

**SAN JUAN COUNTY
PERSONNEL POLICIES AND PROCEDURES MANUAL
(February 2017)**

SECTION ONE - PERSONNEL SYSTEM PROVISIONS

A.	Purpose	5
B.	Applicability of Policies and Procedures	5
C.	System Standards	5
D.	Authorities for Policies	6
E.	Savings Clause	6
F.	Disclaimer	6
G.	Policy Distribution	6

SECTION TWO - EQUAL EMPLOYMENT OPPORTUNITY

A.	Legal Compliance	8
B.	Anti-Discrimination	8
C.	Nepotism	8

SECTION THREE - ADMINISTRATION

A.	Administration of Policies	9
B.	Official Personnel Records	9
C.	Information Requests	11
D.	Records Retention	12

SECTION FOUR - POSITION MANAGEMENT

A.	Position Allocation	13
B.	Job Descriptions	13
C.	Classification	14
D.	Reclassification	14
E.	Reorganization	14
F.	Position Review	15
G.	Layoff / Reduction In Force (RIF)	15
H.	Abolishment of Position	16

SECTION FIVE - RECRUITING AND HIRING FOR NEW AND VACANT POSITIONS

A.	Recruiting	17
B.	Hiring Procedures	18
C.	Final Appointment	21
D.	Employee Introduction	21
E.	Orientation Period	21
F.	Re-employment of Retirees	22

SECTION SIX - EMPLOYMENT STATUS

A.	Regular Full-time Employees	23
B.	Regular Part-time Employees	23
C.	Exempt Employees	23

D.	Elected Officials	24
E.	Special Appointments	24
F.	Independent Contractors	25
G.	Grant Positions	25

SECTION SEVEN - EMPLOYEE CONDUCT, DISCIPLINE AND EMPLOYMENT ACTIONS

A.	Employee Discipline	27
B.	Progressive Discipline / Employment Actions	28
C.	Other Employment Actions	31

SECTION EIGHT - DISPUTE RESOLUTION / GRIEVANCE PROCEDURE

A.	Basis for Grievance and Appeal Procedures	34
B.	Suspension and Transfer Grievance	34
C.	Demotion and Involuntary Termination Grievance Procedure	35
D.	Grievance Procedure for the Application of Express Terms of these Policies and Procedures which Deprive an Employee of Accrued and/or Existing Pay and/or Benefits	36
E.	Employee Complaint Procedure for Issues Not Grievable, Not Appropriate under the Jurisdiction of an Outside Entity, and Not Covered by a Different Appeal Procedure by the San Juan County Personnel Policies and Procedures	37

SECTION NINE - COMPENSATION

A.	Equitable Pay	39
B.	General Wage/Salary Adjustments	39
C.	Initial Appointment and Promotions	39
D.	Overtime	40
E.	Termination Pay	41
F.	Pay Advancement	41
G.	Severance Pay	41
H.	Payroll Deductions / Withholdings	42
I.	Pay Day	42

SECTION TEN - BENEFITS

A.	Group Health Insurance	43
B.	Vacation	45
C.	Sick Leave	47
D.	Donation of Accrued Leave Time	50
E.	Funeral Leave	50
F.	Holiday Leave	51
G.	Court Leave or Jury Duty	53
H.	Maternity Leave	53
I.	Military Leave	53
J.	Leave Without Pay (LWOP)	56
K.	Administrative Leave	57

L.	Family & Medical Leave (FMLA)	57
M.	Retirement	63
N.	Unemployment Insurance	64
O.	Educational Assistance	64
SECTION ELEVEN - REIMBURSEMENT FOR EXPENSE		
A.	Travel	66
B.	Travel Expenses	67
C.	Use of Personal Vehicles	67
D.	Use of County Vehicles	68
E.	Lodging	69
F.	Per Diem	69
G.	Advance Payments	70
SECTION TWELVE - WORK HOURS		
A.	Normal Work Periods	71
B.	Attendance	71
C.	Lunch Break	71
D.	Rest Periods	72
E.	Unforeseen Work Interruptions	72
SECTION THIRTEEN - WORK POLICIES		
A.	General Conduct	73
B.	Performance Documentation	73
C.	Outside Employment	73
D.	Political Activity	74
E.	Garnishments	75
F.	Drug Free Work Place	75
G.	Non-Smoking Policy	75
H.	Firearms Policy	76
I.	Racial and Sexual Harassment Prohibited	76
J.	Discrimination/ Harassment Based on Other Protected Categories Prohibited	78
K.	Religious Liberty Protections	79
L.	Acceptable Use of County Information Technology (IT) Resources Policy	79
SECTION FOURTEEN - OCCUPATIONAL LAWS		
A.	Occupational Health and Safety	83
B.	Worker's Compensation	85
C.	Coordination of Social Security Benefits	86
D.	Unemployment Insurance	86
SECTION FIFTEEN - EMERGENCIES AND ACCIDENTS		
A.	Accidents	87
B.	Vehicle Safety and Operator Guidelines	87

C.	Providing Assistance to Stranded Motorists	88
D.	Emergency Call Out	89
E.	Personal Safety	89
SECTION SIXTEEN - MISCELLANEOUS		
A.	Supplies, Tools, Equipment	90
B.	County Vehicles	90
C.	County Volunteers	90
D.	Telephone Use (Personal)	91
E.	Use of County Property or Facilities	91
F.	Uniform and Equipment Allowance	91
G.	Gifts, Gratuities, or Other Renumeration	91
H.	Employee Parking	92
ADDENDUM - DEFINITIONS		93
APPENDIX A - Drug Free Workplace Policy		98
APPENDIX B - Social Media Policy		107
APPENDIX C - Return to Work Policy		112

SECTION ONE - PERSONNEL SYSTEM PROVISIONS

- A. **Purpose:** San Juan County is a political subdivision operating under the laws of the State of Utah and administers public funds. The policies and procedures relative to the personnel working for the County are set forth for a dual purpose:
1. To give employees clear, concise information as to their rights, privileges, obligations, and responsibilities.
 2. To provide elected officials, department heads and supervisors direction in dealing consistently and fairly with all employees.
- B. **Applicability:** **These policies and procedures apply to all departments and employees of San Juan County. Except as otherwise specifically noted, these policies and procedures apply to elected officials and department heads as defined and approved by the Board of County Commissioners.**
- C. **System Standards:** The system standards subscribed to by the county shall conform to the following:
1. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge, and skill levels.
 2. Providing adequate and equitable compensation.
 3. Training employees as needed, to assure high quality performance and justify reasonable performance standards.
 4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and dismissing employees whose inadequate performance cannot be corrected.
 5. Assuring a non-discriminatory setting for applicants and employees in all aspects of personnel administration.

6. Providing information to employees regarding their political rights and prohibited practices under the Hatch Act or related legal guidelines.
 7. Providing career employees with a formal procedure for the filing and airing of grievances and appeals without fear of retaliation, discrimination, coercion, restraint or reprisal.
- D. **Authority for Policies:** The policies and procedures of San Juan County are established by the Board of County Commissioners. **The county may alter, amend, or supplement these policies at any time.** Any amendments or changes thereto, must be approved by the Board of County Commissioners. Only the Board of County Commissioners can enter into contracts, agreements, or promises of any kind relative to employment with San Juan County.
- E. **Savings Clause:** If any provision of these policies and procedures, or the application thereof, is found to be in conflict with any State or Federal Law, the conflicting provision is hereby declared inoperative to the extent of the conflict, but such conflict will not affect the operation of the remainder of these policies and procedures, or any of its application.
- F. **Disclaimer:** Nothing contained in this Personnel Policies and Procedures Manual is intended to create a contract or agreement between the county and any employee. Nor are any other obligations or liabilities created by this manual for San Juan County.
- G. **Policy Distribution:** The Human Resource Department, upon adoption, shall distribute this policy to every county department for dissemination to its employees. **Each employee is expected to read and understand the policy and after review will be required to sign a memorandum stating that they have been given a policy, reviewed the policy, and have had an opportunity to seek clarification for those issues and policies not understood.**
1. Notice and a copy of the policy shall be given to each new employee at the time of appointment, but not later than thirty (30) days after appointment.

2. A copy of this policy is to be available for reference in all county departments.
3. The policy is to be updated as necessary to conform to state and federal regulations and when necessary as determined by Human Resources.

San Juan County reserves the right to change all benefits, separation plans, programs, policies, practices, and rules at any time and without prior notice to employees.

Employees may direct any questions regarding this policy to the San Juan County Human Resource Department, San Juan County Courthouse, 117 South Main, Monticello, 587-3225.

SECTION TWO - EQUAL EMPLOYMENT OPPORTUNITY

- A. **Legal Compliance:** It is the policy of San Juan County to comply with the guidance set forth in Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352); the Civil Rights of 1991 (Pub. L. 102-166); Section 501 of the Rehabilitation Act of 1973 (Pub. L. 93-112); the Americans with Disabilities Act of 1990; and any other State or Federal statute, law or regulation that is related to fair employment practices.
- B. **Anti-Discrimination:** In accordance with Federal law and the Utah Antidiscrimination Act, Utah Code Ann., Section 34A-5-101, *et seq.* (1953, as amended), it is the policy of San Juan County to provide equal opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to a particular position without regard to race, color, religion, sex, national origin, age, sexual orientation, gender identity, pregnancy, child-birth, pregnancy-related conditions, or disability and with proper regard for their privacy as citizens and constitutional rights.
- C. **Nepotism:** It is the policy of San Juan County to comply with Utah Code Ann., Sections 52-3-1 to 52-3-4 (1953, as amended), regarding the employment of relatives. The county strives to avoid favoritism or patronage to relatives or close friends in matters related to job recruitment, selection, job advancement or issuing contract for services. The county discourages supervisors or department heads from hiring members of the same family to work in the same department or under the same supervisor.

SECTION THREE - ADMINISTRATION

- A. **Administration of Policies:** The day-to-day management of personnel activities and operations within the county is the responsibility of the county Human Resource Director. Elected officials and appointed department heads are also responsible for assuring the effective administration of all policies and procedures within their departments and offices. Under the direction of the Board of County Commissioners, the Human Resource Director shall coordinate and manage all aspects of the personnel management system and enforce all policies and procedures which shall include, but not be limited to:
1. The development and administration of the job classification and compensation plans.
 2. The administration of a system of employee performance management.
 3. Recruitment, including the advertisement of vacancies and oversight of selection processes.
 4. Procedures involving the training and disciplining of employees.
 5. Maintenance of all personnel records and actions.
 6. Promotions, demotions, suspensions and separations.
 7. Reassignments and reclassifications.
 8. Make reasonable and practical interpretations in the absence of precedent regarding the meaning and intent of policies, procedures, etc.
 9. Other actions as prescribed by county rules, regulations, policies and procedures.
- B. **Official Personnel Records:** It is the policy of San Juan County to maintain personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate, and assess policies, and comply with governmental record keeping and reporting requirements. The county strives to balance its need to obtain, use and retain employment information with each employee's right to privacy. To this end, the county attempts to restrict the personnel information maintained to that which is necessary to conducting county business or which is required by State or Federal law or county ordinance. The Human Resource Director is responsible for overseeing the record keeping for all

personnel information and will specify what information should be collected and it should be stored and secured. The Human Resource Department shall maintain the official personnel records. According to law, all medical files and employment eligibility certifications (I-9s) shall be maintained separate from other personnel records.

1. Employees have a responsibility to make sure their personnel records are up to date and should notify the department head/elected official or the Human Resource Department of any changes in at least the following:
 - a. Name
 - b. Address
 - c. Telephone number
 - d. Number of dependents
 - e. Address and telephone of dependents and spouse or former spouse (for insurance purposes only)
 - f. Beneficiary designations for any of the county's insurance, disability, retirement plans
 - g. Persons to be notified in case of emergency

2. Personnel records shall contain, as appropriate:
 - a. Record of application for employment
 - b. Reference to transcripts of academic preparation
 - c. Performance evaluation ratings
 - d. Any formal reprimand, corrective actions or commendation
 - e. Records of actions affecting employee salary, status, or standing.
 - f. Leave records
 - g. Any other information felt to be pertinent by the department head/elected official, HR Director or employee.
 - h. Records of employee past employment will not be kept in personnel files

3. An employee has the right to review the contents of his or her personnel record as governed by law under the supervision of the Human Resource Director. The county will, upon written

request, supply the employee with a copy of any document it places in the employee's file.

4. The employee may challenge any information contained in the official personnel record, but may not remove any of its contents. All challenges must be directed to the Human Resource Department and the employee's department head/elected official in a timely fashion.
5. If a disciplinary action is rescinded or overturned upon an appeal, all forms, documents and records pertaining to the case shall be removed from the employee's personnel record and destroyed.
6. Personnel records are private data and available for review only to the employee and users authorized by law or as determined by the Human Resource Director to have a legitimate "need to know" in accordance with Government Records Access and Management Act (GRAMA). A log or record of those reviewing personnel records and information shall be maintained together with the reason for access to the records. All reviews of personnel records shall be done in the presence of the Human Resource Director or designee. The responsibility for the management of GRAMA requests has been assigned to the office of the County Clerk. The responsibility for what information will be released, who can review the information and under what circumstances it can be reviewed is contained in a county ordinance.

C. **Information Requests:** Information and records management shall be conducted in a manner consistent with state law, Government Records Access and Management Act (GRAMA) and the San Juan County Record Management Policy. Requests for verification of employment; names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, number of hours worked per pay period, date of employment, relevant, previous employment, and similar job qualifications of present employees shall be treated as public information. Such requests or inquiries should be directed to the Human Resource Director or designee. The actual net salary of the employee is

confidential information. When providing information on previous employees for a reference check, the county's response shall be limited to the same information as provided for an employment verification. Under no circumstance shall character judgments or assessments be issued.

- D. **Records Retention:** All active employee files shall be kept current and the content of the file must be relevant to some aspect of current employment and work history. Applicant records will be retained for eighteen (18) months. All records related to resigned or terminated employees shall be retained for three (3) to five (5) years after their employment with the county ends. The county shall abide by all applicable OSHA standards for the retention of records.

SECTION FOUR - POSITION MANAGEMENT

- A. **Position Allocation:** The official establishment of a position by a department head/elected official cannot take place without the approval of the Board of County Commissioners. No person shall be hired or appointed, and no employee promoted to any position (exceptions may occur for the occasional seasonal, emergency/temporary, contractual or part-time professional work needs), until the following has occurred:
1. A presentation of justification as to the need for the position or for the promotion and advancement of an employee.
 2. A verification that funds are available to support the position.
 3. The development or revision of a current job description.
 4. The proper classification of the position and assignment to an established pay grade and range is approved by the Human Resource Director.
- B. **Job Descriptions:** The initial content of all job descriptions shall be provided by subject matter experts such as department heads/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 Resource Director. Based upon information, the Human Resource 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 Resource Director to include essential and marginal duties and responsibilities and minimum qualifications (training, education and experience), and ADA compliance. The description shall be used by the county as the basis for:
1. The classification of the position and determination of its rate of pay.
 2. Preparation of examinations and for determination as to whether an applicant or employee meets the minimum requirements for a particular class of positions.

3. The preparation of a position announcement soliciting applications from interested individuals for position vacancies.
4. The orienting of a new employee to the duties and responsibilities of a position to which hired or promoted by an administrative officer, supervisor, or department head/elected official, in consultation with the Human Resource Director.
5. The basis for the development of performance management objectives and evaluations.

- C. **Classification:** All positions shall be comparatively evaluated against a set of common factors and 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. Entry level is defined as the lowest grade within the range of classification of the job description. Refer to Section Eight of this manual for further details regarding advancement through the salary range.
- D. **Reclassification:** If the duties and responsibilities of a position change significantly, the Human Resource Director under the direction of the department head/elected official, shall perform or cause analysis to be performed of the job to determine reclassification eligibility. The reclassification of a position may or may not affect an employee's salary. The Human Resource Director shall inform and receive approval from the Board of County Commissioners for any such reclassification actions.
- E. **Reorganization:** Reclassification may be required from time to time as a result of reorganization. Should circumstances arise from a reorganization or reclassification process that requires the abolition of a position, this shall be treated as a reduction-in-force (see Subsection G below). Reorganization shall be sufficient cause for reclassification by way of reassignment. In an effort to minimize the effects of a reduction-in-force brought about by reassignment,

reclassification or reorganization, the following options shall be considered:

1. The employee may be returned to a lower grade position; or
2. The employee may be transferred to another position, depending upon qualifications and available position vacancy. 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 (2) years. If during the two (2) year period, the employee's rate of pay falls back within the assigned pay range, the freeze shall be lifted. If at the end of two (2) years, the employee's rate of pay still falls above the maximum of the pay range, that employee's pay rate shall be reduced to the maximum of the assigned position.

