires additional safeguards.

## **301.4 VIDEO SUPERVISION**

Supervisors should monitor video surveillance access and usage to ensure employees follow county policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

### **301.4.1 PROHIBITED ACTIVITY**

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

## **301.5 STORAGE AND RETENTION OF MEDIA**

All downloaded media shall be stored in a secure area with access restricted to authorized persons. All actions taken with respect to preservation or retention of media shall be appropriately documented.

*Public Safety Video Surveillance System*

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The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with this policy and the established records retention schedule.

**301.5.1 EVIDENTIARY INTEGRITY**

Any recording that has been identified as evidence, or that could be relevant to pending or reasonably anticipated investigations or legal action, shall be preserved in a manner that retains its original content.

**301.6 RELEASE OF VIDEO IMAGES**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the County.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for public records.

Requests for recorded images from other government entities shall be referred to that entity.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established county subpoena process.

**301.7 TRAINING**

All county employees authorized to operate or access public safety video surveillance systems should receive appropriate training. Training should include guidance on the use of cameras and a review of relevant policies and procedures. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

# Use of Public Facilities

## **302.1 PURPOSE AND SCOPE**

This policy provides guidance regarding the permitting process for the use of county facilities by members of the public.

This policy does not apply to spontaneous expressive activities such as demonstrations or to expressive activities of groups of fewer than 50 people. Nor does it apply to other gatherings of fewer than 50 persons when the Department Head has developed appropriate nondiscriminatory application or request processes for the use of county facilities under the control of the Department Head.

County ordinances may provide additional guidance regarding use of specific public facilities.

### **302.1.1 DEFINITIONS**

Definitions related to this policy include:

**Applicant** - Any individual, group, or organization seeking approval to use county facilities.

**Facilities** - Any buildings, rooms, structures, sites, complexes, parks, roads, walkways, parking areas, equipment, and other real or personal property owned or leased by the county that are made available for use by the general public.

## **302.2 POLICY**

It is the policy of the County to make certain facilities available for public use in a fair and equitable manner based on an established application and permitting process.

## **302.3 PERMIT PROCESS**

The Board of County Commissioners or the authorized designee should develop, implement, and maintain a permitting process for the use of county facilities where applicable. The process should include:

- (a) A standardized application and reservation system.
- (b) An application submittal period and review process.
- (c) A method of communicating confirmations and denials of applications, as well as an appeals process for denials.
- (d) Permit forms for facility use as necessary.
- (e) A fee schedule for facility use and for payment of deposits, balances due, and refunds.
- (f) A nondiscriminatory process for establishing how much liability insurance will be required from applicants.
- (g) A process for making changes to existing reservations and for cancellations.
- (h) The designation of county employees responsible for enforcing permit terms.

## Use of Public Facilities

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- (i) Rules and regulations for facility use (e.g., cleaning, smoking/vaping, alcohol use, food and beverage sales or service, insurance coverage).
- (j) A process for determining when free speech expression areas will be necessary and a process for designation and monitoring of such areas, when used.

The Board of County Commissioners should also adopt and maintain county requirements related to facility use permits, including duration of use, traffic control, and noise limitations.

### 302.3.1 APPLICATION REVIEW

- (a) The following should be considered when determining whether to grant or deny an application for facility use:
  1. The application should be complete and not contain false or misleading information.
  2. The activity or event should not pose unreasonable health or safety risks.
  3. Appropriate ancillary facilities such as parking and sanitary facilities should be available and adequate for the activity or event.
  4. The activity or event should not pose an unreasonable risk of damage to county facilities.
  5. An application should be denied if the applicant has damaged county facilities in the past and has failed to pay for the damages.
  6. Adequate supervision and security personnel for the activity or event should be provided by the applicant.
- (b) When determining whether to grant or deny an application for facility use, the County shall not consider an applicant's:
  1. Actual or perceived classification or status protected by law, such as religion, race, or gender identity or expression.
  2. Political, social, or ideological beliefs.
  3. Viewpoint, message, or program content and any anticipated response.

### 302.3.2 PERMIT TERMS

Permits should contain the applicant's agreement to:

- (a) Return the facilities to their original condition and assume responsibility for any damage or loss sustained.
- (b) Comply with all federal, state, and local laws, regulations, and ordinances, as well as all permit requirements and conditions imposed by the County.
- (c) Refrain from promoting, permitting, or engaging in illegal activity.
- (d) Obtain a general liability insurance policy in the amount required naming the County as an additional insured and identifying the policy as primary to the county's insurance coverage.

*Use of Public Facilities*

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- (e) Make it clear to the public that the activity or event is the applicant's and that any message is not endorsed or made by the County.

Permits should also contain notice to the permittee that failure to comply with permit terms may result in enforcement action and denial of future applications.

**302.4 DISTUBANCES OR CRIMINAL ACTIVITY**

Non-law enforcement employees should not attempt to physically control a person or group that is creating a disturbance or engaging in criminal activity on county property during a permitted activity or event. Such instances, as well as unapproved demonstrations or acts of civil disobedience, should be reported to law enforcement for handling.

**302.5 RECORDS**

All records created and submitted during and related to the permitting process should be maintained in accordance with the established records retention schedule.

# Holiday Displays

## **303.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance on holiday displays by the County.

The use of county facilities by members of the public or private groups is addressed in the Use of Public Facilities Policy.

Memorials on county property are addressed in the Memorials on Public Property Policy.

## **303.2 POLICY**

It is the policy of the County that county seasonal temporary holiday displays be appropriate and lawful.

## **303.3 RESPONSIBILITIES**

The Board of County Commissioners should review and approve each county holiday display.

The Board of County Commissioners or designee's review should be completed prior to installation of the display and should include a review of the following:

- (a) The location of the display, including the types of structures and properties immediately adjacent to the display.
- (b) The manner and format in which the different secular and non-secular decorations will be displayed.
- (c) Whether the display complies with the criteria set forth in this policy.

If the Board of County Commissioners or designee has any concerns regarding the content of the display, counsel should be consulted prior to proceeding.

## **303.4 REVIEW CRITERIA**

A county holiday display should not have an overall effect of supporting or endorsing a religion or denigrating or inhibiting any religion or religious belief. When reviewing a proposed display, the Board of County Commissioners should consider the following:

- (a) The holiday display should:
  - 1. Have a primary purpose that is secular.
  - 2. Recognize the celebration of the holidays and/or seasonal traditions (e.g., lights, snowflakes, Santa Claus in the winter; bunnies, baskets, eggs in the spring).
  - 3. Include religious symbols only if they are accompanied by numerous other non-religious holiday items and in a non-religious setting.
- (b) The holiday display should not:
  - 1. Include religious symbols (e.g., a nativity scene, a cross, a menorah) alone or in a setting that focuses on or draws attention to a specific religion or the religious nature of a symbol.

*Holiday Displays*

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2. Be placed in any location that makes it appear that the display endorses a religion (e.g., on property adjacent to a church, other religious institution, or area connected to a religion; on county property that has a statue, monument, or sign that in combination with a holiday display might appear to endorse a religion).
3. Be used for any religious practices or ceremonies.

# Memorials on Public Property

## 304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the review and approval of county memorials and the relocation, alteration, or removal of existing memorials on county property.

This policy addresses memorials established by the County and memorials requested or donated by members of the public.

This policy does not apply to the following:

- (a) Works of art that are not memorial or commemorative in nature
- (b) Signage or plaques placed on county property for the purpose of acknowledging a donor or sponsor
- (c) Historical markers or placards that provide information to the public

Temporary displays on county property are addressed in the Holiday Displays and the Use of Public Facilities policies.

### 304.1.1 DEFINITIONS

Definitions related to this policy include:

**Memorial** - A permanent monument, museum, building, garden, plaque, sculpture, or the like intended to commemorate or preserve the memory of a person, group, action, or event.

## 304.2 POLICY

It is the policy of the County that memorials on county property be considered and approved pursuant to this policy.

## 304.3 RESPONSIBILITIES

The Board of County Commissioners or the authorized designee should:

- (a) Establish procedures for the submission, review, and approval of requests by members of the public for new county memorials or for the removal, alteration, or relocation of existing memorials. The procedures should include:
  1. That all requests be submitted in writing.
  2. For new memorials, that the request includes detailed information regarding the form and substance of the proposed memorial, the proposed location, and the proposed source of funding.
    - (a) The proposed memorial should be presented either in fully finished form or in a model prior to final acceptance by the County.
  3. For existing memorials, that the request includes the reason for the requested removal, relocation, or alteration.
    - (a) Requests for relocation should identify the new proposed location.

*Memorials on Public Property*

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- (b) Requests for alteration should detail the type and form of the proposed alteration.
- 4. Review by any appropriate department.
- 5. The opportunity for input from members of the public.
- 6. The opportunity for the County to ask the requester for modifications to a proposed memorial, relocation, or alteration consistent with this policy.
- 7. That any denial of a request be documented.
- 8. An appeal process to the Board of County Commissioners application denials or modification requests.

- (b) Provide notice to members of the public making requests that:
  - 1. For new memorials, the memorial becomes the property of the County upon installation.
  - 2. The County may deny any request after a review of the request under the procedures established by this policy.
  - 3. The County will make a final determination as to the location of all new or relocated memorials within the County.
  - 4. Existing memorials on county property do not establish a precedent for any future approvals.
- (c) Adopt and maintain additional county requirements relating to new memorials or the removal, alteration, or relocation of existing memorials.
  - 1. Requirements may include size, material quality, and appearance standards.
- (d) Coordinate a process for the periodic review of existing memorials to consider whether:
  - 1. Relocation, alteration, or removal is appropriate. This process should include the evaluation of the overall condition of the memorial and whether there are any reasons to consider the relocation, alteration, or removal of the memorial.
  - 2. Designation as a historic landmark or district under federal, state, or local laws or guidelines is appropriate for any memorials.
- (e) Create a list of all memorials within the County that includes the type of memorial, the current location of the memorial, and any specific maintenance, safety, or access information relevant to the memorial.

**304.4 CONSIDERATIONS FOR NEW MEMORIALS**

The following criteria should be considered for all new memorials:

- (a) The memorial should:
  - 1. Support or promote the common history of the County, local culture, civic identity, or mission of the County.
  - 2. Be of historical or social significance.

*Memorials on Public Property*

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3. Be located in an area that is connected with the person or event being commemorated.
4. Be compatible with the area surrounding the proposed location.
  - (a) The size, content, and appearance of the memorial should improve or otherwise enhance the social and physical environment of the surrounding area.
5. Comply with any additional county requirements related to memorials.

(b) The memorial should not:

1. Present unreasonable maintenance, security, environmental, or access issues.
2. Be offensive to a reasonable person.
3. Reasonably appear to be promoting, favoring, or inhibiting any religion or political affiliation.

Consideration should be given to how the memorial corresponds with other memorials in the immediately surrounding area and in the County generally.

**304.5 CONSIDERATIONS FOR THE REMOVAL, ALTERATION, OR RELOCATION OF EXISTING MEMORIALS**

The following criteria should be applied to all cases where the removal, alteration, or relocation of a memorial is being considered, whether initiated by a request from members of the public or internally by county officials or staff.

(a) The memorial should be removed, altered, or relocated, as appropriate, if:

1. The memorial has deteriorated to the extent that it cannot be safely maintained in its current location.
2. Security issues make the current location unreasonable.
3. The memorial is damaged beyond reasonable repair.
4. Social or environmental changes to the location or surrounding area have made the memorial no longer appropriate for the location.
5. The memorial is no longer sufficiently connected to the common history, local culture, or mission of the County.
6. A more appropriate alternative location for the memorial is reasonably available.

(b) The memorial should not be removed, altered, or relocated:

1. If federal, state, or local laws restrict the removal, alteration, or relocation of the memorial.
2. Without appropriate pre-approvals from federal, state, or local officials, as required.
3. If removal, alteration, or relocation is not consistent with additional requirements adopted or maintained by the Board of County Commissioners.

*Memorials on Public Property*

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4. Without final approval of the County's governing body.

**304.6 DAMAGE OR DETERIORATION**

Employees who observe damage to or significant deterioration of an existing memorial should report the damage to a supervisor. Appropriate repairs may be made with supervisory approval.

If damage or deterioration to a memorial reasonably appears to present a safety issue, access to the memorial should be restricted and a supervisor should be immediately notified.

**304.7 DOCUMENTATION**

The following should be created and maintained consistent with the established records retention schedule:

- (a) The list of memorials within the County.
- (b) Documentation relating to the approval of any new memorials.
- (c) Documentation relating to the removal, relocation, or alteration, of any memorial, including the reason for the action, and whether the memorial has been stored or otherwise disposed of.

# Flags

## **305.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the proper display of flags at county facilities.

## **305.2 POLICY**

It is the policy of the County to display flags in compliance with federal and state laws and local ordinances.

## **305.3 DISPLAY OF FLAGS**

Flags flown at county facilities will be displayed in the following order of prominence:

- (a) The United States flag
- (b) Flags of foreign governments recognized by the United States when flown with the United States flag
- (c) The state flag
- (d) The county flag
- (e) The department flag
- (f) Any commemorative flags

## **305.4 DISPLAYING THE FLAG OF THE UNITED STATES**

Federal law providing for the use and the display of the United States flag is contained in Title 4 Chapter 1 of the United States Code, commonly referred to as the "Flag Code." The County will display the flag of the United States in accordance with the provisions of 4 USC § 1 through 4 USC § 10.

