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DEFINITIONS

SECTION 1 - COUNTY PURPOSE

- A. Purpose: The purpose of the County is to provide those services which the Board of County Commissioners deem necessary and desirable for the general health, safety and welfare of the county. Essentially, all that each county employee does, should be for the public benefit and advantage of the people residing within the service area of Sevier County, thus promoting their greater prosperity and general welfare. Specifically, the purpose of the County is to provide the highest possible level of service at the most reasonable and fair cost to its residents.
- B. Employment Philosophy:
1. The quality of the services provided by Sevier County is dependent upon the individual initiative and responsibility of its employees. Successful employees are self-motivated, perceptive, problem-solvers, service-oriented, have an eye for detail and follow a job through to its completion in a professional manner.
 2. The County expects employees to exercise good judgment and act as the situation requires, always seeking to do what is best for Sevier County and those whom we serve.
 3. Most work for the County is accomplished on a "team" basis. A productive and successful employee is expected to be able to work together in a cooperative manner with other employees to accomplish the purpose of the County. The unifying force of team action is communications. To this end, pertinent job related information must be shared and communicated with all others in the County who have an interest or concern in the outcome of any job or endeavor.
 4. Sevier County, therefore, seeks to attract and retain the most highly qualified and competent employees who exhibit the qualities and characteristics consistent with the job to be performed and offers to provide a fair and competitive wage for the service and labor given.

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SECTION 2 - PERSONNEL SYSTEM PROVISIONS

- A. Purpose: Sevier County is a “County” operating under the laws of the State of Utah and administering public funds. The policies and procedures relative to the personnel working for the County are set forth for the following purposes:
1. To give employees clear, concise information as to their rights, privileges, obligations and responsibilities.
 2. To provide administrative officials and officers direction in dealing fairly, consistently and justly with all employees.
 3. To be used as a general guide for the day-to-day handling of employee matters only and not to be considered a binding contract between Sevier County and its employees. No employment contract exists between Sevier County and its employees unless it is in writing and signed by the County Commissioners.
- B. Applicability and Distribution of Policies and Procedures: The policies and procedures of this document shall apply to all employees of Sevier County, except where specifically excluded. These policies and procedures do not apply to members of committees, councils and commissions, or persons engaged under contract to supply professional or technical services, and volunteer personnel who receive no or nominal compensation. A copy of this manual, as well as any subsequent amendments or revisions, will be made available to all employees of the County so that all employees will be fully informed of the wishes and desires of the county commissioners and the various county elected officials with regard to personnel policies and practices.
- C. System Standards: The system standards subscribed to by Sevier County shall conform to the following merit principles as outlined in Utah Code 17-33-3, 1953, as amended:
1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill levels, including open consideration of qualified applicants for initial appointment.
 2. Providing equitable, adequate and competitive 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 separating employees whose inadequate performance cannot be corrected or corrected in a timely manner.
 5. Fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, or disability, and with proper regard for their privacy and constitutional rights as citizens.
 6. Provide information to employees regarding their political rights and prohibited practices under the Hatch Act, 1953, as amended; and
 7. Provide a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

- D. This handbook is written as a summary to be used for convenience and information and supersedes all previously issued handbooks and inconsistent verbal or written policy statements. No oral statements or representations can change the provisions of this handbook. Every employee is required to read and become familiar with the contents of this employee handbook. Please refer to the on-line format of this handbook to be sure you have the most recent updates.

The information contained herein shall be considered official policy of the County and may be revised from time to time by action of the Board of County Commissioners. The official interpretation of all matter dealt with in this manual shall be the responsibility of the Board of County Commissioners, County Attorney, County Executive Administrator, and County Human Resource Director.

SECTION 3 - EQUAL EMPLOYMENT OPPORTUNITY

- A. Legal Compliance: It is the policy of Sevier County to comply with the guidance set forth in current federal and state law, including the following:
1. Age Discrimination in Employment Act (1967), Americans with Disabilities Act (1990), ADA Amendments Act (2008, 2011), American Recovery and Reinvestment Act (2009) (COBRA amendments), Bankruptcy Act (1978), Civil Rights Act of 1866, Civil Rights Act of 1871, Civil Rights Act of 1964, Title VI, Civil Rights Act of 1991, Consolidated Omnibus Budget Reconciliation Act (1985), Consumer Credit Protection Act (1968), Drug-Free Workplace Act (1988), Employee Polygraph Protection Act (1988), Employee Retirement Income Security Act (1974), Equal Pay Act (1963), Executive Order No. 11246 (1965), Fair and Accurate Credit Transactions Act (2003), Fair Credit Reporting Act (1970), Fair Labor Standards Act (1938), Fair Pay Act (Lilly Ledbetter Fair Pay Act) (2009), Family and Medical Leave Act (1993), Genetic Information Nondiscrimination Act (2008), Health Insurance Portability and Accountability Act (1996), Illegal Immigration and Immigrant Responsibility Act (1996), Immigration Reform and Control Act (1986), Jobs for Veterans Act (2002), Labor Management Relations Act (1947), National Defense Authorization Act (2008) (FMLA amendments), National Labor Relations Act (1935), Occupational Safety and Health Act (1970), Older Workers Benefit Protection Act (1990), Omnibus Crime Control and Safe Streets Act (Wiretap Act), Portal to Portal Pay Act (1947), Protection of Jurors' Employment (1978), Rehabilitation Act (1973), Uniformed Services Employment and Reemployment Rights Act (1994), Vietnam Era Veterans' Readjustment Assistance Act (1974), Worker Adjustment and Retraining Notification Act (1988), Utah Protection of Public Employees Act (UCA Title 67, Chapter 21), 1953, as amended.
 2. All provisions of the County Personnel Management Act, Utah Code (Title 17, Chapter 33) 1953, as amended.
 3. Any other regulation which is or may yet be promulgated by the Federal Government or the State of Utah relating to non-discrimination in employment, fair and good faith dealing and, rights and expectations as they relate to employment with the County.
- B. Anti-Discrimination: Sevier County will provide fair treatment of applicants and employees in all aspects of personnel administration as follows:
1. Prevention of discrimination in regards to race, color, religion, sex, national origin, age, handicap or any other protected classes and with proper regard for their privacy as citizens and constitutional rights.
 2. No class of jobs will be closed to any individual because of the above referenced criteria or any other non-meritorious factors.
 3. Evaluation of employment candidates will be made on the basis of education, skills, experience and potential for job performance and learning consistent with the needs of the position to be filled.
- C. Compensation: No individual will receive reduced compensation on the basis of race, color, religion, sex, national origin or any other protected criteria as written in public policy.
- D. Nepotism: The purpose of this policy is to prevent an environment where favoritism, real or perceived, can exist and to define the conditions under which relatives of county employees may be considered for employment.

1. As used in this section, the term “relative” is defined as follows: the mother, father, stepmother, stepfather, foster-mother, foster-father, mother-in-law, father-in-law, sister, sister-in-law, brother, brother-in-law, spouse, child, son-in-law, daughter-in-law, uncle, aunt, nephew, niece, first cousin, and any other relative residing within the employee’s household. It shall be unlawful for any person holding any position in Sevier County, the compensation for which is paid out of public funds, to employ, appoint or vote for the appointment of a member of his/her relative.
2. With regard to the hiring of a relative, the County shall comply with Utah Code 52-3-1, 1953, as amended. If special circumstances warrant consideration of an exception, prior approval must be given by the County Commissioners and be recommended by the Human Resource Director and County Attorney.
3. The County Commissioners, County Human Resource Director, all elected officials and department managers with hiring authority or the ability to influence a hiring selection, shall not show favoritism or patronage to relatives or close friends in matters related to job recruitment and selection, or issuing contracts for services or job advancement.
4. Sevier County will consider employment application from relatives of current employees whenever openings exist for which they are qualified. Hiring decisions, however, will be made solely on the basis of merit and relatives will not receive preferential treatment. When the decision is made to hire a relative of a current employee, placement within the organization will be subject to provisions in accordance with Utah State law.
5. Relatives will not be considered for positions where their assignment would result in the employee having authority, whether direct or through intermediate levels of supervision, to hire, promote, transfer, resolve grievances or complaints, or discipline a relative. Exceptions may be made for temporary, seasonal or reserve employees, or in exigent circumstances, on a case by case basis as determined by the County Commissioners.

E. Affirmative Action: Sevier County shall take affirmative action in all aspects of human resource management to assure compliance with EEO standards. Affirmative Action plans and programs shall be undertaken when deemed necessary by the Board of County Commissioners or otherwise required by a regulatory agency of the State of Utah or the Federal Government. Implementation shall be at the direction of the Human Resource Director.

SECTION 4 - PROTECTION FROM CONTRACTOR CAUSED LOSSES/LIABILITIES

- A. General Policy: Sevier County will take all necessary precautions and steps in written contracts to prevent loss and liability arising from entering relationships with independent contractors using a Hold Harmless Agreement, which is a part of an Indemnity Provision Contract, or an entire Indemnity Provision Contract.
- B. Supervisor Responsibilities:
1. To ensure that no work is performed by any private contractor until:
 - (a) A written contract between Sevier County and the contractor has been entered into and signed by both parties.
 - (b) The signed written contract has been approved by the Human Resource Director.
 2. Each contract with a private contractor should contain indemnity/hold harmless clauses that provide that:
 - (a) All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.
 - (b) All contractors must provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract.
 - (c) Sevier County and its officials, employees, agents and volunteers must be named as "certificate holders" on the liability insurance policy.
 3. Each contract with a private contractor should contain provisions that ensure the contractor is carrying workers' compensation insurance coverage. Sevier County will require evidence of workers' compensation insurance (or evidence of qualified self-insurance) from all contractors.

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SECTION 5 - ADMINISTRATION

A. Responsibility for Administration of Policies: The Sevier County Commission adopts and approves the County's personnel policies. The elected officials, appointed department managers, and other supervisors are directly responsible for day to day management and the implementation of the County's approved personnel policies in their respective departments. The Human Resource Department assists the County Commission, elected officials, department managers and supervisors in coordinating the management of the County's employees. The Human Resource Department's duties include:

1. Administrating and developing job classification and compensation plans;
2. Establishing standards and supervising the implementation of an employee performance evaluation plan;
3. Advertising vacancies, recruiting, and managing the hiring process;
4. Maintaining personnel records;
5. Coordinating all employment separations;
6. Developing and presenting personnel policies to the County Commission for adoption and approval;
7. Interpreting and clarifying adopted personnel policies in the absence of prior precedent; and
8. Implementing any other employment related actions required by county, state, or federal rules, regulations, policies, and procedures.