F. **Position Review**: At least annually, each county department or office is responsible to review all job descriptions utilized within the department and report to the Human Resources Department significant differences between the work actually assigned and the job description specifications.

G. **Layoff / Reduction-In-Force (RIF)**: 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 / department heads and the Human Resource Director shall attempt to utilize the following sequence as far as practicable to achieve the required reduction:

1. Temporary/seasonal employees (may be separated or reduced in work hours).
2. Tenured part-time employees (may be separated or reduced in work hours).
3. Tenured full-time employees (may be separated or reduced in work hours).

In determining which employee(s) shall be separated, the Human Resource Director in conjunction with department head/elected official(s) shall recommend which job classes are affected and may utilize such factors as, but not limited to, longevity, performance, and organizational needs. The Board of County Commissioners or affected elected official shall have the final say when layoffs affect regular full-time employees. Employees will be notified, in writing, that they have been laid off by reason of a reduction in force, the reasons for the reduction in force, the circumstances by which their position was eliminated, and what benefits they are entitled to, and that they are entitled to grieve the action to the Board of County Commissioners.

H. **Abolishment of Position:** If a circumstance should arise requiring the abolition of a certain position, future employment status will consider one of the following:

1. The employee may be offered a position at a salary for a position which may entail a reduction in pay.
2. The employee may be promoted based upon performance, qualifications, and position availability.
3. The affected employee(s) may be transferred to another office/department to fill an open position commanding equal or lesser compensation.
4. If none of the alternatives are available, the employee shall be separated from county employment.
5. Final decisions will be at the discretion and decision of the Board of County Commissioners.

SECTION FIVE - RECRUITING AND HIRING FOR NEW AND VACANT POSITIONS

- A. **Recruiting:** Selecting and advancing employees in the county system shall be on the basis of their ability, knowledge and skill levels relevant to the vacant position.
1. **Internal Department Recruitment:** When a new or existing position becomes vacant, the employees in the department where the vacancy occurs shall be notified. If more than one employee expresses interest in the position, the applicable supervisor will conduct interviews. If the applicable supervisor determines that there is an interested, suitable candidate from within the department, the position may be filled internally upon review and approval from the Human Resource Director and the Board of County Commissioners.
 2. **County-wide Recruitment:** If internal department recruiting produces no suitable candidates, recruitment may continue by posting the vacancy within all the County departments. Any County employee may apply for a position by contacting the Human Resource Department. After the position closes, the applicable supervisor may interview qualified applicants. If the elected official, department head, or supervisor determines there is a suitable candidate, the position may be filled upon review and approval from the Human Resource Director and the Board of County Commissioners. The supervisor may also elect to refer the position to open recruitment. In such a case, qualified County applicants will be considered with all other open recruitment applicants.
 3. **Open Recruitment:** If a position remains vacant after considering department and county-wide recruitment, the County will publicly advertise or post the vacancy as deemed necessary by the Human Resource Director. All interested applicants must file their applications with the Human Resource Department. After the recruitment period closes, the Human Resource Department will forward the qualified applications to the applicable supervisor to decide which applicants to interview.

4. **Concurrent Recruitment:** At the discretion of a department head/ elected official and where it can be demonstrated that it is in the best interest of the department/ office, recruitment for an open position may run concurrently, i.e. internal, county and open recruitment may run concurrently.

B. Hiring Procedures:

1. When a position becomes vacant or the need arises to create a new position, the elected official or department head shall notify the Human Resource Department of recruitment needs. Notification shall be accompanied by the position title and a description of the duties, responsibilities, and required knowledge and skills. Minimum qualifications for education and experience shall be outlined for all recruited positions. All employees and appointments must be hired into allocated positions (except seasonal, temporary, contractual, non-career and part-time professional positions). Authorization to hire individuals into non-allocated positions must be approved in advance by the Board of County Commissioners.
2. Upon being given approval to recruit, the Human Resource Department shall follow the county recruiting policy and procedure. In some instances where a temporary employee is functioning in a similar position as that being recruited for, the department head/elected official will have the option of filling the vacancy without formal recruitment or competition so long as the temporary employee qualifies for the position. This qualification procedure will be met when 1) the employee has been in a temporary position for a period of at least three months, and 2) has satisfactorily performed the duties for which they have been assigned. Additionally, when the need has been determined and a request has been approved by the Board of Commissioners, the department head may use an encumbered position to fill a vacancy that had an additional level of responsibility.
3. The community and labor market shall become the object of an appropriate recruitment effort. Outside applications will be accepted for a minimum of seven (7) calendar days after or

concurrent with departmental and county-wide recruitment. At the option of the department head/elected official, Workforce Services or another recruiting entity may be designated to assist in the application gathering and review process.

4. Upon closing the recruitment, the supervisor and/or department head/elected official over the position being recruited shall review all applications and select a suitable number of interview candidates that meet the minimum job qualifications. The interview process shall be coordinated by the department head/elected official in connection with the Human Resource Department. Upon completing the interviews and any related selection test(s), the supervisor and/or department head/elected official shall submit the recommendation for hire to the Human Resource Director. The Human Resource Director shall submit the final recommendation for hire to the Board of County Commissioners for final approval.
5. **Disqualification:** The county reserves the right to reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applicants and subsequently hired applicants who make false statements or who are found to be engaged in any type of deception or fraud in the application or testing process shall be rejected or immediately terminated.
6. **Testing:** Applicants may be subjected to competitive testing which may include, but not be limited to: determination of whether an employee is bondable, rating of education and experience, written, oral, or physical agility tests, essential function demonstrations, and/or background investigations, proof of academic attainment, etc. Applicants for positions which require the employee to operate county vehicles or equipment on public roadways must provide a copy of a Motor Vehicle Record (MVR). MVR's will be used to assist in the ranking of applicants who meet the minimum requirements.
7. **Physical Examination / Drug Testing:** Public health and safety demands that employees be physically able to perform the duties of the job classification to which hired. The

physical requirements of the job constitute bona-fide occupational qualifications. When hiring a new employee, job offers are considered conditional if it is determined that the candidate is required to pass a physical examination by a qualified medical examiner before commencing work. The results of the exam will be presented to the department head/elected official, in writing, and will be treated as a confidential medical record. The county will also accommodate employees and applicants in compliance with the Americans with Disabilities Act (ADA) and provide "reasonable accommodation" when the cost of such is deemed "reasonable" within the county's ability to pay, and where to do so does not impair the county in its business necessities.

- a. 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.
- b. A final candidate for any position may be required to undergo chemical screen testing to determine the presence of alcohol and chemical substances in the blood. (See Appendix A, Drug Free Work Place Policy)

8. **Employment Eligibility Verification:** In conformance with the Immigration Reform and Control Act of 1986 (Pub. L. 99-603), the Human Resource Department shall establish an employment verification system, and shall verify that all applicants for vacant positions or persons hired to fill vacant positions are authorized to work within the boundaries of the United States of America.

- a. The Human Resource Department shall complete or have completed Immigration and Naturalization Service Form I-9 prior to the hired employee's first day of work and verify work eligibility through examining such documents as a United States Passport, birth certificate, social

security card, driver's license or an alien identification document.

- b. Employees must also attest in writing that they are authorized to work in the United States of America. Forms and all written verifications shall be kept along with other personnel records for a three (3) year period, or one (1) year beyond the termination of employment when such employment exceeds three (3) years; and shall be made available to the Immigration and Naturalization Service (INS) or the Department of Labor as requested.

- C. **Final Appointment:** The department head/elected official shall make recommendations for final appointments for new hires to the Human Resource Director. The Human Resource Director shall then submit the recommendation for hire to the Board of County Commissioners for final approval.
- D. **Employee Introduction:** After a 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 Resource Department and immediate supervisor. The involvement of the department head/elected official is also encouraged.
- E. **Orientation Period:** All appointments to positions within the county, whether new hires, rehire, reinstatements (affected by reduction-in-force or leave without pay) or promotion, require an orientation 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 orientation period shall be six (6) months in duration with an option by elected officials/department heads to extend the period an additional six (6) months. The orientation period for Sheriff's Office employees shall be eighteen (18) months in duration with an option to extend the period an additional six (6) months. The employment relationship may be terminated at any time during the

new hire orientation period, with or without notice, and with or without cause, by either the employee or the county.

Promoted employees and all new employees who fail to demonstrate competence and/or compatibility with the new assignment within the six (6) month period or the eighteen (18) month period for Sheriff Office personnel shall be terminated, unless the department head/elected official decides to extend the employee's orientation period. For Sheriff's Office personnel that are required to have POST certification (road deputies and correctional officers) their orientation period does not begin until the employee completes the POST certification program(s) required for their job.

During the new hire orientation period, all benefits accrue and are available for use by the employee. Upon completion of the orientation period, the supervisor shall conduct a performance review to apprise the employee of their suitability for the position and determine the employment actions to be recommended to the Board of County Commissioners.

After the employee has completed the designated orientation period the employee is deemed to be a regular San Juan County employee.

- F. **Re-employment of Retirees:** It is the policy of San Juan County to comply with Utah Code Annotated, Section 49-11-505 (1953, as amended), regarding the re-employment of retirees. Furthermore, Internal Revenue Service (IRS) regulations require that there be a "bona-fide" separation period before a retiree returns to work. Additionally, it is a violation of IRS regulations to have a "deal" of re-employment arranged prior to retirement. Therefore, an exemplary employee who is otherwise qualified to retire under the Utah Retirement System (URS) may retire and, at the sole discretion of the county, become re-employed in a full or part-time capacity for any open position which he/she may be qualified for after six (6) months have passed from the retirement date without post-retirement restrictions under the above statutory section.

SECTION SIX - EMPLOYMENT STATUS

- A. **Regular Full-time Employees:** Employees that successfully complete the orientation period and work forty (40) hours per week are considered regular full-time employee and are eligible for all the benefits, rights, and privileges described in this policy and procedure manual.
- B. **Regular Part-time Employees:** Employees that successfully complete the orientation period and who generally work less than forty (40) hours per week, but generally more than twenty (20) hours per week on a continuous or recurring basis are considered regular part-time employees.
1. Participation in the health and medical benefits requires that the employee work an average of at least thirty (30) hours per week.
 2. The number of hours worked may be increased or decreased at the discretion of the department head/elected official within the limits authorized by the appointment of the position by the Board of County Commissioners.
- C. **Exempt Employees:** The following positions have been designated as being exempt from the provisions of the Fair Labor Standards Act (FLSA). The Board of County Commissioners may determine what hiring, recruitment, compensation and benefit policies apply to FLSA exempt employees. Except for elected officials, exempt positions are generally to serve at the will of the appointing official and may be terminated at any time for any reason.
1. Appointed administrators and designated department heads;
 2. Members of policy, advisory, review, and appeal boards, or similar bodies who do not perform administrative duties as individuals;
 3. Attorneys;

4. Time-limited positions established for the purpose of conducting special study or investigation;
5. Emergency, temporary, and seasonal employees hired for less than ninety (90) days, with the period extendable for an additional ninety (90) days for good cause;
6. Bona fide contractual employees whose services are limited by time or project specifications; or
7. Those employees deemed exempt under the FLSA rules and regulations.

FLSA exempt County employees are not exempt from the county personnel policies and procedures. Furthermore, although benefits and compensation paid to FLSA exempt employees generally correspond to those paid to non-FLSA exempt employees, the Board of County Commissioners may deviate from such a practice as indicated above.

D. **Elected Officials:**

1. Full-time Elected Officials:
 - a. Elected Officials, serving in a full-time capacity, taking office after June 30, 2011, are restricted to participation in the URS Tier 2 Defined Contribution Plan.
 - b. Elected Officials, with URS service prior to July 1, 2011, may participate in the defined benefit plan or exempt from retirement coverage, once they meet the salary requirements outlined in the URS Employer's Guide.
2. Part-time Elected Officials:
 - a. Elected Officials, serving in a part-time capacity, are ineligible under Tier 2.

E. **Special Appointments:** Temporary, seasonal and emergency appointments are defined as being limited to a definite period of time

generally for not more than six (6) consecutive months. Appointments, such as summer help, may be made by the elected officials and department heads and coordinated through the Human Resource Department to carry out necessary seasonal work. Temporary employees, whether full-time or part-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). Temporary employment does not count as credit toward the completion of an orientation period if hired into a permanent position.

- F. **Independent Contractors:** Independent contractors hired to perform professional or other specialized services for the county are not employees of the county and do not qualify for employee status, however, participation in any benefit program may be negotiated as part of the contract or service agreement. The duration of the contracts shall be established by statute or shall be determined on a project-by-project or service-by-service basis by the Board of County Commissioners.
- G. **Grant Positions:** A grant employee occupies a position which is more than fifty percent (50%) funded by grant monies or another alternate funding source when it is anticipated that the grant or alternate funding source will continue for more than two (2) years. Grant employees, may, upon consent of the Board of County Commissioners, accrue benefits in the same manner as other employees, but the term of a grant employee is subject to the availability of funds from the grant or other alternate funding source. Such grant employees will not be retained when grant funding is no longer available. Employees accepting grant positions shall be required to sign a letter acknowledging the conditions of their employment and the funding source to which the position is tied.

Grant monies are funds received from sources other than the County's general fund, enterprise funds, and specialized taxes which are anticipated to be available for more than two (2) years and may require regular justification reports to maintain and receive funding. Temporary fund contributions mandated by law or to support programs mandated by law or inter local agreement, which are

anticipated to be available more than two (2) years, may also be considered grant monies.

The Human Resource Director, consulting with the Clerk/Auditor's Office, will determine which positions are to be funded by grant monies, including alternate funding sources.

SECTION SEVEN - EMPLOYEE CONDUCT, DISCIPLINE AND EMPLOYMENT ACTIONS

A. **Employee Discipline:** It is the responsibility of all employees to observe policies necessary for the proper operation of county functions. Employees still within their orientation period may be terminated at anytime for any reason. However, all employees that violate county policy are subject to discipline. Depending upon the circumstances, the county may reprimand, transfer, suspend, demote, reduce pay or terminate employees who violate county policy. Grounds for discipline may include, but are not limited to:

1. Inefficiency.
2. Incompetence.
3. Failure to maintain skills.
4. Inadequate performance levels.
5. Neglect of duty.
6. Misconduct.
7. Disloyalty.
8. Inability to work in harmony with co-workers.
9. Rudeness to the public.
10. Disobedience of a reasonable order of a supervisor.
11. Dishonesty.
12. Insubordination.
13. Misappropriation or damage to public funds or property.
14. Mifeasance, malfeasance, or nonfeasance in office.
15. Misuse of public funds or property.
16. Tardiness.
17. Unapproved absences.
18. Any act adverse to public service.

This list is not exhaustive and is merely set forth as a guideline.

This list should not be construed as preventing or limiting the county from taking disciplinary action, including termination, in circumstances where the county deems such action to be appropriate regardless of whether the county has specifically identified a written rule or policy. Similarly, employees may be disciplined for violations of county policy found in other sections of this manual, violations of State or Federal law, or violations of relevant policies, rules or laws promulgated elsewhere.

Before implementing disciplinary action that may lead to termination, the employee's supervisor or department head/elected official should review the circumstances with the Human Resource Director.

Employees may appeal some, but not all disciplinary actions through the county's dispute resolution process as outlined below.

B. Progressive Discipline / Employment Actions

1. **Verbal Reprimand:** A verbal reprimand is a formal conversation between a supervisor and an employee about a specific aspect of the employee's performance and/or conduct. This step is taken when an employee has committed a relatively minor violation of county policy.

