

**SAN JUAN COUNTY PERSONNEL POLICIES AND PROCEDURES  
MANUAL (June 2019)**

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## 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 all county departments and, as such, all elected officials and department heads are required to comply with them.
- 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. Providing access to the policy electronically satisfies the distribution requirement. **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.**

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 § 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 as that term is defined by Utah Code § 34-A-5-102(o) (or as subsequently amended), 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 §§ 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. 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.
5. 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:** Employee records shall be retained in accordance with the schedules established by the Utah Division of Archives and Record Services.

E. **Employment Application Information**

1. **General Policy.** It is the County's policy to comply with the Utah Employment Selection Procedures Act ("UESPA") with regard to obtaining, using, and maintaining personal information of applicants for employment with the County. Additionally, UESPA requires that the County maintain and make available this policy to all such applicants. The County shall comply with all federal, state, and local laws concerning the selection and hiring of persons for employment.
2. **Definitions.** In implementing this policy, the County will be guided by the current definitions found in Utah state statutes and regulations or in case law construing the statutes and regulations, and applicable federal law. In the event of any conflict between the definitions in the UESPA and the definitions in this policy, the legal definitions found in the UESPA will control. The following definitions are provided for general guidance of employees and applicants in understanding the policy.
  - a. **Applicant** - A person who has applied for employment with San Juan County.
  - b. **Personal Information** - All information about an applicant obtained by the County in a written, electronic, audio, or visual record, whether generated by the applicant or by the County, for the purposes of considering Applicant for employment or further review. Examples of personal

information include, but are not limited to, name, physical address, mailing address, phone number, email address, employment history, residence history, references, personal contacts, physical characteristics, resume, restricted personal information, and any other data and information obtained about applicant.

- c. Restricted personal information - An Applicant's Social Security number, date of birth, and/or driver license number.
- d. Prohibited Use - Providing or disclosing an Applicant's Personal Information to a person other than a County employee, agent, officer, or official, or providing or disclosing an Applicant's Personal Information for the purposes of marketing, profiling, reselling, or other similar use.

3. Guidelines.

- a. The County will not request an Applicant's Restricted Personal Information unless (i) the County has offered the applicant a job; or (ii) the County needs applicant's restricted personal information to obtain, and the Applicant consents to the County obtaining, a criminal background check, credit history, and/or driving record of Applicant, in accordance with all applicable state and federal laws.
- b. The County will not use an Applicant's Personal Information other than to determine whether or not the County will consider the Applicant for further review or will hire the Applicant as an employee. However, the County may (i) provide an Applicant's Personal Information upon request to a government official if required to be disclosed by order of a governmental agency, legislative body, or a court of competent jurisdiction, or to a representative of the Utah Labor Commission's Division of Antidiscrimination and Labor in a formal investigation of the County's compliance with UESPA; or (ii) if the Applicant is hired as an employee, use the Applicant's Personal Information for a performance review or promotion application review that

is similarly conducted and applied to other employees in a similar position.

- c. The County will maintain this Employment Application Information Policy and will make it available for review to an applicant immediately upon request by such Applicant, including before San Juan County obtains or Applicant provides Applicant's Personal Information.
- d. If the County does not employ the Applicant, it will not retain Applicant's Personal Information for more than two years after the date on which Applicant provides the information to the County as part of the application process.
- e. The Human Resource Director is responsible for implementing this policy, including determining when to request restricted Personal Information, when and how to use and disclose an Applicant's Personal Information, and when to destroy or dispose of it.

## 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:** An employee's position may be reclassified based upon an analysis conducted by the Human Resource Director. When it appears that a job may be eligible to be reclassified, 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 whether a job shall be reclassified. 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
- 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:

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. The Board of County Commission shall make the final decision in such a circumstance, including whether to offer the employee any alternative to separation.
- I. **Resignation:** 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.
1. 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 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.

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 promote an employee into a newly vacated position.

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. 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. 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 position that have existing job

classifications (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.
3. 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.
4. **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.
5. **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.

6. **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".
  - a. The county will pay the cost of any required medical examination.
  - b. A final candidate for any position may be required to undergo drug and alcohol testing. (See Appendix A, Drug Free Work Place Policy)
  
7. **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.

- 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. **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. Sheriff's Office personnel that are required to have POST certification (road deputies and correctional officers) shall have an orientation period that extends through the POST certification program(s) required for their job. In other words, the orientation period does not end until eighteen months after the POST certification program is completed.

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 § 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.

G. **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.

## 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 employees 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. 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. **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.
- D. **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.

- E. **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 any time for any reason and are not entitled to any form of progressive discipline nor are they entitled to appeal any disciplinary measure. 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. Misfeasance, 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.

When giving the verbal reprimand, the disciplining authority should identify the specific action(s) that warrant the verbal reprimand, the specific policies violated, and the correction the employee is expected to make.

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 should be delivered to the Human Resource Director to be placed in the employee's official personnel file. Verbal reprimands cannot be appealed or 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 notice should identify the specific action(s) that warrant the written reprimand, the specific policies violated, and the correction the employee is expected to make. 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 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 (if applicable); 3) A statement indicating the specific improvements expected; and 4) 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, but is not required to occur, 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 (if applicable); 3) An explanation of the employee’s right to a 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 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.**

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

C. **Employee Good-Faith Reporting.**

1. **General Policy.** No employee may be subject to any adverse action as that term is defined in the Utah Protection of Public Employee's Act (UPPEA), currently codified at Utah Code § 67-21-1, *et seq.*, because the employee communicates in good faith the waste or misuse of public funds, property, or manpower, a violation of a federal, state, or local law, rule, or regulation. Moreover, no employee may be subject to adverse action because he or she has objected to or refused to carry out a directive that the employee reasonably believes violates a federal, state, or local law, rule, or regulation adopted by the federal, state, or local government.
2. **Reporting.** An employee may report such conduct by giving written notice or otherwise formally communicating the alleged conduct to (a) a person having authority over the alleged perpetrator, (b) the Utah attorney general's office, (c) law enforcement (if the conduct is criminal in nature), or (d) a member of the Board of County Commissioners or the County Clerk/Auditor.
3. **Copy of Statute.** As required by **UPPEA**, a copy of the statute is attached as **Appendix E. SECTION EIGHT – DISPUTE RESOLUTION, APPEAL, AND 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. This is in no way meant to limit the right of the county to take appropriate disciplinary measures for an employee who has provided false statements or accusations.
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 Appeal Procedure**

1. **Step 1. Suspension Hearing:** The employee who has been recommended for suspension shall within five (5) working days, not including the day of receipt of notice recommending suspension, request in writing a hearing before his/her department head/elected with a copy sent to the Human Resources Director. If an employee does not request a hearing, the department head/elected official shall issue a written notice to the employee and Human Resource Director imposing or not imposing the suspension without a hearing.

If an employee does request a hearing, and if he or she so desires, 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.

2. **Step 2. Appeal.** An employee, who after a hearing and written decision of his/her department head/elected official has been deemed suspended 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 Appeal Procedure**

1. **Step 1. 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. If an employee has waived a 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.

If an employee requests a hearing, 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 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 hearing. Attendees of the hearing shall include the employee and his/her representative, the department head/elected official or his or her respective designee, 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 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.