B. Personnel Records:

1. The official personnel record of each employee shall be kept in the office of the Human Resource Director in a confidential file and shall contain, as appropriate:
 - (a) Record of application for employment and employment eligibility certification.
 - (b) Reference to transcripts of academic preparation.
 - (c) Performance evaluation ratings.
 - (d) References to any formal reprimand, corrective action or commendation.
 - (e) Records of actions affecting employee salary, status, or standing.
 - (f) Leave Records: It shall be the responsibility of the Human Resource Director, or designee, to maintain records of all leave used by each employee for three (3) years.
 - (g) Any other information felt to be pertinent by the Human Resource Director or employee.
2. Sevier County will, upon request, supply the employee with a copy of any document it places in the employee's file.
3. An employee has the right to review the contents of his or her personnel record as governed by law and may challenge any information contained in the official personnel record. All challenges must be directed to the Human Resource Director or Board of County Commissioners.

4. If a disciplinary action is rescinded or disapproved upon appeal, all forms, documents and records pertaining to the case shall be removed from the personnel record and destroyed.
 5. Personnel records are private data and available for review only to the employee and users authorized by law. A log or record of those reviewing personnel records and information shall be maintained together with the reasons for access to the records. All reviews of personnel records shall be done in the presence of the Human Resource Director or designee.
- C. Requests for Information: When completing requests for verification of employment or responding to reference checks on previous and current employees; such requests or inquiries should be directed to the Human Resource Director or designee. Names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, number of hours worked per pay period, dates of employment, relevant education, previous employment, and similar job qualifications are treated as public data. Under no circumstances shall character judgments be issued.
- D. Private Records: Consistent with Utah's Government Records Access and Management Act Utah Code 63G-2-103 or 701, 1953, as amended, the following **are private**:
1. Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels.
 2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation; or similar medical data.
 3. Records concerning current or former employee or applicant for employment that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions.
 4. Employment records including performance evaluations and personal status information such as race, religion, or disabilities, except for those mentioned in "C" above.
- E. Records Retention: All active employee files shall be kept up to date and the content of the file must be relevant to some aspect of current employment and work history. Generally all records related to inactive or separated employees shall be retained for sixty-five (65) years from the date of employment or three (3) years after retirement or death. For complete and accurate records of all medical examinations required by the law and records of any personal or environmental monitoring of exposure to hazardous materials - such records are required by OSHA to be retained for 30 years.
- F. Employee Data Changes: Employees are responsible to promptly notify Human Resources of any changes in employee data. This includes mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, and work related educational accomplishments.
- G. Conflicts: If any provisions of these policies and procedures or the application thereof are found to be in conflict with any State or Federal law, the conflicting part is hereby declared inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these policies and procedures or any of its application.

SECTION 6 - POSITION MANAGEMENT AND FILLING VACANT POSITIONS

A. Position Management:

1. Position Allocation: The County Commission must approve the creation of any new County position. Elected officials and department managers should take the following steps to create a new position or hire a new employee.
 - (a) Submit a new or revised job description for the position to the Human Resource Department for review.
 - (b) Verify that the position has been assigned to an appropriate pay grade and step by the Human Resource Director.
 - (c) Obtain confirmation from the County Clerk/Auditor that sufficient moneys are budgeted to fund the position through the current budget year.
 - (d) Comply with the applicable recruitment and advertising requirements in Subsection B "Filling Vacant Positions."
 - (e) Complete, sign and submit a position announcement request form to the Human Resource Department.
2. Job Descriptions: All County positions must have a written job description approved by the Human Resource Department that sets forth each position's duties and responsibilities. To create the job description, elected officials and department managers should provide a detailed list of each position's duties and responsibilities to the Human Resource Department for approval and placement in standard form. Elected officials and department managers may use interviews, written questionnaires, and other means to determine each position's duties as accurately as possible.

Once a job description is approved for a particular position, the Human Resource Director uses the description: (a) to classify the position and its pay rate; (b) to determine whether applicants for the position meet minimum requirements; (c) to describe the position in advertising and recruiting for vacancies; and (d) to orient newly hired or promoted employees to the duties of the position.

All county employees will be assigned duties as set forth in the approved job description for their position and must be able to meet the requirements for performing the duties of the position to which they are assigned. Assignments may be made to an employee that are not specifically identified in the job description, but which are in keeping with the general responsibility and guidelines of the position. Additional compensation generally will not be given for such added duties. See Human Resources for further information or a copy of a job description.

3. Reclassification: At least annually, each County department is responsible to review all job descriptions utilized within the department and report to the Human Resource Office significant differences between the work actually assigned and the description's specifications. If a career service position's duties and responsibilities change significantly, the Human Resource Director will reevaluate the position to determine if it should be reclassified on the step and grade chart. Reclassifying a position to a different step and pay grade may result in a decrease to an incumbent employee's pay. Normally, the employee's pay will be adjusted to a step within the new pay range equal to, or above, the employee's current salary. Reclassification of an existing position may also occur due to office reorganization that results in the elimination of current positions or the creation of new ones.

4. Final Appointment: The Human Resource Director shall work closely with the elected official or department manager and County Commissioners, who shall make final appointments for new hires. The Human Resource Director may also shorten or lengthen the selection process to include or exclude any selection hurdle as is deemed appropriate to the circumstances. If exceptions are made in the recruitment and selection process, it shall be documented and included in the personnel file as a "change in conditions of employment".
5. Anniversary Dates: For each employee hired to fill an authorized and budgeted position, the date hired begins his/her full-time employment with Sevier County and shall be his/her anniversary date.
6. Employment of Minors: Strict guidelines as established for the employment of minors ages 14 and 15 by the US Department of Labor shall be followed. The County will follow these regulations with regard to minimum wage, overtime, school day employment, hazardous conditions and equipment operation. Minors age 16 and 17 are also prohibited from working in environments which are deemed to be "particularly hazardous or detrimental to health and well-being". For Sevier County this includes driving County vehicles and equipment.

B. Filling Vacant Positions: The County Commission will approve all the hiring, transfers, and any salary increase.

1. Recruitment and Selection Options: The Human Resource Office shall administer a recruitment and selection program for career service positions with the County in accordance with all Equal Employment Opportunity laws and regulations and according to merit principles established by the County Personnel Management Act, Utah Code 17-33-3, 1953, as amended. Selecting and promoting employees in Sevier County's personnel system shall be on the basis of their ability, knowledge, and skill levels related to the vacant position. The following are recruitment and selection options to be determined prior to filling a vacant position:
 - (a) Reassignment: Within the same County Department, the department manager has the authority to reassign an incumbent for administrative or other work related reasons from a position to another position in the same class or to another class having the same salary step range provided the incumbent meets the qualifications of the new position.
 - (b) Transfer: A position may be filled by transferring an employee from one County department to another department. Interdepartmental transfers must be approved by both departments affected as well as by the employee being considered for transfer. The Human Resource Director must be notified of such transfers and must certify that the transferring employee meets the minimum qualifications for the position to which the employee is being transferred.

A department accepting a transferred employee shall accept accrued sick leave, vacation leave and personal preference leave and has the option of accepting accrued compensatory time. All or a portion of the employee's compensatory time balance may be paid out upon transfer by the department from which the employee is transferred. A Personnel Action form shall show in the remarks the number of hours of vacation leave, sick leave, personal preference leave and compensatory time, if any, to be assumed by the department to which such employee is being transferred.
 - (c) Rehiring: Persons who leave county employment after having worked at least one full year may be rehired to the same county position without going through the regular hiring procedure, provided the rehiring is accomplished within 12 months after separation. Rehired employees shall not be placed on a salary range higher than when they separated without approval of the elected official or department manager and the County Commission. Rehired employees shall be considered new employees for

the purpose of health and dental insurance benefits and shall be subject to all waiting periods and preexisting condition requirements specified for new employees in the Sevier County Medical/Dental Plan.

- (d) In-House Recruitment: Open to all current career service tenure employees. The approved job opening shall be posted at the County for a period of not less than ten (10) working days. Full consideration will be given to all qualified applicants from within the County before further hiring procedures are initiated. Employees wishing to apply for the position must do so by the closing date. All applicants will be given equal consideration.
 - (e) Open Recruitment: After or concurrent with in-house recruitment, the Human Resource Director may post the open position for a period of not less than ten (10) days through Job Service, local newspapers and the County website. In lieu of a final filing date, the Human Resource Office may designate a position as open until filled.
 - (f) Continuous Recruitment: Open to all current employees and to the general public. In instances where the need for applicants is continuous, the Human Resource Office may recruit for a position without designating a final filing date. This position will remain open until the department manager determines the need for continuous recruitment is no longer warranted.
2. Recruitment Procedure: When a position becomes vacant or a need arises to create a new career service position, the Human Resource Director shall notify the Board of County Commissioners of departmental recruitment requests. Upon being given approval to fill a position, and after confirming that the job description, minimum qualifications and required knowledge and skills are appropriate, and that the Clerk/Auditor has certified funds are available to support the position, the recruitment/selection option will be determined and the Human Resource Director shall prepare the appropriate advertising and/or documents to fill the position.
- (a) If determined that a reassignment, transfer or a rehire is the preferred option to fill a vacant position, the Human Resource Director shall prepare the appropriate payroll action documents for implementation of the reassignment, transfer, or rehiring into the vacant position.
 - (b) If competitive recruitment becomes the preferred option for filling a vacant position, the Human Resource Director shall prepare, advertise, and post the open position according to requirements outlined in either in-house recruitment, open recruitment, or continuous recruitment as determined by the elected official or department manager, Director of Human Resources, and County Commission.
 - (c) If the elected official or department manager determines in advance that there are no qualified candidates within the County departments, the recruitment process may proceed directly to open or continuous recruitment options and the community and labor market shall become the object of a competitive recruitment effort.
 - (d) All competitive selection procedures will be followed as outlined in Utah Code 17-33-5(b)(iii), 1953, as amended, and shall include consideration of the relative merit of each applicant for employment, a job related method of determining the eligibility of each applicant, and a valid, reliable, and objective system of ranking eligible applicants according to their qualifications and merit.
3. Employment Applications:
- (a) An official Sevier County employment application must be completed and signed by the applicant in order to be considered for selection. Incomplete applications will not be

considered. A separate employment application must be signed and submitted for every position for which an applicant applies.

- (b) Applications that require attachments should be accompanied by said attachments in order to be considered. Applicants wanting to claim college, business, armed forces, or vocational school credit must submit transcripts or other official documents.
 - (c) Applications will not be accepted after a closing date unless the application is postmarked on or before the closing date.
 - (d) Sevier County reserves the right to reject any application that indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applicants and subsequently hired applicants who make false statements or who are found to have engaged in any type of deception or fraud in the application or testing process shall be rejected or immediately terminated.
4. Evaluation of Applications: Upon closing the recruitment, the Human Resource Director will review all applications received for the position to determine if each applicant meets the position's required minimum qualifications.
5. Secondary Screening of Applications: All applicants who meet the minimum qualifications shall then be ranked accordingly by the Human Resources Director and elected official or department manager to determine which applicants are the most qualified for an interview.