During the verbal reprimand meeting the following items should be discussed: 1) The date of the incident(s); 2) The specific policy(ies) violated and performance and/or conduct concerns; 3) The expected conduct and level of work performance; 4) The fact that the meeting is an official verbal reprimand; and 5) The employee should consider this a warning that he/she must correct the condition, specifying a time limit for making improvements, and if the condition is not corrected more serious disciplinary action may be taken.

After the verbal reprimand has been given, the supervisor must summarize the meeting in writing, including the above cited elements in the summary, in the event the formal documentation is required at a later date. This verbal reprimand summary is to be maintained in the supervisor's employee incident file. **Verbal reprimands cannot be grieved under the County's Dispute Resolution Process.**

2. **Written Reprimand:** A written reprimand is a formal written notice to the employee regarding repeated offenses for which a verbal reprimand has already been given, significant misconduct and/or specific-inadequate performance.

The written reprimand notice shall include: 1) The date of the incident(s); 2) The specific rule(s) violated and performance and/or conduct concerns; 3) A reference to previous verbal reprimand(s), if applicable, and reference to prior training or direction the employee received concerning appropriate work performance and conduct; 4) A statement indicating the specific improvements expected and a time limit within which the improvements must be made; and 5) A statement that the employee must correct the condition and failure to correct the condition may result in more severe disciplinary action.

The employee is asked to acknowledge receipt of the reprimand by signing and dating the document. If the employee refuses to acknowledge receipt, a witness can sign and date the document stating the employee received a copy of this document. The original of the reprimand, with the employee's, or witness' signature, shall be sent to the Human Resources Office for placement in the employee's official personnel file. Written reprimands shall be removed from the employee's file three (3) years from the date of issuance and destroyed, unless there have been occurrences of the same or similar offense or there have been other reprimands during the three (3) year period that justify the retention of the reprimand beyond the three (3) year period. **Written reprimands cannot be grieved under the County's Dispute Resolution Process.**

3. **Suspension:** Suspension without pay is a severe disciplinary action administered by the supervisor, department head, or elected official. A suspension is usually implemented after an oral reprimand and/or written reprimand have been given and expectations of the supervisor/department head/ elected official are not being met by the employee, or when an employee commits a serious violation of county policy. The length of the suspension will typically range from one (1) to five (5) work days, but may be longer involving more serious matters. Prior to deciding to suspend an employee without pay, a supervisor must provide that employee an opportunity to give his/her side in response to the charges.

The suspension without pay written notice shall include: 1) The effective date of the suspension including the time and date the employee is to report back to work; 2) Details of the incident(s) or action(s) warranting the disciplinary action including the policies, rules and/or standards violated as well as the dates and nature of previous direction such as verbal and written reprimands (as applicable); 3) A statement indicating the specific improvements expected and a time limit within which the improvements must be made; 4) Notification that failure to correct the condition and meet expectations may result in more severe disciplinary action up to and including termination of employment; and 5) Notice that this action may be grieved under the San Juan County Personnel Policies and Procedures and the procedure and time limits contained therein. The employee is asked to acknowledge receipt of the suspension by signing and dating the document. If the employee refuses to acknowledge receipt, a witness can sign and date the document stating the employee refused to acknowledge receipt, but received a copy of this document. The original of the suspension, with the employee's, or witness' signature, shall be sent to the Human Resources Office for placement in the employee's official personnel file.

4. **Demotion / Termination / Dismissal:** Demotion or termination is a severe disciplinary action administered by the supervisor, department head, or elected official. Such an action usually occurs when previous disciplinary steps have been taken and there has been inadequate change in the performance and/or behavior by the employee, or when an employee has committed a serious violation not appropriately addressed by lesser forms of discipline. Prior to deciding to recommend demotion or termination, a supervisor must provide that employee an opportunity to give his/her side of the story in response to the charges.

An employee that has fulfilled his/her orientation period that is recommended for demotion or termination from county employment shall be given a written statement setting forth the charges upon which the proposed demotion or termination is based. The statement shall include: 1) The effective date of the

“notice of proposed demotion” or “suspension without pay pending termination”; 2) A statement detailing the incident(s) or action(s) warranting the discipline, including the policies, rules and/or standards violated as well as the dates and nature of previous supervisor direction such as verbal and written reprimands, and suspensions (as applicable); 3) An explanation of the employee’s right to a pre-hearing as provided by the San Juan County Personnel Policies and Procedures and the procedure and time limits contained therein; 4) A statement that the decision to demote or terminate will be based on the findings of the pre-hearing.

The employee is asked to acknowledge receipt of the demotion/termination notice by signing and dating the document. If the employee refuses to acknowledge receipt, a witness can sign and date the document stating the employee refused to acknowledge receipt, but received a copy of this document. The original of the demotion/termination notice, with the employee’s, or witness’ signature, shall be sent to the Human Resource Office for processing and placement in the employee’s official personnel file. NO DECISION TO RECOMMEND DEMOTION OR TERMINATION OF AN EMPLOYEE WILL BE MADE WITHOUT PRIOR CONSULTATION WITH THE HUMAN RESOURCES DIRECTOR.

C. **Other Employment Actions**

1. **Promotion:** A promotion is defined as a change in job title and/ or grade recognizing a substantial change in the employee’s duties (see Section Four, Position Management, Reclassification). Employees promoted into a higher pay grade will receive an increase which is to go into effect the pay period following the promotion date.

2. **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 interested qualified current employees.

Previous experience may be given credit in determining placement of employee on salary schedule and accrual of benefits if the rehire or reinstatement occurs within one (1) year from the date of termination.

Former employees that were terminated or left county employment voluntarily without giving proper notice are not deemed to have left the county in "good standing" and may be denied an opportunity to apply or interview for an open position.

3. **Transfer:** When a position becomes vacant in any office/ department within the county, employees are free to make application for the position without hindrance from other department head/elected officials. However, employees are encouraged to visit with his or her department head/elected official before making such application. The employee must be considered on an equal basis with all other applicants. The office/department accepting the transferring employee shall accept all accrued leave time as their budgetary obligation.
4. **Reassignment:** The effective operation of an office/ department requires periodic changes in work assignments to match functional needs with capabilities 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.
5. **Resignation:** Excessive turnover is costly and, therefore, county management shall take every precaution necessary to prevent misunderstandings and other avoidable causes of employee resignation:
 - a. Whenever an employee resigns, an exit interview should be conducted by the Human Resource Department. If the reason for the resignation is a misunderstanding or mistake by the county, an effort shall be made to correct the situation.

- b. Any employee who resigns and desires to leave the county in good standing should give a minimum of a two (2) week notice if they are to be considered for re-employment at a future date. Resignations must be in writing and be submitted to the department head/elected official.

- c. De-facto Resignation: An employee who is absent from work for three (3) consecutive work days and is capable of giving proper notice to their supervisor, but fails to do so, shall be deemed to have resigned and shall be informed of the same in writing by the department head/elected official.

SECTION EIGHT – DISPUTE RESOLUTION / GRIEVANCE PROCEDURE

A. Basis for Grievance and Appeal Procedures

1. **Purpose:** It is the intent of this section to provide for the reasonable settlement of certain disputes between an employee and the county. All employees and supervisory personnel should, however, make every possible effort to settle differences without utilizing of the procedures contained in this section.
2. Any county employee that has completed an orientation period may file a grievance as defined and deemed permissible in this San Juan County Personnel Policies and Procedures.
3. No prejudicial, discriminatory, or retaliatory action may be taken, at any time, by the county against any person for his/her participation in or statements made in the investigation or settlement of a grievance.
4. A grievance shall be deemed abandoned if not filed and processed within the time limitations contained in Subsections Eight B., C., and D below.

B. Suspension and Transfer Grievance Procedure

1. **Step 1. Pre-suspension / Transfer Hearing:** The employee who has been recommended for suspension or transfer shall within ten (10) working days, not including the day of receipt of notice recommending suspension or transfer, request in writing a hearing before his/her department head/elected with a copy sent to the Human Resources Director. If desired by the employee, he/she may designate a representative to attend, but not participate in the pre-hearing, and the employee shall provide to the Human Resources Director the name of the employee's representative at least one (1) working day prior to the pre-hearing. After the employee has had the opportunity to meet with his/her department head/elected official and explain his/her side of the matter, the department head/elected official

shall promptly, but no later than five (5) working days after the hearing, render a decision in writing and forward a copy of the decision to the Human Resources Director. The decision shall include a statement as to the reasons the suspension or transfer was or was not imposed. If an employee has waived the pre-hearing, the department head/elected official shall issue a written notice to the employee and Human Resource Director imposing or not imposing the suspension or transfer.

2. **Step 2. Appeal.** An employee, who after a pre-hearing and written decision of his/her department head/elected official has been deemed suspended or transferred and does not agree with this written decision shall within five (5) working days of receipt of the department head/elected official's written decision file a written request with the Human Resource Director for an appeal before an independent Hearing Officer. The Human Resource Director will forward the request to the Hearing Officer and the employee's department head/elected official, and others as needed.

While the employee may choose to have a representative attend a hearing with them for consultation, the Hearing Officer may require the employee to present their appeal, including but not limited to presenting any evidence, testimony or answering questions directly, and may limit or restrict the employee's representative from presenting the appeal, including but not limited to presenting evidence, testimony or answering on behalf of the employee.

C. **Demotion and Involuntary Termination Grievance Procedure**

1. **Step 1. Pre-Demotion / Termination Hearing:** The employee who has been recommended for demotion or termination shall within five (5) working days, not including the day of receipt of notice recommending demotion or termination, request in writing a hearing before his/her department head/elected official with a copy of the request sent to the Human Resources Director. Failure on the part of the employee to request a hearing in writing before his/her department head/elected official or to appear at a scheduled pre-hearing

will serve as a waiver of the employee's grievance. The employee will be given at least three (3) working days notice of the hearing date, time and location. **The hearing shall be the conducted by department head/elected official or his/her respective designee.** If desired by the employee, he/she may designate a representative to attend but not participate in the pre-hearing, and the employee shall provide to the Human Resources Director the name of the employee's representative at least one (1) working day prior to the pre-hearing. Attendees of the hearing shall include the employee and his/her representative, the hearing officer, a management representative, and a representative of the Human Resources Office. The hearing will not follow the formal rules of evidence and will be conducted in an informal manner. The hearing will be conducted by the department head/elected official. The management representative shall summarize the disciplinary notice. The employee may then respond to all specific charges.

The department head/elected official will promptly, but no later than five (5) working days after the hearing, render a decision in writing and forward to the employee and the Human Resources Director a copy of the decision. The decision shall include a statement as to the reasons the demotion or termination was or was not imposed. If an employee has waived a pre-hearing, the department head/elected official shall issue a written notice to the employee and Human Resource Director imposing or not imposing the demotion or termination.

2. **Step 2. Appeal.** An employee, who after a pre-hearing and written decision of his/her department head/elected official has been deemed demoted or terminated and does not agree with this written decision shall within five (5) working days of receipt of the department head/elected official's written decision file a written request with the Human Resource Director for an appeal before an independent Hearing Officer. The Human Resource Director will forward the request to the Hearing Officer and the employee's department head/elected official, and others as needed.

While the employee may choose to have a representative attend a hearing with them for consultation, the Hearing Officer may require the employee to present their appeal, including but not limited to presenting any evidence, testimony or answering questions directly, and may limit or restrict the employee's representative from presenting the appeal, including but not limited to presenting evidence, testimony or answering on behalf of the employee.

D. **Grievance Procedure for the Application of Express Terms of these Policies and Procedures which Deprive an Employee of Accrued and/or Existing Pay and/or Benefits**

1. **Step 1.** An Employee that has completed his/her orientation period, who believes that he/she has grievance relating to the application of the express terms of these policies and procedures which deprive him/her of accrued and/or existing pay and/or benefits shall reduce the grievance to writing and submit it to the employee's department head, with a copy sent to the Human Resource Director, within ten (10) working days of the alleged violation. The grievance shall state the violation and cite the policies and procedures section. Upon receipt of the grievance, the department head/elected official will provide the employee an opportunity to meet him/her and will then promptly respond to the grievance in writing. If desired by the employee, he/she may designate a representative to attend but not participate in the pre-hearing, and the employee shall provide to the Human Resources Director the name of the employee's representative at least one (1) working day prior to the pre-hearing. The department head/elected official's grievance response must be consistent with County Human Resource systems, programs, procedures, and practices as established by these Policies and Procedures and/ or by the Human Resource Department.

2. **Step 2.** If the grievance is not settled at Step 1, the employee may file within five (5) working days of receipt of the department head/elected official decision a written request to the Human Resource Director for review before and independent Hearing

Officer. The Human Resource Director will forward the request to the Hearing Officer and the department head.

While the employee may choose to have a representative attend a hearing with them for consultation, the Hearing Officer may require the employee to present their appeal, including but not limited to presenting any evidence, testimony or answering questions directly, and may limit or restrict the employee's representative from presenting the appeal, including but not limited to presenting evidence, testimony or answering on behalf of the employee.

E. **Employee Complaint Procedure for Issues Not Grievable, Not Appropriately under the Jurisdiction of an Outside Entity, and Not Covered by a Different Appeal Procedure in the San Juan County Personnel Policies and Procedures**

For matters not grievable under these Policies and Procedures, or for which no other appeal procedure is provided for in these Policies and Procedures, or for matters not under the exclusive jurisdiction of an outside agency, an employee that has completed his/her orientation period may submit a written complaint to his/her supervisor for consideration. The supervisor shall promptly respond to the employee's complaint in writing. If the issue is not settled at this level, or if the employee's complaint is about his/her supervisor, the employee may submit the written complaint to the next level of supervision in the department for consideration. The procedure may continue in this manner until the issue is settled and/or the employee submits the written complaint to his/her department head/elected official for consideration. The department head/elected official shall promptly respond to the employee's complaint in writing and forward a copy of this response to the Human Resource Director. The decision of the department head/elected officials or his/her designee will be final and not reviewable by an independent Hearing Officer.

All complaint responses must be consistent with County policy, procedures, and practices. Additionally, if the complaint is related to human resource matters, all complaint responses must be consistent with County Human Resource systems, programs, procedures, and

practices as established by these Policies and Procedures and/ or by the Human Resource Department.

SECTION NINE - COMPENSATION

- A. **Equitable Pay:** Compensation for county employees shall be competitive and as equitable as possible within the marketplace. The assignment of employees to positions and pay rates shall be consistent with the formal classification plan.
- B. **General Wage/Salary Adjustments:** It is the intent of the county to consider prevailing practices related to cost-of-living and market trends to establish wages and salaries. However, every proposed salary change must be weighed against the anticipated affect(s) upon the county budget. Final determination and any changes to the salary scale 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.
1. **Cost-of-Living vs. Market:** Adjustments to the salary schedule may 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 or a combination of both. All employees, regardless of employment status, shall receive the benefits of such general adjustment to the pay plan.
 2. In determining the total compensation value of the position, benefits must be considered. Base salary plus cost of benefit 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.
- C. **Initial Appointment and Promotions:** All initial appointments, including promotions, shall normally be assigned to the starting rate of the pay grade to which the position is classified. Exceptions may be allowed if: (1) an employee cannot be recruited for the position at the beginning rate, or (2) the qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same or higher step.

D. **Overtime:** For some county departments and offices overtime is unavoidable. However, every effort should be made to keep the accumulation of overtime hours to a minimum. Any time worked over forty (40) hours in any defined work week or work period (fire - 212 hours in a 28 day period) (law enforcement - 171 hours in a 28 day period) by a Fair Labor Standards Act (FLSA) covered employee, which the supervisor has approved of, is aware, or "suffered" to work, shall qualify as overtime. The following rules apply to the accumulation and compensation for overtime worked. For the purpose of calculating overtime under the Fair Labor Standards Act (FLSA), the work week shall begin at 12:00 a.m. on Saturday and ending at 12:00 midnight on Friday.