### **305.4.1 DISPLAY OF THE UNITED STATES FLAG IN DAILY OPERATIONS**

Employees should consult the Flag Code for guidance whenever the flag of the United States is to be displayed in any manner. This is to ensure that the display is presented in accordance with the Flag Code and as follows:

- (a) The United States flag should be conspicuously posted on all county facilities during hours of operation.
- (b) It is the universal custom to display the flag only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness (4 USC § 6).
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed (4 USC § 6).
- (d) The United States flag may only be flown at half-staff by Presidential or Gubernatorial decree, and on Memorial Day until noon (4 USC § 7).

## Flags

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Whenever the United States flag is displayed in conjunction with other flags or symbols it should occupy the “Place of Honor” (4 USC § 7).

### **305.5 DISPLAY OF THE STATE FLAG**

The County will display the state flag prominently and in the proper position of honor in accordance with the United States Flag Code.

#### 305.5.1 DISPLAY OF THE STATE FLAG IN DAILY OPERATIONS

Employees should review state law for guidance whenever the flag is to be displayed in any manner to ensure that the display is presented appropriately. Displays of the flag should be consistent with the following protocol:

- (a) The flag should be conspicuously posted on all county facilities during hours of operation.
- (b) The flag shall be in acceptable condition and free from rips, tears, and other damage.
- (c) Generally, the flag should be displayed only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness.
- (d) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
- (e) The flag shall be flown at half-staff whenever the flag of the United States is flown at half-staff, and may only be flown at half-staff at other times by order of the Governor.
- (f) Whenever the flag is displayed in conjunction with the United States flag, the United States flag shall occupy the position of first honor (4 USC § 7). When the flag is displayed in conjunction with other flags or symbols, it should occupy the position of honor.

### **305.6 DISPLAY OF COMMEMORATIVE OR UNOFFICIAL FLAGS**

County flag displays, including but not limited to flagstaffs, are not intended to serve as a forum for free expression by the public. Commemorative flags or flags not identified in this policy, including flags of a government not recognized by the United States, should not be displayed by the County without prior approval from the Board of County Commissioners.

## **Chapter 4 - Equipment**

# Local Government-Owned and Personal Property

## 400.1 PURPOSE AND SCOPE

This policy addresses the care of county-owned property and the role of the County when personal property, the property of another person or entity, or county-owned property is damaged or lost.

## 400.2 POLICY

The County will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The County will take steps to minimize the cost associated with maintaining county property, including personal property authorized for use in the employee's duties.

## 400.3 LOCAL GOVERNMENT-ISSUED PROPERTY

Supervisors should document all property and equipment issued by the County in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving employee's signature. Upon separation from the County, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

### 400.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of county property that has been assigned or entrusted to them.

- (a) Employees shall promptly report, through their supervisors, any loss of, damage to, or unserviceable condition of any county-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, county-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) County-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Employees should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

### 400.3.2 PERSONAL USE OF COUNTY PROPERTY OR FACILITIES

County employees are authorized to use county property for personal use, and are encouraged to use county property in a manner in accordance with these guidelines and in a way:

- (a) That does not damage the property.
- (b) That does not cost the County more than incidental amounts, which may vary according to historic use, custom, and what is considered normal personal use of employer's property in the community.

*Local Government-Owned and Personal Property*

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- (c) That does not interfere with use of the property as intended for the public use.
- (d) That allows employees who have been authorized to use county equipment for extensive personal use to do so without fear of being prosecuted.

**400.4 PERSONAL PROPERTY**

Personal property or equipment shall not be carried during work hours or used for work-related purposes without prior approval by the Department Head or appropriate supervisor. The employee should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried (e.g., cell phone, wallet, sunglasses) is excluded from this requirement (see the Personal Communication Devices Policy).

The County will not replace or repair property that is not reasonably required as part of work.

**400.4.1 FILING CLAIMS FOR PERSONAL PROPERTY**

An employee requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the employee's immediate supervisor.

Upon review by the supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended to the Department Head or the authorized designee, who will then forward the claim to the department responsible for issuing payments.

**400.5 DEPARTMENT HEAD RESPONSIBILITIES**

The Department Head or designee receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the County Clerk/Auditor or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

In cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property, the supervisor should consider whether disciplinary or other corrective action would be appropriate.

**400.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY**

Employees who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any county function shall promptly report the damage to a supervisor.

**400.6.1 DAMAGE BY OTHERS**

Employees who observe damage to the real or personal property of the County should report the damage as follows:

- (a) A verbal report should be made to the employee's immediate supervisor and to the employee or department responsible for the property as soon as practicable.
- (b) A written report should be submitted before the end of the employee's workday or as otherwise directed by the supervisor.

# Personal Communication Devices

## **401.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of mobile telephones and other communication devices, whether issued or funded by the County or personally owned, during work hours or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets and similar wireless two-way communications, and/or portable internet access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

## **401.2 POLICY**

The County allows employees to utilize county-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used during work hours, or during non-work hours in any manner reasonably related to the business of the County, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

Employees are advised and cautioned that the use of a personally owned PCD for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

## **401.3 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the County and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

## **401.4 LOCAL GOVERNMENT-ISSUED PCD**

Depending on an employee's assignment and the needs of the position, the County may, at its discretion, issue or fund a PCD for the employee's use to facilitate work performance. County-issued or funded PCDs may not be used for personal business during or after work hours unless authorized by the Department Head or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the County and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

*Personal Communication Devices*

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Unless an employee is expressly authorized by the Department Head or the authorized designee to use the PCD during non-work hours, the PCD will be either secured in the workplace at the completion of the workday or turned off when leaving the workplace.

**401.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD during work hours, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The County accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of internal communication systems). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any county business-related communication.
  - 1. Employees may use personally owned PCDs during work hours for routine administrative work as authorized by the Department Head.
- (e) The device shall not be utilized to record or disclose any county business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the County, without the express authorization of the Department Head or the authorized designee.
- (f) Use of a personally owned PCD for work-related business constitutes consent for the County to access the PCD to inspect and copy data to meet the needs of the County, which may include litigation, records retention and release obligations, and internal investigations. If the PCD is carried during work hours, employees will provide the County with the telephone number of the device. All work-related documents, emails, photographs, recordings, or other public records created or received on an employee's personally owned PCD should be transferred to the County and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's workday.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on an employee's personally owned PCD should be transferred to the County and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's workday.

Except with prior express authorization from their supervisors, employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD during non-work hours. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing employment agreements, or if the

## *Personal Communication Devices*

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employee has prior express authorization from a supervisor, the employee may engage in county business-related communications. Should employees engage in such approved communications or work during non-work hours, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document county-related business activities conducted during non-work hours in any manner shall promptly provide the County with a copy of such records to ensure accurate record keeping.

### **401.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried during work hours or used to conduct county business:

- (a) All PCDs in the workplace shall be set to silent or vibrate mode.
- (b) A PCD may not be used to conduct personal business during work hours, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Employees may use a PCD to communicate with other personnel in situations where the use of county-provided communications methods is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular county-provided communications methods.
- (d) Employees are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official county business. Disclosure of any such information to any third party through any means, without the express authorization of the Department Head or the authorized designee, may result in discipline.
- (e) Employees will not access social networking sites for any purpose that is not official county business.
- (f) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

### **401.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that employees under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
  1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

*Personal Communication Devices*

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2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the Human Resources Director or the authorized designee.

**401.8 OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other county communications network.

**401.9 USE WHILE DRIVING**

Employees operating vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls.

# Vehicle Maintenance

## **402.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that county vehicles are appropriately maintained.

## **402.2 POLICY**

The County will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

## **402.3 GENERAL DUTIES**

Employees are responsible for assisting in maintaining county vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

Employees should check washer fluid, oil levels, appropriate tread on tires, etc. Employees should ensure that keys are returned to the appropriate place.

## **402.4 DEFECTIVE VEHICLES**

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition and forwarded to a supervisor for action.

Documents describing the correction of the safety issue shall be promptly filed by the supervisor with the vehicle history.

### **402.4.1 DAMAGE OR POOR PERFORMANCE**

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### **402.4.2 SEVERE USE**

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, and severe weather exposure.

## **402.5 VEHICLE REFUELING**

Generally, vehicles should not be operated with less than one-quarter tank of fuel. Vehicles should not be returned to the pool or the assigned department at the end of the workday with less than a full tank of fuel. Vehicles shall only be refueled at an authorized location.

## **402.6 WASHING OF VEHICLES**

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the County.

*Vehicle Maintenance*

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Employees using a vehicle shall remove any trash or debris at the end of their workday. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

# Vehicle Use

## **403.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for employees who use vehicles for county business. This policy does not create or imply any contractual obligation by the County to provide assigned vehicles.

Individual department heads may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

## **403.2 POLICY**

The County authorizes the use of certain vehicles for official county business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner.

## **403.3 USE OF VEHICLES**

Beaver County assumes no liability for use of vehicles (including rental 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.

Unless otherwise provided in this policy, county vehicles shall be used exclusively for county business. Additional exceptions may be made in writing by the Board of County Commissioners.

### **403.3.1 VEHICLE ASSIGNMENTS**

County vehicles may be assigned to individual employees at the discretion of the Department Head or the authorized designee. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other county employees at the discretion of the Department Head or the authorized designee.

### **403.3.2 EMPLOYEE RESPONSIBILITIES**

Employees operating a vehicle as part of their job with the County shall:

- (a) Possess a valid driver's license.
  1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges as soon as practicable and before any subsequent county vehicle use or personal vehicle use for county business.
  2. Employees must possess a valid commercial driver's license or special class license when applicable.
- (b) Provide the county with a driver's history report upon request.

## *Vehicle Use*

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- (c) Possess appropriate insurance as required for personal vehicles used for county business.
  - 1. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed.
  - 2. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.
- (d) Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
- (e) Obey all traffic laws and drive with courtesy, care, and caution.
- (f) Maintain any personal vehicles used for county business in safe working order.
- (g) Have no convictions for driving under the influence of alcohol or drugs or reckless driving offenses within the previous four years.

### **403.3.3 INSPECTIONS**

Employees shall be responsible for inspecting the interior and exterior of any assigned county vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All county vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### **403.3.4 SECURITY AND UNATTENDED VEHICLES**

Unattended vehicles should be locked and secured at all times to safeguard any county equipment prior to parking or leaving the vehicle.

### **403.3.5 VEHICLE LOCATION SYSTEM**

County vehicles, at the discretion of the Board of County Commissioners or designee, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by anyone other than supervisors will require Department Head approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

## *Vehicle Use*

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### **403.3.6 KEYS**

Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees will not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

### **403.3.7 AUTHORIZED PASSENGERS**

Employees operating assigned vehicles shall not permit unauthorized persons to ride as passengers in the vehicle without approval from a Department Head or designee.

When attending out-of-county training or business in a county vehicle, an employee may take authorized passengers and may drive for purposes other than county business as appropriate.

### **403.3.8 NON-COUNTY EMPLOYEE DRIVERS**

An employee's spouse who complies with the Employee Responsibility section may drive with approval of the Department Head or designee.

### **403.3.9 PARKING**

Employees should obey parking regulations at all times.

County vehicles should be parked in assigned spaces. Employees shall not park personal vehicles in spaces assigned to county vehicles or in other parking areas that are not so designated unless authorized by a supervisor.

### **403.3.10 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions, or removal of any equipment or accessories from county vehicles without written permission from the Department Head or the authorized designee.

## **403.4 UNSCHEDULED TAKE-HOME USE**

Employees may take home county vehicles only with prior approval of a Department Head or designee and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the County.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the county limits.
- (d) Off street parking will be available at the employee's residence.
- (e) The vehicle will be locked when not attended.
- (f) All portable county equipment will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

When such circumstances occur, the Department Head or the authorized designee shall document the unscheduled take-home use in the vehicle assignment roster.

## Vehicle Use

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### **403.5 ASSIGNMENT OF TAKE-HOME VEHICLES**

Assignment of take-home vehicles should be based on the location of the employee's residence, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources.

Employees are cautioned that under federal and local tax rules, personal use of a county vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties.

#### **403.5.1 TAKE-HOME VEHICLE AGREEMENT**

Employees shall sign a take-home vehicle agreement that outlines how the vehicle shall be used, where it shall be parked, vehicle maintenance responsibilities, and any other appropriate requirements. The agreement should minimally provide that:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal reasons unless special circumstances exist and the Board of County Commissioners or the authorized designee gives prior authorization.
- (b) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the Board of County Commissioners or the authorized designee. If the vehicle is not secured inside a locked garage, all removable county equipment shall be removed and properly secured in the residence.
- (c) Vehicles are to be secured at the employee's residence or the appropriate county facility, at the discretion of the employee's supervisor, when an employee will be away (e.g., on vacation) for periods exceeding one week.
  1. If the vehicle remains at the employee's residence, the County shall have access to the vehicle.

### **403.6 DAMAGE, ABUSE, AND MISUSE**

When any county vehicle is involved in a traffic accident or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the County Clerk/Auditor or the authorized designee. Accidents which are found to have been avoidable or to be the fault of the employee may subject the employee to disciplinary action.

Damage to any county vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented and forwarded to the County Clerk/Auditor or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

### **403.7 TOLL ROAD USAGE, PARKING FEES, AND MILEAGE**

Employees operating vehicles for county business shall pay the appropriate toll charge or utilize the appropriate tollway transponder.

***Vehicle Use***

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With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the County for toll and parking fees. Employees may submit for reimbursement for mileage accrued on personal vehicles used for county business in accordance with the Travel Policy.