Other secondary screening options may include any one, or a combination of, the following examinations: application screening by a committee, written examination, performance test, and/or other examination tools deemed appropriate by the Human Resource Director. Examinations used shall be based on job requirements and designed to measure or predict likely success in the position.

In the instance when there are only a few applicants who meet the minimum qualifications, the Human Resource Director, with the approval of the elected official or department manager, may prepare a register for the final hiring interviews without secondary examination.

If the elected official or department manager is unsatisfied with the applicant pool, at the elected official or department manager's request, the Human Resource Department may re-advertise the vacant position.

6. Interviewing Applicants: After the elected official or department manager has decided which applicants to interview;
- (a) The Human Resource Director will coordinate an interview schedule and direct the interview process.
 - (b) A selection committee shall be organized and will conduct an oral interview with the preferred applicants chosen from the secondary screening process.
 - (c) The questions are approved in advance by the Human Resource Department after consultation with the elected official or department manager.
7. Selection of Applicant:
- (a) The applicable elected official or department manager may choose from among the most qualified eligible applicants from the register to fill the position.

- (b) Prior to extending an offer to a candidate, the Human Resource Department or applicable elected official of department manager shall check references and conduct background checks.
 - (c) At the elected official or department manager's request, the Human Resource Department may recommence the recruiting process at any time.
 - (d) The Human Resource Department will retain a roster with all applications for one year after the position is filled in the event a similar vacancy occurs within the department.
 - (e) Nothing in this policy requires an elected official or department manager to hire an applicant from the register. If a vacancy does occur, the elected official or department manager may elect to fill the position from the existing register or to reactivate the recruiting process. Registers expire after one year unless extended by the Human Resource Director.
8. Conditional Offer of Employment: Once a selection has been made and a conditional offer of employment has been granted, the Human Resource Office will contact the contingent applicant for appropriate documentation and authorization to initiate all testing applicable to the position of offer. Refusal to submit to the appropriate testing shall be grounds for rejection of the applicant for employment.
9. Notification of Candidates: Once a vacancy has been filled, the Human Resource Department will notify all applicants that the recruitment process is complete and an offer of employment has been made to fill the advertised position.
10. Employee Orientation: After the new employee is approved for hire, he/she shall promptly receive a general orientation concerning benefits, compensation practices, personnel policies and procedures and various employment expectations.

C. Testing and Verification of Employment:

An applicant must receive a conditional offer of employment prior to the elected official or department manager requesting that an applicant submit to a drug and alcohol screen, physical examination of any type, or to allow the County access to criminal history records, credit reports, and/or any other information established by law that requires an individual's written permission to obtain. The following are tests that may be required for final approval of a position offer for Sevier County:

1. Criminal Background Investigation and Driving Record Evaluations:
- (a) Prior to hiring and as a condition of hiring, the Human Resource office will conduct a criminal background investigation. Refusal to submit to the background investigation shall be grounds for rejection of the applicant for employment.
 - (b) As a condition of hiring into a position requiring driving of a county or personal motor vehicle, the candidate shall have a valid driver license and shall, provide the County a copy of the driver license. For all employees whose job description requires operation of heavy equipment, as determined by the State of Utah, shall be required to provide a copy of an eligible Commercial Drivers License (CDL) and medical card.

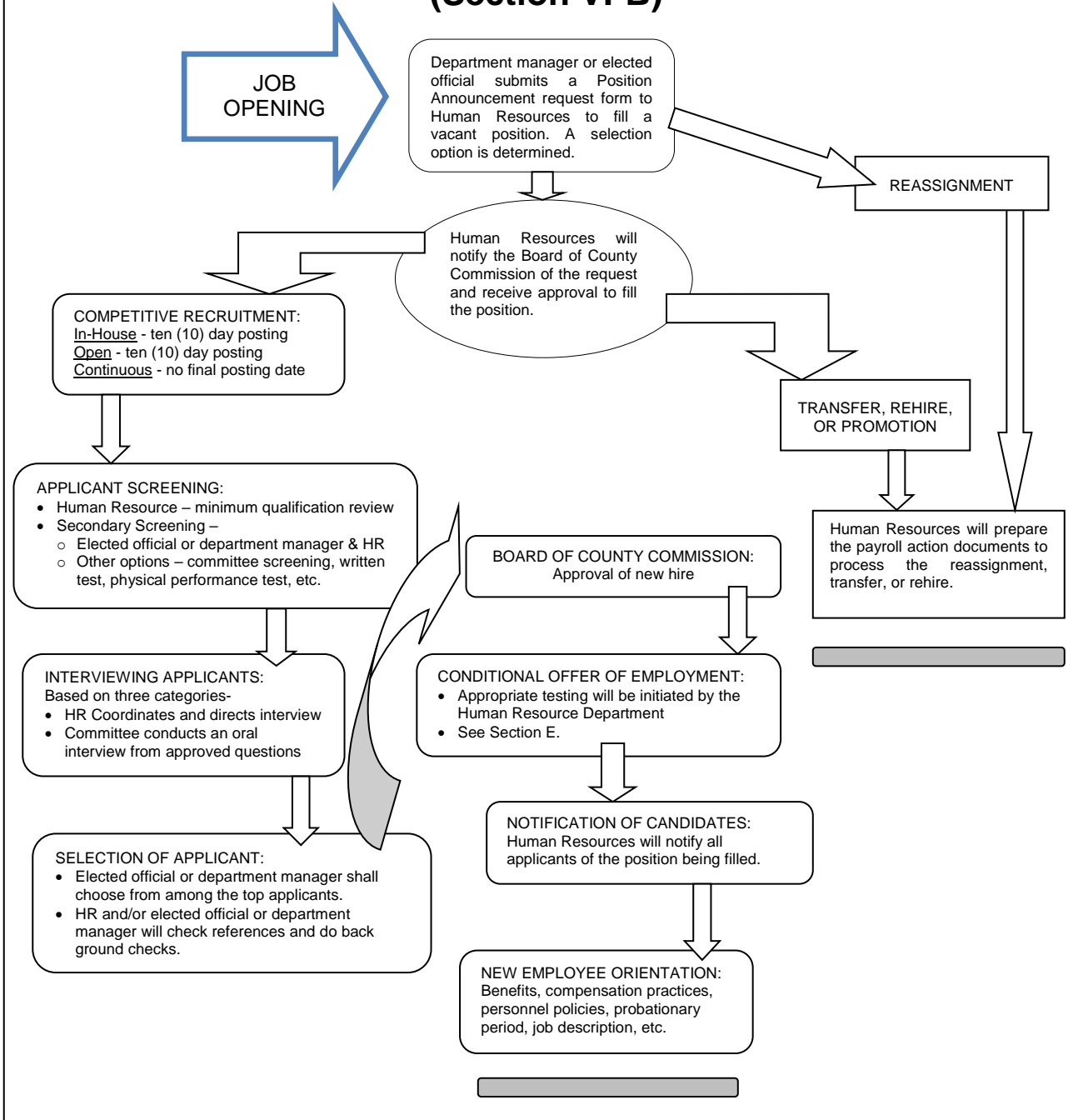
2. Physical Examination/Drug Testing:

- (a) Following a job offer, a physical examination may be required before an applicant is appointed to any County position. The results of the exam will be presented to the Human Resource Director and reviewed with the elected official or department manager for the purpose of final approval of a position offer.
- (b) The County may require a physical examination at any time during the employee's work tenure, if deemed a job related business necessity and is to ensure the safety and health of the employee, co-workers and the public. The County will pay the cost of any required medical examination.
- (c) As one of the steps in the selection process, final candidates for any position shall be required to undergo chemical screen testing to determine the presence of alcohol and unlawful controlled substances in the blood.

3. Employment Eligibility Verification: Sevier County will comply with all immigration laws and regulations when filling vacant positions. The Human Resource Director shall complete all required eligibility verification forms as outlined in current statute.

4. Veterans: Pursuant to Utah Code 71-10-2, 1953, as amended, Sevier County shall grant a veteran's preference upon initial hiring to each preference eligible veteran.

FILLING A VACANT POSITION (Section VI-B)



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SECTION 7 - EMPLOYMENT STATUS

A. Employment Status Definitions:

1. Employee: An "employee" means each full-time, part-time, or appointed worker, elected official, and any temporary, seasonal or on-call worker in the service of the County. "Employee" does not include any independent contractor, volunteer, or court-appointed ward. "Employees", officers, and other personnel not exempted herein, who have successfully completed the probationary period; are deemed to be fully covered employees under these personnel policies and procedures.
2. Probationary Period: Final appointment to a career service position is contingent upon satisfactory performance during a minimum six-month probationary period, except for peace officers whose probationary term is for an extendable twelve-month period (see UCA 17-30-11). Employees who voluntarily change positions, in either the same or to another County department, must complete a six-month probationary period in the new position. If an employee is deemed unsuitable for the job, he/she may be terminated at any time during this period, with or without cause.

B. Career Service Position Status: Any position in the County service except those exempted in the County Personnel Management Act (Utah Code Title 17-33-8, 1953, as amended) and who has successfully completed a probationary period in a career service position, as evidenced by a satisfactory employee performance appraisal.

C. Full-time Employees: An employee, who has satisfactorily met the requirements for employment; is generally working forty (40) hours per week; if a sworn law enforcement officer or full-time EMT, 80 hours in a 14-consecutive-day period; expected to work 2080 hours per year; and is eligible for all County benefit programs.

D. Part-time Employees: Employees working less than 1560 hours in a year on a regular basis, and are not eligible to receive County-paid benefits other than those obligated by state or federal agencies, such as social security and worker's compensation.

All part-time employees of Sevier County will be considered career service exempt as outlined below. Part-time employees are hired pursuant to the regular hiring procedure; may be authorized to work more than 40 hours per week during certain peak periods but shall not exceed 1560 hours in a year; are considered at will employees and may be terminated without cause.

E. Career Service - Exempt Positions: The following positions are established by the County Personnel Management Act (Utah Code 17-33-8, 1953, as amended) as career service exempt positions and have been designated as being exempt from the provisions of the personnel system.

1. The Human Resource Director will specify in writing those positions that fall under the exempt categories listed below:
 - (a) County Executive, elected officials, and major department heads.
 - (b) A confidential secretary for each elected official and department head.
 - (c) An administrative assistant to each elected official.
 - (d) Chief Deputies and division directors for elected officials.
 - (e) Temporary investigators for Commission.
 - (f) Emergency, seasonal and provisional employees.
 - (g) Part-time employees.
 - (h) Appointments with limited funding or duration.
 - (i) Confidential or key policy-determining positions.