1. **FLSA Exempt Employees:** Some county employees are not covered by the FLSA's minimum wage and overtime requirements. These employees/officials include elected officials, certain members of their personal staffs, policy-making appointees, and legal advisors. Other exempt employees include certain executive, administrative, and professional employees. The county determines, after review and approval from the Human Resource Director and the Board of County Commissioners, which positions to characterize as exempt from the FLSA. FLSA exempt positions are generally compensated on a salary basis and do not accrue compensatory time for overtime hours worked.
2. For all regular full-time, temporary, and seasonal employees, overtime shall be paid at the rate of time-and-one-half (1 & 1/2) the regular rate of pay for all hours worked in excess of the forty (40) hour work week or pay period for law enforcement personnel (see above). All authorized monetary payments for overtime shall be issued on the regularly scheduled pay day for the pay period in which it was earned.
3. The use of compensatory time (time off of work in-lieu of monetary compensation for hours worked in excess of forty (40) hour work week) shall be calculated the same as overtime (time-and-one-half (1&1/2)) and must be used by the end of the fifth month (Sheriff's Office employees) or the fifth pay period (all other employees) after the pay period in which it was

earned. If accrued comp time is not used by the end of the fifth month (Sheriff's Office employees) or the fifth pay period (all other employees) after the pay period in which it was earned, all overtime will be paid to the employee in monetary payments.

a. All accrued compensatory time shall be used before the use of accrued vacation or other forms of leave.

4. Records of overtime hours worked shall be maintained by the department head/elected official and reported monthly to the County Clerk/Auditor.
5. When call-out occurs, as in the case of emergencies, the county shall pay a minimum of one-half ($\frac{1}{2}$) hour of overtime when the employee is called out to work other than their regular work schedule.
6. All time spent in training, in conferences, at workshops, meetings, etc. or traveling to such events, when such attendance is required by the county, shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA.

E. **Termination Pay:** An employee's final paycheck, including compensation for all unused vacation, accrued time, and overtime will be issued within twenty-four (24) hours of termination. Compensation for all unused vacation and accrued time will be calculated according to county rules and policies governing these programs. The Human Resource Director, under the direction of the department head/elected official or and in coordination with the Office of the County Clerk/Auditor, shall determine the amount of termination pay to which the employee is entitled. In the event of death of an employee, final payment shall be made to the employee's beneficiary.

F. **Pay Advancement:** The county will not make pay advances.

G. **Severance Pay:** When it becomes necessary to terminate an employee from county employment and it is in the best interest of both the employee and the county to expedite such action; the

employee shall be issued severance pay not to exceed two (2) weeks pay, in lieu of two (2) weeks notice. Employees terminated for cause shall not be eligible for severance pay.

H. **Payroll Deductions / Withholdings:** Payroll deductions other than FICA, State and Federal income tax withholdings and garnishments (defined in Section Fifteen), can only be made with the signed consent of the employee.

I. **Payday:** Normally, San Juan County employees will be paid on the last working day of each month. If the last working day of the month falls on a Friday, all County employees will be paid on the preceding Thursday. If a pay day falls on a weekend or holiday, employees will be paid on the preceding workday. Pay checks will be available via electronic payment to a bank designated by the employee.

SECTION TEN - BENEFITS

- A. **Group Health Insurance:** All employees designated by the Board of County Commissioners who work thirty (30) or more hours per pay week are eligible to participate in San Juan County's group health insurance program. To enroll, employees must join the plan within thirty (30) days of their hire date, or within thirty (30) days of becoming eligible to enroll. Single party coverage is provided by San Juan County at no cost to the employee. If, in any given period, an employee does not work thirty (30) or more hours in a pay week, due to no fault of his own (either because of illness or hours not being available), the insurance will stay in effect as long as the employee averages thirty (30) hours per week during the year.

Employees hired after July 1, 1985, are required to pay for coverage for spouse and family. After three (3) continuous years of employment, San Juan County will pay one-half ($\frac{1}{2}$) of the additional cost of two-party or family coverage. After five (5) continuous years of employment, San Juan County will pay the entire cost of the health insurance. Costs are subject to change at any time due to increased costs to the program. Life insurance is also provided.

New employees who fail to enroll within thirty (30) days of his/her hire date shall not be covered by county insurance until January 1 of the following year or other annual open enrollment date established by the county. **All other changes to the employee's plan (i.e. birth / adoption of a child) must be made within thirty (30) days of the date of the event.**

Insurance coverage begins on the first day of employment if properly enrolled as discussed directly above.

Insurance coverage for an employee ends on the last day of month during which the employee worked unless the employee elects COBRA coverage as discussed below.

Employees wishing coverage for minor children (other than their own) living with them full-time must submit a copy of legal guardianship / power of attorney and a completed health questionnaire to the

Human Resource Department for review before coverage shall be granted.

The county's group health insurance covers children on their parent's plan, even if they are not classified as a dependent, until they are twenty- six (26) years old.

1. **COBRA Coverage:** Under the Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA), a person who has been covered under an employer's group medical & hospitalization insurance plan as a plan participant or dependent may be eligible to continue coverage for a limited period of time after such coverage would otherwise terminate. More specifically, a county employee that has been employed for six (6) consecutive months prior to their voluntary or involuntary termination (other than for gross misconduct) from county employment will be allowed to continue medical & hospitalization insurance coverage for themselves, their spouse, and dependents for up to eighteen (18) months from the date of termination. However, the terminated employee is required to pay the entire cost of the coverage and coverage may cease if the premium payments are not made. Also, the county may assess up to two percent (2%) of the premium as an administrative fee.

Terminated employees and/or their dependents shall be notified within five (5) days from date of termination regarding extension and conversion privileges and must reply in writing with premium payment within sixty (60) days of notice or forfeit his/her extension right.

Events triggering COBRA rights and length of COBRA coverage:

- a. Voluntary or involuntary termination (other than for gross misconduct): COBRA gives a terminated employee the right to stay on the employer's plan for up to eighteen (18) months. The same rights apply if you are the spouse or dependent child of an employee who loses his/ her job.

- b. Reduction of hours of the covered employee's employment: COBRA gives an employee with a reduced hours work schedule the right to stay on the employer's plan for up to eighteen (18) months.
- c. Death of covered employee or divorce/legal separation of the covered employee from the employee's spouse: COBRA gives the employee's spouse the right to stay on the plan for up to thirty-six (36) months.
- d. Death or divorce of parent: COBRA gives dependent child(ren) the right to stay on the plan for up to thirty-six (36) months.
- e. Change of status as dependent: COBRA gives a dependent child the right to stay in the plan for up to thirty-six (36) months if the dependent child ceases to be "dependent" under the definition of the policy.
- f. Medicare-eligible employees cease participation in employer-sponsored plans: COBRA gives dependent child(ren) the right to stay in the plan for up to thirty-six (36) months.

COBRA coverage cannot be offered or continued beyond and following:

- a. The date the premium is not paid.
- b. The date when the terminated employee becomes covered under any other group health plan or is entitled to Medicare benefits.
- c. When the terminated employee's spouse remarries and becomes covered under another group health plan.
- d. On the date when the employer ceases to provide any group plan, except the county would be obligated to allow terminated employees or dependents to continue coverage under any replacing group policy or policies.

B. **Vacation**: San Juan County believes that a reasonable period of time away from the job is conducive to the good health and well-being of its employees and that health, happy employees are a tremendous asset to the County.

1. All employees designated by the Board of County Commissioners are eligible for vacation as accrued. Employees who work more than thirty-two (32) hours per week, but less than or equal to thirty-nine (39) hours per week are eligible for vacation on a pro-rated basis. Temporary or seasonal employees will not be entitled or eligible for vacation time.
2. Accumulation of vacation shall be based upon the following schedule:

County Service	Monthly/Yearly Vacation Accrual
0 - 9 Years	Up to 80 Hours Per Year
10-14 Years	Up to 120 Hours Per Year
15 + Years	Up to 160 Hours Per Year

3. Vacation leave may not be accrued during a period of time when leave of absence without pay is being granted. This preclusion includes periods of leave of unpaid leave allowed for by the Family & Medical Leave Act (FMLA).
4. Utilization: Employees shall be entitled to utilize vacation only at the convenience of the department in which they are employed. However, each department head/elected official shall 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. Vacation cannot be used in conjunction with workers' compensation leave in offsetting holiday pay, etc.
 - a. There is no limit to the amount of accrued vacation time that may be used at once as long as the needs of the department are met. Conversely, there is no minimum amount of vacation that must be used at once and maybe used in any measurable increment of time over one-half ($\frac{1}{2}$) hour.
 - b. An authorized holiday which falls within the time period of employee's scheduled vacation shall not be charged as vacation used.

5. Unused current and accrued vacation may be carried forward to succeeding years. However, no more than two (2) years will be carried over from one calendar year to the succeeding calendar year. **If not used, the excess amount of accrued leave will be lost.**
 6. Former employees that 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 enjoyed prior to leave or layoff.
 7. The county will not advance vacation days. No elected official or department head shall authorize the use of non-accrued vacation time. At the end of the calendar year accrued vacation time in excess of the two (2) years will be lost by the employee. **It is the responsibility of the employee and not the county to assure that their excess vacation time is not lost due to non-use.**
 8. Termination: Accumulated earned vacation time shall be paid for by the employing department when a designated employee separates from the county.
 9. Record Keeping: The use or non-use of an employee's vacation leave time is to be reflected monthly on that employee's time sheet and monitored by that employee's department head or elected official. The official record of accrued vacation leave is to be kept by the County Clerk/Auditor.
- C. **Sick Leave:** Compensated sick leave is a county owned benefit afforded to employees, designated by the Board of County Commissioners, who work thirty-two (32) hours per week or more and become ill or injured and cannot perform their normal duties. Part-time employees averaging less than thirty-two (32) hours per week or temporary or seasonal employees are not entitled to sick leave.

Sick leave is a privilege and employees shall use it responsibly. While employees have the discretion of managing their sick leave, it is not intended to be used for vacation purposes. The paragraphs below are intended to provide general guidance on how sick and all purpose leave is to be used. Abuse or violation of this section may subject the employee to disciplinary action.

1. **Sick Leave:** Eligible employees shall accumulate sick leave at the rate of up to forty (40) hours per year. Anytime an employee uses sick leave, that employee must notify their supervisor/department head/elected official as soon as possible and receive approval to take the leave. Sick leave can be used for a variety of reasons such as personal or family needs, leave from the first day or two from work due to illness, issues related to the employee's own health or that of certain family members, and for family related absences covered by the Family & Medical Leave Act (FMLA).
 - a. Unused all-purpose leave in excess of eighty (80) hours will be converted to long-term sick leave annually.

2. **Long Term Sick Leave:** Eligible employees shall accumulate long term sick leave at the rate of up to fifty-six (56) hours per year. Long term sick leave is not intended to be used for vacation purposes. Long term sick leave may be used the third and succeeding work days of absence due to illness or anytime written notice from a medical practitioner such as a doctor, optometrist or nurse practitioner is given. While this could be the first day of an illness, keep in mind anytime you claim sick leave your supervisor or department head must be notified and give final approval or disapproval of leave based on the evidence of the illness or injury. Employees will be able to accrue a maximum of four-hundred-eighty (480) hours of long-term sick leave. Employees who have completed five (5) years or more of uninterrupted service will be paid full pay for all unused sick leave at the time of resignation or termination. Those currently having more than four-hundred-eighty (480) hours, and those who may accrue hours in excess of four-hundred-eighty (480) hours hereafter, will be paid out at

annually at one hundred-percent (100%) of the base pay for those excess hours.

- a. If you abuse your sick leave privilege, you may become ineligible for sick leave.
 - b. Any advancement of sick leave will be based on consultation with the department head/elected official and the Board of County Commissioners.
 - c. You may use long-term sick leave from the first day of illness if:
 - i. The employee is hospitalized.
 - ii. An employee is under the care of a physician whose written medical opinion is that the employee remain home. At the request of the County, the employee may be required to obtain a second medical opinion at the cost of the County, from a qualified medical professional to be determined by the County, before granting such sick leave.
 - iii. Extenuating circumstances will be reviewed and approved by the Board of County Commissioners on case by case basis. (See immediately below)
3. Sick leave may not be accrued during an unpaid leave of absence from the county. This preclusion includes periods of unpaid leave allowed for by the Family & Medical Leave Act (FMLA).
 4. Employees absent from work due to their own illness or injury will be carried on the payroll in a leave without pay status for time equal to compensated illness leave accrued, or twelve (12) weeks, whichever is greater.
 5. In the event of illness to an “immediate family member” (for the purposes of this section is a spouse, child, step-child- for which you have custody, parents, or spouses' parents), an employee may use up to forty (40) hours of traditional and long term paid sick leave per incident upon approval of the department head/elected official. If necessary, the employee shall be allowed to utilize an additional four-hundred-forty (440) hours

leave-without-pay (for a total of twelve (12) weeks leave, in compliance with the FMLA). If all-purpose and long term sick leave is used in the event of illness to an immediate family member, it must be used in accordance to the use pertaining to the employee.

6. Non-scheduled working days and legal holidays occurring while an employee is ill are not deducted from compensated illness leave credit.
7. An official record of accrued compensated illness leave is to be kept by the department head and reported monthly to the County Clerk/Auditor.
8. Termination: Accumulated earned traditional sick and long-term sick leave time shall be paid for by the employing department when a designated employee separates from the County after five (5) years of continuous service.

D. **Donation of Accrued Leave Time:** Employees desiring to donate his/her accrued leave time to another San Juan County employee will be allowed to do so with the following conditions:

1. Employees shall not be allowed to receive donated or shared leave prior to exhausting all of his/her accrued leave.
2. A form will be provided for the transfer of accrued time and must be filled out by the donating employee.
3. Accrued time will be donated on an hour to hour basis. Donations will be made on a monthly basis at the time that payroll is submitted and the receiving employee will only be permitted to accept enough hours from donating employees to cover his/her needs for that month.
4. Employees are not allowed to bank donated leave time beyond what is need to cover his/her needs for one (1) month.

E. **Funeral Leave:** When a death occurs within the "immediate family", to a relative or close friend, the number of hours or days to be

allowed off with pay shall be determined by the supervisor according to the following policy:

1. **For members of the “immediate family” (for the purposes of this section is a spouse, child, step child, parent, step 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), employees shall be granted leave with pay from the day following the death through the day of the funeral, not to exceed one week, unless approved by the department head / elected official.** Employees desiring extended funeral leave may be required to use compensatory time, vacation or leave without pay if extended leave is granted. Deaths which occur during use of vacation shall be treated as described in this paragraph and are not be charged to vacation.
 2. For other family relations and friends, compensatory time, vacation or leave without pay may be taken when agreed upon by the department head/elected official.
 3. Elected officials and department heads are charged with the responsibility to approve or disapprove leave requests, and may require the employee to provide evidence of the death and/or family relationship.
- F. **Holiday Leave:** The following days have been designated by the county as paid holidays for regular full-time employees. On these days, the employee will be paid for eight (8) hours. All holidays are considered to be eight (8) hour days.

New Year's Day.....	January 1st
Human Rights Day.....	3rd Monday in January
President's Day.....	3rd Monday in February
Memorial Day.....	Last Monday in May
Independence Day.....	July 4th
Pioneer Day.....	July 24th
Labor Day.....	1st Monday in September
Columbus Day.....	2nd Monday in October (Road Department Only in lieu of Day After Thanksgiving)
Veteran's Day.....	November 11 th
Thanksgiving Day.....	4th Thursday in November
Day After Thanksgiving.....	4th Friday in November
Christmas Day.....	December 25th

1. 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 shall remain open for business.

2. Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation the day of the holiday.

3. When you are required to work on holidays, you will be granted the equivalent time off in the two (2) weeks before or two (2) weeks after the holiday. The Sheriff's Department will have up to three months before or after the holiday to use the equivalent time off.

4. Employees on unpaid Family Medical Leave (FMLA) are not entitled to holiday pay for holidays that occur while the employee is on unpaid FMLA leave.

5. One eight (8) hour day shall be granted to each employee as a "Personal Preference" day. This day may not be broken down and taken by the employee in any increment smaller than one eight (8) hour day. This personal preference day will not be

granted to an employee until he/she has worked for the county a minimum of one (1) calendar year in a permanent position.