2. **Step 2. Appeal.** An employee, who after a 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 or that is Related to any Adverse Action Taken against Him or Her for Reporting Governmental Waste or Legal Violations**

1. **Step 1.** An Employee that has completed his/her orientation period, who believes that he/she has a 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 or that is related to any adverse action taken against him or her for reporting governmental waste or legal violations in violation of Section Seven (C) 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 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 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 an 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 grievance, 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 grievance, including but not limited to presenting evidence, testimony or answering on behalf of the employee. The employee may not raise any issue in the Step 2 Grievance that he or she did not raise in the Step 1 Grievance.

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, 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. **Compensatory Time.** The Federal Government has allowed local and state governments to pay compensatory time (hereafter

comp time) instead of overtime monetary pay. This is provided that employees agree to accept comp time in writing and the rates at which it is paid are the same at which monetary compensation would have been paid. For instance, a worker who works more than forty (40) hours per week will receive 1.5 hours of compensatory time for each hour of work over forty (40). No employee not eligible for overtime pay shall be eligible for comp time pay.

- a. Use of Comp Time. Comp time may only be used when an employee has agreed in a signed writing to receive overtime through comp time. Comp time 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.
  - i. All accrued compensatory time shall be used before the use of accrued vacation or other forms of leave.
  - ii. In no event shall any employee be able to accumulate hours in excess of the limits established below:
    - a. Employees engaged in public safety activities, emergency response activities, or seasonal activities who are not exempt from the Fair Labor Standards Act overtime rules may accumulate no more than 480 hours.
    - b. Employees engaged in any other activity not listed above and who are not exempt from the Fair Labor Standards Act overtime rules may accumulate no more than 240 hours. Additionally, once such employees have worked 160 hours of overtime, they may accumulate no more comp time.
- ii. No employee may be forced or coerced to accept

- comp time in lieu of payment.
    - iii. Employees must be allowed to use the comp time within a reasonable period after the employee makes a request for its use if that will not unduly disrupt the operations of the department.
  - 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 (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.

Coverage and similar requirements are governed by the statute and insurance policies at issue. Questions regarding those issues should be directed to the Human Resources Director.

- 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 (½) 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 maximum an employee could accrue at his or her current years of service in a two (2) year period 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 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 his or her 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 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. Non-scheduled working days and legal holidays occurring while an employee is ill are not deducted from compensated illness leave credit.
  6. An official record of accrued compensated illness leave is to be kept by the department head and reported monthly to the County Clerk/Auditor.

7. 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 needed 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.....	3 <sup>rd</sup> Monday in January
President's Day .....	3 <sup>rd</sup> Monday in February
Memorial Day .....	Last Monday in May
Independence Day.....	July 4 <sup>th</sup>
Pioneer Day.....	July 24 <sup>th</sup>
Labor Day.....	1 <sup>st</sup> Monday in September
Columbus Day .....	2 <sup>nd</sup> Monday in October
(Road Department Only)	
Veteran's Day .....	November 11 <sup>th</sup>
Thanksgiving Day .....	4 <sup>th</sup> Thursday in November
Day after Thanksgiving .....	4 <sup>th</sup> Friday in November
Christmas Day.....	December 25 <sup>th</sup>

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:**

1. Witnesses. An employee who, in obedience to a subpoena or direction by proper authority, appears as a witness for the Federal Government, the State of Utah, or a political subdivision thereof, shall be entitled to leave with pay. However, the regular court compensation fees received by the employee shall be signed over to the county. Time absent by reason of a subpoena to be a witness in private litigation or by some party other than those identified above, to testify not in an official capacity shall be taken as annual leave without pay.
2. Juror. An employee who, in obedience to a subpoena or direction by proper authority, to appear as juror 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:**

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 given as required by federal and state law to all qualified members of the armed services.

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). The Human Resources shall prepare, and update as appropriate, written guidelines to implement this policy and shall provide a copy of those guidelines to each employee. The type and length of leave, and compensation to be received, if any, during the leave will also be set forth in those guidelines. The most recent guidelines are appended Appendix D.
1. **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.

2. The county has designated the twelve (12) month period to be measured forward from the day an employee's FMLA leave commences, until changed.

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.
  4. 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.
  5. Part-time Elected Officials:
    - a. Elected Officials, serving in a part-time capacity, are ineligible under Tier 2.
- 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 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 harms 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 might 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.
4. **Break Time for Nursing Mothers.** The county will comply with the requirements of the Patient Protection and Affordability Care Act (“PPACA”) and the Fair Labor Standards Act (“FLSA”) by providing break times during the work day for nursing mothers to express breast milk for her nursing child. Break time and a designated location shall be available to employee nursing mothers for one (1) year following the child’s birth. Employees shall not be compensated for breaks taken for the purpose of expressing breast milk, although nothing herein shall prevent employee mothers from expressing during their normal employee break times and being compensated in the same way that other employees are compensated for the same break times.
- a. Consistent with the requirements of the PPACA and FLSA, the county will provide a designated location other than a bathroom, wherein employee mothers can express breast milk in a space

that is sufficiently sized, shielded from view, and free from intrusion from co-workers and the public.

## 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, other than an employee appointed as a political appointment by an elected official, 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 § 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, in possession of, or have in their system, any 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. **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 as that term is defined by Utah Code § 34-A-5-102(o) (or as subsequently amended), 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 the county, or
    - Involve illegal activities
- b. **All county-supplied technology, including computer systems and company-related work records, belong to county and not the employee. The county routinely monitors usage patterns for its e-mail and Internet communications. Although encouraged to explore the vast resources available on the Internet, employees should use discretion in the sites that are accessed. Since all the computer systems and software, as well as the e-mail and Internet connection, are county-owned, all county policies related to such property are in effect at all times. Any employee who abuses the privilege of county-facilitated access to e-mail or the Internet, may be**

**denied access to the Internet and, if appropriate, be subject to disciplinary action up to and including termination.**

**At no time should the employees of the county assume privacy of computer usage, email, or call records. Employees have no right to keep contents of email and files private. 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."
- B. **Worker's Compensation:**
1. 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.
  2. 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 if by observation of the employee and the circumstances of the accident reasonably could indicate violation of the county's drug policy.

## 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 if by observation of the employee and the circumstances of the accident reasonably could indicate violation of the county's drug policy. (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. **Cell Phone 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 cell phone 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 § 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 Utah Code 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.