2. Unless state law defines otherwise, employees serving in career service exempt positions pursuant to Utah Code 17-33-8, 1953, as amended, serve at the discretion of the Commission or appointing authority. Employees exempt from the career service, can be recruited, selected, compensated, benefited, and disciplined without compliance with the merit system rules and regulations, and may be terminated at will.
3. Except where specifically stated otherwise, career service exempt employees are eligible to participate in and receive all other benefits of county employment, as well as those negotiated as a condition of hire, and are subject to the other provisions of the County's personnel policies that have no relationship to career service exempt employee status.
4. Exempt positions should be reviewed annually to determine whether or not their exempt status should be withdrawn based on changes of duties and related factors.

F. Elected Officials: Elected officials are not covered by the personnel policies and procedures except they shall receive an elected official's benefit package, which shall include at a minimum, the full-time employee benefit package. Elected officials generally are not eligible for leave benefits such as vacation, sick leave, holidays, etc.

G. Chief Deputies: Chief Deputies receive the employee benefit package that full-time employees receive. Chief Deputies serve in their position at the discretion of the elected official or department manager they serve under. Chief Deputies may be removed without cause from their position by the elected official or department manager they serve under.

H. Emergency, Temporary, and Seasonal Employees: Elected officials and department managers may from time to time as necessary hire emergency, temporary and/or seasonal employees as long as the Clerk/Auditor verifies that sufficient funds are budgeted for the position.

1. Emergency Employment: When an emergency situation occurs involving serious impairment of public business, which makes it impossible to fill an established position through normal certification procedures, the elected official or department manager may authorize the appointment of any person to cope with the emergency. Any such person shall be employed only during the emergency and for a period not to exceed thirty (30) days. The emergency service shall confer no status, nor shall such time be credited toward a probationary period. If at the end of the thirty (30) day period in the judgment of the appointing authority, the emergency still exists, appointment may be extended with the approval of the County Commission.
2. Temporary Employment: Defined as being limited to a definite period of time of not more than 90 days consecutive per calendar year. Temporary employees, whether part time or full time, shall not qualify for regular employee benefits (except that mandatory benefits shall be provided as prescribed by law, i.e. social security, workers compensation and unemployment). Temporary employees are all those hired to work for the County on special assignment with the specific understanding that such work will be completed within a short period of time.
3. Seasonal Employment: Defined as annually recurring periods of work of more than 90 consecutive days during a calendar year. Recurring work that lasts less than 90 days is considered temporary employment. The agency determines the length of the season, subject to the condition that it be clearly tied to the nature of the work.
4. Emergency, temporary and seasonal employees receive no employee benefits and are considered career service exempt employees. If a temporary or seasonal employee is offered a regular, full-time position and assumes that position without a lapse in employment, his or her hire date, for benefit purposes, will be the date he or she assumes the regular, full-time position.

- I. Independent Contractors: Refer to Section 4.
- J. Volunteers: State law mandates certain procedures for volunteer service to a government agency; Sevier County will follow state law and implement applicable volunteer procedures:
1. A volunteer is any person who donates services without pay or other compensation except expenses actually and reasonable incurred and approved by Sevier County.
 2. A volunteer may not include any person who has been convicted of a criminal offense; any youth who has been adjudged delinquent; or any person or youth who has been diverted from the criminal or juvenile justice system and performs a public service as a condition of the person or youth's sentence, diversion, probation, or parole.
 3. As a county employee, you will only be considered a volunteer if you are performing services substantially different from the duties you are otherwise employed to perform for the County.
 4. A volunteer may not donate service to Sevier County unless and until the volunteer's services have been approved by the County Commission or its designee and the County Human Resource Office.
 5. An approved volunteer shall be considered a government employee for purposes set forth in Utah Code Annotated, Section 67-20-3, as amended, so long as the volunteer has complied with Section 67-20-3 and any applicable rules or regulations promulgated by the County.
 6. Prior to performing any volunteer service, all volunteers shall sign and file with the department manager in charge of the service project, a volunteer application and authorization agreement form. The department manager shall file a copy thereof with the Human Resource Department as soon as practicable.
 7. Volunteers are not covered by other provisions of the County's personnel policies, except they may be entitled to receive workers' compensation medical benefits. (*Reference: Utah Code Ann. 67-20-1 et seq.*)
 8. Volunteers who drive on county business and who are ages 68 and above must provide proof of attendance at an AARP Driving Safety Course or other mature driving program before driving on county business.
 9. The County may require volunteers to submit to a background check, which may include the volunteer providing criminal history record information.
- K. Light Duty Status: Employees that incur a medical hardship and are recommended by a medical doctor to only be involved in "light duty" activity may be assigned work in accordance with light duty operations and functions as defined by the County. Light duty assignments will be temporary and short term in nature, usually not exceeding thirty (30) workdays. Each case will be reviewed independently and will only be extended for extenuating circumstances. Light duty assignments over thirty (30) days must be approved by the Board of County Commissioners as recommended by the Human Resource Director. Light duty may be denied if it creates a hardship on the County budget or prevents the efficient and effective delivery of services. Workers relegated to light duty assignments may suffer a loss in compensation after consideration is given to the changes in level of responsibility, difficulty, working conditions and job knowledge requirements.

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SECTION 8 - PERSONNEL ACTIONS

- A. Promotion: A promotion is defined as a change in job title and/or grade recognizing increased capacity and responsibility of an employee from a position in one grade to a position in another grade having a higher entrance salary. This will be done in consultation with the Human Resource Director and with approval of the Board of County Commissioners.
- B. Salary Reduction: Positions in the County, after counsel with the Human Resource Director, may be reassigned, reclassified, and/or reduced in salary, as a result of budget reductions, structure reorganization, program reductions or reduction-in-force.
- C. Layoff (Reduction-in-Force):
1. If circumstances require reorganization or a reduced work force, the County Commission plans to retain employees who perform best as judged by department criteria. If the Commission determines a need, the elected official or department manager designates the position to be changed or eliminated, subject to review by the County Administrator and Human Resources. The County Commission retains the right to reduce work hours or separate employees as deemed to be in the best interest of the County. Generally reductions will occur in the following order:
 - (a) Emergency/Temporary/Seasonal employees.
 - (b) Part-time employees.
 - (c) Full-time employees.
 2. In determining which employee(s) shall be separated, the Human Resource Director and County Administrator shall recommend which job classes are affected and may utilize such factors as, but not limited to, performance, organizational needs, and longevity. The Board of County Commissioners and elected officials or department managers shall have the final say when layoffs affect full-time employees. The order of dismissal will be based upon several factors including (in no particular order of consideration or importance):
 - (a) Performance measured by evaluation records;
 - (b) Conduct and corrective actions;
 - (c) Record of unexcused absence or abuse of leave;
 - (d) Ability (employee's skills);
 - (e) Seniority (within the department).
 3. This reduction in workforce policy supersedes any department policy and procedure relative to the same subject matter.
- D. Separation: Career service employees may be subject to separation for cause, reasons of reduction-in-force, curtailment of work, or lack of funds, or for the general good of the public service. Otherwise, all employees will be retained on the basis of the adequacy of their performance and separated if inadequate performance cannot be corrected. Career service employees have the right to appeal as outlined in these policies under Grievance Procedures. Emergency, temporary, seasonal, contract and non-career service personnel may be separated "at will".
- E. Resignation:

1. Employees who resign and desire to leave Sevier 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.
2. All resignations, both verbal and written, are deemed accepted when received by the supervisor and if verbal, it must be received by the supervisor and at least one (1) witness to be considered a valid resignation.
3. A verbal or written resignation and its acceptance shall be acknowledged in writing by the elected official or department manager and submitted to the human resource office within 24 hours, or the next business day, to confirm the effective date of separation.
4. After a verbal or written resignation is received by the supervisor, all employment rights to that position are void as per resignation date.
5. After submission of a verbal or written resignation, use of sick or personal time will not be allowed.
6. An employee requesting to withdraw their resignation must do so in writing. The employee's resignation shall be subject to the elected official or department manager's discretion, and their response must also be in writing.
7. The absence of an acknowledgment letter shall in no way obligate the supervisor to reinstate a person who has previously resigned.
8. All employees who resign, or are reduced-in-force shall be referred to the Human Resource Director for an exit interview relating to retirement, insurance coverage and conversions, leave payments, and feedback from the separating employee. The elected official or department manager may also conduct his or her own exit interview to obtain appropriate feedback regarding its relationship with the departing employee.

F. De-facto Resignation: An employee who is absent from work for three (3) or more consecutive working days in an unauthorized leave status, unless incapable of providing notification, shall be deemed to have resigned and shall be informed of the same in writing by the Human Resource Director.

G. Re-Employment: The following policy shall apply to re-employment of former Sevier County employees:

1. Military re-employment shall be consistent with the (USERRA Act) as published.
2. Voluntary termination: Any employee hired to an authorized and budgeted position who voluntarily terminates his/her employment with the County, must compete with other individuals interested in filling vacancies within the County. In the event that such an employee is re-hired, he/she shall receive no consideration for past time with the County or reinstatement of benefits, unless:
 - (a) the return date is within 6 months of the termination date; and
 - (b) at the time of termination, the employee must have been in good standing with the County.

The time between the termination and the re-hire is not counted towards service time. Health benefits start the first of the month following rehire date.

3. Involuntary termination: Employees who have been involuntarily terminated due to lay-off or

reduction in force shall be eligible for re-instatement for up to twelve (12) months after their termination date, provided that they left the County employment in good standing and with satisfactory performance evaluation ratings. In the event that such an employee is re-hired, his/her sick leave accrual shall be credited to him/her and his/her time with the County shall be credited to him/her for purposes of determining vacation leave and other benefits.

4. Terminated for Cause: Employees that are terminated for cause generally will not be considered for future employment at Sevier County.

H. Return to Work: Employees who have been seriously injured or seriously ill will be allowed to return to their full responsibilities or a temporary light duty transitional assignment, if available, as soon as they are able to perform and have been cleared pursuant to the procedure in the Return to Work Policy.

I. Retirement: An employee may retire at any time after meeting retirement qualifications as defined by the applicable Utah Retirement System. An employee should give adequate notice of 60 days of his/her retirement date to ensure timely processing of their retirement benefits.

J. Suspension:

1. Disciplinary Action - Temporary separation of an employee, without pay, for disciplinary reasons for a specified period of time.
2. Administrative Leave - Temporary separation of an employee, with pay, for an unspecified period of time to allow for investigation regarding a complaint, allegation or action concerning the employee.

K. Performance Evaluations: The Human Resource Director shall organize and/or direct at least one formal performance evaluation per year. Performance management shall be geared toward increasing employee productivity, accountability and growth opportunity. Each supervisor will take this opportunity to counsel employees on job performance, using the employee's job description as a reference, pointing out areas that need improvement as well as identifying outstanding factors.