- G. **Court Leave or Jury Duty:** An employee who, in obedience to a subpoena or direction by the proper authority, appears as a witness or juror for the federal government, the State of Utah, the County, or a political subdivision thereof, shall be entitled to leave with pay. However, the regular court compensation fees received by the employee shall be signed over to the county.
- H. **Maternity Leave:** An employee who becomes pregnant may continue working until such time as she can no longer satisfactorily perform her duties or her physical condition is such that her attending physician deems that continued employment to be hazardous to her health.
1. Maternity leave shall be treated as any other illness. Leave granted for maternity purposes shall be allowed on the same basis for which sick leave or Family & Medical Leave (FMLA) without pay is granted. Paid sick leave or FMLA leave without pay is available to cover the time for the pregnant employee's physical examinations and periods of incapacitation.
 2. Employees who have exhausted all accumulated sick leave shall be granted Family & Medical Leave (FMLA) without pay for maternity purposes. Employees desiring extended leave due to "pregnancy disability" shall receive it on the same basis as any other disability (see Leave-Without-Pay below).
- I. **Military Leave:** Leave shall be granted for a period of active military service. Short-term military leave is any leave of less than thirty (30) days in duration, normally not longer than fifteen (15) days. Extended military leave is thirty-one (31) days or more, not to exceed five (5) years.
1. Short-Term Military Leave is authorized for employees pursuant to the following conditions:
 - a. Employees are entitled to fifteen (15) working days of

military leave per year without regular pay. Any employee requesting such leave must provide the department head/elected official with advance notice (either written or verbal) and a copy of the military orders.

- b. Employees who are members of reserve units of the military shall, if possible, notify the department head/elected official at least four (4) weeks 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 and compensatory time.
 - d. While on short term military leave, none of the employee's benefits shall accrue, except that health and life insurance benefits will remain in force.
2. Extended Military Leave Without Pay shall be granted employees called to active service who are members of the uniformed services (including non-career National Guard and Reserve members, as well as active duty personnel), as well as members of the Public Health Service, the Coast Guard, and others designated by the President in times of war or emergency, in accordance with the Uniformed Services Employment and Re-employment Rights Act (USERRA), Chapter 43 of Title 38, U.S. Code. An activated employee may be permitted to return to county employment pursuant to the following conditions:
- a. If at all possible or reasonable, the employee (or the employee's officer) must give the county advance notice (either written or verbal) of upcoming military service of any type.
 - b. The cumulative period of service must not have exceeded five (5) years.

- c. The employee must have been released from service under honorable or general conditions.
 - d. The employee must have reported back to work or applied for re-employment within time constraints prescribed by law:
 - i. For periods of military service up to thirty (30) days, the employee must return to work for the next regularly scheduled shift on the day following release from the military, safe travel home, and eight (8) hours rest.
 - ii. Following a period of service of thirty-one to one-hundred-eighty (31 to 180) days, the employee must apply for re-employment within fourteen (14) days following release.
 - iii. Following a period of service of one-hundred-eighty-one (181) days or more, the employee must apply for re-employment within ninety (90) days after release.
 - iv. A failure to return to work or apply for re-employment within the specified time limits may make the employee subject to the county's policy concerning an unauthorized absence from work.
3. Health Insurance: If the employee's period of service is thirty (30) days or less, the employee will pay the normal employee cost for the coverage. An employee may elect to continue employer-provided health insurance for a period up to the first eighteen (18) months of their military service. If the period of service is thirty-one (31) days or more, the employee may be required to pay up to one-hundred-two (102%) percent of the total premium.
4. Pensions: All pension plans in which benefits are earned for length of service are protected.

5. Vacation / Leave Time: Employees may elect prior to military service to use any personal vacation or all-purpose leave they have accrued, however, vacation and other forms of leave time do not accrue during military service.

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

1. A leave of absence without pay, granted to an employee, may not exceed one (1) year in duration and may be terminated prior to the expiration date thereof by the department head/elected official. Failure of an employee to report for duty promptly at the expiration of his/her leave time or upon termination of the leave time by the county, may be just cause for discharge and the removal of the employee's name from any list of persons eligible for re-hire.
2. Prior to being granted leave of absence without pay status, all personal leave and compensatory time must be exhausted.
3. Positions vacated by granting leave of absence without pay may be filled on a temporary basis. If the employee on leave violates the terms of the leave, or fails to comply with a request by the county to return to work; the county may grant full-time status to the temporary employee or conduct an open recruitment.
4. Employees desiring to continue health insurance coverage while on leave-without-pay may receive such coverage upon making arrangements with the county. During such period it shall be the responsibility of the employee to pay the premium as set by the Board of County Commissioners.

5. No benefits shall be provided nor shall personal leave accrue while on leave without pay.
- K. **Administrative Leave:** In cases of training, special educational pursuits, hardships, or other cases not provided for in these policies, the Board of County Commissioners may grant short-term leave at full, partial, or no pay. The approval or denial of such requests are at the discretion of the Board of County Commissioners and are not subject to appeal.
- L. **Family & Medical Leave:** The county will comply with all applicable requirements of the Family & Medical Leave Act of 1993 (FMLA).
1. **Eligibility:** All employees who have been employed by the county for at least twelve (12) months (which need not be a consecutive 12 month period) and have worked for the county at least twelve-hundred-fifty (1,250) hours in the previous consecutive twelve (12) month period or work at a location where the county employs 50 or more employees within a 75-mile radius of that location qualify for family and medical leave.
 2. Eligible employees may receive up to twelve (12) weeks of job protected leave in any twelve (12) month period for the following reasons:
 - a. Because they are unable to perform their job due to pregnancy, prenatal medical care or child birth; or
 - b. to care for a child upon birth or upon placement for adoption or foster care; or
 - c. to care for a parent, spouse, or child with a serious health condition; or
 - d. when an employee is unable to work because of a serious health condition.
 - i. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - any period of incapacity or treatment connected with inpatient care (i.e., an

- overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than **three calendar days** from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

ii. Health care providers who may provide certification of a serious health condition include:

- doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;
- podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to

- practice in the State and performing within the scope of their practice under State law;
- nurse practitioners, nurse-midwives, and clinical social workers authorized to practice under State law and performing within the scope of their practice as defined under State law;
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
- any health care provider recognized by the employer or the employer's group health plan's benefits manager; and,
- a health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.

e. for "any qualifying exigency" arising out of a family member's active military duty or call to active military duty. A "qualifying exigency" is specified in law as:

- i. Short-notice deployment;
- ii. Military events and related activities;
- iii. Child care and school activities;
- iv. Financial and legal arrangements;
- v. Counseling;
- vi. Rest and recuperation; or
- vii. Post-deployment activities.

3. Notice & Verification: Employees applying for FMLA leave ordinarily must provide the county with at least thirty (30) days notice of the need for leave, if the need for leave is foreseeable. If the need is not foreseeable, the employee should give as much notice as is practical. **Employees who will be absent from work for three (3) or more days, due to his/her serious health condition or that of a parent, spouse or child, or another "qualifying exigency" shall apply for FMLA leave.**

- a. The employee notice shall contain the reason for the leave, the anticipated timing of the leave and the expected duration of the leave. In addition, employees who need leave for their own or a family member's serious health condition, must provide medical certification of the serious health condition within fifteen (15) days after the request or as soon thereafter as is reasonably possible. The county may also require a second or third opinion (at the county's expense), periodic re-certification of the serious health condition (as frequently as every thirty (30) days), and when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. **The county may deny leave to employees who do not provide proper general or advanced leave notice or medical certification within established time frame.**

4. County Communication Requirements: Upon receiving notice or upon the determination of an employee need for FMLA leave, the county must provide the employee with a detailed notice specifying the employee's rights and obligations in connection with the law and county policy and explain any consequences of a failure to meet these obligations. The county notice shall include:

- a. a statement that the leave will be counted against the employee's annual FMLA leave entitlement;
- b. requirements for the employee to furnish medical certification of a serious health condition and the consequences for failing to do so;
- c. the requirement for the employee to use accrued paid leave, such as vacation, all-purpose, and long-term sick leave concurrently with FMLA leave;
- d. any requirements for the employee to make or participate in the payment of insurance premiums, and the methods for doing so;
- e. notice that the employee will not accrue vacation, nor will he/she be paid for holidays that occur during the employee's unpaid FMLA leave;

- f. any requirement of the employee to present a fitness-for-duty certificate in order to return to work;
 - g. the employee reinstatement rights to the same or equivalent job;
 - h. the employee's status as a "key employee" and the conditions under which reinstatement may be denied.
 - i. the employee's potential liability for health insurance premiums paid by the county during the leave if the employee does not return to work.
5. Method of Leave Usage: The leave may be taken intermittently or on a reduced leave schedule without the county's approval when medically necessary; therefore, department heads and elected officials shall take an active role in verifying medical necessity, especially in the case of emergencies and short notice situations. **FMLA leave may be taken in half-hour, hour, day or week long periods of time.**
6. Employee Entitlement: Employees taking qualified FMLA leave are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. In addition, the county shall reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms as previously provided. The county's obligation under FMLA to reinstate an employee returning from leave ceases once the employee has used up his/her twelve (12) week entitlement and continues on another form of leave, paid or unpaid. Also, the county may deny reinstatement if it can be demonstrated that the employee would not otherwise have been employed at the time the reinstatement request is made, such as when an employee's position is eliminated due to a layoff.
7. Accrued Benefit Impact: Employees use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, compensatory time, and sick leave during a FMLA leave for the employee's own serious health condition or for a seriously ill family member.

- a. As stated above in other subsections, employees on unpaid FMLA leave may not accrue vacation or other leave time and may not receive compensation for holidays that occur while the employee is on unpaid FMLA leave.
8. Defining Twelve (12) Month Period: The county shall use one of four methods as defined by FMLA, and may change methods when determined to be in the best interest of the county in terms of administration. However, fifty (50) days notice must be given to employees of intent to change and employees must retain the full benefit of twelve (12) weeks of leave. The county shall use one of the following:
 - a. the calendar year;
 - b. any fixed twelve (12) month period, such as a fiscal year, an employee's anniversary date, or a year which is or may be required by state leave law;
 - c. the twelve (12) month period measured forward from the day an employee's FMLA leave commences;
 - d. a rolling twelve (12) month period measured backward from the date an employee uses FMLA leave.

NOTE: With the approval of this policy, the county designates c. the twelve (12) month period measured forward from the day an employee's FMLA leave commences, until changed.

9. Temporary Work Assignments: Where medical necessity dictates the need to use scheduled intermittent leave or a reduced work schedule, the county may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of leave than the employee's regular position. In addition, the county may transfer an employee to a part-time job with the same hourly rate of pay and benefits as long as the employee is not required to take more leave than is medically necessary.

10. Record Keeping Requirements: Records retention for FMLA purposes must be maintained in accord with record keeping requirements of the Fair Labor Standards Act (FLSA). Records must be kept for a minimum of three (3) years which includes the following information:
- a. basic payroll records;
 - b. dates that FMLA leave is taken;
 - c. hours of FMLA leave;
 - d. copies of employee notification given to employer;
 - e. copies of employer notices regarding employee rights and obligations;
 - f. copies of county policies and procedures describing benefits and leave provisions;
 - g. premium payments of employee benefits;
 - h. documents pertaining to disputes regarding designation of FMLA leave.

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

- M. Retirement: The county is a participant in the public safety and public employee retirement programs of the Utah State Retirement Systems (URS). The county endorses the concept that performance and not age should be the standard for retaining qualified employees. There is 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 sixty (60) or upon completion of thirty-five (35) years of accredited service.
- 1. Employees, at their discretion, may choose to retire anytime after they are eligible under provisions of the Retirement Act.
 - 2. Employees over retirement age can be retained or hired as long as they are physically and mentally able to satisfactorily discharge the duties of the position.
 - 3. Exempt Employee: For those employees who are under State Retirement Systems rules and regulations are eligible to choose not to participate in the Utah Retirement System, the

county will contribute, in an amount equal to that being paid on behalf of employees enrolled under the "employee" group, into an alternate retirement program through a payroll deduction option presently established.

- N. **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.
- O. **Educational Assistance:** San Juan County will assist employees in their education goals by either granting administrative leave (time off with pay) to attend classes or subsidizing the educational expenses of employees but subject to the following conditions:
1. All requests for educational assistance must be approved by the department head/elected official and the Board of County Commissioners using an approved form.
 2. No educational program/classes will be reimbursed unless prior approval is obtained.
 3. The educational program will provide a direct benefit to the county through the employee's current employment position.
 4. The employee shall successfully complete the required course work with a passing grade.
 5. The employee shall agree to repay any such assistance (including granted leave time) which was received for educational work completed in the year immediately preceding any type of termination. This includes POST and Correctional Certification Training. The employee receiving educational assistance will sign an agreement to the conditions of this policy.
 6. The department for which the employee works, will pay all cost of the educational assistance and/or administrative leave.

7. Educational assistance shall not exceed \$600.00 in any one calendar year for any employee. POST, Correctional Certification and CLE is not applicable to this item. If the cost of the assistance is greater than \$600.00, it will be reviewed on a case by case basis.
8. Educational assistance is only available to those employees working more than thirty-two (32) hours per week and that currently have a satisfactory performance evaluation. Educational assistance is approved, provided that their plan of study does not interfere with their work schedule.
9. If the employee is entitled to veteran's educational benefits, such benefits must be used in lieu of county reimbursement. The county reimbursement will be reduced by the amount of reimbursement the employee is eligible for from the Veteran's Administration.

SECTION ELEVEN - REIMBURSEMENT FOR EXPENSE

- A. **Travel:** Travel expenses associated with authorized trips on county business, for attendance at conventions, conferences, field trips, educational courses or meetings, etc., will be paid by the county. The employee will prepare and provide a travel expense report to the county upon completion of the trip, but not later than one (1) month after return to normal duties. An employee may be accompanied by a spouse 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. All absences from work to attend various meetings, training, seminars, conventions, etc., must be approved by the department head/elected official prior to attendance.
1. **Out of State Travel:** All out of state travel must be pre-approved by the Board of County Commissioners. A "Request for Out-of-State Travel" form should be completed and signed by the department head and brought to the Board of County Commissioners for pre-approval. In the event of emergency travel that was not pre-approved, the Board of County Commissioners should approve the travel immediately upon return. The approved request should be attached to the expense report for reimbursement. Routine travel into adjoining states as part of one's daily job does not require pre-approval and will not trigger the out of state per diem policy stated below.
 - a. First class accommodations will be utilized only when a lesser rate is not available. If a trip requires a choice of air, ground, or other type of travel, reimbursement shall be computed at the lowest rate. An employee may select another option for his/her convenience, but reimbursement will be based on the lowest approved rate, unless otherwise approved by the Board of County Commissioners.
 - b. Per diem rates for meals (minus incidentals), for out of state travel tied to an out of state travel request and approval, shall be reimbursed to the employee at the

M&IE Rate set by the U.S. General Services Administration (GSA).

2. When an employee is traveling on business that is paid by another entity, he/she is not entitled to claim reimbursement from the county. If such travel involves use of a county car, mileage reimbursement received from another entity, shall be paid to the county. Claiming travel expense for the same trip from two or more entities constitutes a felony punishable by fines and jail time.
3. The employee is responsible for all personal charges made on direct billing accounts. This would include, but is not limited to personal telephone calls, meals, in-room movies, laundry and dry cleaning, etc.

B. **Travel Expenses:** Travel expenses must be included in an annual budget for each department anticipating travel as a part of the budget process. Any travel expenses in excess of the amount budgeted must have the approval of the Board of County Commissioners.

C. **Use of Personal Vehicles:** Personal cars may be used for county business, if adjudged advantageous to the county. The reimbursement rate is indicated on the Travel Expense Report. Employees should understand that the county provides no insurance for private vehicles. Employees are required to maintain proper vehicle insurance on vehicles used on county business.

1. **Mileage Reimbursement Rate:** Reimbursement rate for a personal vehicle used for approved travel shall be at a rate established by the Board of County Commissioners and allowed by the IRS, which may be adjusted from year to year. Employees anticipating travel may obtain the current reimbursement rate from the Human Resource Department or County Clerk/Auditor. Travel distances will be computed from a standard mileage chart when available. Vehicle odometer readings will be reimbursed for distances not charted, with approval of the department head/elected official. When necessary, reimbursement for public transportation (air, bus,

train) will equal actual cost of fares. Mileage around Salt Lake City, Utah, in performance of County business will be reimbursed at the regular rate, but not to exceed fifty (50) miles.