# Vehicle Safety Restraints/Safety Belts

## **404.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all employees operating or riding in county vehicles.

Individual department policies may provide additional guidance.

### **404.1.1 DEFINITIONS**

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

## **404.2 POLICY**

It is the policy of the County that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

## **404.3 WEARING OF SAFETY RESTRAINTS**

All employees shall wear properly adjusted safety restraints at all times when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this county, or in any privately owned vehicle when conducting county business. The employee driving such a vehicle shall ensure that all other occupants, including those who are not employees of the County, are properly restrained.

## **404.4 INOPERABLE SAFETY BELTS**

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

County vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Department Head or the authorized designee.

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

## **404.5 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS**

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

## **404.6 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment

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installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

# Personal Protective Equipment

## 405.1 PURPOSE AND SCOPE

This policy addresses the use of personal protective equipment (PPE) provided by the County.

### 405.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

## 405.2 POLICY

The County endeavors to protect employees by supplying certain PPE as provided in this policy.

## 405.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for identifying and making available PPE appropriate for the work environment.

## 405.4 EMPLOYEE RESPONSIBILITIES

Employees are required to use PPE pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 405.5 EQUIPMENT PROCUREMENT AND USE

PPE shall meet or exceed any applicable requirements. Federal or other nationally recognized standards should be used as a guide for the procurement, use, maintenance, and storage of the following safety-related equipment in the absence of other mandatory requirements:

- (a) Hearing protection (29 CFR 1910.95)
- (b) Eye protection (29 CFR 1910.133)
- (c) Respiratory protection (29 CFR 1910.134)
- (d) Head protection (29 CFR 1910.135)
- (e) Foot protection (29 CFR 1910.136)
- (f) Electrical protective equipment (29 CFR 1910.137)
- (g) Hand protection (29 CFR 1910.138)
- (h) Personal fall protection systems (29 CFR 1910.140)

*Personal Protective Equipment*

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**405.6 RECORDS**

Supervisors are responsible for maintaining records of all:

- (a) PPE training.
- (b) PPE procurement and distribution.
- (c) Fit tests and medical evaluations related to respiratory protection equipment, when applicable. Medical evaluation questionnaires and any physical examination results related to respirator use shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the county records retention schedule.

**405.7 TRAINING**

Employees should be trained in the hazards to which they may be potentially exposed during routine and emergency situations.

All employees should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for PPE; and the limitations of each device (29 CFR 1910.132).

Employees issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

# Physical Asset Management

## 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the county's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets.

### 406.1.1 DEFINITIONS

Definitions related to this policy include:

**Physical assets** – All tangible items of value, including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

## 406.2 POLICY

It is the policy of this county to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the County.

## 406.3 RESPONSIBILITIES

The County Clerk/Auditor should assign a person or persons to be responsible for the inventory, maintenance, and disposal of county physical assets, including:

- (a) Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- (b) Developing procedures for the implementation of this policy, including:
  1. Procedures for disposal of all county-owned physical assets in accordance with federal, state, and local law.
  2. Procedures for safe disposal of hazardous waste.
  3. Procedures for inter-department transfers of physical assets.
  4. Procedures for each department to inventory assets as according to internal reporting deadlines (e.g., quarterly, annually).
- (c) Developing a physical asset management plan to track the county's physical assets and maintain accurate and complete records related to these assets. The plan should include:
  1. A minimum value of the physical assets that are subject to this policy, the plan, and the implementing procedures.
  2. An inventory control and recordkeeping system to account for the movement, storage, maintenance and use, loss, damage, destruction, and disposal of the county's physical assets.
  3. Routine internal and external audit practices.

*Physical Asset Management*

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4. Procedures to access physical assets for re-use, transfer, recycle, or disposal.
- (d) Designating custodians within each department, as appropriate, for inter-department communication and to serve as inventory liaisons under the physical asset management plan.
- (e) Annual physical asset acquisition planning.

**406.4 IDENTIFICATION AND TAGGING**

Physical assets should be tagged using a bar code or other system to identify and locate the items. Tags should be affixed in the same manner and location on each item, when feasible. The following information regarding the tagged item should be maintained using the inventory control system and method of recordkeeping established in the physical asset management plan:

- (a) A description of the item, including but not limited to:
  1. Make, model, and serial number
  2. Physical dimensions and weight
  3. Color, material, and other physically distinct qualities
  4. Warranty and/or recall information, if any
- (b) The department and specific location where the item can be found
- (c) The acquisition date of the item, as well as the amount and funding source for the acquisition
- (d) The intended and actual use of the item
- (e) The expiration of an item's lease or loan terms

**406.5 SURPLUS OR OBSOLETE ASSETS**

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy.

**406.5.1 STORAGE**

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the County should pursue disposal of the item in accordance with this policy.

**406.5.2 TRANSFERS**

When a physical asset is transferred from one department to another, the value of the physical asset should transfer with the asset. Inter-department transfers shall be documented through the inventory control and recordkeeping system implemented by the physical asset management plan.

*Physical Asset Management*

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**406.6 LOSS, DAMAGE, OR DESTRUCTION**

Circumstances surrounding loss, damage, or destruction of the county's physical assets shall be promptly reported to the Department Head or the authorized designee for purposes of inventory, valuation, and recordkeeping. The Department Head should forward the information to the County Clerk/Auditor. Loss, damage, or destruction of other assets shall be handled in accordance with the Local Government-Owned and Personal Property Policy.

**406.7 USAGE MONITORING**

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the county's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

**406.8 MAINTENANCE**

Routine maintenance of physical assets should be proactive to limit interruption of the county's daily operations. Employees should report any physical asset performance issues to a supervisor.

**406.9 DISPOSAL**

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy.

**406.10 INVENTORY AND REPORTS**

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

## **Chapter 5 - Records and Documents**

# Records Maintenance and Release

## **500.1 PURPOSE AND SCOPE**

This policy provides guidance on the maintenance and release of county records. Protected information is separately covered in the Protected Information Policy. Beaver County follows Utah Code regarding records maintenance and release unless otherwise specified in this policy.

## **500.2 POLICY**

The County is committed to providing public access to records in a manner that is consistent with state public records laws.

## **500.3 CUSTODIAN OF RECORDS**

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) Provide assistance and training to county personnel for the handling, preservation, retention, and management of county records.
- (b) 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.
- (c) Screen requests and provide assistance to department heads with respect to reclassification of records.
- (d) Review all appeals after the initial appeal and issue recommendations to county officers, employees, agents, or representatives for the possible resolution of an appeal.

Each Department Head or elected official shall designate a Custodian of Records for their department. The responsibilities of each Custodian of Records include but are not limited to:

- (a) Managing the records management system for the department, including the retention, archiving, release, and destruction of public records.
- (b) Following state retention guidelines.
  - 1. Grant-related documents shall be retained for a minimum of three years.
- (c) Establishing rules regarding the inspection and copying of public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.

*Records Maintenance and Release*

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- (g) Preparing and making available to the public the records request process, to include the cost of inspecting or obtaining copies.

**500.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any employee who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

**500.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) All requests should be made in writing, online, or on a form supplied by the County and directed to the responsible department wherever possible.
  - 1. If the request is made in writing the recipient of the request shall:
    - (a) Date stamp the request with the date that accurately reflects the date when the request was first received.
    - (b) Promptly forward the request to the receiving County office or department's Departmental Records Specialist.
  - (b) Clarification may be sought if the request is unreasonably broad or unclear.
  - (c) If a request is for protected information, the responsible department may require a notarized written release from the subject of the records or an authorized representative before access to the requested records is provided.
  - (d) Inspection of records should be during regular business hours unless otherwise authorized by the Custodian of Records .
  - (e) Records should be made available in a format readily accessible to the requester. Records may also be made available in a specific format requested and a fee charged for reasonable costs of any required processing.
    - 1. The responsible department is not obligated to provide certified copies of any records unless legally required.
  - (f) Records should be provided or a denial provided to a requester within a reasonable period of time.
    - 1. If a delay in providing records is anticipated, the requester should be provided a written response with the reason for the delay and the anticipated date the records will be provided.
  - (g) Fees should be charged as allowed by law and established by the County in the fee schedule.
    - 1. A department may fulfill a record request without charge and is encouraged to do so when it determines that:
      - (a) Releasing the record primarily benefits the public rather than a person.
      - (b) 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).

## Records Maintenance and Release

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- (c) The requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
- (h) The County is not required to create records that do not exist.
- (i) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the county file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the county-approved media storage system and a notation should be made in the file to document the release and the reasons for the redacted portions.

### 500.4.2 DENIALS

The denial of a request for records should be documented and include:

- (a) A description of the records requested.
- (b) The specific reasons for the denial.
- (c) The name, title, and signature of the Custodian of Records .
- (d) The procedure to appeal the denial.

### 500.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any county record, except as authorized by the County, and only when such use or disclosure is permitted or required by law to carry out a legitimate government purpose.
- (b) Certain personnel information, including but not limited to an employee's residential address and telephone number, Social Security number, marital status, medical history, confidential recommendations for employment, and performance evaluation history.
- (c) Records pertaining to internal investigations and disciplinary matters, including but not limited to complaints and other records relating to allegations of discrimination, harassment, or retaliation, until the investigation is complete or is made part of the official record of any hearing or court proceeding.
- (d) Certain 9-1-1 records.
- (e) Audio and video recordings obtained through use of body-worn cameras by law enforcement officers, except as provided by statute.
- (f) Certain concealed firearm license/permit information of an applicant.

## Records Maintenance and Release

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- (g) Records concerning security plans, procedures, assessments, measures, or systems, and other records relating to the security of persons, structures, facilities, infrastructure, or information technology systems that could reasonably be expected to be detrimental to the public's safety or welfare.
- (h) Records pertaining to strategy or negotiations related to labor relations, employment contracts, or collective bargaining and related arbitration proceedings.
- (i) Drafts, notes, recommendations, or intra-governmental memorandums pertaining to the development of resolutions, regulations, statements of policy, management directives, ordinances, or amendments prepared by or for the County.
- (j) Records where disclosure would be detrimental to the best interests of the public.
- (k) Records pertaining to pending or potential litigation that are not records of any court.
- (l) A governmental entity may classify a particular record, record series, or information within a record at any time, but is not required to classify a particular record, record series, or information until access to the record is requested.
  - 1. If the classification of the record has not been defined, the public's right to access and the subject of the record's right of privacy must be compared.
  - 2. 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.
- (m) Any other information that may be appropriately denied by federal or state law.

### **500.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any employee who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas should be referred to the County Attorney or the authorized designee.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the County Attorney's Office so that a timely response can be prepared.

### **500.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy may be stamped in a colored ink or otherwise marked to indicate the county name and to whom the record was released.

Each audio/video recording released may include the county name and to whom the record was released.

## *Records Maintenance and Release*

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### **500.8 SECURITY BREACHES**

Employees who become aware that any county records system may have been breached should notify the Custodian of Records as soon as practicable.

The Custodian of Records shall ensure any required notice of the breach is given.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Custodian of Records should promptly notify the appropriate employee designated to oversee the security of protected information (see the Protected Information Policy).

### **500.9 EXPUNGEMENT**

The Custodian of Records shall review all court orders and other filings that pertain to the expungement or sealing of records for appropriate action. Once a record is expunged or sealed, employees shall respond to any inquiry as though the record did not exist.

### **500.10 PRESERVATION OF AGENCY RECORDS**

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, or, at the direction of the Chief Administrative Officer, the Administrative Officers' successor(s).

All records which are in the possession of any department shall, upon termination of activities of the department, be transferred to the Chief Administrative Officer, or, at the direction of the Chief Administrative Officer, the department's successor(s).

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 state law and the County's policies, procedures, and guidelines, unless such records are exempt, privileged, or otherwise not governed by state law and/or the County's policies, procedures, and guidelines.

#### **500.10.1 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 state law.

### **500.11 TRAINING**

Employees authorized to manage, release, or facilitate public access to county records shall receive training that includes identification of material appropriate for release or public access and the county systems and procedures guiding such release and access.

# Protected Information

## 501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by employees of the County. This policy addresses the protected information that is used in the day-to-day operation of the County and not the public records information covered in the Records Maintenance and Release Policy.

### 501.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored, or accessed by employees of the County and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local databases that is not accessible to the public.

## 501.2 POLICY

Employees of the County will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

## 501.3 RESPONSIBILITIES

Each Department Head should designate an employee of the County to coordinate the use of protected information, including:

- (a) Overseeing employee compliance with this policy and with requirements applicable to protected information.
- (b) Developing, disseminating, and maintaining procedures necessary to comply with any requirements for the access, use, dissemination, release, and security of protected information.
- (c) Developing procedures to ensure training and certification requirements are met.
- (d) Resolving specific questions that arise regarding authorized recipients of protected information.
- (e) Implementing security practices and procedures to comply with requirements applicable to protected information.

## 501.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, use agreement, county policy, or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited.

*Protected Information*

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The [accompanying procedure](#) provides specific protections regarding victim information.

**501.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a lawful right to know and need to know.

An employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Custodian of Records for information regarding a formal request.

**501.6 SECURITY OF PROTECTED INFORMATION**

Designated individuals shall oversee the security of protected information, including:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Maintaining compliance with any federal, state, and local requirements pertaining to the security of protected information.
- (c) Accompanying procedure provides for the preparation, prevention, detection, analysis, and containment of security incidents, including cyberattacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the appropriate authorities in accordance with the accompanying procedure.