1. Probationary employees (newly hired) may be formally evaluated half way through their probationary period and again at the end of the sixth month probationary period. If the employee is retained, they are removed from probationary status and given regular status. Thereafter, each supervisor where applicable, will rate each employee assigned to their department on an annual basis. The results of this evaluation shall become a permanent part of the employee personnel file. Pay adjustments based upon the results of a performance review shall be considered annually in conjunction with the budget process.
2. During the performance review process, the supervisor together with the employee shall determine the current accuracy of the job description. If changes are required the supervisor shall take action to insure that the job description is processed through human resources, and an assessment made relative to the impact of the changes on the value of the job and job classification. Any modified job will be distributed and reviewed by the employee.
3. Each employee shall receive a completed copy of each evaluation. The employee shall acknowledge receipt by signing and dating the document.
4. If a supervisor determines that an employee's performance is unsatisfactory, the supervisor will refer to the disciplinary procedure section in this handbook.

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SECTION 9 – COMPENSATION

- A.** Equitability: Compensation for Sevier County employees and elected officials shall be equitable and competitive within the marketplace in as much as possible. The Human Resource Director shall administer all Sevier County compensation and benefit programs. The compensation plan and benefits shall be approved each year by the County Commissioners.
- B.** Position Compensation: The County determines compensation levels for each position developed by the Human Resource Department and approved by the County Commission. A 30-grade salary schedule was implemented January 1, 2018 and a new career advancement system was established and implemented on January 1, 2019. This new salary schedule and career advancement system is documented in the human resource office.
1. The Human Resource Director comparatively evaluates a set of common factors and assigns each County position a grade classification that encompasses a specific salary range.
 2. The salary range assigned to each classification shall fairly reflect the differences in the duties and responsibilities between it and other classifications in the County.
 3. The compensation for all positions is set according to each position's classification on the grade schedule.
 4. No compensation will be approved for any individual hired to fill a position unless the compensation conforms to the approved classification and compensation plan.
- C.** Administration of the Compensation System:
1. Rates of Pay: Each employee shall be paid according to the compensation system development in the Human Resource Office.
 2. Initial Appointment/Beginning Salary: All initial appointments to positions assigned to salary ranges shall normally be at the minimum level of that salary range. Most employees will be hired at the entry compensation level established within the career advancement system and will progress through the salary range based upon performance.
 3. Exceptions to Initial Appointment:
 - (a) Exceptions may be allowed if 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 currently being paid at the same or higher rate.
 - (b) Starting rates that are higher than the minimum level may be considered as is deemed appropriate, so long as it is within the applicable pay grade. Recommendations will be considered based upon an applicant's qualifications in comparison to other available applicants, the prior experience of the applicant in a comparable position, and the availability of budgeted and sustainable funds.
 - (c) The Human Resource Director shall monitor recommended starting rates for compliance to policy and relevance to pay grade assignment in relationship to other employees within the same pay grade and must be approved by the Board of County Commission.
 4. Re-employment: Upon re-employment, and at the discretion of the elected official or department manager, an employee may be paid at or below the step at which the employee was being paid at the time of the voluntary separation from employment.

5. Recall from Layoff: When an individual is recalled from a layoff to a position in the same classification in which the person was previously employed, the employee may be paid at the same salary step at which the employee was being paid at the time of layoff.

D. Pay Progression:

1. The purpose of pay progression and career advancement is to recognize and reward those employees who meet or exceed their job standards over a specified period of time.
 - (a) Pay progressions are based upon documented evidence that the employee has maintained a satisfactory level of performance and have progressed in their level of knowledge and responsibility.
 - (b) Such evidence must be provided through an appropriate employee performance evaluation system designated by the County and substantiated with appropriate documentation.
 - (c) Progression in the Career Advancement System is considered based on probation incentive, years of service incentives, as well as advancement and promotion levels designated in the job descriptions for each position. Recommendations considered by the elected official or department manager in consultation with the Human Resource Director and County Administrator and with final approval given by the Board of County Commissioners.
 - (d) In making recommendations for pay progression, consideration and compliance with county policies, level of responsibility, job knowledge, performance, length of service, market conditions or other factors must be considered and shall not exceed the limits prescribed by the Board of County Commissioners for the fiscal year.
2. Minimum to Midpoint Progression:
 - (a) It is the objective of the county that at midpoint in the salary range of the job classification in which they are hired to perform, an employee shall be able to perform virtually all aspects of the position's essential functions without supervision and with minimal errors.
 - (b) It is the responsibility of the elected official or department manager and immediate supervisor to identify the essential skills, competence, and quality of work that will satisfy this level of performance.
 - (c) Employees, in conjunction with supervisors shall develop a performance plan based upon achieving mid-level performance competence.
3. Midpoint to Maximum Progression: Compensation at the midpoint is considered market competitive. Upon achieving the Midpoint in the salary scale, the employee shall still be eligible for any general increase or adjustment to the pay plan (i.e., market, COLA, etc.) and for consideration of years of service incentives with possible top level Career Advancement and promotion designated in the job descriptions for each position.
4. Red Circle Rate (Salary Freeze): Employees, whose pay falls above the current maximum recommended salary for the pay grade to which assigned, reclassified or transferred, come under a "red circle" pay condition. Special circumstances may attribute to this condition which may be handled on a case-by-case basis. Generally, such employee(s) shall be placed on a salary freeze and shall not be eligible for any general annual adjustment given during the same period of time. When a COLA adjustment is made which shifts the grade range

maximum, and the employee's rate of pay falls back within the assigned pay range, the freeze shall be lifted.

E. Annual Increases:

1. Generally, an employee who has met the overall job requirements with satisfactory performance may be recommended by the elected official or department manager for the general annual increase approved by the Sevier County Commission.
2. Regular employees who are members of an armed forces reserve program and who are called up to active duty or annual training will not have their general annual increase affected by the military leave of absence.
3. The availability of budgeted and sustainable funds may alter the amount approved by Commission by increasing, decreasing or eliminating the annual increase.

F. Promotions:

1. Promotion: Generally, an employee who is promoted will receive an increase in salary due to a change in grade, or salary classification.
 - (a) An employee who is promoted generally has a significant change in essential job functions and will be assigned a job description that sets forth the position's duties and responsibilities for a new grade or salary classification.
 - (b) Promotions are normally opened for consideration to qualified employees within the department that an opening is available.
 - (c) On occasion, a promotion requires a revised job description and elected officials, and department managers shall follow the steps outlined in the Position Management Policy to revise the current job description.
 - (d) When an employee is promoted, the rate of pay will be determined according to the criteria set forth in the County Career Advancement System.
2. Promotion: An elected official or department manager may request in writing, with substantiated documentation, the promotion of an employee based on additional education, qualifications, criteria designated in the Career Advancement System set for by the County, the County budget and any other relevant factors. All requests will be submitted to the Human Resource Director and will be reviewed with the County Administrator and County Clerk/Auditor and approved by the County Commission.

G. Demotions:

1. When a voluntary classification demotion or demotion in lieu of layoff occurs, the employee's wage shall be set according to the criteria set forth in the County Career Advancement System. The new wage shall not be greater than the employee's regularly assigned salary prior to the demotion.
2. Upon an involuntary demotion, the elected official or department manager shall consult with Human Resources on the recommendation for the level of demotion and according to the criteria set forth in the County Career Advancement System with final approval in consultation with the County Attorney.

3. For any recommended demotions, the elected official or department manager must make in writing to the Human Resource Director all relevant factors including, but not limited to, the reasons for the demotion, salary range adjustments, and past performance assessments. The Human Resource Director, in consultation with the County Administrator and County Attorney will review the recommendation to determine the relevance and appropriateness of the demotion.

H. General Cost of Living (COLA) Wage/Salary Adjustments: It is the intent of Sevier County to consider prevailing practices related to cost of living, merit, benefits and market trends in establishing Sevier County wages and salaries. On all occasions the amount of the salary adjustment will ultimately be based upon the anticipated effect(s) on the Sevier County budget. Final determination and any changes to the salary schedule will be made by the Human Resource Director based upon final approval of the County Clerk/Auditor and the Board of County Commissioners.

1. General Cost of Living (COLA) Increases: Where general, across-the-board adjustments are approved, the change will be effective at the beginning of the calendar year as determined and approved by the Board of County Commissioners.
 - (a) General (COLA) adjustments are separate and distinct from general annual increases, probation, years of service incentives, and career advancements or promotions.
 - (b) General (COLA) adjustments normally affect the grade schedule by advancing the grade range minimum, mid-level, and maximum by the amount of the approved COLA.
 - (c) All employees, regardless of employment status, except those being "Red Circled/Frozen" shall receive the benefits of such general COLA adjustments to the pay plan.
2. Cost-Of-Living (COLA) vs. Market: Recommendations for adjustments to the salary schedule shall be determined by the Human Resource Director periodically through analysis of market trends in comparison to cost-of-living.
3. Total Compensation: In determining the total compensation value of the position, benefits must be considered. Base salary + cost of benefits = total compensation. In comparing benefit packages provided in the labor market, Sevier County may evaluate both salary level and cost of benefits or other factors as deemed appropriate.

I. Incentive (Bonus) Awards and Employee Recognition: An elected official or department manager may request in writing, with substantiated documentation, a bonus incentive for an employee or department on a case-by-case basis based on additional education, qualifications, criteria designated in the Career Advancement System set for by the County, the County budget and any other relevant factors. All requests will be submitted to the Human Resource Director and will be reviewed with the County Administrator and County Clerk/Auditor and approved by the County Commission.

J. Overtime:

1. Overtime Guidelines: Overtime compensation is set by application of guidelines derived from the Fair Labor Standards Act; as amended.
 - (a) Any time worked by a non-exempt employee over forty (40) hours in a defined work week or for public safety, eighty (80) hours in a 14-day work period, which the elected official or

department manager has approved of, is aware, or "suffered" to be worked, shall qualify as overtime.

- (b) "Time worked" includes those hours on the job in productive work effort. It does not include Paid Time Off, (PTO) etc.
- (c) Employees shall notify their direct supervisor prior to exceeding forty (40) hours in a standard work week or eighty (80) hours in a 14-day work period for public safety.
- (d) Overtime must be approved by a supervisor in advance and should be included on the time sheet in total hours worked. All overtime will be documented and submitted with the time sheet at the end of each pay period.
- (e) Elected officials and department managers should organize their department workloads to avoid overtime payments.
- (f) Sevier County strongly encourages all employees to complete their work within the normal 40-hour work week or 80-hour work period for public safety. Positions that frequently require more than the designated hours per work period should be carefully reviewed and adjusted so that work can be accomplished within the normal work period.
- (g) Overtime will be approved on an emergency or special needs basis only. Sevier County retains sole discretion to determine when employees must work overtime. Working unauthorized overtime hours may lead to discipline under our progressive discipline policy, up to and including termination.
- (h) All time spent in training, at workshops, meetings, etc., when such attendance is made mandatory by the County, shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA. Social activities at such workshops, meetings, etc. may not constitute hours worked and may not be used to calculate regular time or overtime hours.
- (i) It is the policy of Sevier County to distribute overtime as equally as possible among the eligible employees.
- (j) Records of overtime hours worked shall be maintained by the Human Resource Director or designee for all employees and shall be retained for a minimum of a three (3) year period.