- D. **Use of County Vehicles**: Each employee must possess a valid Utah State driver's license before operating a county vehicle. If needed and available, county cars may be scheduled through the County Road Office. Employees will be reimbursed for verifiable (via receipt) expenses such as oil, gas, emergency auto service, and parking fees. An employee using a county car is responsible for assuring that the car interior is cleaned prior to returning the car.
1. Employees required to commute in a county vehicle for valid non-compensatory business reasons may not use a county vehicle for personal use other than commuting.
 2. If space is available, an employee's spouse and children, but not friends, can accompany them on a trip in a county car if it does not conflict with employees completing their assigned duties or put the spouse and children in harm's way.
 - a. When an employee is considering out of town travel with their spouse and children, they should evaluate the nature of the trip and what they may be doing after hours. If the employee will be socializing or conducting private business, it may be better that the employee take a personal vehicle. Also, the employee needs to evaluate the need to take a specialty vehicle.
 - b. If it is anticipated that the spouse will need to drive the vehicle, the spouse must sign a volunteer agreement with the Human Resource Department and submit their driver's license to the County Risk Manager for review and clearance by the Department of Motor Vehicle prior to the trip being taken. If this procedure is not followed and an accident occurs, the employee and spouse will be responsible for damages incurred. Furthermore, it should be understood that by allowing a spouse and children to accompany an employee is not an invitation to unlimited use of county vehicles for personal convenience. It is

expected that prudence and good judgment will be exercised when determining what and how the vehicle will be used.

- c. It is the policy of the county that if a spouse and children accompanies an employee, it will not be in carrying out normal day to day duties within the county, but rather on those special occasions when out of town trips are required.
- d. On call status employees, such as road deputies, snow removal crews, or other similar job related duties will not be allowed to transport spouses or other family members to social events, church, or other non-work related activities. However, if a specialty vehicle is going out of town for repair work, training, or for other non-essential work related activities, then the same rules apply as for motor pool vehicles.

3. County employees are prohibited from smoking, picking up hitch hikers, talking on cell-phones or giving rides to friends while operating county vehicles. Furthermore, Good Samaritan acts are to be limited to those outlined in Section 15, Paragraph C.

E. **Lodging:** Employees are encouraged to stay at motels and hotels in which the county has established direct billing arrangements. A list will be provided annually listing names, locations, and rates. In the event that this is not possible, the employee is encouraged to take a copy of the County's Exemption Certificate for Governments and Schools or county check to pay for the room(s), thus allowing the county to avoid paying applicable taxes.

F. **Per Diem:** Employees shall be reimbursed for meals at the fixed rate as approved by the Board of County Commissioners for breakfast, lunch and dinner. Receipts are not required to be attached to the travel expense report. When a meal is included in the cost of tuition, fee, etc. for meetings, conferences, workshops, or other approved programs, the employee may not submit that meal for reimbursement.

1. An employee will not be reimbursed for in-county meals, unless the employee is required to live away from home within the county. While in the field, the employee is entitled to reimbursement at the county rate for out-of-county meals. Guidelines for meals allowed are as follows:
 - a. When an employee leaves in the morning, his first eligible meal for reimbursement is the lunch meal.
 - b. When an employee leaves in the afternoon, his first eligible meal for reimbursement is the dinner meal.
 - c. When the employee leaves and returns the same day, all three meals will be allowed if the trip exceeds twelve (12) hours.

G. **Advance Payments**: Advancements, special rates for unique circumstances, and all other expenses related to travel in behalf of the county, training or related circumstances will be considered for reimbursement or advance payment on a case-by-case basis by the department head/elected official. The Board of County Commissioners reserves the right to give final approval for all out of state travel reimbursements or advancements.

SECTION TWELVE - WORK HOURS

- A. **Normal Work Periods:** The county normally pays its employees monthly. Most full-time employees are expected to work eight (8) hours a day, forty (40) hours per week. Each work-week begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday. Due to Road Department and Sheriff's Office shift schedules, variations in the hours worked per week may occur which shall be managed according to the overtime provisions of the Fair Labor Standards Act (FLSA).
1. Hours of operation in the County Courthouse and Public Safety Building (not including Sheriff's Office operations) are Monday through Friday, 8:00 a.m. to 5:00 p.m. All offices are expected to maintain these core hours to maximize services to the public. Extended hours of operation during certain periods of time are the responsibility of the department head/elected officials.
- B. **Attendance:** An employee who is unable to report for duty on a work day shall notify the supervisor or department head/elected official within one half-hour of the regularly scheduled starting time. In case of emergencies, notification should be made as soon as reasonably possible.
- C. **Lunch Break:** Non-paid lunch breaks are to be provided no longer than five (5) hours after the beginning of the work day and are not to be less than thirty (30) minutes or longer than one (1) hour in length.
1. For those offices working from 8:00 a.m. to 5:00 p.m., a one (1) hour lunch break is authorized. It is intended that full time employees in these offices will work an eight (8) hour day.
 2. For County Road Department employees working from 7:00 A.M. to 5:30 p.m., a thirty (30) minute lunch break is authorized. It is intended that the employees in the Road Department will work a ten (10) hour work day.

- D. **Rest Periods:** Two (2) daily, compensable fifteen (15) minute rest periods are granted by the county. One (1) rest period may be used in the middle of the first four (4) hour block of the work day and one (1) may be used in the middle of the second four (4) hour block. Unused rest periods may not be used to lengthen a lunch hour or shorten the work day.
- E. **Unforeseen Work Interruptions:** It is the policy of the county that on those days when there is an interruption of work for causes outside the control of the county (i.e. snow day) employees shall be compensated for the entire day of the occurrence, regardless of the time released from work. This is to be determined by elected officials/department heads.
1. On the day immediately following the occurrence, employees shall be expected to report to work at his/her regularly scheduled start time, unless otherwise notified by the department head/elected official/supervisor.
 2. Such notification shall be initiated no later than one (1) hour prior to the regular start time. Reasonable diligence to make contact is the responsibility of both the department head/elected official/supervisor and employee.

SECTION THIRTEEN - WORK POLICIES

- A. **General Conduct:** The very nature of governmental business makes relations with the public one of the most important aspects of the job. The quality of county employee interactions with the public reflects on all employees as well as the county as a whole. Employees should take every opportunity to create "good will" with the public as they perform their job duties. Employees are required to be courteous and show understanding in spite of foreseeable difficult situations which may arise. Reports to the contrary will be investigated by department heads/elected officials or supervisors and may result in disciplinary action against the employee.
1. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
 2. Employees are expected to make prudent and frugal use of county funds, equipment, buildings and supplies.
 3. Employees are expected to observe work place rules.
 4. Employees are to report conditions or circumstances that would prevent them from performing their job effectively or completing assigned tasks.
 5. Employees are expected to practice dress and grooming habits consistent with the business environment and beneficial in promoting a favorable public image.
- B. **Performance Documentation:** It is the responsibility of the immediate supervisor, department head/elected official to properly, and in a timely manner, document noteworthy, or critical incidents of employee behavior. Such records may be used to support decisions which affect employee status related to job advancement, rewards, discipline and discharge.
- C. **Outside Employment:** No employee may engage in any outside employment which in any manner interferes with the proper and effective performance of their official duties, creates a conflict of

interest, or is deemed detrimental to county service. In the event that an employee's outside employment adversely affects the performance of county responsibilities, disciplinary action may be taken by the department head/elected official, and may result in separation from county employment. Some department policies may be more stringent than the general county personnel policy and procedures because of legal requirements of the job or other special needs. Supervisors will have such special department policies reviewed by the County Attorney's Office and approved by the Board of County Commissioners prior to their implementation. It will be the responsibility of the individual supervisor, department head/elected official to properly orient the employee of special departmental policies and their potential consequences.

- D. **Political Activity:** Except as otherwise provided by law or by rules and regulations promulgated by the State of Utah or the federal government for federally aided programs, county employees may voluntarily participate in political activity subject to the following provisions:
1. No employee shall be denied the opportunity to become an applicant for a position by virtue of political opinion or affiliation.
 2. No employee may be dismissed from service due to political opinion or affiliation.
 3. An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and to allow employees to serve as voting county officers and as stated or county delegates without jeopardizing public programs for which they are responsible.
 4. No employee, whether elected or appointed department head/elected official, may directly or indirectly coerce, command, advise or solicit any officer or employee covered under the personnel system to pay, lend, or contribute part of his /her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No supervisor, manager, department head or

employee, whether elected or appointed, may attempt to make any officer's or employee's employment status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.

- E. **Garnishments:** The county encourages its employees to manage their financial affairs responsibly. A wage garnishment against a county employee reflects poorly upon the employee and imposes administrative expenses on the county. Employees whose wages are garnished should discuss the matter with their department head/elected official and arrange to pay off the judgment as soon as possible. As determined by Utah law, the county will not discipline any employee whose earnings have been subject to garnishment “in connection with any one judgment.” Utah Code Annotated, Section 70c-7-104 (1953, as amended). However, the county may take disciplinary action if an employee is subject to garnishment for more than one (1) judgment. The county may charge the employee an administrative fee for processing a garnishment action.
- F. **Drug Free Work Place:** San Juan County is a drug free work place. Employees who are under the influence of illegal or prohibited controlled substances or alcohol while at work are subject to discipline, up to and including termination. Employees who use, possess, or distribute illegal controlled substances at any time, whether at work or not, are subject to discipline up to and including termination.
1. **San Juan County employees are subject to the terms and conditions outlined in the Drug-Free Workplace policy attached as Appendix A.**
 2. **The county reserves the right to implement a drug testing Program consistent with Utah State law. The county complies with the Americans with Disabilities Act (ADA).**
- G. **Non-Smoking Policy:** It is the policy of the county to comply with all applicable federal, state, and local regulations regarding smoking in the work place and to provide a healthy work environment that promotes productivity.

1. The county recognizes that smoking in the work place can adversely affect employees. Accordingly, smoking is restricted at all of its facilities. All county vehicles are designated as non-smoking vehicles.
2. Smoking is prohibited inside all county facilities except for special areas where it is specifically authorized. The Human Resource Director is responsible for implementing and monitoring smoking regulations, and supervisors/elected officials/department heads are expected to enforce such regulations. The smoking policy applies to employees during working time and to customers and visitors while on county premises.
3. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to the smoking policy. However, smokers have a special obligation to keep smoking areas litter-free and not to abuse rest break and work rules. Employees who violate the policy may be subject to disciplinary action.
4. The county does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during non-working time and off the county premises.

H. **Firearm Policy:** In the interest of protecting the safety of its employees and the public, and pursuant to state law, the county restricts its employees from possessing firearms in county vehicles or equipment unless the employee is licensed or required to carry a firearm to perform the essential duties and functions of his/her position. Violation of this policy will result in discipline and may result in a suspension without-pay or termination.

I. **Racial and Sexual Harassment Prohibited:** San Juan County will not tolerate racial or sexual harassment. Sexual and racial harassment are prohibited personnel practices and are against the law. Harassment is a form of employee misconduct that interferes with workplace productivity and wrongfully deprives employees of the opportunity to work in an environment free from a racially or sexually

charged or hostile atmosphere. Offenders are subject to discipline, up to and including termination. All employees are responsible for ensuring that the workplace is free from all forms of sexual and racial harassment.

1. Sexual harassment encompasses a wide range of behaviors, including sexual attention, sexual advances, request for sexual behaviors, and other verbal, visual, or physical conduct of a sexual nature. Examples of sexual harassment may include, but are not limited to the following:
 - a. Implying or threatening adverse employment actions if sexual actions are not granted.
 - b. Promising preferential treatment in return for sexual favors.
 - c. Subtle pressure for sexual activity.
 - d. Inappropriate touching of any individual i.e. petting, pinching, grabbing, hugging, or repeated brushing against another employee's body.
 - e. Offensive remarks, including unwelcome comments about appearance, obscene jokes, or other inappropriate use of sexually explicit or offensive language.
 - f. The display of sexually suggestive objects or pictures.
 - g. Disparaging remarks about a person's gender.
 - h. Spreading stories about a person's sexual conduct.
 - i. Questions about a person's sexual activity.
 - j. Physical aggression such as pinching or patting.
 - k. Verbal sexual abuse disguised as humor.
 - l. Obscene gestures.
 - m. Horseplay or bantering of a sexual or off-color nature.
 - n. Other actions of a sexual nature which affect the terms and conditions of a person's employment.
 - o. Conduct or comments consistently targeted at only one gender, even if the content is not sexual.

2. Racial harassment encompasses a wide range of behaviors, including racially based derogatory comments, taunting or treatment. Examples of racial harassment may include, but are not limited to the following:

- a. Epithets, slurs, negative stereotyping, or put-downs based on race.
 - b. Materials such as cartoons or e-mails making fun or derogatory statements based on race.
 - c. Threats, assault or any physical interference with an employee's normal work or movement, directed at individual employees, their relatives, friends or associates based on race.
3. **The county considers prompt reporting of harassment to be a condition of your employment. If you believe that you have experienced or witnessed racial or sexual harassment, you must immediately report your concern to your department head/elected official. If you feel uncomfortable reporting to your department head/elected official, contact a staff member of the Human Resource Department, a staff member of the County Attorney's Office, or a member of the Board of County Commissioners.**
 4. **The county will not tolerate retaliation against any person who is the victim of or the reporter of racial or sexual harassment.**
 5. **The county will investigate allegations of racial or sexual harassment and will take appropriate action against any person found to have violated this policy. County employees agree to co-operate fully in any investigation involving harassment, sexual or otherwise. Individuals who engage in racial or sexual harassment are subject to discipline, which may include, but is not limited to reprimand, reassignment, suspension, demotion, or other sanctions.**

J. **Discrimination / Harassment Based on Other Protected Categories Prohibited:** The county believes that a workplace free from hostile, intimidating, or offensive behavior is the most productive workplace. Employees should use courtesy and common sense when interacting with co-workers. Employees who harass others based upon their color, national origin, age, religion, sexual

orientation, gender identity, marital status or disability are subject to discipline, up to and including termination. All employees should work together in a professional manner with courteous, mutual respect.

K. **Religious Liberty Protections:** San Juan County will permit an employee to express the employee's religious or moral beliefs and commitments in the workplace in a reasonable, non-disruptive, and non-harassing way on equal terms with similar types of expression of beliefs or commitments allowed by the county in the workplace, unless the expression is in direct conflict with the essential business-related interests of the county.

1. San Juan County will not discharge, demote, terminate, or refuse to hire any person, or retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any person otherwise qualified, for lawful expression or expressive activity outside of the workplace regarding the employee's religious, political, or personal convictions, including convictions about marriage, family, or sexuality, unless the expression or expressive activity is in direct conflict with the essential business-related interests of the county.

L. **Acceptable Use of County Information Technology (IT) Resources Policy**

1. **Purpose / Background:** The purpose of county-provided information technology (IT) resources (e.g. e-mail, electronic voice and video communication, facsimile, the Internet, and future technologies) is to support county departments in achieving their mission and goals, and to improve county government in general. These resources are intended to assist in the efficient and effective day-to-day operations of county departments, including collaboration and exchange of information within and between county departments and other branches of government and others.

2. Policy:

- a. Effective use of county-provided IT resources are important to San Juan County.
 - i. The use of county-provided IT resources are related to, or for the benefit of, county government. County-provided IT resources are to be used productively. Disruptions to county government activities, because of inappropriate use of county-provided IT resources, are to be avoided.
 - ii. Incidental and occasional personal use is permitted, as long as such use does not:
 - Interfere with existing rules or policies pertaining to the department
 - Disrupt or distract the conduct of county business (e.g., due to volume or frequency)
 - Involve solicitation
 - Have potential to harm county, or
 - Involve illegal activities
- b. With regard to privacy issues and legal implications, the county has the right to access and disclose the contents of electronic files, as required for legal, audit, or legitimate county operational or management purposes.
- c. San Juan County will review complaints or instances of unacceptable use brought to its attention. Violators are subject to corrective action and perhaps discipline, and may also be prosecuted under state and federal statutes.
- d. When using county-provided IT resources the employee or volunteer is a representative of county government at all times. At a minimum, this means that IT resources will not be used to:
 - i. Distribute offensive or harassing statements, disparage other based on race, national origin, sex,

- sexual orientation, gender identity, age, disability or political or religious beliefs.
 - ii. Distribute incendiary statements which might incite violence or describe or promote the use of weapons or devices associated with terrorist activities.
 - iii. Distribute or solicit sexually oriented messages or images.
- e. E-mail consists not only of county-provided e-mail system, but also the act of sending and receiving e-mail through the Internet.
- f. Any use of county-provided IT resources for inappropriate purposes, or in support of such activities, is prohibited (unless authorized through job responsibilities).
- g. Unacceptable use of information technology resources includes, but is not limited to:
 - i. Any use of county-provided IT resources for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.
 - ii. Any sexually explicit use, whether visual or textual, such as viewing, transmitting, retrieving, saving, or printing an electronic file which may be deemed sexually explicit.
 - Sexually explicit files are not solely defined as pornographic but simply sexually explicit.
 - iii. Any use for political lobbying, such as using e-mail to circulate solicitations or advertisements.
 - iv. Duplicating, transmitting, or using software not in compliance with software license agreements.
 - v. Unauthorized use of the copyrighted materials or another person's original writings.
 - vi. Accessing accounts within or outside the county's computers and communications facilities for which you are not authorized or do not have a business need.