I. **Use of County Property.** From time to time, employees will be given the use of county property to perform their jobs. County property includes, but is not limited to, all equipment, vehicles, electronics, cell phones, and computers given or issued to the employee for the performance of his or her job. All employees shall use county property for the use intended and at the direction of their supervisors. County property shall not be used for personal purposes. Theft or willful destruction of County property is prohibited. **Additionally, the county maintains all ownership in any county property, may demand the**

**return of the property, or may assign the property to another employee at its sole discretion. Employees have no right to exclude the county from entering, searching, or reviewing at any time anything in the county property, created with the assistance of the county property, or stored by, within, or in the county property. Employees have no expectation of privacy in the use of any county property.**

## 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. General Policy and Definitions.

1. **Policy.** It is the policy of San Juan County that the following is expressly prohibited: the unlawful manufacture, distribution, possession or use of a controlled substance or illegal drug; the distribution, dispensation, possession, or use of alcohol in the workplace; and/or impaired while on duty, on San Juan County property, or while representing San Juan County.
  - a. In order to achieve a drug-free work place, employees and applicants shall be required to participate in all of the following alcohol and drug testing:
    1. When an applicant has been extended a conditional offer of employment but before beginning work.
    2. When there is a reasonable suspicion to believe that the employee has used illegal drugs, has illegally used legal drugs, or has the presence of illegal drugs in his or her system.
    3. When there is reasonable suspicion to believe that an employee is impaired while under the influence of any legal drug, illegal drug or alcohol.
    4. When the employee has been involved in an “on duty accident” or unsafe work practice.
    5. On a random basis if the employee is in a safety-sensitive position.
    6. As a condition to return to duty after testing positive for controlled substances or alcohol.
    7. As part of follow-up procedures to employment related drug or alcohol violations.
    8. As part of preannounced periodic testing.
2. **Scope.** This policy covers all employees of and applicants for employment at San Juan County.
3. **Definitions.**
  - a. The terms “alcohol” and “drugs” are defined according to Utah Code Ann. § 34-41-101(1), as amended. The term

“illegal drug” means any Schedule I drug as defined under Utah Code Ann. § 58-37-4, as amended; a Schedule II, III, IV or V drug, or a prescription medication used or consumed by the employee without a lawful prescription. The term “illegal drug” does not include any medication which has been lawfully prescribed for an employee by his or her physician and taken as directed.

- b. On Duty Accident. Any accident involving injury to person or property including the loss of life, or an accident in a vehicle resulting in the issuance of a moving traffic citation.
- c. Drug and Alcohol Test. A drug or alcohol test is defined to mean a blood, urine, saliva, hair, breath, and/or any other scientifically recognized test to determine the presence of alcohol or a drug or the metabolite of a drug using any scientifically reliable analytical method.
- d. Impaired. Being under the influence of any legal drug, illegal drug, or alcohol to such a degree that a person’s ability to react appropriately to ordinary situations has been demonstrably affected or there is a likelihood of causing self-harm, harm to another, or damage to property.
- e. Legal Drug. Any legally prescribed drug, over-the-counter drug, or other drug that an employee is not restricted by law from using. The term “Legal Drug” as used in this policy does not include Alcohol as it is treated separately.
- e. Positive Test. The result on any drug and alcohol test showing the presence of alcohol or any illegal drug in an employee’s system at or above the cutoff levels defined below. A positive test shall also include detection of a legal drug or alcohol below the Alcohol Cutoff Level identified below in an employee’s system when it is coupled with employee behavior that either demonstrates that the employee’s ability to react appropriately in ordinary situations is impaired or evidences a likelihood of causing self-harm, harm to another, or damage to property.
  - 1. Illegal Drug Cutoff Levels shall be the Drug Test Cutoff Levels generally accepted by the drug

- testing community or levels established by any scientifically reliable analytical method.
2. Alcohol Cutoff Level shall be a Blood Alcohol Content (“BAC”) level of 0.02 grams/ml or more.
- f. Refusal to Submit to Testing. (a) Failure or refusal to provide an adequate sample without a valid and verified medical explanation, after the employee has received notice that they are being tested or (b) engaging in conduct that clearly obstructs the testing process, including, but not limited to, delaying the test to avoid the efficacy of the testing methodology used.
  - g. Reasonable suspicion. An articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee is in violation of San Juan County’s drug and alcohol policy.
  - h. Safety Sensitive Duties. Any duties which directly affect the safety of governmental employees, the general public, or duties involving access to controlled substances as defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of performing job duties.
  - i. Sample. A sample means urine, blood, breath, saliva, hair, or any other substance from which a drug and alcohol test can reliably identify the presence of alcohol and/or drugs in a person’s body.

**B. Testing Policy**

1. Testing Notice.
  - a. Before performing any alcohol or drug test authorized by this Policy, San Juan County, through its designated representative shall notify the employee being tested, verbally or in writing, whether the test being administered is required by the Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this policy.
  - b. San Juan County employees who, under applicable San Juan County job descriptions, are required to hold CDLs are required under rules established by the Federal

Highway Administration to be subjected to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing.

1. When conducting any of the above-noted tests on CDL employees, San Juan County shall provide the employee with the following notice:

a. The drug and/or alcohol test you are being required to take is required under rules established by the Federal Highway Administration pursuant to the Omnibus Transportation Employees Testing Act of 1991.

b. If you refuse to submit to the required testing you may be subject to disciplinary action, up to and including termination.

c. San Juan County employees are also subject to pre-employment, reasonable suspicion, random (if employment involves safety-sensitive duties), preannounced period testing, post-accident, return-to-duty, and follow-up drug and alcohol testing under this policy.

1. When conducting any of the above-noted tests pursuant to San Juan County Policies for any other reason other than as required by the federal regulations and statutes identified in section B.1.b above, San Juan County shall provide the employee with the following notice:

a. The drug and/or alcohol test you are being required to take is required by the Personnel Policies and Procedures of San Juan County.

b. If you refuse to submit to the required testing you may be subject to disciplinary action, up to and including termination.

**2. Pre-Employment Testing.** San Juan County requires a final applicant selected for a position with the San Juan County to undergo an alcohol and drug test to detect the presence of alcohol and illegal drugs in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant

who tests positive for illegal drugs or alcohol may be denied employment with San Juan County.

- a. Drug and alcohol testing shall be conducted after the selected applicant has been extended a conditional offer of employment but before beginning work.
- b. All of San Juan County's job announcements and conditional offers of employment may contain the following notice:
  1. All applicants selected for employment with San Juan County may be required to take a drug and alcohol test with negative results as a precondition of employment.
  2. A positive test result or failure to submit to the required testing shall result in the withdrawal of any conditional offer of employment with San Juan County.
- c. If the final applicant tests positive for drugs or alcohol as set forth above, or refuses to submit to testing as defined by this policy, the conditional offer of employment shall be withdrawn in writing and the applicant shall not be employed by San Juan County.

### **3. Prohibited Employee Conduct.**

- a. Employees shall not use or be in possession of alcohol, illegal drugs, or legal drugs obtained illegally, while on duty, on San Juan County premises or while in the San Juan County vehicles. San Juan County premises includes buildings, parking lots, grounds and vehicles owned by the San Juan County or personal vehicles being used for San Juan County business.
- b. Employees shall not use, be under the influence of, be in possession of, or be in such a condition as to test positive for alcohol or illegal drugs while on duty, on San Juan County premises or while in San Juan County vehicles. San Juan County premises includes buildings, parking lots, grounds and vehicles owned by San Juan County or personal vehicles being used for San Juan County business.
- c. Employees shall not be impaired while on duty, on San

Juan County premises, including buildings, parking lots, grounds, and vehicles owned by San Juan County, or while representing San Juan County.

- d. Employees violating the terms of this Policy shall be subject to questioning and disciplinary action.
- e. Any employee violating this Policy may be subject to immediate termination.