**501.6.1 EMPLOYEE RESPONSIBILITIES**

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes not leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

**501.7 TRAINING**

All employees authorized to access or release protected information shall complete a training program upon appointment and then annually that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

# Personnel Records

## **502.1 PURPOSE AND SCOPE**

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

## **502.2 POLICY**

It is the policy of the County to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state.

## **502.3 PERSONNEL FILE**

A personnel file shall be maintained as a record of a person's employment/appointment with this county. The personnel file should contain, at a minimum:

- (a) Application for employment.
- (b) Employment eligibility certification (I-9)
- (c) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- (d) Election of employee benefits.
- (e) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (f) Original performance evaluations.
- (g) Discipline records, including copies of sustained personnel complaints.
  - 1. 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).
- (h) Adverse comments such as supervisor notes or memos may be retained in the county file after the employee has had the opportunity to read and initial the comment.
  - 1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any employee response shall be attached to and retained with the original adverse comment.
  - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.
- (i) Commendations and awards.

## *Personnel Records*

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

Employees have a responsibility to make sure their personnel records are up to date in accordance with the [accompanying procedure](#).

### **502.4 DEPARTMENT, DIVISION, OR AGENCY FILE**

Department files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

### **502.5 TRAINING FILE**

An individual training file should be maintained for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- (b) Supervisors should ensure that copies of such training records are placed in the employee's training file.

### **502.6 MEDICAL FILE**

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

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.
- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

## *Personnel Records*

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### **502.7 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Human Resources Director or representatives of the County in connection with official business.

#### **502.7.1 REQUESTS FOR DISCLOSURE**

Any employee receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

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

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

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file together with the reasons for access to the records. All reviews of personnel records shall be done in the presence of the Human Resources Director or designee.

### **502.8 EMPLOYEES' ACCESS TO THEIR PERSONNEL RECORDS**

Employees may request access to their own personnel records during the normal business hours of those responsible for maintaining such files. Employees seeking to have any item removed from their personnel records should file a written request to the Human Resources Director. The County should remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the County should be retained with the contested item in the employee's corresponding personnel record.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

### **502.9 RETENTION AND PURGING**

Personnel records shall be maintained in accordance with the established records retention schedule:

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the employee's performance evaluation should determine

*Personnel Records*

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whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the Human Resources Director.
- (c) If, in the opinion of the Human Resources Director, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

## **Chapter 6 - Personnel**

# Recruitment and Selection

## **600.1 PURPOSE AND SCOPE**

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other county rules governing employment practices.

## **600.2 POLICY**

In accordance with applicable federal, state, and local law, the County provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. No person shall be denied the opportunity to become an applicant for a position by virtue of political opinion or affiliation. The County does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The County will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards. Beaver County follows the Utah Employment Selection Procedures Act.

## **600.3 RECRUITMENT**

Beaver County employs a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive county website and the use of county-managed social networking sites, if resources permit.
- (b) Expanded outreach through partnerships with media, community groups, local colleges, universities, and the military.
- (c) Posting and outreach within the County for internal candidates, when applicable and/or required.
- (d) Use of local, state, or national professional organizations (e.g., National League of Cities, National Association of Counties, American Society for Public Administration, Utah Association of Counties).

The County should avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The County strives to facilitate and expedite the interview and selection process through the [accompanying procedure](#), and should periodically inform candidates of their status in the recruiting process.

## *Recruitment and Selection*

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### **600.4 SELECTION PROCESS**

The County should actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the County should employ a comprehensive screening, background investigation, and selection process that assesses the candidates' aptitude for the position and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- (b) Driving record (if applicable to the position)
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired in accordance with the [accompanying procedure](#). This does not prohibit obtaining documents required for other purposes
- (e) Information obtained from public internet sites
- (f) Local, state, and federal criminal history record checks including fingerprinting of any applicant or employee to ensure compliance with [Office of Justice Programs guidelines](#)
- (g) Medical and/or psychological examination, as applicable and legally permissible (may only be given after a conditional offer of employment)
- (h) Review board or selection committee assessment
- (i) A physical ability examination may be required before an applicant is appointed to some county positions
- (j) 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.

#### **600.4.1 VETERAN PREFERENCE**

The County will provide any veteran preference required by law.

#### **600.4.2 PROMOTIONS AND TRANSFERS**

The County provides opportunities for current employees to fill vacancies through the promotion and transfer process. Department heads may desire to promote from within their respective departments before seeking employees from other county departments or the general public.

#### **600.4.3 MINIMUM QUALIFICATIONS**

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

## *Recruitment and Selection*

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be disqualified. However, extensions may be permitted by the Elected Official or Board of County Commissioners when good cause exists.

When a fully qualified applicant is not available a trainee appointment may be approved for a current employee who does not meet the minimum qualifications, but who the elected official/Board of County Commissioners determines, through a competitive application process will meet the qualifications for the position after a period of on the job training up to 18 months. The elected official/Board of County Commissioners may extend the training period in special circumstances.

### 600.4.4 REASONABLE ACCOMMODATION

The County will accommodate applicants in compliance with the Americans with Disabilities Act (ADA).

### 600.4.5 ELIGIBILITY LIST

For competitive examinations specific to certain county positions, eligible candidates shall be ranked according to test scores based on the number of applicants. A list of eligible candidates shall remain active for two years.

## **600.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a background investigation to verify the candidate's application information and ability to perform duties relevant to the position.

### 600.5.1 NOTICES

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

### 600.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the County should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

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

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The County fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Human Resources Director or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

## *Recruitment and Selection*

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### **600.5.3 RECORDS RETENTION**

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

### **600.5.4 DOCUMENTING AND REPORTING**

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

## **600.6 EMPLOYEE ORIENTATION**

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 Human Resources Director and immediate supervisor. The involvement of the department head/elected official is also encouraged.

## **600.7 EMPLOYMENT STANDARDS**

All candidates shall meet any minimum standards required by state and local law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the County and the community.

Validated, job-related, and nondiscriminatory employment standards should be established and maintained for each job classification and should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

## **600.8 JOB DESCRIPTIONS**

The Human Resources Director or the authorized designee should maintain a current job description for each position in the County.

## **600.9 PROBATIONARY PERIODS**

All appointments to positions within the County, whether new hire, rehire, reinstatement, reclassification, or promotion, 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 months in duration and may be extended as needed.

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

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assignment within the six-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.

# Discriminatory Harassment

## **601.1 PURPOSE AND SCOPE**

The purpose of this policy is to prevent county employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## **601.2 POLICY**

The County is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The County will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The County will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the County may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

## **601.3 DEFINITIONS**

Definitions related to this policy include:

### **601.3.1 DISCRIMINATION**

The County prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or county equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to county policy and to a work environment that is free of discrimination.

### **601.3.2 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

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participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

**601.3.3 SEXUAL HARASSMENT**

The County prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

**601.3.4 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with County or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

**601.4 RESPONSIBILITIES**

This policy applies to all county employees, who shall follow the intent of these guidelines in a manner that reflects county policy, professional standards, and the best interest of the County and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Human Resources Director.

Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

### 601.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the Human Resources Director for further information, direction, or clarification.

### 601.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Department Head in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.
  - 1. If the Department Head is the subject of or otherwise involved in the allegation, the supervisor should instead notify the Human Resources Director.

### 601.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the County and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent employees.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

### 601.4.4 DEPARTMENT HEAD'S RESPONSIBILITIES

Department Heads, upon being notified of any reported allegations or observed acts of discrimination, harassment, or retaliation should promptly notify the Human Resources Director.

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**601.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment should be fully documented and promptly and thoroughly investigated.

**601.5.1 SUPERVISORY RESOLUTION**

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing the employee's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

**601.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted in accordance with the [accompanying procedure](#).

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to file a complaint with their immediate supervisor but may also file a complaint directly with the Human Resources Director.

The Human Resources Director should follow the [accompanying procedure](#) upon completion of the investigation.

**601.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the County. Employees who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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**601.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Human Resources Director. The outcome of all reports shall be:

- (a) Reviewed by the Human Resources Director.
- (b) Maintained in accordance with the established records retention schedule.

**601.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

**601.7 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that the employee has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the employee's term with the County.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

# Grievances

## **602.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the county grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

### **602.1.1 GRIEVANCE DEFINED**

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any county employee that, if true, would constitute a violation of county policy or federal, state, or local law.

## **602.2 POLICY**

It is the policy of the County to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

## **602.3 PROCESS**

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process. No employee may submit an appeal more than 14 calendar days 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.

If a responding supervisor or manager is unable to answer the grievance within the specified time period due to extenuating circumstances, the official may take an additional 14 calendar days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is considered unacceptable, the employee may grieve the decision to the responding supervisor or manager at the next level of the grievance process.

## Grievances

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Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If after a reasonable amount of time, generally 14 calendar days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the head of the department within 14 calendar days.
- (c) If a successful resolution is not found with the head of the department within 14 calendar days, the employee may request a meeting with the Human Resources Director within 14 calendar days and proceed as follows:
  1. Submit a written statement of the grievance to the Human Resources Director within 14 calendar days.
  2. Include the following information in the written statement:
    - (a) Name of the employee.
    - (b) Date the occurrence or action underlying the grievance occurred.
    - (c) The basis for the grievance.
    - (d) The allegation of any specific wrongful act and the harm done.
    - (e) The specific policies, rules, or regulations at issue.
    - (f) The remedy or goal being sought by the grievance.
    - (g) Signature of the employee filing the grievance and date filed.
- (d) If a successful resolution is not found with the Human Resources Director, the employee may request a meeting with the Board of County Commissioners within 14 calendar days.
  1. The Board of County Commissioners shall schedule a hearing with the party within 45 calendar days.
  2. The Board of County Commissioners shall be allowed to table the matter for deliberation, but shall render a written decision to the employee and to the department head within 30 calendar days after the conclusion of the hearing.
  3. The Board of County Commissioners shall render its findings and decision to all concerned parties in writing, which decision shall be final and binding.

The hearing guidelines are provided in the [accompanying procedure](#).

### 602.3.1 AUTOMATIC STEP PROCESSING AND 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

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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).

### **602.3.2 EMPLOYEE RIGHTS**

An employee has the right to:

- (a) Assistance from his or her own legal counsel, paid for by the employee.
- (b) A reasonable amount of time during work hours to prepare the grievance.
- (c) Freedom from reprisals for use of the procedures.
- (d) 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.

### **602.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Human Resources Director or the authorized designee for inclusion in a secure file for all written grievances. No document relating to a grievance shall be placed in the employee's personnel file.

### **602.5 GRIEVANCE AUDITS**

The Human Resources Director should designate an employee to perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The evaluation should be documented in a confidential memorandum to the Board of County Commissioners without including any identifying information about any individual grievance.

## Anti-Retaliation

### **603.1 PURPOSE AND SCOPE**

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

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

### **603.2 POLICY**

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

### **603.3 RETALIATION PROHIBITED**

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

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

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

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**603.4 COMPLAINTS OF RETALIATION**

Any employee who feels retaliated against in violation of this policy should promptly report the matter to any supervisor, or the Board of County Commissioners or the authorized designee.

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

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

**603.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Board of County Commissioners or the authorized designee, and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

**603.6 COMPLAINT PROCESS**

The Board of County Commissioners should communicate to all supervisors the prohibition against retaliation.

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

- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

**603.7 WHISTLE-BLOWING**

Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors shall refer the complaint to the Board of County Commissioners or the authorized designee for investigation.

**603.8 RECORDS RETENTION AND RELEASE**

The Custodian of Records shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

**603.9 TRAINING**

This policy should be reviewed with each new employee.

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

# Drug-and Alcohol- Free Workplace

## **604.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

## **604.2 POLICY**

It is the policy of the County to provide a drug- and alcohol-free workplace for all employees. This includes an ongoing awareness program.

## **604.3 GENERAL GUIDELINES**

Alcohol and drug use in the workplace or on county time can endanger the health and safety of county employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

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.

### **604.3.1 USE OF MEDICATIONS**

Employees should not use any medications that will impair their ability to safely and completely perform their work. Any employee who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any work.

### **604.3.2 MEDICAL CANNABIS**

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action.

## **604.4 EMPLOYEE RESPONSIBILITIES**

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on county premises or on county time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to drug or alcohol use.

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Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### **604.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Director or the authorized designee, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **604.6 WORK RESTRICTIONS**

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace.

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.

### **604.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- (b) The employee uses property owned or approved by the County in a manner that results in injury, death, or substantial property damage.
- (c) The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or damage to property.

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.

#### **604.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

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- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

**604.7.2 DISCIPLINE**

An employee may be subject to disciplinary action if the employee

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, of having taken the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

**604.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

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

**604.9 CONFIDENTIALITY**

The County recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

# Communicable Diseases

## 605.1 PURPOSE AND SCOPE

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

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Exposure** - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to an employee's position with the County. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 605.2 POLICY

The County is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

## 605.3 EXPOSURE CONTROL OFFICER

The Board of County Commissioners should assign a person as the Exposure Control Officer (ECO). The ECO is responsible for the development of an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that county employees will have no-cost access to personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each employee's position and risk of exposure.
- (d) Identification of exposure risks and reasonable efforts to reduce additional exposure.
- (e) Compliance with all relevant laws or regulations related to communicable diseases which may include the following:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136)
  2. Bloodborne pathogen precautions, including exposure determination, if required (29 CFR 1910.1030)

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The ECO should also act as the liaison with the state occupational health and safety authority and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

### **605.4 EXPOSURE PREVENTION AND MITIGATION**

#### **605.4.1 GENERAL PRECAUTIONS**

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or county vehicles, as applicable.
- (b) Wearing county-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., clothing, shoes, work equipment) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### **605.4.2 IMMUNIZATIONS**

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030). Additional immunizations may also be required or provided.