- vii. Knowingly or inadvertently spreading computer viruses.
- viii. Violating the privacy of individual users by reading e-mail or private communications unless you are specifically authorized to maintain and support the system.
- ix. Distributing “junk” mail, i.e. spam, chain letters, advertisements, or unauthorized solicitations.
- x. Transmitting classified information under the Governmental Records Access and Management Act (GRAMA) without proper security.

SECTION FOURTEEN - OCCUPATIONAL LAWS

- A. **Occupational Health & Safety:** No job is so important and no service so urgent that time cannot be taken to perform work safely. Equipment, materials and operations must be understood before they are utilized. It is the intent of the county to comply with all applicable rules and regulations pertaining to the Occupation Safety and Health Act (OSHA) as established under federal law or state law. To that end, San Juan County has instituted a Comprehensive Health and Safety Program and its provisions are found in a separate manual entitled, "San Juan County Comprehensive Health and Safety Program, for Compliance with OSHA General Rules and Regulations."
1. The county shall furnish each of its employees a work environment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees and does hereby require that each employee comply with the occupational safety and health standards, orders, rules, and regulations promulgated under OSHA. Compliance with this act shall be accomplished through the establishment of an occupational safety and health program as outlined herein.
 2. In accordance with law, the department head/elected official shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. A Safety Committee, in conjunction with department heads/elected officials, shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and the public. They shall warn all employees of any known dangerous conditions.
 3. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not time is lost. These records shall at all reasonable time be available to the Industrial Commission or its representatives upon request.

Other records shall be kept as requested by the Industrial Commission.

4. The Human Resource Department shall post, in a conspicuous place, a listing of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of an emergency.
5. Supervisors and employees shall be required to insure clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time.
6. It is the responsibility of the supervisor to file a report of any on-the-job injury resulting in disability or lost time which shall be submitted to the Human Resource Department, the County Auditor, the Industrial Commission and to the affected employee within seven (7) calendar days on a "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, fires, etc.) that might affect the safety or health of county employees or tend to increase the hazards thereof, the Human Resource Director or other designated authority shall notify the Industrial Commission immediately. Such notification must be made whether or not any actual injuries result from the above occurrences or changes of conditions.
7. No person shall remove, displace, destroy or carry away any safety device or safeguard provided for use in any place of county employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees. Willful violation of these rules may be grounds for disciplinary action or termination.

8. Any unsafe conditions and circumstances involving accidents or the potential for accidents shall be reported immediately to the supervisor, the Human Resource Director and the County Risk Manager.

B. **Worker's Compensation:** According to state law, workers compensation benefits are provided to all county employees who become injured or contract occupational diseases on the job and cannot perform their normal duties. The Worker's Compensation Act, Utah Code Annotated, Section 34A-2-101, *et seq.* (1953, as amended). However, no compensation shall be allowed for the first three days after the injury, except for authorized medical, nurse and hospital services, and for medicines and funeral expenses. Nevertheless, if the temporary disability lasts for more than fourteen (14) days, compensation shall then be payable for the first three (3) days. Utah Code Annotated, Section 34A-2-408 (1953, as amended).

1. In the event an employee is injured on the job - he/she must apply for workers compensation.
2. Under the Americans with Disabilities Act (ADA), reasonable accommodation will be made in all return-to-work situations, if doing so will not produce undue hardship. Eligible workers may receive benefits in various areas which include hospitalization, medical, disability, permanent loss of body functions, prosthetic devices, and death/burial benefits.
3. Employees injured on the job, no matter how slight, must report the incident promptly to a supervisor and fill out and submit a "First Report of Injury" report to the Human Resource Department and the County Risk Manager. Levels of compensation and County participation in payments to the worker shall be according to standards established by the Utah State Industrial Commission.
4. In conjunction with Appendix A, the County's Drug Free Work Place Policy, every employee involved in an on duty accident or unsafe work practice, shall immediately submit to a drug and

alcohol test at the Blanding Medical Clinic or the San Juan County Clinic in Monticello.

- C. **Coordination of Social Security Benefits:** Employees who are eligible for both Worker's Compensation and Social Security will receive reduced Social Security payments, but will not receive reduced Worker's Compensation benefits.

- D. **Unemployment Insurance:** The unemployment insurance program directed by Utah Workforces Service requires a person to make a declaration of physical ability to work and availability to work if physically able. Employees would not be eligible for unemployment insurance benefits if they are receiving Worker's Compensation benefits.

SECTION FIFTEEN - EMERGENCIES AND ACCIDENTS

A. **Accidents:** Employees involved in a traffic accident while on duty are required to notify law enforcement (city police, county sheriff, or highway patrol), the employee's immediate supervisor and the County Risk Manager immediately, or as soon as practical, to report the accident and fill out necessary accident forms. For clarity, an accident is defined as "an unfortunate or negligent event resulting from carelessness, unawareness, ignorance or a combination of causes." An incident is defined as "wear and tear that can be expected on a vehicle or equipment through normal usage." It is the employee's responsibility to secure the names and addresses of any witnesses in addition to requesting the other party to prepare a statement to be written and delivered to the County Risk Management Manager. Notification to the supervisor, the proper accident reports, and related information should be expedited to enable the timely filing of insurance claims.

1. Failure to notify law enforcement, the supervisor and/or County Risk Manager of a traffic accident immediately shall result in a reprimand or other disciplinary action.
2. Depending upon the seriousness of the accident in which the employee is involved and the causation for such an accident, the employee job status and compensation could be affected through reassignment, reclassification, demotion, or dismissal. Employees who have their driver license suspended or revoked, who are no longer able to perform the essential functions of the job may be placed upon leave without pay or be terminated. Each situation shall be given case-by-case consideration and employees so affected may appeal through the established grievance procedure.
3. Drug and alcohol testing will occur when an employee has been involved in an on duty accident (see Appendix A, Drug Free Work Place Policy, Section C, Drug and Alcohol Testing).

B. **Vehicle Safety & Operator Guidelines:** San Juan County has established standard operating procedures with regard to the operation of office/department vehicles and equipment. These

guidelines include, but are not limited to mandatory use of seat belts (driver and all passengers), driver safety training, etc. Non-compliance by employees with established standard operating procedures may be grounds for disciplinary action. All employees who operate county vehicles must complete driver safety training within one (1) year of hire date. Additionally, county procedures relative to vehicle operation and safety are contained within the “San Juan County Safety Manual”, which combined with this policy, constitutes the complete county vehicle and safety program.

C. **Providing Assistance to Stranded Motorists:** San Juan County employees may assist stranded motorists on state or county highways, or in other areas of the county, only through the following methods:

1. Stopping to ask if assistance is necessary.
2. By contacting the road office or law enforcement via mobile phone or radio, requesting an ambulance, police, and/or wrecker service. Also, a courtesy telephone call can be made to another party in which assistance could be delivered to the stranded party.
3. County employees should not use county vehicles or equipment to pull out private vehicles that are stuck, make or assist with repairs to private vehicles, provide fuel to private vehicles, tow vehicles to any location, etc. If there is a life threatening situation, employees may use county vehicles or equipment to move or assist vehicles, at the scene or to prevent further damage or injury.
4. While it is understood that with some assistance, motorists may be able to continue, there are private companies that are in the business to provide these types of services and the county should not be in competition with such businesses. County employees, especially those with mobile phones and radios, should assist as possible, in accordance with this policy.

5. This policy is not intended to eliminate those duties that are regularly performed by law enforcement officers and emergency response team operations. The policy is not intended to eliminate or alter the operating procedures of the Sheriff's Office in regards to the call out of wrecker services, etc.

D. **Emergency Call Out:** San Juan County employees who willingly respond to emergency response during non-scheduled work hours in which the employees are not performing their normal or routine county jobs for which they are hired, will be paid at the rate of \$8.50 per hour and any hours worked that create overtime will be paid at \$12.75 per hour. This rate may be adjusted from time to time. If, however, employees are called out to perform his/her regular job duties, such employees will be paid his/her regular wage at regular and overtime rates.

E. **Personal Safety:** San Juan County employees are the most valuable asset the county has. It is not the intent of the county to have an employee work in harm's way. It is therefore the policy of San Juan County that each employee be accountable for their own actions with regard to personal safety. Each employee is expected to work in a safe manner, using reasonable precautions to care not only for themselves but for the tools and equipment that they have been assigned to use.

1. **Cellphone Use:** While operating a county vehicle it is impermissible for a county employee to use his/her county issued or private cell phone to call or text. Shall an accident occur where a cellphone is suspected to have been in use prior to or during the accident, San Juan County has the right to view the phone to obtain information or subsequently obtain records pertaining to the phones use.

SECTION SIXTEEN - MISCELLANEOUS

- A. **Supplies, Tools and Equipment:** All employees are charged with the responsibility of maintaining the county's property in the best condition possible and making the most economical use of supplies issued to them. Safe and courteous operation is mandatory.
- B. **County Vehicles:** It is the responsibility of each San Juan County employee to get to his or her designated work place. Once an employee has reported to their assigned work place, a county vehicle will be provided should it be necessary to travel on county business or travel allowance will be provided. The department head / elected official shall be responsible for scheduling county vehicles for departmental use. County vehicles will not be used for private use or convenience, except when the employee is assigned a vehicle in which he/she may use to commute from their residence. The value of commuting in a county vehicle is taxable to the employee.

Each employee must possess a valid Utah State driver's license before operating a county vehicle.

1. The class of license required will be identified in the employee's job description. Additionally, the employee's driving record must be such that the county's liability carrier will provide coverage. The employee shall notify his/her supervisor within three (3) working days of the loss or suspension of their driver's license.
2. Failure of an employee to obtain and keep current a Utah Driver's license may be cause for termination, especially in positions that require the employee to operate a motor vehicle.
3. Employees are responsible for any driving infractions or fines that result while they are driving county or personally owned vehicles.
4. Only San Juan County employees / elected officials, employee / elected official spouses, and authorized volunteers may drive county vehicles. The county carries liability and property

damage insurance on all vehicles and such insurance covers all employees driving vehicles on official county business. However, accidents which are found to have been avoidable or to be the fault of the employee may subject the employee to disciplinary action.

- C. **County Volunteers:** All county volunteers must be approved annually by the county pursuant to Utah Code Section 67-20-4 prior to service. A "volunteer", as defined by state law, is a person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.
1. Volunteers may be reimbursed for actual expenses up to \$10.00 and up to \$600.00 with receipt.
- D. **Telephone Use (personal):** Personal long distance/toll calls will not be charged to the county at any time. Emergency personal toll calls will be placed collect to the receiving number or charged to the employee's private home number. Employees should keep personal telephone calls, either incoming or outgoing to a minimum. Failure to do so may result in disciplinary action.
- E. **Use of County Property or Facilities:** County property or facilities cannot be used by any employee or by the general public for any purpose other than official county business. Contractors and developers will not be supported by the use of county equipment or property at any time or by work performed by employees. No purchase shall be made through the county for personal use by any employee, except where otherwise provided for under special agreements or contracts.
- F. **Uniform & Equipment Allowance:** Offices desiring to utilize allowances for uniform purchase and maintenance or for non-issued equipment must do so through the budget process to assure availability of funds. Such allowances shall apply to entire job classifications.
- G. **Gifts, Gratuities or Other Remuneration:** No county employee or officer shall knowingly receive, accept, take, seek, or solicit, directly

or indirectly for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:

1. that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;
2. that the county employee or officer knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the county employee or officer for official action taken; or
3. if the county employee or officer recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift or compensation and other relevant information has been made in the manner provided in Section 67-16-6 of UCA.
4. the above sections do not apply:
 - a. an occasional non-pecuniary (not consisting of money) gift, having a value of not in excess of \$50; or
 - b. an award publicly presented in recognition of public services.

H. **Employee Parking:** Employees are to park their personal vehicles in locations that make public access easier to the county buildings. Employees who work at the County Administration Building are requested to park in the east lot or the north side of 100 South Street.

ADDENDUM - DEFINITIONS

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

Appeal - A formal request to a higher level of review for consideration of an unacceptable grievance decision.

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 Body of San Juan County.

Class or Classification - 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 hours 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 come under the direct authority and supervision of the Board of County Commissioners.

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

Discrimination - Alleged violation of any applicable State or Federal law governing employment discrimination.

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

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

Employee, Emergency - One who is hired for a specific function and is generally only hired for a specific amount of days, generally not to exceed thirty (30) days.

Employee, Exempt - An employee who, because of his or her positional duties and responsibilities and level of decision making authority is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees are expected to work whatever hours are necessary to accomplish the goals and deliverables of the position. Thus, exempt employees have more flexibility in their schedules to come and go as necessary to accomplish work than non-exempt or hourly employees.

Employee, Non-Exempt - An employee who, because of the type of duties performed, the usual level of decision making authority, and the method of compensation, is subject to all FLSA provisions. Non-exempt employees

are normally required to account for hours and fractional hours worked. Non-exempt employees must be compensated for all hours worked including overtime hours at the premium (time-and-one-half) rate of pay.

Employee, Part Time - One who works less than forty (40) hours per week.

Employee, Seasonal - One who is hired for a seasonal period to perform a specific function and is generally hired for a period of ninety (90) to one-hundred-eighty (180) days.

Employee, Temporary Status - One who is hired for a specific period of time, generally less than ninety (90) day.

Governing Body - The Board of County Commissioners.

Grievance: A complaint or resentment, as against an unjust or unfair act.

Immediate Supervisor - That employee or officer on the next direct line of authority above an aggrieved employee.

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

Malfeasance - Misconduct or wrong doing, doing what one should not do at all.

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

Misfeasance - Doing incorrectly what you should do, wrong doing.

Nonfeasance - Failing to perform a duty or responsibility

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

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

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

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

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 other existing positions.

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 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 with 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.

Separation - See Dismissal.

Suspension - A forced leave of absence without pay for a period not to exceed sixty (60) calendar days in any one year.

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

Termination - the conclusion of an employee's working relationship with the county.

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.

Verbal Reprimand - Instruction by a supervisor, department head or elected official describing a change in behavior expected from an employee.

Veteran - A person who served in the active military (Army, Navy, Air Force, Coast Guard) and who was discharged or released there from with other than a dishonorable discharge.

Volunteer - a person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

APPENDIX A

DRUG FREE WORK PLACE POLICY

A. Policy Statements

1. It is the policy of San Juan County to provide and foster a drug and alcohol free workplace. A drug and alcohol free workplace protects the safety of the public as well as the county's workforce. San Juan County believes that the abuse of drugs and/or alcohol creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased financial burden on the health and benefit programs, decreased employee morale, decreased productivity, and decline in the quality of services rendered by the county.
2. All employees are prohibited from using, consuming, buying, possessing or selling illegal controlled substances or alcoholic beverages in the workplace as specified by this policy, and are prohibited from reporting to work or being subject to work (specifically while on-call or on break) with illegal controlled substances active in their systems or while under the influence of alcohol. San Juan County also discourages the detrimental or illegal use of alcohol and/or controlled substances by its employees when off duty.
3. It shall be a condition of employment and continued employment that all employees, and prospective employees comply with the provisions of this policy and all other relevant State and Federal statutes. While the county will be supportive of those who seek help voluntarily with a drug or alcohol addiction, the county will be equally firm in identifying and disciplining those who continue to violate this policy and/or do not seek rehabilitative assistance.
4. This policy is intended to conform with the requirements set forth in the Local Government Entity Drug-Free Workplace Policies Act, Utah Code Annotated, Title 34, Chapter 41, and all other relevant State and Federal statutes including the Americans with Disabilities Act (ADA). The provisions of any

applicable law, statute, regulation, or ordinance (i.e. The Omnibus Transportation and Employee Testing Act of 1991 and the Federal Highway Administration and Department of Transportation rules of February 1994) shall prevail in the event any conflict with the provisions of this policy.