#### 4. **Reasonable Suspicion Testing.**

- a. When a designated Department Head or other responsible individual makes a determination that there is reasonable suspicion to believe that an employee is using or has used and has alcohol or illegal drugs in his or her system; is under the influence of, or is in possession of alcohol or illegal drugs; or is impaired the employee shall be subject to drug or alcohol testing.
  - 1. The Department Head or other responsible individual making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific, contemporaneous articulable observations that resulted in the reasonable suspicion determination. Reasonable suspicion of use of illegal drugs or alcohol may also be based on observation of indications of the chronic and withdrawal effects of those substances.
    - a. The required observations underlying reasonable suspicion testing must be made by a Department Head or San Juan County official who has received at least two (2) hours of training on the physical, behavioral, speech, and performance indicators of alcohol and/or drug use.
    - b. Observations underlying the reasonable suspicion testing must be documented in writing and signed by the Department Head or San Juan County designated official within twenty four (24) hours or before the results of the tests are announced, whatever is later.
  - 2. Reasonable suspicion testing may not be

conducted by the same Department Head or responsible individual who makes the reasonable suspicion determination.

3. Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any San Juan County equipment or engage in any employment related duties until the results of the tests are received and the employee is released back to work.

## 5. **Random Testing.**

- a. Employees assigned to, or performing, safety sensitive duties are subject to random drug/alcohol tests.
- b. Random tests shall be both of the following:
  1. Unannounced.
  2. Reasonably spread throughout the year.
- c. Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.
- d. Random Testing for CDL Drivers.
  1. Employees having CDL licenses may be subjected to random alcohol testing only while performing safety sensitive function, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing safety sensitive functions when those tests are conducted not pursuant to the requirements of the separate provisions of this Policy found in section B.5.e but only pursuant to federal regulations.
  2. Drug tests may be performed at any time the driver is on duty.
  3. Employees having CDL licenses are also subject to random testing pursuant to section B.5.e. Tests conducted pursuant to that subsection are not subject to the requirements of this subsection.
- e. Random Testing for Safety Sensitive Employees not having CDL Licenses. (a) Employees performing safety sensitive duties but not having CDL licenses and (b) employees with CDL licenses when performing safety

sensitive duties unrelated to their CDL licensure may be subjected to random alcohol and drug tests any time the employee is on duty.

- f. Pool Testing – Consortiums.
  - 1. San Juan County may join a consortium with testing pools large enough so that San Juan County's CDL drivers are always subject to random testing and the required annual testing rate shall be met by tests conducted of all drivers within the pool.
  - 2. If and when San Juan County chooses to join a drug/alcohol testing consortium, San Juan County shall designate a liaison to coordinate with the testing consortium and obtain and maintain all of the following records and information:
    - a. How the random selection pool was assembled.
    - b. The method of selection and notification of drivers.
    - c. The location of collection sites.
    - d. Methods of reporting the tests results on each employee.
    - e. Summary reports on the consortiums program showing that the consortium tested at the prescribed minimum annual rates for alcohol and/or controlled substances.

## 6. **Post Accident Testing.**

- a. Any employee involved in an On Duty Accident that by observation of the employee and the circumstances of the accident reasonably could indicate violation of the County drug and alcohol policy shall be tested as soon as practical for alcohol and drugs.
  - 1. An employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.
  - 2. The results of tests conducted by Federal, State, or Local law enforcement officers having independent authority to conduct tests to detect alcohol or drugs

may be used by the employer to meet post-accident testing requirements.

- b. Upon requested testing due to an accident, the employee tested shall not engage in the operation of any San Juan County equipment or engage in any employment related duties until the results of the tests are received and the employee is released back to work.

**7. Preannounced Periodic Testing.** San Juan County may test all of its employees on a regular, periodic basis so long as the testing is conducted pursuant to a schedule that identifies periodic intervals for the testing and that the employees who are to be tested on any scheduled test date are notified, at least, two weeks in advance of the date of the test. Additionally, the testing schedule should be available for employees' inspection after the schedule is set.

**8. Consequences of Positive Drug/Alcohol Test.**

- a. Except for in situations described in subsection 1 below, all drug tests conducted pursuant to this Title 8 shall require a split urine sample of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other.
  - 1. If an employee attempts to evade an alcohol or drug test and delays taking the test past the time that a drug test on a sample of urine will be effective to identify drug or alcohol use, San Juan County may test a sample in any other approved method identified in this policy that will effectively test for the presence of alcohol or drugs.
- b. The test shall be conducted during or immediately after the regular work period of the employee and shall be considered paid work time for the employee.
- c. San Juan County shall pay all the expenses of the sample collection, testing, and transportation for testing conducted off the worksite.
- d. A test shall be conducted by an entity that is independent of San Juan County and certified for employment drug testing by either the Substance Abuse and Mental Health

Services Administration or the College of American Pathology. Additionally, all instructions, chain of custody forms, and collection kits used for sample collection shall be prepared by that entity.

1. The entity taking the samples shall ensure that (a) the collection of samples is performed under reasonable and sanitary conditions, (b) the collection method ensures the privacy of the person being tested, and (c) the manner is reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
  2. The entity shall also ensure that (a) the samples are labeled and sealed so as to reasonably preclude the probability of erroneous identification of test results, (b) those being tested have a chance to provide identification of currently used or recently used prescription or nonprescription drugs or other relevant medical information, (c) sample collection, storage, and transportation to the place of testing are performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration, and (d) sample testing conforms to scientifically accepted analytical methods or procedures.
  3. The entity shall verify or confirm any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical methods.
- e. San Juan County shall ensure that the employee or prospective employee be notified as soon as possible the results of the test and of the employee's option to have the 15 ml urine sample tested at the equally shared expense of the employee and San Juan County. The notice shall be given (a) by telephone at the employee's last know telephone number, or (b) in writing at his or her last known address of the results of the initial test.
- f. Positive Test Results.
1. Alcohol.
    - a. If an employee's drug or alcohol test is positive for alcohol, the employee shall be

subject to discipline pursuant to the policies established in the Personnel Policies and Procedures Manual. Additionally, the employee shall be removed from, and cannot return to a safety sensitive function until, at a minimum, all of the following are met:

1. The employee undergoes evaluation by a substance abuse professional and, where necessary, rehabilitation.
  2. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
  3. The employee undergoes a return-to-duty test with no positive alcohol or illegal drug test results.
- b. In the event a test establishes a BAC level under 0.02 grams/ml but establishes a BAC level at or between 0.01 to 0.019 grams/ml, San Juan County shall retest an employee after fifteen minutes.
  - c. If after retest, the BAC level is 0.02 to .039 grams/ml, the employee shall not be permitted to perform any safety-sensitive functions and shall suffer no disciplinary sanctions except as indicated in subsection e below.
  - d. If after retest the BAC level is at or below 0.01 to 0.019 grams/ml, the employee shall (a) suffer no disciplinary sanction except as indicated in subsection e below and (b) have no restriction unless signs and indicators of impairment are evident and articulated by a trained and certified drug and alcohol evaluation technician. If, after the evaluation, it appears that the employee is impaired, he or she shall not be permitted to perform any safety related function.
  - e. The employee may be subject to discipline pursuant to the policies established in the

Personnel Policies and Procedures Manual if the employee consumed alcohol with the intention of becoming impaired, took the alcohol knowing that there was a possibility of impairment and, despite that knowledge, conducting safety-sensitive functions, or the employee has had a previous history of violation of the drug policy.