### **605.5 POST EXPOSURE**

## *Communicable Diseases*

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### 605.5.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall (29 CFR 1910.1030):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

### 605.5.2 REPORTING REQUIREMENTS

Supervisors should investigate every exposure or suspected exposure that occurs as soon as possible following the incident. Supervisors should document the following information (29 CFR 1910.1030):

- (a) Identification of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

Supervisors should advise their employees that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. Supervisors should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

### 605.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

County employees have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030):

- (a) Whether the employee has been informed of the results of the evaluation.
- (b) Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

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

## *Communicable Diseases*

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### **605.5.4 COUNSELING**

The County should provide the employee, and the employee's family if necessary, the opportunity for counseling and consultation regarding the exposure.

### **605.5.5 SOURCE TESTING**

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

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting assistance from local health authorities to obtain testing.
- (c) Acquiring a court order in accordance with state law.

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

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

### **605.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

### **605.7 TRAINING**

Training regarding communicable diseases should be provided to employees commensurate with the requirements of their position. The training (29 CFR 1910.1030):

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the employee is assigned new tasks or procedures affecting potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

## **Smoking and Tobacco Use**

### **606.1 PURPOSE AND SCOPE**

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in county facilities or vehicles.

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

### **606.2 POLICY**

The County recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the County and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all county facilities, buildings, and vehicles, and as is further outlined in this policy.

### **606.3 SMOKING AND TOBACCO USE**

Smoking and tobacco use by employees are prohibited any time employees are in public view representing the County.

It is the responsibility of employees to ensure that no person under their supervision or control smokes or uses any tobacco product inside county facilities and vehicles.

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 breaks but shall not use tobacco products any closer than 100 feet from a main entrance, exit, or operable window of any County building and in accordance with County Code 4-4.

### **606.4 POSTING**

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

# Meal Periods and Breaks

## **607.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding meal periods and breaks for employees.

## **607.2 POLICY**

It is the policy of the County to provide meal periods and breaks to employees in accordance with the law and any employment agreements.

## **607.3 MEAL PERIODS**

Employees shall take meal periods at times approved by their supervisors. The time spent for meal periods shall not exceed the authorized time allowed.

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

## **607.4 BREAKS**

Breaks should be taken near the midpoint of each four-hour work period. Only one break should be taken during each four hours of work. No breaks should be taken during the first or last hour of an employee's shift unless approved by a supervisor.

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

# Lactation Breaks

## **608.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

## **608.2 POLICY**

As defined in Utah Code section 34-49-202, a public employer shall provide for at least one 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.

## **608.3 LACTATION BREAK TIME**

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt county operations.

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

## **608.4 PRIVATE LOCATION**

The County will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207).

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

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

*Lactation Breaks*

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**608.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

# Payroll Records

## **609.1 PURPOSE AND SCOPE**

This policy provides the guidelines for completing and submitting payroll records of county employees who are eligible for the payment of wages.

## **609.2 POLICY**

The County maintains timely and accurate payroll records.

## **609.3 RESPONSIBILITIES**

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records of employees under their supervision.

## **609.4 TIME REQUIREMENTS**

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the county payroll procedures.

## **609.5 RECORDS**

The County shall maintain accurate and timely payroll records as required for a minimum of seven years (URS-19-04).

# Overtime Compensation

## **610.1 PURPOSE AND SCOPE**

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

## **610.2 POLICY**

The County will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

## **610.3 COMPENSATION**

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. Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal workday (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent adjustment of work time within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(o)).

Exempt employees (as defined by the FLSA as any supervisor, manager or department head spending at least 80 percent of their time performing administrative functions, volunteer workers, members of boards or commissions) are not eligible for overtime except where specifically granted or established by policy.

## **610.4 REQUESTS FOR OVERTIME COMPENSATION**

### **610.4.1 EMPLOYEE RESPONSIBILITIES**

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Record the actual time worked in an overtime status using the county-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (c) Submit the request for overtime compensation pursuant to county payroll procedures.

## *Overtime Compensation*

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### **610.4.2 SUPERVISOR RESPONSIBILITIES**

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
  1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of county resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
  1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an internal investigation.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.
  1. After the head of the department has authorized compensation, the request shall be submitted to the Human Resources Director or authorized designee as soon as practicable.

Supervisors may not authorize or approve their own overtime.

### **610.5 VARIATION IN TIME REPORTED**

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

### **610.6 MAXIMUM ACCRUAL OF COMPENSATORY TIME**

The maximum accrual for non-exempt personnel shall be 20 hours without approval by the Board of County Commissioners and 160 hours for Road and Building Department personnel. If any employee exceeds the maximum, then the Human Resources Director is directed to use up such compensatory time prior to utilizing vacation or sick leave.

### **610.7 REQUESTING USE OF COMPENSATORY TIME**

Every effort should be made to keep the accumulation of overtime hours to a minimum. Employees who have accrued compensatory time shall be allowed to use that time for time off within the current or following pay period, unless special arrangements have been made between the supervisor and the employee, if the request does not unduly disrupt county operations (29 USC § 207(o)). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

# Work-Related Illness and Injury Reporting

## 611.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness.

### 611.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related condition** - Any significant medical or mental condition suspected to have been caused by an employee's service to the County. Any condition that would reasonably require some form of treatment should be considered significant.

## 611.2 POLICY

The County will address work-related conditions and will comply with applicable state workers' compensation requirements.

## 611.3 RESPONSIBILITIES

### 611.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related conditions as soon as practicable, but within 24 hours, to a supervisor, and seek medical care when appropriate.

### 611.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related condition should:

- (a) Ensure the employee receives medical care as appropriate.
- (b) Determine whether the Illness and Injury Prevention Policy applies and take additional action as required.
- (c) Review the report for accuracy and determine whether the work-related condition is required to be reported to the state or workers' compensation entity and whether any additional action should be taken.
- (d) Forward the report to the Human Resources Director or the authorized designee within seven days of the date of occurrence to be maintained in the employee's confidential medical file.

## 611.4 OTHER ILLNESS OR INJURY

Work-related conditions that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Human Resources Director or the authorized designee.

*Work-Related Illness and Injury Reporting*

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Unless the injury is extremely minor, the affected employee shall sign the form indicating no desire for medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

**611.5 SETTLEMENT OFFERS**

When an employee experiences a work-related condition that is caused by another person and is subsequently contacted by that person, that person's agent, an insurance company, or an attorney and offered a settlement, the employee shall take no action other than to submit a written report of this contact to a supervisor as soon as possible.

**611.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the Board of County Commissioners or the authorized designee with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Board of County Commissioners or the authorized designee. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related condition, and to protect the county's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

# Temporary Modified- Duty Assignments

## **612.1 PURPOSE AND SCOPE**

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, county rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the County to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

## **612.2 POLICY**

Subject to operational and business considerations, the County may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the County with a productive employee during the temporary period.

## **612.3 GENERAL CONSIDERATIONS**

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the County. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The Department Head or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a county vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

## **612.4 PROCESS**

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

## *Temporary Modified- Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to the Department Head and the Human Resources Director or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the County and the limitations of the employee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Department Head, with notice to the Human Resources Director or the authorized designee.

### **612.5 ACCOUNTABILITY**

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate county operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

#### **612.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Department Head and Human Resources Director or the authorized designee that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

## *Temporary Modified- Duty Assignments*

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### **612.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

- (a) Periodically apprising the Department Head and Human Resources Director or the authorized designee of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Department Head and Human Resources Director or the authorized designee and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

### **612.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The County may require a fitness-for-duty examination prior to returning an employee to full-duty status.

### **612.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

#### **612.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the county's personnel rules and regulations regarding family and medical care leave.

### **612.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

*Temporary Modified- Duty Assignments*

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**612.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

# Speech, Expression, and Social Networking

## 613.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the County.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 613.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the County. Due to the nature of the work and influence associated with local government employees, it is necessary that county personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the County will carefully balance the individual employee's rights against the needs and interests of the County when exercising a reasonable degree of control over its employees' speech and expression.

## 613.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the County. In order to meet the safety, performance, and public-trust needs of the County, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- (a) Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.
- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the County or its employees.
- (c) Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the County and tends to compromise

## *Speech, Expression, and Social Networking*

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or damage the mission, function, reputation, or professionalism of the County or its employees. Examples may include:

1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
2. Intentionally misrepresenting on social media actions taken by the County that would damage the county's reputation.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of county employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the County for financial or personal gain, or any disclosure of such materials without the express authorization of the Board of County Commissioners or the authorized designee.

(e) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of county logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the County on any personal or social networking or other website or web page, without the express authorization of the Board of County Commissioners or the authorized designee.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### 613.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the County or identify themselves in any way that could be reasonably perceived as representing the County in order to do any of the following, unless specifically authorized by the Board of County Commissioners or the authorized designee:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this county, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the County.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees

## *Speech, Expression, and Social Networking*

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may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

### **613.4 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any county technology system (see the Information Technology Use Policy for additional guidance).

However, the County may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

### **613.5 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Board of County Commissioners or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the County or the efficiency or morale of its employees.
- (c) Whether the speech or conduct would reflect unfavorably upon the County.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the County.

### **613.6 TRAINING**

Subject to available resources, the County should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

# Illness and Injury Prevention

## **614.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the County.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each department within the County may set its own related policies or procedures that do not conflict with this policy.

## **614.2 POLICY**

The County is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The County should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the County to comply with all laws and regulations related to occupational safety.

## **614.3 ILLNESS AND INJURY PREVENTION PLAN**

The County Risk Manager or the authorized designee is responsible for developing an illness and injury prevention plan that should include:

- (a) Workplace safety and health training programs.
- (b) Review of county workplace safety policies and procedures of each department.
- (c) Regularly scheduled safety meetings.
- (d) Posted or distributed safety information.
- (e) A system for employees to anonymously inform management about workplace hazards.
- (f) Establishment of a safety and health committee that will:
  - 1. Meet regularly.
  - 2. Include representation from each department.
  - 3. Prepare a written record of safety and health committee meetings.
  - 4. Review the results of periodic scheduled inspections.
  - 5. Review investigations of accidents and exposures.
  - 6. Make suggestions to supervisors for the prevention of future incidents.
  - 7. Review investigations of alleged hazardous conditions.
  - 8. Submit recommendations to assist in the evaluation of employee safety suggestions.

*Illness and Injury Prevention*

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9. Assess the effectiveness of efforts made by the County to meet applicable standards.
- (g) Establishing a process to ensure illnesses and injuries are reported as required under state law.
- (h) The plan should be reviewed, approved, and adopted by the Board of County Commissioners.

**614.4 MANAGER/ADMINISTRATOR RESPONSIBILITIES**

The responsibilities of the County Risk Manager or the authorized designee include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
  1. New employee orientation that includes a discussion of safety and health policies and procedures.
  2. Regular employee review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- (d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  1. Informing employees of the illness and injury prevention guidelines.
  2. Recognizing employees who perform safe work practices.
  3. Ensuring that the employee evaluation process includes employee safety performance.
  4. Ensuring compliance with any applicable safety standards related to:
    - (a) Communicable diseases
    - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
    - (c) Emergency Action Plan
    - (d) Walking-working surfaces
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.

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- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

**614.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include but are not limited to:

- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- (c) Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to the County Risk Manager.
- (e) Notifying the County Risk Manager or the authorized designee when:
  - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
  - 2. New, previously unidentified hazards are recognized.
  - 3. Work-related illnesses and injuries occur.
  - 4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
  - 5. Workplace conditions warrant an inspection.

**614.6 HAZARDS**

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the County Risk Manager or the authorized designee.

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The County Risk Manager or the authorized designee will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

### **614.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The County Risk Manager or the authorized designee should ensure that the appropriate documentation is completed for each inspection.

#### **614.7.1 EQUIPMENT**

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Employees should complete the appropriate form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

### **614.8 INVESTIGATIONS**

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

### **614.9 TRAINING**

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.

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- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the County is made aware of a new or previously unrecognized hazard.

**614.9.1 TRAINING TOPICS**

Training topics should include, as applicable:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretches and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

**614.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

# Workplace Violence

## **615.1 PURPOSE AND SCOPE**

The purpose of this policy is to make clear that the County does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

## **615.2 POLICY**

It is the policy of the County to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the County is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

## **615.3 PROHIBITED BEHAVIOR**

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting county business or on county property.

No employee engaged in county business shall carry or possess weapons or explosives unless either:

- (a) Permitted by county policy.
- (b) State or local law prohibits the County from restricting the possession of the weapon or explosive.

## **615.4 REPORTING AND INVESTIGATING**

### **615.4.1 EMPLOYEE RESPONSIBILITY**

Employees who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

### **615.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES**

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the Human Resources Director or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

## *Workplace Violence*

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### **615.4.3 INVESTIGATION**

The Human Resources Director or the authorized designee will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

County employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

### **615.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR**

County employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the Human Resources Director or the authorized designee as soon as practicable so that any appropriate safety measures or plans may be developed.

### **615.5 RETALIATION PROHIBITED**

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor or the Human Resources Director or authorized designee.

### **615.6 RESTRAINING ORDERS**

Employees who obtain a restraining order listing their workplace, person, or the County property as a protected area must provide a copy of the restraining order to their immediate supervisor or the Human Resources Director or the authorized designee. The County needs this information in order to provide a safe workplace.