2. Administration of Overtime/Compensatory Time:

- (a) Exempt Employees: Persons engaged in administrative, professional, executive (as defined by the FLSA) or volunteer work or as members of boards and commissions are not eligible for overtime except where specifically granted by the Board of County Commissioners in emergency situations or very unusual circumstances only. Any overtime awarded to employees of these classifications shall be at the hourly rate at which they are currently paid and shall be managed as comp time. This is considered straight-time overtime compensation. For such comp time awarded, the maximum number of hours that shall accrue shall be eighty (80) hours and must be used within the calendar year. Comp time obtained during any pay period will be used prior to any vacation hours during that same period. All compensatory time that is accrued by exempt personnel, which remains unused at the end of the calendar year shall be forfeited. Otherwise, these classifications are exempt from coverage under the Fair Labor Standards Act.

- (b) Non-Exempt Employees: For all non-exempt 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 40 hours, or for public safety, 80 hours in a 14-day work period. Compensatory time shall be used as the usual method of overtime compensation except as described otherwise herein; Overtime hours shall be recorded on the timecard for the pay period in which they are accrued. The employee may designate the desired compensation option; however, the department manager determines the compensation option to be applied by approving the employee timecard. The monetary payments for overtime option shall be issued on the regularly scheduled pay day for the work period in which it was earned. Comp time shall accrue at the rate of one- and one-half hours for every hour worked over forty hours in the work week, or eighty hours for public safety, in the work period. The maximum accrual for non-exempt personnel shall be 80 hours. All overtime hours accrued in excess of 80 hours shall be paid off in a monetary payment as part of the paycheck on the regularly scheduled pay day for the work period in which it was earned.
- (c) Special Projects Overtime: Non-Exempt Public Safety Employees (POST Certified) who work extra overtime shifts for special projects paid for by grant monies from the State of Utah (i.e.; DUI shifts, etc.), will be compensated at time and one-half for the time worked at this project regardless of any holiday pay, vacation pay or other paid leave used during that 14 day period. These overtime hours shall be recorded on the timecard accompanied by an overtime justification form for the pay period for which they are accrued. Compensatory time will not be made available to the employee for the special project hours worked.
3. Secondary/Overtime Employment for Law Enforcement Functions: All requests to Sevier County government from a person, business, or organization to employ Sevier County Sheriff's Office Public Safety employees (POST Certified) or EMT's during off-duty hours, in an official law enforcement or EMT capacity, must first be approved by the Sheriff and Human Resource office. The hours of work for the separate and independent employer are not combined with the hours worked for Sevier County government for purposes of overtime compensation.
4. Use of Compensatory Time:
- (a) Employees are encouraged to use compensatory time quickly and shall be permitted to use such time off within a reasonable period after making a request.
- (b) Employees and supervisors are encouraged to work together to determine the best times for employees to take their accumulated compensatory time off; however, the County reserves the right to require employees to take compensatory time off according to the needs of the department.
- (c) Use of accumulated compensatory time off requires supervisory approval. Requests for compensatory time off may be denied if the absence would be unduly disruptive to County operations. If a request for compensatory time is denied, this denied time may be used at another time approved by the supervisor.
- (d) Comp time earned by non-exempt employees does not have to be used prior to PTO and is not forfeited if unused before the end of the calendar year.
- (e) Once compensatory time has been earned, an employee may not request it be "cashed-in" for monetary payment at a later date.
5. Payment of Compensatory Time:

- (a) Employees who have accrued compensatory time shall, upon separation of employment, be paid for all unused compensatory time at the rate last paid just prior to separation.
- (b) Employees promoted from non-exempt positions to positions considered exempt from the overtime provisions of the Fair Labor Standards Act shall be paid out for all remaining accrued compensatory time at their regular hourly rate of pay in the non-exempt position.
- (c) Employees transferring from one department to another department may be paid for all or a portion of the balance of accrued compensatory time by the department from which the employee is transferred.

K. Separation Pay: When employees terminate, they shall be required to return all County equipment and to clear all financial obligations involving their employment with Sevier County prior to receiving their final paycheck. Any such obligation not cleared shall be itemized and deducted from their final paycheck.

- 1. Voluntary Separation: Final paycheck, including compensation for all uncompensated hours worked, unused Paid Time Off (PTO) and comp time will be issued on the next regularly scheduled pay period following separation.
- 2. Involuntary Separation: Final paycheck, including compensation for all uncompensated hours worked, unused Paid Time Off (PTO) and comp time will be issued the next regularly scheduled pay period following termination. (Utah State Code 34-28-1)

L. Pay Advancement: The County will not make pay advances to employees.

M. Payroll Schedule: Sevier County operates on a bi-weekly pay period. Pay shall be distributed to employees by electronic deposit to each employee's bank account. Pay shall be issued to the employee's bank account the Friday following the close of the pay period or in the case of this being a bank holiday or regularly scheduled day off, the direct deposit will be issued the day prior to the bank holiday or day off.

N. Effective Date of Payroll Changes: Payroll changes, when approved, shall become effective at the beginning of a payroll period. Failure to submit payroll changes on time may cause the action to become effective at the beginning of the next payroll period.

O. Severance Pay: Severance pay is granted at the sole discretion of the Board of County Commissioners and;

- 1. Severance pay shall not be offered in excess of the equivalent of three (3) month's pay at that employee's basic wage rate.
- 2. Severance pay shall be offered in exchange for a release of all existing and potential claims by the separated employee and a release of Sevier County of all claims and liability.

P. Payroll Deductions/Withholdings: Sevier County is required by law to deduct Social Security, Retirement, and Federal and State income tax withholding in accordance with the employee's number of dependents and salary. In addition, the County will deduct those items specifically authorized by the County and approved by the employee, including but not limited to insurance deductions, deferred compensation deductions, court-ordered deductions and any other deductions authorized by the employee. These deductions shall be made as set forth by the Human Resource Director upon the written approval of the employee to make the deduction.

Q. Budget Limitations: All actions concerned with the payment of salaries and/or benefits in accordance with these rules shall be subject to adequate funds being available, and any limitations or exceptions as may be imposed by the Board of County Commissioners.

SECTION 10A - EMPLOYEE BENEFITS

A. Group Health Insurance:

1. All elected, appointed and full-time employees are eligible for participation in Sevier County's Group Health, Dental and Vision Insurance Plans. Benefit features, providers, and contribution levels paid by the County and the employee will be determined annually by the HR Director, Executive Administrator, and the County Commission and are subject to change each year according to yearly budgets and yearly changes in premium rates. Enrollment cards and a detailed schedule of benefits will be provided to the employee upon employment. Sevier County provides comprehensive coverage for full-time employees and their eligible dependents.
2. Sevier County determines eligibility to participate in the group health plan using the 12-Month Measurement Methods as provided in the Affordable Care Act (ACA). The Summary of Material Modification (SMM) explains these changes and is provided in the new hire packets and the ACA compliance binder in the Human Resource office.
3. Insurance coverage or eligibility date begins on the first day of the month following the employee's date of hire if enrollment has been made as indicated below.
4. In order to be covered by the plan, an employee must enroll before his or her eligibility date for coverage. New employees who fail to enroll within thirty (30) days of the eligibility date shall not be covered until the following January 1, or another annual open enrollment date established by the County.
5. Changes to an employee's elections or new enrollments, must also be made within sixty (60) days of the date of a qualifying life event as defined by law. A qualifying life event is an occurrence that changes an employee's health insurance needs and allows employees to adjust their insurance coverage to accommodate these changes without waiting until the plan's next annual enrollment period. Types of qualifying events are marriage, divorce, birth, adoption, change in custody, death, or loss of coverage. It is the employee's responsibility to notify the Human Resource Department of any qualifying life changes.
6. Employees on leave of absence without pay in excess of one pay period shall be required to pay the total premium for the period of such leave, unless leave is qualified under the Family Medical Leave Act.
7. An employee's coverage ends on the last day of the month following the date of separation of employment.
8. If a married couple works for the County and each meets eligibility requirements for health insurance enrollment, the employees will be given two health insurance options as follows:
 - (a) Enroll Independently: Each employee may enroll independently, one family/two party plan and one single plan. The spouse with the later hire date will enroll in the single plan. Sevier County will not contribute into any medical reimbursements accounts. Plan deductibles will still apply. Having two insurance plans will not result in a "0" deductible. Once deductibles are paid, the insurance provider will coordinate benefits, thus reducing or possibly eliminating co-pays.
 - (b) Enroll under one plan: In lieu of two insurance plans per family, the employees may enroll under one plan, either a family or a two party plan, and the county will contribute to an eligible medical reimbursement account. The amount to be contributed will be determined annually and are subject to change each year according to yearly budgets and yearly changes in premium rates.

9. When a legal dependent (other than a spouse) of a county employee is also an employee, separate health insurance coverage will be provided only if the legal dependent employee does not qualify for coverage under the county employee's policy.

B. Life Insurance:

1. All elected, appointed and full-time employees shall be eligible for participation in the County's group life insurance plan. The County provides coverage for employee and eligible dependents.
2. The County provides basic life insurance coverage for each eligible employee in the amount of fifty thousand dollars (\$50,000). The Utah Retirement System may also provide a death benefit for eligible employees. Additional coverage for the employee and/or eligible dependents may be available for purchase by the employee through payroll deduction.
3. The Accidental Death and Dismemberment (AD&D) benefit may provide up to an additional \$50,000 for employee. Additional AD&D coverage for employee and/or eligible dependents is also available for purchase by the employee.
4. The County provides basic life insurance coverage for employee's eligible spouse and dependent children in the amount of \$10,000 for spouse and \$5,000 for each child. Additional coverage for the employee's spouse and dependent children may be available for purchase by the employee through payroll deduction.
5. Life Insurance coverage shall terminate on the last day of the month following the date of separation of employment with the County. In most cases, an employee's official separation date is the last day actually worked. Opportunities to continue your current voluntary life coverage after termination of employment may be available through the life insurance company.
6. Employees on leave of absence without pay shall be required to pay the entire premium for supplemental coverage purchased through payroll deduction for the period of such unpaid leave.