2. **Illegal Drugs.** If an employee's drug or alcohol test is positive for illegal drugs, the employee shall be subject to discipline pursuant to the policies established in the Personnel Policies and Procedures Manual. Additionally, the employee shall be removed from, and cannot be returned to, a safety sensitive position until, at a minimum, all of the following are met:
  - a. The employee undergoes evaluation by a substance abuse professional, and, where necessary, rehabilitation.
  - b. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
  - c. The employee undergoes a return-to-duty test with a verified negative test result for illegal drugs and alcohol.
3. **Legal Drugs.**
  - a. If an employee's drug or alcohol test is positive for a legal drug other than alcohol, the employee may be subject to discipline pursuant to the policies established in the Personnel Policies and Procedures Manual if the employee took the legal drug with the intention of becoming impaired, took the legal drug knowing that there was a possibility of impairment and, despite that knowledge, conducting safety-sensitive functions, or the employee has had a previous history of violation of the drug policy. Additionally, the employee shall be removed from, and cannot

return to a safety sensitive function until, at a minimum, all of the following are met:

1. The employee undergoes evaluation by a substance abuse professional and, if necessary, rehabilitation.
2. The substance abuse professional determines that the employee is no longer impaired, or, if rehabilitation was deemed necessary, that rehabilitation was successfully completed..

**9. Follow-up Testing.** With the exception of an isolated instance of an unintentional violation through the use of a legal drug that caused impairment, employees who have violated this Policy and continue to work for San Juan County shall be subject to follow up drug/alcohol testing for a period of not less than one (1) year and not to exceed sixty (60) months.

- a. Employees subject to follow up testing will be tested a minimum of six (6) times in the first (1<sup>st</sup>) twelve (12) months following their return to duty.
- b. Follow-up testing beyond one (1) year shall be based on a needs assessment provided by a substance abuse professional.

**10. Miscellaneous.**

- a. San Juan County maintains the right to conduct announced inspections of San Juan County owned property, work stations, equipment, desks, cabinets, vehicles, etc. This property is the property of San Juan County and individual employees should expect no privacy with respect to the use of this property.
- b. 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.
- c. Failure to cooperate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.
- d. Employees may direct any questions regarding this policy

to the Personnel Officer.

## 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](http://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, as 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

# APPENDIX D – FAMILY AND MEDICAL LEAVE ACT GUIDELINES

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

### **Basic Leave Entitlement**

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

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

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protections**

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

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

### **Eligibility Requirements**

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

### **Definition of Serious Health Condition**

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

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

### **Use of Leave**

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

### **Substitution of Paid Leave for Unpaid Leave**

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

### **Employee Responsibilities**

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

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

### **Employer Responsibilities**

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

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

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

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

### **Enforcement**

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

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

# APPENDIX E - UTAH PROTECTION OF PUBLIC EMPLOYEE'S ACT

§ 67-21-1. Short title.

## Utah Statutes

### Title 67. State Officers and Employees

#### Chapter 21. Utah Protection of Public Employees Act

*Current through 2018 General Session*

#### § 67-21-1. Short title

This chapter is known as the "Utah Protection of Public Employees Act."

**Cite as Utah Code § 67-21-1**

**History.** Enacted by Chapter 216, 1985 General Session

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§ 67-21-2. Definitions.

## Utah Statutes

### Title 67. State Officers and Employees

#### Chapter 21. Utah Protection of Public Employees Act

*Current through 2018 General Session*

#### § 67-21-2. Definitions

As used in this chapter:

- (1) "Abuse of authority" means an arbitrary or capricious exercise of power that:
  - (a) adversely affects the employment rights of another; or
  - (b) results in personal gain to the person exercising the authority or to another person.
- (2) "Adverse action" means to discharge, threaten, or discriminate against an employee in a manner that affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges.
- (3) "Communicate" means a verbal, written, broadcast, or other communicated report.
- (4) "Damages" means general and special damages for injury or loss caused by each

violation of this chapter.

- (5) "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied.
- (6)
  - (a) "Employer" means the public body or public entity that employs the employee.
  - (b) "Employer" includes an agent of an employer.
- (7) "Gross mismanagement" means action or failure to act by a person, with respect to a person's responsibility, that causes significant harm or risk of harm to the mission of the public entity or public body that employs, or is managed or controlled by, the person.
- (8) "Judicial employee" means an employee of the judicial branch of state government.
- (9) "Legislative employee" means an employee of the legislative branch of state government.
- (10) "Political subdivision employee" means an employee of a political subdivision of the state.
- (11) "Public body" means any of the following:
  - (a) a state officer, employee, agency, department, division, bureau, board, commission, council, authority, educational institution, or any other body in the executive branch of state government;
  - (b) an agency, board, commission, council, institution member, or employee of the legislative branch of state government;
  - (c) a county, city, town, regional governing body, council, school district, local district, special service district, or municipal corporation, board, department, commission, council, agency, or any member or employee of them;
  - (d) any other body that is created by state or local authority, or that is primarily funded by or through state or local authority, or any member or employee of that body;
  - (e) a law enforcement agency or any member or employee of a law enforcement agency; and
  - (f) the judiciary and any member or employee of the judiciary.
- (12) "Public entity" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.
- (13) "Public entity employee" means an employee of a public entity.
- (14) "Retaliatory action" is as defined in Section 67-19a-101.
- (15) "State institution of higher education" is as defined in Section 53B-3-102.

- (16) "Unethical conduct" means conduct that violates a provision of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

**Cite as Utah Code § 67-21-2**

**History.** Amended by Chapter 427, 2013 General Session, §7, eff. 5/14/2013.

Amended by Chapter 329, 2007 General Session

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§ 67-21-3. Reporting of governmental waste or violations of law - Employer action - Exceptions.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-3. Reporting of governmental waste or violations of law - Employer action - Exceptions**

- (1) (a) An employer may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith:
- (i) the waste or misuse of public funds, property, or manpower;
  - (ii) a violation or suspected violation of a law, rule, or regulation adopted under the law of this state, a political subdivision of this state, or any recognized entity of the United States; or
  - (iii) as it relates to a state government employer:
    - (A) gross mismanagement;
    - (B) abuse of authority; or
    - (C) unethical conduct.
- (b) For purposes of Subsection (1)(a), an employee is presumed to have communicated in good faith if the employee gives written notice or otherwise formally communicates the conduct described in Subsection (1)(a) to:
- (i) a person in authority over the person alleged to have engaged in the conduct described in Subsection (1)(a);

- (ii) the attorney general's office;
- (iii) law enforcement, if the conduct is criminal in nature;
- (iv) if the employee is a public entity employee, public body employee, legislative employee, or a judicial employee:
  - (A) the state auditor's office;
  - (B) the president of the Senate;
  - (C) the speaker of the House of Representatives;
  - (D) the Office of Legislative Auditor General;
  - (E) the governor's office;
  - (F) the state court administrator; or
  - (G) the Division of Finance;
- (v) if the employee is a public entity employee, but not an employee of a state institution of higher education, the director of the Division of Purchasing and General Services;
- (vi) if the employee is a political subdivision employee:
  - (A) the legislative body, or a member of the legislative body, of the political subdivision;
  - (B) the governing body, or a member of the governing body, of the political subdivision;
  - (C) the top executive of the political subdivision; or
  - (D) any government official with authority to audit the political subdivision or the applicable part of the political subdivision; or
- (vii) if the employee is an employee of a state institution of higher education:
  - (A) the State Board of Regents or a member of the State Board of Regents;
  - (B) the commissioner of higher education;
  - (C) the president of the state institution of higher education where the employee is employed; or
  - (D) the entity that conducts audits of the state institution of higher

education where the employee is employed.