### **615.7 FOLLOW-UP ACTION**

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the County takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

## *Workplace Violence*

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If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

### **615.8 LEGAL ACTION**

The Human Resources Director or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the County to reduce future or threatened violent behavior in the workplace.

### **615.9 CORRECTIVE ACTIONS**

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

- Placing the involved employee on administrative leave pending further review and determination of permanent action.
- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.
- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

### **615.10 WORKPLACE VIOLENCE PREVENTION**

All county employees are responsible for assisting in the prevention of violence in the workplace.

The County will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the Human Resources Director or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

# Outside Employment

## 616.1 PURPOSE AND SCOPE

This policy provides guidelines for county employees who seek to engage in authorized outside employment.

### 616.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by employees of the County for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

## 616.2 POLICY

County employees shall provide written notice to their Department Head or the authorized designee prior to engaging in any outside employment.

## 616.3 REQUIREMENTS

### 616.3.1 PROHIBITED OUTSIDE EMPLOYMENT

The County reserves the right to discipline any employee for outside employment that involves:

- (a) The use of county time, facilities, equipment, or supplies.
- (b) The use of any county badge, uniform, or influence for private gain or advantage.
- (c) The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the County.
- (e) Demands upon the employee's time that would render the employee's work performance for the County deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the County.

### 616.3.2 LOCAL GOVERNMENT RESOURCES

Employees are prohibited from using any county equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the County to gain access to official records or databases.

## *Outside Employment*

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### 616.3.3 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees who terminate their outside employment shall submit written notification of such termination to their Department Head.

Employees should also submit in writing to their Department Head any material changes in outside employment, including any change in the number of hours, type of work, or the demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### 616.3.4 LEAVE OR RESTRICTED DUTY STATUS

Employees who are placed on leave or other restricted duty status shall inform their Department Head in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The Department Head shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Human Resources or the authorized designee regarding whether such employment should continue.

In the event that the Human Resources or the authorized designee determines that the outside employment should be discontinued, or if the employee fails to promptly notify a Department Head of the employee's intention regarding outside employment, a prohibition against continuing the outside employment will be forwarded to the employee and a copy attached to the original outside employment notice.

Criteria for prohibiting outside employment due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the employee.
- (b) The outside employment requires performance of the same or similar physical ability as would be required in the employee's county job.
- (c) The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the County, a written request may be submitted to the Department Head or the authorized designee to approve the outside employment request.

### 616.3.5 REVOCATION

Any employee whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.
  - 1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.

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- (b) When an employee's conduct or outside employment conflicts with county policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the County.

# Personal Appearance Standards

## **617.1 PURPOSE AND SCOPE**

This policy provides guidelines for the personal appearance of county employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

## **617.2 POLICY**

County employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to county employees.

## **617.3 GROOMING**

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

### **617.3.1 PERSONAL HYGIENE**

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- (a) Hair shall be neatly trimmed or arranged.
- (b) Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- (c) Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

## **617.4 APPEARANCE**

### **617.4.1 JEWELRY**

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

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**617.4.2 TATTOOS**

During work hours and while representing the County in any official capacity, employees shall cover any offensive tattoo or body art. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

**617.4.3 BODY PIERCING OR ALTERATION**

Body piercing (other than earlobes) or alteration to any area of the body that is visible while representing the County in any official capacity, that is a deviation from normal anatomical features, and that is not medically required must maintain appropriate standards of professionalism.

**617.4.4 DENTAL ORNAMENTATION**

Dental ornamentation that is for decorative purposes and that is not medically required must maintain appropriate standards of professionalism.

**617.4.5 COSMETICS AND FRAGRANCES**

Cosmetics shall present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

**617.5 EXEMPTIONS**

County employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the Human Resources Director or the authorized designee. The Board of County Commissioners should be advised any time a request for accommodation is denied.

## Dress Code

### **618.1 PURPOSE AND SCOPE**

This policy provides dress code guidelines for county employees.

Other related topics are addressed in the Local Government-Owned and Personal Property and Personal Appearance Standards policies.

### **618.2 POLICY**

It is the policy of the County that uniformed employees are readily identifiable to the public through the proper use and wearing of county uniforms and that the appearance of all employees is suitable and appropriate for their position.

### **618.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES**

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- (a) Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- (c) Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.
- (d) No item of civilian attire that would adversely affect the reputation of the County or employee morale may be worn during work hours.
- (e) The following items shall not be worn during work hours or when representing the County in any official capacity:
  - 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
  - 2. Exposed undergarments
  - 3. Swimsuits, tank tops, tube tops, or halter tops
  - 4. Sweatpants or similar exercise clothing
  - 5. Spandex-type pants or transparent clothing
  - 6. Shorts
  - 7. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, obscene language, or unprofessional themes or content

### **618.4 UNIFORMS**

The County will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement,

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if applicable. The County may provide other employees with uniforms at the direction of the Department Head.

The Department Head or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear county-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- (b) Uniforms shall be worn in compliance with any applicable county specifications.
- (c) Uniforms are only to be worn during work hours, at official county functions or events, while in transit to or from work, or when authorized by the Department Head or the authorized designee.
- (d) Employees are not to purchase or drink alcoholic beverages while wearing any part of county-issued uniforms.
- (e) Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a county-issued uniform.

All uniforms and equipment issued to county employees shall be returned to the County upon termination or resignation.

**618.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES**

County employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the Department Head or the authorized designee.

Employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Department Head or the authorized designee.

# Family and Medical Leave

## 619.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the Board of County Commissioners or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

### 619.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

**FMLA** - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

**Qualified health care professional** - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the county benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

**Spouse** - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

## *Family and Medical Leave*

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### **619.2 POLICY**

It is the policy of the County to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

### **619.3 ELIGIBLE EMPLOYEES**

Employees are eligible for FMLA after working for the County for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

### **619.4 TYPE AND DURATION OF LEAVE**

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

#### **619.4.1 SERIOUS HEALTH CONDITIONS**

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the County, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

## *Family and Medical Leave*

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### 619.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the County, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

### 619.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

### 619.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

## *Family and Medical Leave*

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During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the County, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

### **619.4.5 INTERMITTENT LEAVE**

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the Board of County Commissioners, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

### **619.4.6 PREGNANCY DISABILITY LEAVE**

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The Board of County Commissioners shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

## **619.5 EMPLOYMENT BENEFITS WHILE ON LEAVE**

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the County may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29

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CFR 825.213). The County may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

### **619.6 SUBSTITUTION OF PAID ACCRUED LEAVES**

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

### **619.7 USE OF FMLA LEAVE**

If an employee takes a leave of absence for any reason that is FMLA qualifying, the County may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

### **619.8 PROCEDURES**

The following procedures will apply for all employees requesting leave under FMLA:

- (a) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to county operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the County, the supervisor should forward the request and any medical certifications to the Board of County Commissioners or the authorized designee and ensure the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

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Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

### **619.9 REINSTATEMENT FOLLOWING LEAVE**

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the Board of County Commissioners or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the Board of County Commissioners or the authorized designee in consultation with the legal counsel will determine whether non-FMLA leave should apply.

### **619.10 RESPONSIBILITY**

The responsibilities of the Board of County Commissioners or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.
- (c) Determining if leave is for an FMLA-qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
  1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
- (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

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The Board of County Commissioners or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

**619.11 RECORDS**

The County will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the county's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

**619.12 NOTICE TO EMPLOYEES**

The Board of County Commissioners or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the County where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

# Sick Leave

## **620.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding the use and processing of sick leave. Additional terms for the use of sick leave for eligible employees may be covered in another applicable county policy or employment agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

## **620.2 POLICY**

It is the policy of the county to provide eligible employees with a sick leave benefit.

## **620.3 USE OF SICK LEAVE**

Sick leave is intended to be used for qualified absences. 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. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

Sick leave may be utilized for the first three days of a work-related injury or illness if those days are not compensated under Workers' Compensation benefits.

### **620.3.1 NOTIFICATION**

All employees should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the County with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

## Sick Leave

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### **620.4 ACCRUAL AND CARRY OVER**

Eligible county employees shall accumulate sick leave at the rate of one day of leave per month. Additional compensated sick leave may be granted (advanced) to an employee by the Board of County Commissioners at its discretion. Unused current and accrued sick leave may be carried forward to succeeding years. However, no more than 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 60 days shall be paid at 50 percent of the employee's daily rate of compensation for the number of days in excess of sixty 60 days.

Sick leave may not be accrued during a period where a leave of absence without pay is being granted. Sick leave may not accrue when the employee is not working due to a work-related injury or illness (Workers' Compensation Injury).

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 payout of the employee's accrued sick leave benefits. Similarly, when a non-exempt employee becomes an exempt employee, they shall not receive a payout of their accrued sick leave benefits.

### **620.5 EXTENDED ABSENCE**

Employees absent from work for more than three consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

### **620.6 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Director as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
  1. Negatively affected the employee's performance or ability to complete assigned tasks.
  2. Negatively affected county operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.

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- (e) Referring eligible employees to an available employee assistance program when appropriate.

# Equal Employment Opportunity

## **621.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide information and direction regarding Equal Employment Opportunity in employment with Beaver County.

## **621.2 POLICY**

It is the policy of Beaver County to comply with the guidance set forth in federal law, including Title VII of the Civil Rights Act of 1964, Executive Order No.11245, of September 24, 1957; 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.

## **621.3 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.

## **621.4 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.

## **621.5 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 Commissioners and consent of elected officials.

# Travel Expenses

## 622.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for submission and payment of county travel-related expenses. This policy applies to all employees and elected officials who incur travel expenses on behalf of the County.

### 622.1.1 DEFINITIONS

Definitions related to this policy include:

**Travel expenses** - Eligible expenses for travel, lodging, meals, and registration fees associated with participation in approved training programs, conventions, seminars, memorials, and other events that relate to an employee's or elected official's responsibilities, training, and/or education, or that serve a direct county purpose.

## 622.2 POLICY

It is the policy of the County to reimburse employees and elected officials for reasonable and necessary work-related travel expenses.

### 622.2.1 FAMILY MEMBERS

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.

## 622.3 COORDINATOR

The Board of County Commissioners should designate an employee to develop and maintain procedures related to this policy. Procedures should include:

- (a) Detailed processes for submitting pre-approvals and travel reimbursement requests.
- (b) Reviewing and maintaining necessary forms and documentation.
- (c) Periodic audits to review compliance with this policy.

## 622.4 EXPENSE GUIDELINES

Even though this policy focuses primarily on reimbursement of travel expenses, certain expenses may be advanced to the traveler. Such advances must be requested at least two 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.

### 622.4.1 TRANSPORTATION

All travel should be by the most cost-effective means possible, considering distance, location, and type. Prior to requesting any of the following forms of travel, employees shall ensure that no county vehicle (including a pool vehicle) is available for use:

## *Travel Expenses*

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- (a) County vehicle
  - 1. When using a county vehicle, the fuel, tolls, and reasonable parking expenses (e.g., valet should not be used unless there is no other option) will be reimbursed.
- (b) Private vehicle
  - 1. When using a private vehicle, reimbursement will be at the current IRS mileage rate.
    - (a) If a county vehicle is available and the employee chooses to drive a personal vehicle, they shall be reimbursed at 50 percent of the mileage reimbursement rate.
- (c) Rental vehicle, train, and air
  - 1. Employees should obtain approval from the Department Head or the authorized designee before booking a rental vehicle, train fare, or airfare.
  - 2. Full reimbursement may not be approved if the employee or elected official does not obtain advance approval and/or does not purchase the most economical fare.
  - 3. The County will reimburse for the basic or economy rate. Employees and elected officials who choose to travel first class, etc., are responsible for paying the difference with personal funds.

The above requirements do not apply to employees who work on the west side of the County.

### **622.4.2 ACCOMMODATIONS**

If travel requires the employee or elected official to stay overnight, the employee or elected official should arrange lodging and request approval from the Department Head or the authorized designee before departure.

Lodging should be at or near the event at standard United States Government Services Administration (GSA) rates. Employees or elected officials should make all reasonable efforts to get the best rates possible, including researching whether government rates are available and whether tax-exempt certificates are accepted or assignments of rights to refund are provided. Employees or elected officials are expected to take reasonable steps to provide or obtain the forms for tax exemption, when applicable, and submit the forms to the County in a timely manner.

### **622.4.3 MEALS**

Employees or elected officials traveling on county business may choose meal cost reimbursement according to the terms and conditions as established by the GSA.

### **622.4.4 PROHIBITED EXPENSES**

Expenses not eligible for reimbursement include but are not limited to:

- (a) Expenses for any non-employee or non-elected official.
- (b) Non-business-related telephone calls.

## *Travel Expenses*

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- (c) Entertainment expenses unless pre-approved by the Board of County Commissioners or the authorized designee.
- (d) Alcoholic beverages.
- (e) Outside meals if the conference/event lodging reservation includes a meal package.
- (f) Any travel-related expense that is covered by another source.

### **622.5 APPROVALS**

All travel should be pre-approved by the Department Head or the authorized designee. Once travel has been completed, the employee or elected official should submit supporting documentation for travel expense reimbursement:

- (a) To the Department Head or the authorized designee for review and approval as soon as practicable, but no later than 14 days after completion of travel.
- (b) On a Travel Claim Form.
- (c) With an attached receipt or other documentation of the expense.