B. Definitions

Alcoholic Beverage - A drink containing ethanol or alcohol.

Alcohol Testing - The scientific analysis of a sample for the presence of alcohol.

Applicant - Any person who has made a written or oral application to become an employee of San Juan County.

Controlled Substance - means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV or V of part B of Title 21 United States Code (USC) Controlled Substances Act , 21 U.S.C. 802 (21 CFR 1308), or any substance recognized as a drug by other drug compendia, including those included in the Utah Controlled Substances Act, Title 58, Chapter 37, Utah Code Annotated, (1953, as amended) or supplement to any of those compendia. Controlled substances may include, but are not limited to:

1. Marijuana (THC)
2. Cocaine
3. Phencyclidine (PCP)
4. Opiates
5. Amphetamines (including methamphetamine)
6. Barbiturates
7. Benzodiazepines
8. Methadone
9. Propoxyphene

Drug Testing - The scientific analysis of a sample for the presence of drugs or their metabolites.

Employee - Any person in the service of San Juan County receiving compensation; this definition also includes officers of the county, but excludes elected officials.

Medical Review Officer (MRO) - A licensed physician with knowledge of drug abuse disorders that is employed or contracted to conduct reviews of drug test results.

Positive Alcohol / Drug Test - Any test result showing a blood alcohol content of 0.02 or greater or the presence of any controlled substance in the test subject.

Prescription Drugs - Those medications (containing drugs or other controlled substances) that are prescribed to an individual by an authorized physician, carried in its original container that is labeled by a licensed pharmacist, and taken as directed.

Random Testing - The unannounced drug and/or alcohol testing of safety sensitive employees who have been selected for testing by using a method uninfluenced by any personal characteristic other than job category will occur throughout the year.

Refusal to Submit to Testing - Failure to provide an adequate breath or urine sample without a valid and verified medical explanation, after the employee has received notice that he/she is being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process.

Reasonable Suspicion for Testing - An articulated belief based on recorded, specific facts and reasonable inferences drawn from those facts that an employee has the presence of drugs and/or alcohol in his/her system, or has used controlled substances or alcohol on County paid time.

Safety Sensitive Position - Any San Juan County position involving duties which directly affects the safety of San Juan County employees or the general public. As defined in the Local Government Entity Drug-Free Workplace Policies, Section 34-41-101(10), UCA (1953, as amended). This definition would include all positions assigned essential functions involving:

1. Emergency dispatch, fire fighting, sworn law enforcement activities, and other jail services requiring daily contact with inmates including janitorial services;
2. The use of heavy and/or dangerous equipment in facility construction, maintenance, engineering, grounds and roads services;
3. Maintenance and repair of heavy equipment;
4. Electrical work;
5. Operation of a motor vehicle to transport passengers;
6. Operation of equipment requiring the driver to hold a CDL; and
7. Operation of equipment in kitchen facilities to mass produce meals.

Sample - Urine, blood, breath, saliva, perspiration, or hair sample gathered for the purpose of a drug or alcohol test.

Use - To consume, sell, purchase, manufacture, distribute, be under the influence of, report to work under the influence of, or be in possession of drugs or alcohol. The term “use” shall also include the presence of drugs or alcohol in the body of the individual being tested, including the presence of metabolite, and the use of prescription drug without a current valid prescription from a licensed physician or using a prescription drug beyond the prescribed therapeutic dosage

- C. **Drug and Alcohol Testing:** It is the policy of San Juan County that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or alcoholic beverage in the workplace is expressly prohibited. In order to achieve a drug free work place, employees shall be required to participate in alcohol and controlled substances testing. **This policy includes all employees who occupy and all applicants who may apply for safety sensitive positions with San Juan County.**

1. Such testing may occur:

- a. Before an applicant is offered a position with the county;
 - i. San Juan County may require an applicant for a position with the county to undergo an alcohol and drug screen test to detect the presence of alcohol or illegal drugs in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for controlled substances or whose test detects a Blood Alcohol Content of .04 or higher may be denied employment with the County.
- b. When there is a reasonable suspicion to believe that the employee is in an impaired state;
 - i. If a trained supervisor makes a determination that there is reasonable suspicion to believe that an employee is using, is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.
 - ii. Upon testing due to reasonable suspicion, the employee tested shall not engage in the operation of any county equipment or engage in any employment related duties, which the Human Resource Director deems dangerous to the employee or to others, until the results of the tests are received by the Medical Review Officer and the employee is cleared to resume normal job duties by the department head and the HR Department.
- c. Upon request from a department head that his/her entire department submit to testing ("unit sweep").

2. Such testing shall occur:

- a. When the employee has been involved in an on duty accident or unsafe work practice;

- b. On a random basis;
 - i. **Employees assigned to, or performing, safety sensitive duties are subject to random drug/alcohol tests.**
 - ii. By the end of the calendar year, at least 50% of employees occupying safety sensitive positions must have been tested for drugs and at least 25% of employees occupying safety sensitive positions must have been tested for alcohol.
 - iii. Selection will be made by a computer-based random number generator and other methods using the employee number.
 - iv. Selection will be unannounced and will be performed at site or location designated by the County.
 - v. Departments heads or supervisors of the selected employees will be notified and those employees will proceed, accompanied by their supervisor, immediately to a designated facility.
 - vi. A refusal to submit to a drug and alcohol test shall be considered the same as a positive test for a controlled substance.
 - vii. An employee determined to have tampered with, adulterated, or substituted his / her sample will also be considered to have the same as a positive test result for a controlled substance.
- 3. **Confidentiality:** Medical reports, lab reports, test results, and observation / incident reports shall not be filed in an employee's official personnel file. Information of this nature will be contained in a separate confidential medical record that will be securely kept under the control of Human Resources. San Juan County will not release such medical information to

anyone without the express written authorization of the tested employee unless ordered by means of proper legal procedure and appropriate legal authority, such as a court ordered subpoena or in connection with a disciplinary proceeding.

4. **If any drug / alcohol test result shows a blood alcohol content of 0.02 or greater, or a positive screen for a controlled substance, the safety sensitive position employee shall immediately be removed from his/her duties and may be terminated upon further investigation.**

D. **Other Provisions**

1. Employees shall not use, be under the influence of (.02 blood alcohol content), or be in possession of alcoholic beverage(s) while on duty, on county premises, or while in county vehicles. County premises includes county buildings, parking lots, grounds or vehicles owned by the county or personal vehicles being used for county business.
2. Employees shall not use, be under the influence of, be in possession of, or be in such condition to test positive for illegal controlled substances while on duty, on county premises, or while in county vehicles. County premises includes county buildings, parking lots, grounds or vehicles owned by the county or personal vehicles being used for county business.
3. Employees using, possessing or being at the work place under the influence of alcohol or illegal or illegally obtained substances shall be subject to questioning and disciplinary action.
4. Any employee violating this policy may be subject to immediate termination.
5. San Juan County maintains the right to assemble an investigative team and conduct unannounced searches and inspections of county owned property, work stations, equipment, desks, cabinets, vehicles, etc.

6. San Juan County maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests and the use of electronic detection equipment and trained animals.
 - a. Failure to co-operate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.
 - b. Drug testing conducted at National Institute of Drug Abuse (NIDA) certified labs.
7. No prescription drug will be brought on county premises by a person other than the one for whom it is prescribed. Such drugs will be used only in the manner, combination, and quantity prescribed.
8. Any employee whose off-duty abuse of alcohol or illegal use of prescription drugs results in excessive absenteeism or tardiness or is the cause of accident or poor work may be subject to discipline, including termination.
9. Any employee who is convicted under a federal or state criminal statute regulating the manufacture, distribution, dispensing, possession or use of a controlled substance for a violation occurring in the workplace is to notify his/her department head of the conviction no later than five (5) calendar days after the conviction. Upon said notification, the department head shall immediately notify the Human Resource Director.
 - a. The Human Resource Director will notify the San Juan County Board of Commissioners and maintain documentation of the incident.
10. Discipline procedures for substance abuse may include probation contingent upon successful rehabilitation or immediate termination.

- E. **Policy Exceptions:** The Board of County Commissioners may approve special exceptions to the provisions of policy when it is not contrary to the Federal Drug-Free Workplace Act and State law, and when justified by compelling individual and County circumstances.

Employees may direct any questions regarding this policy to the San Juan County Human Resource Department, San Juan County Courthouse, 117 South Main, Monticello, Utah 84535

APPENDIX B

SOCIAL MEDIA POLICY

A. Purpose

1. San Juan County offices and departments may use social media tools such as Facebook, Twitter, and Instagram to reach a broader audience. While the county's website (www.sanjuancounty.org) is the county's primary Internet presence, the county recognizes that, when used appropriately, social media may be useful in furthering the goals of the county and the missions of its offices and departments.
2. This directive provides policies, standards, and procedures for the use of social media sites. All official county presences on social media sites or services are considered extensions of the county's information networks and are governed by the responsibilities set forth in this and related policies and procedures (such as Acceptable Use of County Information Technology (IT), Section 13,L, page 77) and in the county's standard of conduct. Violations of this policy may be considered misconduct and may result in discipline up to and including suspension or even termination.
3. Additionally, the county recognizes that many county employees use social media tools such as Facebook, Twitter and Instagram in their personal lives. Therefore, this policy provides guidelines for county employees when they communicate on social media sites as a private citizens.

- B. **Objective:** To maintain the integrity of the county's presence in social media and to ensure that social media is used appropriately and within county guidelines and policies.

C. **Definitions**

1. **County Social Media Sites** - Those pages, sections or posting locations in social media websites established or maintained by an employee of the county authorized to do so as part of the employee's job and that are used to communicate with the public on county business.
2. **Social Media** - Internet-based technology communications tools with a focus on immediacy, interactivity, user participation, and information sharing. These venues include social networking sites, forums, weblogs (blogs, vlogs, microblogs), online chat sites, and video/photo posting sites or any other such similar output or format. Examples include Facebook, Twitter, Instagram and YouTube.
3. **Social Media Administrators** - county employees expressly designated by their department heads to maintain oversight of their department's social media sites. A social media administrator's authority is limited to actions that directly reflect guidance from the social media administrator's department head and the policies and procedures of the social media administrator's department and the county.

D. **Scope**: This directive applies to all county employees, including contract employees and volunteers for San Juan County when working with social media tools on behalf of the county and applies to the extent specified herein with regard to personal social media sites; provided, however, that this directive does not apply to social media sites of the county's elected officials used solely for campaign or personal purposes.

E. **Responsibilities**: County employees whose official duties include creating or posting information to a county social media site are responsible for ensuring that such information is accurate, professionally presented, respectful, relevant, and on topic with the department's mission. Care must be taken to ensure that grammar and spelling are correct. Mistakes must be corrected quickly.

F. **General Governance and Oversight of County Social Media**

Sites: The county's social media sites may contain information that represents or appears to represent the county's position on policy issues or other matters affecting county business and/or the positions of the county's leaders. Thus, the San Juan County's Office of Administration has general oversight of all county social media sites.

G. **Design and Content of County Social Media Sites**

1. Departments and offices will use proper grammar and where possible, avoid jargon. Social media tools are often more casual than most communication tools but all county social media, such as Facebook, Twitter and Instagram, shall represent the county appropriately and professionally.
2. Departments and offices may use a departmental logo in their social media tools. Where appropriate for a particular site, social media pages will include the county's logo. Page names should be descriptive of the department / office.
3. All content - sharing activities, such as video-sharing, shall be in good taste, appropriate, and consistent with the county's policies.
4. Comments from the public are allowed and encouraged on the county's social media sites and shall be monitored daily to ensure the comments meet certain criteria; the county's social media sites must be structured narrowly to focus discussions on a particular interest of the county rather than creating a "public forum."
5. Information that is proprietary, subject to the attorney-client privilege or state or federal privacy laws, and information not subject to disclosure under the Utah Governmental Records Management Act shall not be posted on any county social media site. Each department's social media administrator shall be responsible for ensuring compliance with this rule.

H. Appropriate Employee Use of Social Media

1. Employees assigned to maintain county social media sites shall adhere to the principles articulated in this policy. Employees shall not work on departmental social media sites during off-duty hours unless specifically pre-approved to do so by the employee's supervisor. All such time worked outside the employee's normal work scheduled shall be reported and included in the employee's forty (40) hour work week. Any work in excess of forty (40) hours will be paid overtime as required by law and county policy.
2. Consistent with the county's policies on use of the county's telephone and email systems, incidental and occasional personal use of social media is permitted during work hours provided it is very limited in duration and does not have a detrimental effect on employee productivity.
3. County resources, work time, social media tools, and a county employee's official position shall not be used for personal profit or business interests or to participate in political activity.
4. If commenting on county business, employees should use a disclaimer which establishes that their comments represent their own opinions and do not represent those of San Juan County.
5. Employees may not attribute personal statements or opinions to the county when engaging in private blogging or postings on social media sites.
6. County employees, contract employees for the county, and county volunteers shall not post images, files, or text depicting county property, equipment, or personnel in any manner that would adversely affect the reputation of the county or a county department or office.
7. The following guidelines apply to personal communications using various forms of social:

- a. Use common sense when using social media sites. Remember that what you write is public, may be public for a long time, and may spread to large audiences. Refrain from posting information that you would not want your supervisor or other employees to read or that you would be embarrassed to see in the newspaper or on television.

- b. The county expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the county. Employees shall not engage in name-calling or personal attacks or other such demeaning behavior.

APPENDIX C

RETURN TO WORK POLICY

- A. **Purpose:** San Juan County strives to create a balance between returning employees to work at the earliest date following an injury or illness and the disruption caused by employees returning to work in a limited capacity.
- B. **Policy:** Employees with a medical limitation expected to last ninety (90) calendar days or less may request to return to work on light or restricted duty. Supervisors / elected officials may use discretion in balancing the benefits and disruptions of returning employees to work at less than full duty. When appropriate, light or restricted duty assignments lasting ninety (90) calendar days or less may be provided subject to approval by the supervisor / elected official.
- C. **Procedures**
1. An injured/ill employee may request return to work on light or restricted duty for up to ninety (90) calendar days.
 - a. San Juan County has no obligation to create a light or restricted duty position and may deny the request.
 2. Prior to or upon returning to work, the employee must submit a medical release signed by their medical provider which includes:
 - a. Medical release to return to work on light or restricted duty based on the employee's job description;
 - b. A list of physical or mental work limitations; and
 - c. Expected date of return to work with full recovery based on the employee's job description.
 3. A supervisor / elected official will not contact the employee's health care provider. However, a supervisor / elected official may, in consultation with the Human Resources Department, ask an employee to provide additional information from the health

care provider. If no information is received the request will be denied.

4. Approval to Return to Work and Work Options

- a. If a request for light or restricted duty is approved, the supervisor / elected official will provide the employee with written notification outlining the employee's work related activities consistent with the medical release.
- b. It is the responsibility of the employee to work within the physical limitations specified by the health care provider and to perform only the duties assigned as outlined in the approval letter.
- c. An employee released for full duty will return to the same or a comparable position or to a position with a lower grade at the same rate of pay.

5. An employee who is unable to return to full duty at the end of the ninety (90) calendar day period to a light or restricted duty assignment may take leave consistent with this policy until medically released for full duty. The employee may consult with the HR Director or designee to discuss other options available under county policy.

6. Employee Refusal of Work

- a. An employee who refuses to return to work either in the current position or on light or restricted duty after being released by a health care provider may be terminated unless the employee is entitled to another type of qualifying leave such as FMLA, ADA or sick leave.

D. References:

- 1. Drug Free Workplace Act of 1988
- 2. San Juan County Policies and Procedures Manual