- (c) The presumption described in Subsection (1)(b) may be rebutted by showing that the employee knew or reasonably ought to have known that the report is malicious, false, or frivolous.
- (2) An employer may not take adverse action against an employee because an employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review held by the public body.
- (3) An employer may not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law of this state, a political subdivision of this state, or the United States, or a rule or regulation adopted under the authority of the laws of this state, a political subdivision of this state, or the United States.
- (4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document:
  - (a) the waste or misuse of public funds, property, or manpower;
  - (b) a violation or suspected violation of any law, rule, or regulation; or
  - (c) as it relates to a state government employer:
    - (i) gross mismanagement;
    - (ii) abuse of authority; or
    - (iii) unethical conduct.

**Cite as Utah Code § 67-21-3**

**History.** Amended by Chapter 178, 2018 General Session , §2, eff. 5/8/2018.

Amended by Chapter 427, 2013 General Session , §8, eff. 5/14/2013.

Amended by Chapter 324, 2010 General Session

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§ 67-21-3.5. Administrative review of adverse action against a public entity employee.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-3.5. Administrative review of adverse action against a public entity employee**

- (1) A public entity employee who believes that the employee's employer has taken retaliatory action against the employee in violation of this chapter may file a grievance with the Career Service Review Office in accordance with Section 67-19a-402.5 and subject to Section 67-21-4.
- (2) If the Career Service Review Office determines that retaliatory action is taken in violation of this chapter against the public entity employee, the Career Service Review Office may order:
  - (a) reinstatement of the public entity employee at the same level held by the public entity employee before the retaliatory action;
  - (b) the payment of back wages, in accordance with Subsection 67-19a-406(5)(b) ;
  - (c) full reinstatement of benefits;
  - (d) full reinstatement of other employment rights; or
  - (e) if the retaliatory action includes failure to promote, as described in Subsection 67-19a-101 (11)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the person had been promoted.
- (3) A public entity employer has the burden to prove by substantial evidence that the public entity employer's action was justified.
- (4) A public entity employee or public entity employer may appeal a determination of the Career Service Review Office as provided in Section 67-19a-402.5.

**Cite as Utah Code § 67-21-3.5**

**History.** Amended by Chapter 390, 2018 General Session , §14, eff. 5/8/2018.

Added by Chapter 427, 2013 General Session , §9, eff. 5/14/2013.

**Related Legislative Provision:** *See Chapter 427, 2013 General Session , §17.*

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§ 67-21-3.6. Administrative review for political subdivision employees.

**Utah Statutes**

**Title 67. State Officers and Employees**

## Chapter 21. Utah Protection of Public Employees Act

*Current through 2018 General Session*

### § 67-21-3.6. Administrative review for political subdivision employees

- (1)
  - (a) A political subdivision may adopt an ordinance to establish an independent personnel board to hear and take action on a complaint alleging adverse action.
  - (b) The ordinance described in Subsection (1)(a) shall include:
    - (i) procedures for filing a complaint and conducting a hearing; and
    - (ii) a burden of proof on the employer to establish by substantial evidence that the employer's action was justified by reasons unrelated to the employee's good faith actions under Section 67-21-3.
- (2) If a political subdivision adopts an ordinance described in Subsection (1), a political subdivision employee may file a complaint with the independent personnel board alleging adverse action.
- (3) If an independent personnel board finds that adverse action is taken in violation of the ordinance described in Subsection (1)(a), the independent personnel board may order:
  - (a) reinstatement of the employee at the same level as before the adverse action;
  - (b) the payment of back wages;
  - (c) full reinstatement of fringe benefits;
  - (d) full reinstatement of seniority rights; or
  - (e) if the adverse action includes failure to promote, as described in Subsection 67-19a-101(8)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the person had been promoted.

**Cite as Utah Code § 67-21-3.6**

**History.** Added by Chapter 427, 2013 General Session, §10, eff. 5/14/2013.

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§ 67-21-3.7. Administrative review for state institution of higher education employees.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-3.7. Administrative review for state institution of higher education employees**

- (1)
  - (a) As used in this section, "independent personnel board" means a board where no member of the board:
    - (i) is in the same department as the complainant;
    - (ii) is a supervisor of the complainant; or
    - (iii) has a conflict of interest in relation to the complainant or an allegation made in the complaint.
  - (b) A state institution of higher education shall adopt a policy to establish an independent personnel board to hear and take action on a complaint alleging adverse action.
  - (c) The policy described in Subsection (1)(b) shall include:
    - (i) procedures for filing a complaint and conducting a hearing; and
    - (ii) a burden of proof on the employer to establish by substantial evidence that the employer's action was justified by reasons unrelated to the employee's good faith actions under Section 67-21-3.
- (2)
  - (a) An employee of a state institution of higher education may file a complaint with the independent personnel board described in Subsection (1)(b) alleging adverse action.
  - (b) An independent personnel board that receives a complaint under Subsection (2)(a) shall hear the matter, resolve the complaint, and take action under Subsection (3) within the later of:
    - (i) 30 days after the day on which the employee files the complaint; or
    - (ii) a longer period of time, not to exceed 30 additional days, if the employee and the independent personnel board mutually agree on the longer time period.
- (3) If an independent personnel board finds that adverse action is taken in violation of the policy described in Subsection (1)(b), the independent personnel board may order, or

recommend to a final decision maker:

- (a) reinstatement of the employee at the same level as before the adverse action;
  - (b) the payment of back wages;
  - (c) full reinstatement of fringe benefits;
  - (d) full reinstatement of seniority rights; or
  - (e) if the adverse action includes failure to promote, as described in Subsection 67-19a-101(8)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the person had been promoted.
- (4) A final decision maker who receives a recommendation under Subsection (3) shall render a decision and enter an order within seven days after the day on which the final decision maker receives the recommendation.

**Cite as Utah Code § 67-21-3.7**

**History.** Amended by Chapter 178, 2018 General Session , §3, eff. 5/8/2018.

Added by Chapter 427, 2013 General Session , §11, eff. 5/14/2013.

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§ 67-21-4. Choice of forum - Remedies for employee bringing action - Proof required.