Supporting documentation includes:

- (a) Receipts for travel expenses including but not limited to:
  1. Hotel
  2. Meals
  3. Parking
  4. Rideshare or taxi
  5. Public transit such as local buses or light rail trains
- (b) Agendas for conferences and training programs
- (c) Registration receipts for conferences and training programs

Upon receipt of a request for reimbursement, the Department Head or the authorized designee should review and process the request as appropriate. If additional information is needed to process the request, the employee should be given an opportunity to provide the information. If a request for reimbursement is denied, the reason for the denial should be provided in writing, and the employee should have an opportunity to respond.

If an employee fails to follow the required processes and obtain appropriate approvals, reimbursement of travel expenses may be denied.

# Cash and Payment Platform Management

## 623.1 PURPOSE AND SCOPE

This policy provides for the establishment and administration of county cash funds. This policy also addresses electronic platform payments.

## 623.2 POLICY

The County will establish, administer, and maintain cash funds according to this policy.

### 623.2.1 DEFINITIONS

Definitions related to this policy include:

**Custodian** - The individual designated by the Department Head, or the authorized designee, as having custody of and responsibility for maintaining cash funds.

## 623.3 RESPONSIBILITIES

### 623.3.1 COUNTY CLERK/AUDITOR RESPONSIBILITIES

The County Clerk/Auditor, or the authorized designee, is responsible for establishing and maintaining procedures for the operation of cash funds consistent with state and local law. The procedures should include but are not limited to:

- (a) Designation of a cash fund custodian.
- (b) A cash ledger (log) for use by the custodian. The ledger may be maintained electronically or by hand and should require the following information for all transactions:
  1. The name of the employee receiving cash
  2. The amount disbursed to the employee
  3. The reason for the disbursement
  4. The amount of any cash returned
- (c) A requirement that the cash fund be audited by the County Clerk/Auditor or authorized designee at least quarterly and that the results of the audit are provided to the Board of County Commissioners.
- (d) Creation of disciplinary guidelines for situations where the custodian has violated this policy or applicable procedures, or where an employee is found to have provided false information for the purpose of obtaining cash funds, including referral to law enforcement when the facts indicate that a crime may have occurred.
- (e) Designation of a physical location for the cash fund. The fund should be secured in the following manner:
  1. A lockbox with a key or combination lock.
  2. The lockbox should then be stored in a safe, securable drawer, cabinet, or locker.

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3. The safe, securable drawer, cabinet, or locker should be in a securable room or office with restricted access.

**623.3.2 PAYMENT PLATFORM CUSTODIAN RESPONSIBILITIES**

The custodian's responsibilities should include but are not limited to:

- (a) Maintaining the fund according to this policy, payment platform procedures, and state and local laws.
- (b) Remaining familiar with applicable state and local laws relating to payment platform funds and proposing related updates to procedures as necessary.
- (c) Maintaining the payment platform ledger (log) according to this policy and the petty cash procedures.
- (d) When someone other than the custodian will be handling the payment platform fund, accounting for all payment platform purchases before transferring payment platform responsibilities to the alternate custodian.

# Conflict of Interest

## 624.1 PURPOSE AND SCOPE

The purpose of this policy is to assist employees in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the County. Utah State Code also provides guidelines for local government officers and employees regarding disclosure of business interests and avoidance of actual or potential conflicts of interest. State law prevails in any instance where there appears to be a discrepancy between this policy and state law.

### 624.1.1 DEFINITIONS

Definitions related to this policy include:

**Business relationship** - A situation when an employee serves as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the employee's annual interest, compensation, investment, or obligation is greater than \$250. This includes business relationships as defined by state law.

**Conflict of interest** - Any actual, perceived, or potential conflict of interest in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by an employee's personal or business relationship. This includes conflicts defined and prohibited by state law.

## 624.2 POLICY

Employees of the County are expected to conduct themselves with the utmost professional integrity and objectivity. Employees will guard against actual or perceived conflicts of interest to ensure the fair and equitable treatment of county employees and the public, and thereby maintain the trust of the public and county employees in accordance with [UCA 67-16](#).

## 624.3 RESTRICTED DUTIES AND ASSIGNMENTS

The County prohibits the following types of personal or business relationships among employees in accordance with [UCA 52-3-1](#):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor should make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the County will attempt to make every reasonable effort to avoid placing such employees in supervisor/subordinate situations. The County, however, reserves the right to transfer or

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reassign any employee to another position within the same classification to avoid conflicts with any provision of this policy.

- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, trainers should not be assigned to train relatives. Trainers are prohibited from entering or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) If special circumstances warrant consideration of an exception, the Human Resources 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 Human Resources Director verifying the individual's suitability for the position.

**624.3.1 EMPLOYEE RESPONSIBILITY**

Employees shall follow all laws regarding actual or perceived conflicts of interest and should avoid situations that create the appearance of an actual or perceived conflict of interest. Employees should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved employee).

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or to provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, that employee shall promptly notify an uninvolved immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Human Resources Director to have another uninvolved employee either relieve the involved employee or, minimally, remain present to witness the action.

**624.3.2 SUPERVISOR RESPONSIBILITY**

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor should take all reasonable steps to promptly mitigate or avoid such violations whenever possible.

Supervisors should also promptly notify the Board of County Commissioners of such actual or potential violations.

# Fitness and Wellness

## **625.1 PURPOSE AND SCOPE**

The purpose of the Fitness and Wellness Program is to encourage, motivate, and challenge employees to take an active interest in their physical performance capability and to promote general employee health and well-being.

## **625.2 POLICY**

The County may establish a voluntary fitness and wellness program that is available to all county employees.

## **625.3 FITNESS AND WELLNESS COORDINATOR**

The Board of County Commissioners or the authorized designee may appoint a fitness and wellness coordinator. The fitness and wellness coordinator should be responsible for:

- (a) Establishing program components.
- (b) Administering the program.
- (c) Managing the delivery of education and services.
- (d) Communicating fitness and wellness opportunities to employees.
- (e) Maintaining records of program successes and participation rates. Names of participants should not be included.
- (f) Managing the program within the established budget.

## **625.4 TRAINING**

Training documentation related to the fitness and wellness coordinator position should be maintained in the employee's training file.

# Position Management

## 626.1 PURPOSE AND SCOPE

This policy provides guidance regarding position management.

## 626.2 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:

- (a) The development or revision of a current job description.
- (b) The proper classification of the position and assignment to an established pay grade and range.
- (c) The presentation and justification as to the need for the position or for the promotion and advancement of an employee.
- (d) Verification that funds are available to support the position.

## 626.3 JOB DESCRIPTIONS

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 Human Resources Director. Based upon obtained information, the Human Resources 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 Human Resources 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:

- (a) The classification of the position and determination of the pay rate.
- (b) Preparation of examinations and for determination as to whether an applicant or employee meets minimum requirements for a particular class of position.
- (c) Preparation of a position announcement soliciting applications from interested individuals for position vacancies.
- (d) 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.

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- (e) The basis for the development of performance management objectives and evaluations.

**626.4 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.

**626.5 RECLASSIFICATION**

If the duties and responsibilities of a position change significantly, the Human Resources 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 Human Resources Director shall inform the Board of County Commissioners of such reclassification actions.

**626.5.1 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.

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:

- (a) The employee shall be returned to a previous position at a salary appropriate for the position, which may entail a reduction in pay.
- (b) The employee may be promoted based upon performance, qualifications and position availability.
- (c) The affected employee(s) may be transferred to another office/department to fill an open position commanding equal or lesser compensation.

If none of the alternatives are available, the employee may be separated from employment.

If the employee's 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 years. If during the two-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 years, the employee's pay rate still falls above the maximum of the pay range, that employee's pay rate shall be reduced to the maximum of the assigned position.

# Compensation

## **627.1 PURPOSE AND SCOPE**

This policy provides information regarding compensation for county employees.

## **627.2 POLICY**

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.

## **627.3 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.

## **627.4 COST OF LIVING VERSUS 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, 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 Human Resources Department to accommodate cost-of-living increases, if the adjustment is authorized by the Board of County Commissioners.

### **627.4.1 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.

## **627.5 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:

- (a) An employee cannot be recruited to the position at the beginning rate; or
- (b) 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.

*Compensation*

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**627.6 MERIT INCREASES**

New employees are eligible for a pay increase after satisfactory completion of six months of employment. Thereafter, the employee is eligible for a merit based increase as determined by Department Head and approved by Board of County Commissioners. With an exception of a special merit increase, no employee shall be eligible for a merit increase more than one time within a 12-month period. Pay increases for Certified Peace Officers and Special Function Officers (SFO) shall be made in accordance with the current wage schedule.

**627.6.1 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 Commissioners.

**627.7 SPECIAL PUBLIC SAFETY COMPENSATION**

**627.7.1 SAFETY SHIFTS**

Law enforcement personnel may choose to work safety shifts upon approval by the appropriate supervisor at one and one-half times their regular rate of pay.

**627.7.2 SWAT TEAM**

The Beaver County Sheriff's Office SWAT (Special Weapons and Tactics) team members will normally work six training hours per 14 day work week and shall be entitled to be paid for these training hours at one and one-half times their regular rate of pay.

**627.7.3 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 times their regular rate of pay the contract rate with the Fifth District Court.

**627.8 TRAINEE COMPENSATION**

During the training period, the trainee may be paid at one 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 Human Resources Director.

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.

# Vacation

## **628.1 PURPOSE AND SCOPE**

This policy provides guidance regarding vacation.

## **628.2 POLICY**

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. 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.

## **628.3 ELIGIBILITY**

All full-time employees are eligible for vacation. All employees who work more than 20 hours per week, but less than or equal to 39 hours per week, are eligible for vacation on a prorated basis. 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.

Probationary employees accrue vacation but are not eligible to use it until completion of probation.

### **628.3.1 USE**

Employees may use vacation only with approval of the Department Head or designee. A county holiday which falls within the time period of an employee's scheduled vacation shall not be charged as vacation.

The County will not advance vacation days. No Elected Official or Department Head may authorize the use of non-accrued vacation time.

## **628.4 ACCRUAL**

Vacation is accrued based on the following schedule:

<u>County Service</u>	<u>Monthly Accrual</u>	<u>Annual Accrual</u>
Up to 2 years	.5 days	6 days
3 to 8 years	1 day	12 days
9 to 16 years	1.5 days	18 days
17 or more years	2 days	24 days

All increases in vacation accrual become effective on the employee's anniversary date.

Vacation leave shall not be accrued during any period of unpaid status with the County (such as leave of absence without pay (LWOP) or disability compensation such as Workers' Compensation).

*Vacation*

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If a non-exempt employee becomes an exempt employee, that employee shall be paid in full for all accrued vacation leave and comp time.

**628.4.1 CARRY FORWARD**

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

<u>Hours Worked per Week</u>	<u>Maximum Vacation Accrual</u>
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.

# Promotion and Transfer

## **629.1 PURPOSE AND SCOPE**

This policy provides guidance regarding promotions and transfers for county employees.

### **629.1.1 DEFINITIONS**

**Promotion** - 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.

## **629.2 PROMOTION**

Personnel promoted into a higher pay grade will receive a pay increase. Department Heads and Elected Officials will work in conjunction with the Human Resources Director in establishing promotion criteria for various job classifications. The pay increase shall be effective the pay period following approval from the Department Head.

## **629.3 TRANSFER**

When a position becomes vacant in any office/department, other employees are free to apply for the position without hindrance from any Department Head or Elected Official. The office/department accepting the transferring employee shall accept the transferring employee's accrued vacation, sick leave, and compensatory time as their budgetary obligation.

## **629.4 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 Human Resources 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.

# Separation and Reinstatement

## **630.1 PURPOSE AND SCOPE**

This policy provides guidance regarding separation from employment and reinstatement to employment.

## **630.2 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 Human Resources Director, shall attempt to utilize the following sequence as far as practicable by separating and/or reducing work hours for:

- (a) Temporary/seasonal employees
- (b) Regular part-time employees
- (c) Regular full-time employees

In determining which employee(s) shall be separated, the Human Resources Director, in conjunction with Department Heads and Elected Officials 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.

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 weeks' of compensation in lieu of two-week notice.

## **630.3 TERMINATION**

Regular full-time and regular part-time employees may be subject to termination for cause. Temporary, seasonal, contract, and exempt personnel may be terminated "at will" or according to terms of individual employment agreements.

Employees terminated for cause are ineligible for severance pay.

## **630.4 RESIGNATION**

Whenever an employee resigns, an exit interview should be conducted by the Department Head or Elected Official and/or the Human Resources Director. If the reason for the resignation is a misunderstanding or mistake by the County, an effort shall be made to correct the situation.

Employees who resign and desire to leave the County in good standing should give a minimum two-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 or Elected Official.

## *Separation and Reinstatement*

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### **630.4.1 JOB ABANDONMENT**

An employee who is absent from work for three 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 or Elected Official.

### **630.5 RETIREMENT**

The County participates 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. Under provisions of the Utah State Retirement Act, some employees may qualify to retire as early as age 60 or upon completion of 25 years of accredited service. Contributions into the retirement system shall be made for all employees working 20 hours or more per week.

An Early Retirement Agreement may be considered on a case-by-case basis under the varying circumstances that may exist within the county each year, if the employee has a minimum of 25 years of service, is 60 years of age, and is approved by the Board of County Commissioners. The opportunity to enter an Early Retirement Agreement shall be made available to eligible employees each year during the month of August, and shall likewise become available from August 1st through August 31st every year thereafter. However, the opportunity to enter an Early Retirement Agreement shall be available only to eligible employees giving notice to the Board of County Commissioners within the 30-day period of the employee's intent to enter an Early Retirement Agreement.