C. Long Term Disability (LTD) and Short Term Disability (STD):

1. All elected, appointed and full-time employees shall be eligible for participation in the County's Long Term Disability (LTD) insurance plan. An employee must be disabled for ninety (90) calendar days before becoming eligible for LTD benefits.
2. Short Term Disability (STD) may be available for purchase by the employee through payroll deduction. The (STD) benefit starts the 15th day of approved disability and continues for up to 11 weeks.
3. These plans provide a percentage of monthly pre-disability income upon approval of disability.
4. Current LTD and STD policies are available in the Human Resource office.

D. Retirement Plans:

1. Time of Retirement: Employees, at personal discretion, may choose to retire at any time in accordance with Utah Retirement System regulations. Employees anticipating retirement should notify the Human Resource office, as far in advance as possible, so that plans for a replacement can be made.

2. Utah Retirement System: The Utah Retirement System operates several retirement systems which may be applicable to County employees. Please see www.URS.org for applicable retirement system.
3. Employee Eligibility: All employees who work twenty (20) hours or more each week and are contemplated to continue during a fiscal or calendar year, and receive benefits normally provided by the County are enrolled in one of the Utah State Retirement systems depending upon their occupation and date of hire. Temporary, seasonal, and other part-time employees are ineligible to participate in the program. All eligible employees shall be enrolled immediately upon hire.
4. Contribution Rates: Sevier County contributes a specific amount set by the State legislature to each public safety employee and each public employee's retirement plan. Contribution rates for the public safety retirement systems are computed on gross pay up to a maximum of 80 hours per pay period. Contribution rates for the public employees' retirement systems are computed on gross pay.
5. Tier 2 Public Safety Pick Up Resolution: Beginning July 1, 2020, the County shall prospectively pick up and pay required employee contributions for county employees who are members of the New Public Safety Tier 2 Contributory Retirement System, even though designated as employee contributions for state law purposes, subject to a maximum of 3% of compensation for each employee.
6. Elected and Appointed Officials Eligibility: For purposes of Utah Retirement Systems (URS) coverage, the county classifies all elected and appointed officials as full-time. Eligibility for retirement coverage under Utah Retirement Systems shall be administered in accordance with the statutory rules governing Utah Retirement Systems.
 - (a) Exemption from Participation: Tier 1 elected officials, appointed employees, or others qualified, may elect to be exempted from participation in the Utah State Retirement System. In cases where exemption is elected, the County will contribute an amount equal to that currently being paid on behalf of employees enrolled under the URS to a county-administered 401(k) retirement program.
 - (b) Tier 2 Participation: Tier 2 elected officials are restricted to participation in the URS Tier 2 Defined Contribution Plan. Part-time elected officials are ineligible under Tier 2.
7. 401(k) Plan:
 - (a) Employees may elect to participate in the county-administered 401k retirement program through regular payroll deduction.
 - (b) Employees are solely responsible to ensure that their contributions do not exceed the maximum allowed by law, and to deal with any tax consequences of excess contributions. Employees are encouraged to consult with their tax advisor or 401k representative with any questions.
 - (c) Employees who are considered Tier 2 employees with the Utah State Retirement System may receive a county contributed match of up to 5% of the employee's contribution into the county-administered 401(k) program.
 - (d) Tier 1 elected officials, and other qualified individuals exercising the option to be exempt from the Utah Retirement System shall have an amount equal to the total contribution rate of the retirement system, which they are being exempted from, contributed to a county administered 401(k) account in their name up to legal limits.

- (e) Post-Retiree prior to July 1, 2010: Sevier County may only contribute up to URS normal cost rate into a qualified defined contribution plan (401k) administered by the board. All post-retired employer paid contributions must be submitted to the Utah Retirement Systems (URS).
 - (f) Post-Retiree after July 1 2010: Employees who are receiving retirement benefits from the Utah Retirement Systems (URS) will not receive additional contributions to URS or to the county-administered retirement programs so long as they are receiving URS benefits.
- E. Social Security: Sevier County participates in the Social Security Act pursuant to Utah Code Title 67, Chapter 11, and as directed by the Utah State Social Security Agency. Employees are required to contribute with respect to their wages an amount not exceeding the amount of tax which would be imposed by the Federal Insurance Contributions Act (FICA) and shall be deducted from each employee's wages when paid. Sevier County shall contribute a matching amount into the contribution fund and pay such contributions to the Internal Revenue Service in accordance with FICA provisions in the Internal Revenue Code.
- F. Unemployment Insurance: Sevier County participates in the State Unemployment Insurance Program and each person that terminates may be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State.
- G. Workers' Compensation: Sevier County provides workers compensation insurance for all eligible employees and volunteer workers within the provisions of the Workers Compensation Act, and according to rulings of the State Industrial Commission. Claims arising out of injuries occurring on the job are processed through the county worker's compensation insurance and not through the employee's health insurance program.

SECTION 10B – EMPLOYEE LEAVE

- A.** Purpose: This policy defines the terms and conditions, and processes under which eligible employees may be granted absence from work, with pay. The purpose of leave will be at the discretion of the employee for the reasons of illness, funeral, emergencies, or personal circumstances. Paid Time Off (PTO) and other leave are benefits provided by the County for the welfare of its employees. Military and Court or Jury Leave are provided to employees by law.
- B.** Paid Time Off (PTO): A reasonable period of time away from the job is conducive to the good health and wellbeing of the employee and can have a refreshing effect that is to the advantage of the employee as well as to the County.

1. PTO Accrual:

- (a) The County awards Paid Time Off (PTO) to all eligible employees. PTO is accrued based on the number of designated hours worked and the years of continuous employment with Sevier County. For the purpose of this policy, “designated work hours” is defined as 40 hours a week for non-public safety employees or 80 hours in a 14 day work period for public safety employees.
- (b) Regular full-time employees shall accrue PTO at the rates designated in the following PTO Chart: (The following accrual rates include twelve (12) paid holidays for eligible employees)

Completed Years of Service	Full-Time 40 hrs a week	Yearly Accrual (8 hour days)
0 thru 5 years	8.92 hrs per pay period	29 days (232 hrs)
5 thru 10 years	9.85 hrs per pay period	32 days (256 hrs)
10 thru 15 years	11.08 hrs per pay period	36 days (288 hrs)
15+ years	12.62 hrs per pay period	41 days (328 hrs)

- (c) As indicated in the PTO Chart, with 0 thru 5 years of continuous service, working the designated work hours, the employee may accumulate 8.92 hours per pay period. A person, who has completed 5 years of continuous service and beginning with 5 years and one day of service, will begin accumulating 9.85 hours per pay period, etc. Part-time employees (less than 40 hours per week) will not be eligible for PTO accrual.
- (d) PTO eligibility is determined by the month in which full-time employment begins. PTO accrual begins with the first day of employee’s employment.
- (e) PTO accrual rates will increase according to the table above and will change with the payroll period in which the employee’s anniversary date occurs.
- (f) PTO does not accrue during unpaid leave, or leave during which an employee receives compensation from any County sponsored program, such as FMLA, disability, military or workers compensation leave.
- (g) Employees that are rehired to County employment will not receive prior service credit for the calculation of leave accrual.
- (h) Elected Officials are not eligible for Paid Time Off (PTO) accrual.
- (i) The Human Resource office keeps the official record of accrued PTO.
- 2. Maximum Accrual:** Unused accrued PTO may be carried forward to succeeding years up to a maximum of 520 hours. Once the 520 hour cap is reached, no additional PTO will accrue until the hours drop below the 520 mark.

3. General PTO rules:
 - (a) Employees are not permitted to use PTO for any period of time before it is accrued.
 - (b) Advanced notice is required for known, planned absences such as vacation, medical appointments, or other personal reasons. Employees are encouraged to provide at least 4 weeks advanced notice and obtain approval from their supervisor in light of the department's scheduling requirements. The only exception is for sudden illness or emergency, in which case PTO may be applied retroactively if approved by your supervisor.
 - (c) Employees may not use PTO to work a different assignment within the County employment.
 - (d) Elected officials and/or department managers may deny requests for leave based on workload or business needs. Otherwise, leave should be approved/denied on a first-come first-serve basis.
 - (e) The fact that an employee may have available PTO time does not justify tardiness or unexcused absences. Unscheduled absenteeism and tardiness are grounds for disciplinary action, regardless of the availability of PTO. Repetitive failure to notify the County of an absence may result in disciplinary action up to and including termination. Failure to notify the County within the first three (3) workdays of absence may be considered an abandonment of position.

4. Reporting PTO:
 - (a) All leave taken must be reported on a time sheet. If not reported correctly, employees may be subject to disciplinary action.
 - (b) FLSA exempt employees should report time taken in blocks of four (4) or more hours within one day, unless other arrangements have been approved by their supervisor.
 - (c) PTO may not be used to exceed 40 hours in a designated work week or 80 hours in a designated 14 day work period.
 - (d) PTO will not be considered as time worked for calculating overtime compensation.
 - (e) PTO will accrue if the employee is using PTO for a full pay period.

5. PTO/Call-in/Grant/Guidelines:
 - (a) Work Hours Over Regular Hours:

If an employee works more hours than their designated work hours, they may not put any PTO or comp time on their timesheet. The only time an employee may have more hours than their designated work hours is if they have actually worked more than their designated work hours.
 - (b) Work Hours Under Regular Hours:

All full-time employees eligible for PTO are expected to report time equal to their designated work hours. Employees who do not actually work their full designated work hours will use PTO or comp time to make up the remaining hours to equal their total designated work hours. Employees who fail to do so are at risk of losing benefits, PTO time earned, and other reduction of benefits.
 - (c) Emergency Call-In and/or Grant Shifts:

Call-in time: Hours that you are called into work by a supervisor, department head, or elected official on your scheduled day off. Elected official, department head or their designee must approve all call-in shifts, and **only when there is a necessity**. Final say is by the elected official or department head as to whether the time is justified. When approved by proper authority, these hours will be paid at 1.5 times regular pay.

Sheriff Deputies - This does not include scheduled overtime (shift coverage when a known coverage shortage is going to happen prior to the current pay period).

Grant Shifts: (Sheriff Office) All special project grants that reimburse the County for overtime hours at 1.5 times regular pay. When approved by proper authority, these hours will be paid at 1.5 times regular pay.
 - (d) Call-in and Grant Shifts with PTO:

The call-in and grant hours count toward the employee's designated work hours but the call-in and grant hours are paid at 1.5 times regular pay. In this scenario the employee will reduce the number of PTO hours in order to not exceed the employee's designated work hours.

(e) Call-in and Grants Shifts without PTO:

When an employee works their designated work hours but also has an emergency call-in or works a grant shift, the employee will not use PTO and will move any hours over their designated work hours from the call-in grant line of the timesheet to the overtime line for payroll purposes. These hours will be entered with a comment explaining the reason for the overtime, ie., call-in, grant shift, etc.

(f) Extended Shifts:

If an employee stays longer than their regular daily shift schedule in order to complete their work, this is not considered an emergency call-in unless the extended shift is due to an emergency call-in situation approved by their appropriate supervisor. If an employee has extended shift(s) in a pay period and has also used PTO in that same pay period, they will reduce the number of PTO hours taken in order to not go over their designated work hours.