## **Utah Statutes**

### **Title 67. State Officers and Employees**

#### **Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

#### **§ 67-21-4. Choice of forum - Remedies for employee bringing action - Proof required**

- (1)
  - (a) Except as provided in Subsection (1)(b) or (d), and subject to Subsections (1)(d) through (e), an employee who alleges a violation of this chapter may bring a civil action for appropriate injunctive relief, damages, or both, within 180 days after the occurrence of the alleged violation of this chapter.
  - (b) Except as provided in Subsection (1)(d):
    - (i) an employee of a political subdivision that has adopted an ordinance described in Section 67-21-3.6 :
      - (A) may bring a civil action described in Subsection (1)(a) within 180

- days after the day on which the employee has exhausted administrative remedies; and
- (B) may not bring a civil action described in Subsection (1)(a) until the employee has exhausted administrative remedies; and
- (ii) an employee of a state institution of higher education :
- (A) may bring a civil action described in Subsection (1)(a) within 180 days after the day on which the employee has exhausted administrative remedies; and
- (B) may not bring a civil action described in Subsection (1)(a) until the employee has exhausted administrative remedies.
- (c) Except as provided in Subsection (1)(d), a public entity employee who is not a legislative employee or a judicial employee may bring a claim of retaliatory action by selecting one of the following methods:
- (i) filing a grievance with the Career Service Review Office in accordance with Section 67-19a-402.5; or
- (ii) bringing a civil action for appropriate injunctive relief, damages, or both, within 180 days after the occurrence of the alleged violation of this chapter.
- (d) (i) A claimant may bring an action after the 180-day limit described in this Subsection (1) if:
- (A) the claimant originally brought the action within the 180-day time limit;
- (B) the action described in Subsection (1)(d)(i)(A) failed or was dismissed for a reason other than on the merits; and
- (C) the claimant brings the new action within 180 days after the day on which the claimant originally brought the action under Subsection (1)(d)(i)(A).
- (ii) A claimant may commence a new action under this Subsection (1)(d) only once.
- (e) A public entity employee who files a grievance under Subsection (1)(d)(i):
- (i) may not, at any time, bring a civil action in relation to the subject matter of the grievance;
- (ii) may seek a remedy described in Subsection 67-21-3.5(2) ; and

- (iii) waives the right to seek a remedy or a type of damages not included in Subsection 67-21-3.5(2).
- (f) A public entity employee who files a civil action under Subsection (1)(d)(ii) may not, at any time, file a grievance with the Career Service Review Office in relation to the subject matter of the civil action.
- (2) An employee who brings a civil action under this section shall bring the action in the district court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has the person's principal place of business.
- (3) To prevail in an action brought under this section, the employer shall prove by substantial evidence that the employer's action was justified.

**Cite as Utah Code § 67-21-4**

**History.** Amended by Chapter 178, 2018 General Session , §4, eff. 5/8/2018.

Amended by Chapter 427, 2013 General Session , §12, eff. 5/14/2013.

Amended by Chapter 177, 1999 General Session

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§ 67-21-5. Court orders for violation of chapter.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-5. Court orders for violation of chapter**

- (1) A court, in rendering a judgment in an action brought under this chapter, may order reinstatement of the employee at the same level, the payment of back wages, full reinstatement of fringe benefits and seniority rights, damages, or any combination of these remedies.
- (2) A court shall award the complainant all or a portion of the costs of litigation, which are defined to include reasonable attorney fees and witness fees, if the court determines that the complainant prevails.

**Cite as Utah Code § 67-21-5**

**History.** Amended by Chapter 427, 2013 General Session , §13, eff. 5/14/2013.

Amended by Chapter 177, 1999 General Session

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§ 67-21-6. Civil fine.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-6. Civil fine**

- (1)
  - (a) A person who violates this chapter is liable for a civil fine of not more than \$500.
  - (b) The person who takes an adverse action against an employee in violation of this chapter, and not the public body that employs the employee, shall, after receiving notice and an opportunity to be heard, pay the civil fine under this Subsection (1).
  - (c) If a person is ordered to pay a civil fine under this Subsection (1), the employer may dismiss the person who took the adverse action in violation of this chapter.
- (2) A civil fine ordered under this chapter shall be submitted to the state treasurer for deposit in the General Fund.
- (3) The civil fine described in this section may be imposed if a violation of this chapter is found by:
  - (a) an independent personnel board described in Subsection 67-21-3.6(1)(a) or 67-21-3.7(1)(a);
  - (b) the Career Service Review Office; or
  - (c) a court.

**Cite as Utah Code § 67-21-6**

**History.** Amended by Chapter 427, 2013 General Session , §14, eff. 5/14/2013.

Enacted by Chapter 216, 1985 General Session

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§ 67-21-7. No impairment of employee rights under collective bargaining agreement.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-7. No impairment of employee rights under collective bargaining agreement**

This chapter shall not be construed to diminish or impair the rights of an employee under any collective bargaining agreement.

**Cite as Utah Code § 67-21-7**

**History.** Enacted by Chapter 216, 1985 General Session

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§ 67-21-8. No compensation when participation in public inquiry.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-8. No compensation when participation in public inquiry**

This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing, or inquiry held by a public body in accordance with Section 67-21-3.

**Cite as Utah Code § 67-21-8**

**History.** Enacted by Chapter 216, 1985 General Session

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§ 67-21-9. Notice of contents of this chapter - Posting.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-9. Notice of contents of this chapter - Posting**

- (1) An employer shall post notices and use other appropriate means to keep employees informed of their protections and obligations under this chapter.
- (2) An employer shall provide an employee with a copy of this chapter:
  - (a) when the employee is hired;
  - (b) upon a request by the employee; and
  - (c) when the employee files a grievance under this chapter.

**Cite as Utah Code § 67-21-9**

**History.** Amended by Chapter 178, 2018 General Session , §5, eff. 5/8/2018.

Amended by Chapter 427, 2013 General Session , §15, eff. 5/14/2013.

Enacted by Chapter 216, 1985 General Session

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§ 67-21-10. False accusations.

**Utah Statutes**

**Title 67. State Officers and Employees**

**Chapter 21. Utah Protection of Public Employees Act**

*Current through 2018 General Session*

**§ 67-21-10. False accusations**

- (1) An employee violates this chapter if the employee knowingly makes a false accusation against an employer under this chapter.
- (2) An employee who violates Subsection (1), is subject to:
  - (a) a fine not to exceed \$5,000; and

(b) dismissal from employment.

**Cite as Utah Code § 67-21-10**

**History.** Added by Chapter 427, 2013 General Session, §16, eff. 5/14/2013.

## **APPENDIX F CONFLICT OF INTEREST POLICY**

### **SECTION I. Overview**

San Juan County officers and employees individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times. Officers and employees must avoid even the appearance of impropriety to ensure and maintain public confidence in the county. Officers and employees owe a fiduciary duty to the county and must not act in a manner that is contrary to that duty or to the interests of the county. Officers and employees must place the interests of the county over their own personal interests with respect to the governance, policy, strategic direction and operations of the county.

### **SECTION II. Policy**

It is the intent of the Board of San Juan County Commissioners to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an officer or employee has a personal interest in a matter that is or may be in conflict with or contrary to the county's interests and objectives to such an extent that the officer or employee is or may not be able to exercise independent and objective judgment within the context of the best interest of the county. For the purposes of this policy, an officer or employee's "personal interest" includes those of his or her relatives, business associates or other persons or organizations with whom he or she is closely associated.

The following provisions shall serve as a guide to officers with respect to the affairs of the county:

- A. County officers and employees shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction. Officers and employees are required to submit a report to the county commission and the county's Internal Auditor of the actual or estimated value of any gifts or casual entertainment received as an officer that exceeds \$50.00.
- B. The complete confidentiality of proprietary business information must be respected at all times. Officers and employees are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of the county, or to individually conduct negotiations or make contacts or inquiries on behalf of the county unless officially designated by the county commission.
- C. Officers and employees are prohibited from acquiring or having a financial interest in any property that the county acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which the county does business. This does not

prohibit the ownership of securities in any publicly owned company except where such ownership places the officer in a position to materially influence or affect the business relationship between the county and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the county is prohibited if this interest or relationship might tend to impair the ability of the officer(s) to be independent and objective in his or her service to the county.