### **630.6 SEPARATION PAY**

Accumulated earned vacation time shall be paid for by the employing department when an employee terminates from county service. Salary computations for all separating employees shall be calculated on a working day basis at the base in effect at the time of termination. Unless separation occurs through retirement, employees separating from county employment shall not be compensated for any unused sick leave. Employees retiring pursuant to the provisions of the Utah Retirement Act and the Utah Public Safety Retirement Act shall receive 50 percent of their daily rate of compensation for the number of sick hours accumulated.

Deductions from separation pay may be made where the separating employee has outstanding obligations to the County. The County may withhold the payment of termination pay if the employee fails to return county property in their possession. 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 separation. The Human Resources Director, under the direction of the Department Head or Elected Official, shall determine the amount of separation 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.

*Separation and Reinstatement*

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**630.7 HEALTH INSURANCE CONTINUATION**

Employees separating from employment who have been employed for six consecutive months prior to the termination event will be allowed to continue group medical and hospitalization insurance coverage at a cost to the employee for up to 18 months from the date of separation (except when terminated for gross misconduct as provided under UCA section 31A-22-714), under or Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA). Employees and/or dependents shall be notified within five days from the date of separation regarding extension and conversion privileges and must reply in writing and submit the premium payment within 50 days of notice or forfeit this 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 employees) are eligible to continue insurance at their cost for up to 36 months upon the occurrence of the following:

- (a) An employee's loss of eligibility for coverage (except for termination due to gross misconduct).
- (b) The death of the covered employee.
- (c) When dependents cease to be dependent under applicable law.
- (d) Then Medicare-eligible employees cease participation in employer-sponsored plans.

Insurance cannot be continued beyond any of the following:

- (a) The person has not been continuously insured and eligible under the group policy, or its predecessor, for at least the six months prior to separation.
- (b) The date the premium is not paid.
- (c) The date when the individual becomes covered under any other group health plan or is entitled to Medicare benefits.
- (d) In the case of a spouse, when the spouse remarries and becomes covered under another group health plan.
- (e) 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.

**630.8 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 year from the date of termination. A new application form shall be submitted for all reinstatement/rehires made after six months of voluntary termination of employment.

# Group Insurance Benefits

## **631.1 PURPOSE AND SCOPE**

This policy provides information regarding health insurance and unemployment insurance for county employees.

## **631.2 HEALTH INSURANCE**

Employees who are hired to work a minimum of 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 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.

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 Commissioners. 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.

## **631.3 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.

# Donation of Leave

## 632.1 PURPOSE AND SCOPE

This policy provides guidance regarding the donation and use of leave by full-time employees in the event of a non-occupational personal or immediate family serious health condition, injury, or temporary disability.

### 632.1.1 DEFINITIONS

**Donated leave** - Sick leave and/or compensatory time.

**Immediate family** - Spouse, child, or parent as defined by FMLA.

**Serious health condition or injury** - An illness or injury that requires a leave of absence from work of more than 10 work days within two pay periods.

## 632.2 POLICY

No employee, Elected Official, or Department Head 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.

## 632.3 REQUESTING DONATED LEAVE

### 632.3.1 ELIGIBILITY

In order to be eligible to request donated leave, an employee 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 Human Resources Department to reasonably determine whether the condition applies to the leave request.
- (b) Have exhausted all sick leave and other accrueable leave hours.
- (c) Not be receiving any paid benefit such as Short-Term or Long-Term Disability or Workers' Compensation.

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 may be subject to discipline.

### 632.3.2 PROCESS

An employee requesting the donation of leave must first submit a written request to the Human Resources Department including:

- (a) Medical certification of the personal or immediate family member's serious health condition.
- (b) An expected return date to work.

## *Donation of Leave*

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(c) A signed Recipient Agreement verifying current leave balances and acceptance of donated sick time and/or compensatory time.

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.

### **632.4 DONATING LEAVE**

Donation of leave is completely voluntary by each employee and is up to their discretion whether to donate.

An employee wishing to donate leave hours to another employee, must submit a completed Donor Agreement to the Human Resources Department specifying 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.

An employee donating sick leave cannot donate an amount which will cause the donating employee's sick leave balance to fall below 80 hours of accrued sick leave and cannot donate more than 10 hours per incident. An employee donating comp time may donate all their available comp time.

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 comp time upon receipt and approval of their request from the Human Resources Department.

### **632.5 EXCESS LEAVE BALANCE**

When an employee receiving leave receives more hours than needed, the balance of donated hours remaining will revert back to the donors on a percentage given basis after the recipient employee returns to work.

# Bereavement Leave

## 633.1 PURPOSE AND SCOPE

This policy provides guidance regarding time that an employee may take off in order to address the death of a relative (including an immediate family member) or close friend.

### 633.1.1 DEFINITIONS

**Immediate family** - 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.

## 633.2 POLICY

Upon the death of a relative or close friend of an employee, the number of hours or days to be allowed off with pay shall be determined by the supervisor as provided below.

### 633.2.1 IMMEDIATE FAMILY MEMBER

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.

### 633.2.2 OTHER RELATIVES AND FRIENDS

For other relatives and friends, compensatory time, vacation, or leave without pay (LWOP) may be taken when agreed upon by the Elected Official or Department Head and shall not normally exceed four hours.

# Holidays

## 634.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding county holidays for employees.

## 634.2 DESIGNATED HOLIDAYS

The following days have been designated by the County as paid holidays for employees:

<u>Holiday</u>	<u>Occurrence</u>
New Year's Day	January 1
Human Rights Day (MLK)	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Pioneer Day	July 24
Labor Day	1st Monday in September
Harvest Day (in lieu of Columbus Day)	1st Monday of Deer Rifle Hunt
Veteran's Day	November 11
Thanksgiving	4th Thursday in November and next day
Christmas	December 25

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.

Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation on the day of the holiday.

## 634.3 HOLIDAY PAY

All regular employees working more than 1,040 hours per year will receive holiday pay for all designated holidays on a prorated basis upon their standard work week. For offices closing on the holiday, employees will be required to take time off on the designated holiday.

# Military Leave

## 635.1 PURPOSE AND SCOPE

This policy provides guidance regarding leave for county employees related to their military service. The Family Medical Leave Act Policy provides additional guidance regarding specific types of leave related to employees who have spouses, children, parents, or next of kin in the military.

### 635.1.1 DEFINITIONS

**Extended military leave** - A period of six months to four years unless additional leave is approved by the County.

**Short-term military leave** - Any leave of less than six months and normally not longer than 15 days.

## 635.2 POLICY

Leave shall be granted for the active military service of employees subject to the conditions and requirements of this policy. The County complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

## 635.3 SHORT-TERM MILITARY LEAVE

Short-term military leave is authorized for employees pursuant to the following conditions:

- (a) Any employee requesting such leave must provide the Elected Official or Department Head with a copy of the military orders.
- (b) Employees who are members of reserve units of the military shall notify the Elected Official or Department Head at least four 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 on leave without pay status prior to using accrued vacation, sick, 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.

## 635.4 EXTENDED MILITARY LEAVE

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.

*Military Leave*

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- (b) An employee leaving active military duty is allowed 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 Elected Official or Department Head.
- (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 Americans with Disabilities Act (ADA), reasonable accommodation shall be provided unless doing so would prove to be an undue hardship.

# Leaves of Absence

## **636.1 PURPOSE AND SCOPE**

This policy provides guidance regarding leaves of absence. The Family Medical Leave Act Policy provides general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons.

## **636.2 POLICY**

Leaves of absence without pay (LWOP) for reasons other than Family Medical Leave Act (FMLA), shall not be regarded as an acquired right by employees and shall be granted only when county service will not be adversely affected. Requests for leave shall be made in writing, and filed with the Elected Official or Department Head. Circumstances which may be eligible for LWOP consideration may include but not be limited to educational pursuits or emergency service.

### **636.2.1 LWOP - CONDITIONS AND LIMITATIONS**

A leave of absence without pay granted to an employee may not exceed one year in duration and may be terminated prior to the expiration date thereof by the Elected Official or Department Head. Failure of an employee to report for duty promptly at the expiration of their 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.

Prior to being granted leave of absence without pay status, all personal leave and compensatory time must first be exhausted.

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 with 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.

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 in accordance with the Group Insurance Benefits Policy and/or the Separation and Reinstatement Policy.

No benefits shall be provided nor shall personal leave accrue while on leave without pay.

## **636.3 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."

## **Fitness for Duty**

### **637.1 POLICY**

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.

# Residency Requirements

## 638.1 PURPOSE AND SCOPE

This policy provides information regarding the County's residency requirement for employees.

## 638.2 POLICY

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, designated employees shall be residents of Beaver County. Any person applying for employment with the County shall, as required, 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. 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.

Exceptions to the residency requirement may be temporarily granted by the Board of County Commissioners 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.

# Unforeseen Work Interruptions

## **639.1 PURPOSE AND SCOPE**

This policy provides guidance regarding interruption of work for causes outside the control of the County.

## **639.2 POLICY**

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.

## **639.3 PROCEDURE**

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, or supervisor. Such notification shall be initiated no later than one hour prior to the regular start time. Reasonable diligence to make contact is the responsibility of both the Department Head, Elected Official, or 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 or 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 Department Head and Elected Official.

## Political Activity

### **640.1 PURPOSE AND SCOPE**

This policy provides guidance regarding political activity on the part of county employees.

### **640.2 POLICY**

No person employed by the County may be dismissed from service as a result of political opinion or affiliation.

Employees may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this policy 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.

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.

Nothing in this policy shall preclude voluntary contributions by a county employee to the party of candidate of the employee's choice. Nothing in this policy 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.

# Disciplinary Procedures

## **641.1 PURPOSE AND SCOPE**

This policy provides guidance regarding disciplinary procedures for county employees.

## **641.2 POLICY**

Beaver County uses a progressive disciplinary process in order to address employee conduct and performance issues. The primary goal of the process is to assist employees in becoming effective members of the organization.

## **641.3 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:

- (a) The Department Head, Elected Official, or 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.
- (b) Appropriate corrective actions include closer supervision, training, and referral for personal counseling, reassignment or transfer, use of appropriate leave, career counseling, or separation.
- (c) During the implementation of corrective action, the Department Head, Elected Official, or supervisor shall frequently evaluate and document the employee's progress.

## **641.4 VERBAL WARNING**

Whenever grounds for disciplinary action exist, and the Department Head or Elected Official determines that more severe action is not required, the Department Head or 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.

## **641.5 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 with the Human Resources Department.

### **641.5.1 FIRST REPRIMAND**

For the first reprimand, a written warning notice will be issued to the employee with a copy placed in the employee personnel file.

### **641.5.2 SECOND REPRIMAND**

For the second reprimand, an employee may be subject to suspension, demotion, or termination.

## *Disciplinary Procedures*

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### 641.5.3 THIRD REPRIMAND

The penalty for a third reprimand shall be possible termination. If an employee receives three written warning notices for the same or different offenses for the following or similar situations, the employee may be terminated from employment at the time of issuance of the third notice.

### **641.6 ADMINISTRATIVE LEAVE**

The employee may be subjected to administrative leave pending the results of a formal investigation. Administrative leave may be utilized for commission of any of the following and any other good and sufficient reason:

- (a) Gross neglect of duty.
- (b) Insubordination (willful noncompliance to a reasonable directive or assignment).
- (c) Investigation, charging, or conviction of a felony or a crime of moral turpitude while an employee of the County.
- (d) Deliberate or careless conduct endangering the safety of the employee, other employees or the public.
- (e) Inducing or attempting to induce any employee to commit an unlawful act or violation of county regulations, policy procedures, practices or orders.
- (f) 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.
- (g) Carelessness or negligence with county funds or property (misfeasance, malfeasance, or non-feasance).
- (h) Theft or intentional destruction of county property.
- (i) Intentional falsification of personnel records, time reports, or other county records or documents.
- (j) Being under the influence of intoxicants or drugs while on duty.
- (k) Engaging in the distribution of or having possession of illegal drugs.

### **641.7 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 suspension, reduction in pay, demotion, and termination. All such disciplinary measures shall include an investigation, the presentation of allegations to the employee, a notice of potential discipline, and an opportunity for the employee to be heard.

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 Human Resources Director shall schedule and conduct a hearing with the employee within 14 days of such action. Failure of the

## *Disciplinary Procedures*

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employee to appear, without good cause, constitutes a waiver of further appeal by the employee through the county grievance procedure.

The final decision shall be in writing. Elected Officials and Department Heads have the authority to impose the below disciplinary measures.

### **641.7.1 SUSPENSION**

An employee may be suspended without pay for up to 30 calendar days. Normally, employees may not be suspended without pay for more than 60 calendar days in a year.

### **641.7.2 REDUCTION IN PAY**

An employee may have their compensation reduced for a specified period or indefinitely.

### **641.7.3 DEMOTION**

An employee may be demoted from their current position.

### **641.7.4 TERMINATION**

An employee may be terminated from employment with the County for disciplinary reasons.

## **641.8 APPEAL**

Any employee subject to discipline may appeal through the formal grievance/appeal procedures outlined in the Grievance Policy.

The employee may file a written notice of appeal with the Human Resources Director within 10 calendar days after the imposition of discipline. The Human Resources Director shall then refer the appeal to the Board of County Commissioners, which shall begin its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for the discipline. 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 Commissioners.

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