- D. If members of the immediate family of an officer or employee have a financial interest as specified above, such interest shall be fully disclosed to the county commission which shall decide if such interest should prevent the county from entering into a particular transaction, purchase, or engagement of services. The term “immediate family” means officer’s spouse, parent, dependent children, and other dependent relatives.
- E. When a conflict of interest exists, the officer or employee shall publicly declare the nature of the conflict and may recuse him or herself on any official action involving the conflict.
- F. Officers and employees may not realize, seek, or acquire a personal interest in a business that does business with the county.
- G. Officers and employees shall complete a Conflict of Interest Disclosure Form annually by the end of January. This Form shall be signed and notarized. Completed Forms shall be submitted to the clerk/auditor and made available to the public upon request.
- H. The clerk/auditor shall provide copies of all completed Forms to the County Commission Chair at the end of January each year.
- I. The Commission Chair shall review all completed forms and consider the disclosures. The Commission Chair should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within San Juan County.

## **APPENDIX G**

### **PERSONAL USE OF PUBLIC PROPERTY POLICY**

#### **SECTION I. Effective Date and Frequency of Review.**

- A. The effective date of this policy is June 30, 2019.
- B. This policy should be reviewed annually, but not less than every three years by the Board of Commissioners. This policy will also be reviewed any time that changes to laws or rules governing personal use of public property of interlocal agencies are amended in a manner which would require review and update to this policy.

#### **SECTION II. Purpose.**

- A. This policy is meant to assure responsible use of public property and control excessive or unlawful use of public property by San Juan County employees.
- B. This policy provides guidance as to authorized personal use of public property to avoid unintentional violations of U.C.A. §76-8-402 and U.C.A. §67-16-4(1)(c).

#### **SECTION III. Authority.**

- A. The County Board of Commissioners has authority to implement this policy as the governing body of San Juan County.

#### **SECTION IV. Applicability and Scope.**

- A. This policy applies to all use of all public property as defined herein.
- B. This policy supersedes and replaces all other County policies related to the personal use of public property, except where specific department or county policies are or have been established to address the particular needs of an individual department or the use of a specific category of public property.

#### **SECTION V. Definitions.**

- A. “Commission” means the Board of San Juan County Commissioners.

- B. “De minimis” means a nominal value of less than \$100.00 but does not include value of damage to public property when used by an employee for personal use when the employee timely reimburses the County for such damage.
- C. “Incidental” has the meaning defined in Section VI Policy Statements of this policy. Any use identified as incidental under this policy which is not considered incidental under U.C.A. §76-8-402 or U.C.A. §67-16-4(1)(c) is an authorized use under this policy.
- D. “Public property” means any real or personal property:
  1. Owned, leased or rented by the County, until such time as the property has been surplus; or
  2. Provided to an independent contractor of the County for the purpose of providing a program or service for, or on behalf of, the County.
- E. “Employee” means all elected officials, directors, officers, employees and independent contractors of the County.
- F. “The County” means San Juan County.
- G. “Other County Board” means any board that has been created by the County to oversee specific business (i.e. Weed Board, Transportation Service District, etc.)

**SECTION VI. Policy Statements.**

- A. The Commission means for this policy to constitute a written policy of San Juan County for purposes of U.C.A. §76-8-402(1)(b)(iii).
- B. The Commission means to restrict unreasonable personal use of public property by employees.
- C. The Commission considers that the penalty under U.C.A. §76-8-402 of a felony for any level of unauthorized personal use of public property as extreme and therefore the Commission means to protect its employees from unintentionally violating U.C.A. §76-8-402 and/or U.C.A. §67-16-4(1)(c).
- D. The Commission means to broadly authorize de minimis personal use of public property by employees with a procedure to limit personal use in specific cases only after providing written notice.
- E. Personal use of public property is considered to be unauthorized when it occurs after the employee has received a written notice that the use is unauthorized or prohibited under this policy and the employee does not appeal the written notice, or that which occurs after

the employee receives a written decision from the Commission finding that the personal use is considered unauthorized or prohibited under this policy.

- F. The Commission means to provide broad discretion to the County Administrator, department heads, and other County boards in authorizing personal use of public property by employees under their supervision or control.
- G. The Commission recognizes that incidental personal use of public property by an employee is authorized under U.C.A. §76-8-402 and further authorizes incidental personal use under this policy. The Commission considers incidental personal use to include:
  - 1. Use of public property for limited use of a personal nature when the individual is using the public property to perform their duties of office, employment or service under contract;
  - 2. Use of public property of a personal nature when such use of the public property:
    - a. Is available to the general public;
    - b. Does not create more than a de minimis cost to the County;
    - c. Is provided or required to be provided to the employee as an employee benefit or convenience, such as lunchroom and nursing room facilities;
    - d. Is not clearly prohibited by this policy; or
    - e. Is accidental or unintentional and the employee timely reimburses the cost of the personal use to the County.

**SECTION VII. Procedures and Responsibilities.**

- A. If the County Administrator, a department head, or a supervisor or believes that an employee is using public property in a manner that is not incidental or should not be authorized, they shall give the employee a written notice that specifically informs the employee that the personal use is not considered incidental and will not be considered authorized as of the date of the written notice, or as of the date of a final written determination by the Commission of an appeal of the written notice.
- B. In determining if personal use should be authorized, the County Administrator or a department head shall consider whether the personal use of public property:
  - 1. Does not substantially interfere with the use of the public property to perform duties of office, employment, or service under contract;
  - 2. Creates only a de minimis cost to the County;
  - 3. Creates more than a de minimis cost to the County but provides a benefit to the County or its employees as determined by the Commission;
  - 4. Creates more than a de minimis cost to the County but the employee reimburses the County for the cost of the personal use of the public property at a rate determined by the County;

5. Provides the employee with training and familiarity with the public property which will allow them to be more proficient with its use to perform their public duties;
  6. Provides support of other agencies or community organizations which promotes good will between those agencies or community organizations and the County; or
  7. Provides a reasonably arguable benefit to the County.
- C. An employee may appeal a written notice provided under this Section to the Commission if they believe their personal use of public property should be authorized by providing a written request for appeal of the written notice within five business days of receipt of the written notice. The Commission shall hear either in writing or in person the person who issued the written notice and the employee, and make a decision on whether the personal use of the public property will be authorized or prohibited. The Commission shall inform the County Administrator and the employee of their decision within 10 days of their decision.
- D. The CFO shall notify an employee of the cost to be reimbursed to the County for personal use of public property, which was not clearly prohibited by this policy, when that use was accidental or unintentional or due to damage to public property during personal use of public property by the employee.
- E. The employee shall timely reimburse the County the amounts determined by the CFO under this section or contest the amount of the reimbursement to the CEO within five business days of notice from the CFO. The CFO shall within 5 business days of receipt of such notice to contest the amount of reimbursement provide the employee and the CFO a decision regarding the amount of reimbursement.
- F. If the employee does not agree with the decision of the CFO of the amount of reimbursement for personal use of public property, the employee shall request an appeal of the CFO's decision to the County Commission within 5 business days of receipt of the CFO's decision. The Commission shall consider the requested appeal at their next scheduled meeting and provide the employee notice of their final decision on the amount of reimbursement within 10 business days of that meeting.