(g) Deputy/EMT's with PTO: (Sheriff Office)

(i.) Deputy hours and EMT hours will be combined in calculating total hours worked for the pay period. The combined time will be paid at regular pay until 80 hours is reached. If the combined work time is more than 80 hours, the hours over 80 will be reported either as comp time, sheriff overtime or EMT overtime.

(ii.) An employee cannot use PTO time to be scheduled on the ambulance or while taking ambulance calls. Time on the ambulance will be deducted from any PTO time taken to reach 80 hours.

(iii.) Due to the fact that the EMT schedule is based on volunteering, EMT time is not considered emergency call-in time.

(iv.) If a Deputy/EMT is not scheduled on the ambulance, and a supervisor requests the deputy to respond as an EMT, this may be covered under the Emergency callout/overtime rule.

6. Sell Back (PTO):

(a) Employees who have accumulated at least 320 hours of Paid Time Off (PTO) are eligible to sell back up to four (4) days or 32 hours at the end of each year.

(b) To receive payment of PTO, an employee:

1. Must request payment by completing a 'Sell Back Request' form and submit to the Human Resources Department by November 30 of each calendar year; and
2. Must have a remaining PTO balance of 320 hours or more at the conclusion of the payroll period which includes November 30.

(c) The approved request will be paid to the employee in the next regular pay check following the payroll period which included November 30.

(d) The County will buy back accrued PTO hours under this policy at the employee's current base rate of pay.

7. PTO Payout:

(a) An employee who terminates employment with the County will receive payment for any unused accrued PTO and will be subject to all normal payroll taxes.

(b) PTO will also be paid out to employees who have a change in job status when the new position is not eligible for PTO accrual. Payment will be made at the employee's base rate of the job held before the change of job status.

(c) Generally, an employee's last physical day worked will be considered the termination date. If the termination date is in the middle of a pay period, PTO may only be used to extend the termination date to the end of the pay period.

- (d) PTO accrual will be given for the final pay period providing the employee works the entire pay period.
- (e) When an employee terminates employment with the county, all county equipment and supplies assigned to employee must be returned and all debts or outstanding balances owed to the county will be payroll deducted from their final paycheck which may include the PTO payout

8. Extended Illness Bank (EIB) hours:

- (a) The County has discontinued sick leave accrual and has included sick leave as part of the Paid Time Off (PTO). However, some employees may still have accrued sick leave hours remaining. Current County employees who were hired prior to January 1, 2017 (PTO policy implementation), will have their accrued sick leave hours converted to the employee's individual Extended Illness Bank (EIB).
- (b) The EIB hours will be available for use under the following circumstances and only until all EIB hours are exhausted:
 - (i) EIB hours may be used only for an extended personal illness or to care for a family member (spouse, child, or parent) with an extended illness.
 - (ii) Extended illness must be pre-approved. Family Medical Leave papers will be required to determine eligibility.
 - (iii) EIB hours are not available for well care and/or routine office visits.
 - (iv) The employee is absent from work for more than five (5) days or 40 hours consecutively for a single illness that has been verified by a physician.
 - (v) The first five (5) days or 40 hours shall be counted as PTO or leave without pay, if PTO is exhausted.
 - (vi) EIB cannot be used during which an employee receives compensation from any other County sponsored program, such as disability or workers compensation leave.
- (c) Employees leaving County employment shall forfeit any unused hours in the Extended Illness Bank (EIB).

C. Holidays

- 1. Sevier County will observe the following days as paid holidays. For all eligible employees, the County provides twelve (12) days per calendar year of Paid Time Off (PTO) accrual to be used to cover paid holidays. These twelve (12) days are included in the employee's total personal time off accrual. Each year the County Commission approves the official list of County holidays. As a general matter, the County closes for the following holidays:

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

- (a) Generally, holidays falling on Sunday will be observed on the following Monday. In the event a holiday falls on a Saturday, the prior Friday will be considered the holiday. Employees who wish to observe religious holidays may do so without loss of pay by utilizing a Paid Time Off (PTO) day.

- (b) Most county offices are closed on the days listed in the above chart. The intent is for the employees to observe these holidays and only be allowed to work on rare occasions when requested and/or approved by their supervisor.
- (c) PTO leave will be recorded on the employee's timesheet for holidays observed when needed to receive full payment for the pay period.

D. Donation of Leave:

1. Purpose: To establish a leave donation program to assist those full-time, non-probationary employees who have responsibly managed their PTO, but who nevertheless face a serious illness or medical condition with no accrued PTO left. Employees who have abused or misused the County's PTO program are not eligible to receive donated PTO time. The donation policy is entirely voluntary and no employee is required to donate.
2. No Coercion: Donation of leave is completely voluntary by each employee and is up to his/her discretion whether to donate. No employee, elected official or department manager shall threaten, coerce, or attempt to threaten or coerce another employee for the purpose of interfering with rights involving leave donation, receipt of leave donation, or the use of donated leave.
3. To Receive PTO leave donations, the recipient employee must:
 - (a) have a continued absence due to a non-occupational, personal or immediate family illness or disability for which they have sufficient information for the Human Resource Director to reasonably determine whether the condition applies to the leave request;
 - (b) have exhausted all PTO (and EIB) leave;
 - (c) not be receiving any paid benefit such as Short-Term or Long-Term Disability or Worker's Compensation.
 - (d) submit a written request to the Human Resource Director including medical certification of the personal or immediate family member's serious health condition and an expected return date to work.
 - (e) have a family member or designee file the request, with proper documentation on the employee's behalf, if an employee is physically or mentally unable to make a request for leave donation.
 - (f) submit a signed Recipient Agreement to the Human Resource Director verifying current leave balances and acceptance of donated PTO and/or compensatory time.
4. To Donate PTO leave to an eligible recipient, the donor employee:
 - (a) must be an employee of Sevier County who is eligible to accrue PTO leave.
 - (b) must submit the Donor Agreement to the Human Resource Director specifying how many hours of PTO and/or compensatory time they wish to donate and to whom they wish to donate this leave and/or time.
 - (c) must not donate an amount which will cause the donating employee's PTO balance to fall below 240 hours of PTO leave.
 - (d) donating compensatory time may donate all their comp time available.
5. The following general conditions apply to the PTO leave donation policy:
 - (a) A recipient employee's donated hours will remain in an account that will be administered by the Human Resource Director and disbursed to the employee requesting the leave as needed each payroll.
 - (b) A donor employee's donated PTO and/or compensatory time is irrevocable and the total amount of donation will be reduced from their accrued PTO and/or compensatory time upon receipt and approval of their request from the Human Resource Director.

- (c) When the employee receiving the leave receives more hours than needed, upon returning to work, the balance of donated hours remaining in the leave account will revert back to the donors on a percentage given basis.
 - (d) The maximum amount of donated leave an employee may receive in any calendar year is 12 weeks.
6. Mis-stated Leave: If an employee was granted donated leave and it was found the employee received such leave on the basis of mis-stated, erroneous, or false statements, the employee will be required to reimburse the donated leave and may be subject to some other form of discipline.

E. Court or Jury Leave:

1. Employees who have been summoned to jury duty or who have been subpoenaed (as opposed to being retained) to appear as a juror or witness by the Federal Government, State of Utah, or political subdivision thereof, are entitled to leave with pay under the following conditions:
 - (a) Payment does not apply to court appearances falling on the employee's personal time, or to court appearances when an individual is appearing in court on his/her own behalf.
 - (b) Any compensation received by employees for jury or witness duty while he/she is being paid by the County, shall be returned to the County along with a copy of the subpoena, with the exception of any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom.
 - (c) If it is reasonable to be at work prior to or immediately after court, employees shall complete the regularly scheduled shift on a court day. For example, if an employee serves as a juror from 8:00 am to 12:00 pm, he/she is expected to return to work for the remainder of the scheduled work day.
2. Employees have the option to use PTO or compensatory time while on jury duty. Employees who choose this option are entitled to keep any jurors fees paid to them.

F. Military Leave:

1. A military unpaid leave shall be granted to employees who enlist, are drafted, or are recalled to active service in the Armed Forces of the United States in accordance with the provision of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), 38 U.S.C. §§4301 *et seq.*, which provides enhanced leave rights and job protections for employees absent for military duty. Former employees may be permitted to return to Sevier County employment pursuant to the conditions and guidelines set forth in USERRA.
2. Benefit accruals such as Paid Time Off (PTO) will be suspended during the leave if the leave is longer than two (2) weeks and will resume upon return to active employment.
3. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable position depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

- G. Leave Without Pay (LWOP):** Leaves of absence without pay may only be granted for purposes normally covered by Paid Time Off (PTO) when said leave has been exhausted, or for additional justifiable circumstances approved by the Board of County Commissioners. Normally, such leave shall not exceed the total of 12 weeks as a combined total of all leave used over a rolling 12 month period and may also be governed by the provisions of the Family Medical Leave Act (FMLA).

- H. Leave with Pay: In cases of special hardships, or other cases not provided for in these policies, the Board of County Commissioners may grant short-term leaves at full or partial pay, or without pay. The denials of such requests are at the discretion of the Commissioners and are not subject to appeal.

- I. Disaster Service Volunteer Leave: Sevier County will comply with all applicable requirements of Utah Code, Title 34, Chapter 43, Section 102; as amended.

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SECTION 10C – COORDINATION AND CONTINUATION OF LEAVE AND BENEFITS

- A. COBRA Continuation of Coverage: Group health and dental insurance coverage benefits, and other eligible benefits, may be continued beyond separation of employment at the employee's option, or the spouse and children of a deceased County employee may continue coverage, in accordance with COBRA rights under federal law (see Consolidated Omnibus Budget Reconciliation Act, 1985). The cost of coverage for health, dental, and/or vision insurance continuation coverage plus the administration costs must be paid by the insured.
- B. Family & Medical Leave (Non-Paid Leave): It is the policy of Sevier County to comply with all current requirements and laws of the Family and Medical Leave Act (FMLA). See Sevier County Human Resources or visit the U.S. Department of Labor (DOL) website at <https://www.dol.gov/whd/fmla/> for current information on FMLA.
1. Measuring method: Sevier County calculates FMLA eligibility on a “rolling” 12-month period measured backward from the date an employee first takes FMLA leave.
 2. Employee/Employer Responsibilities:
 - (a) Employees should ordinarily notify their supervisor and/or Human Resource Director thirty (30) days in advance of the commencement of the leave when the need for the leave is foreseeable. If the need for leave is not foreseeable, the employee must give notice as soon as practicable. At the time of notification, the employee will need to complete the FMLA packet provided in the Human Resource office or county website.
 - (b) Employees may be required to provide medical certification completed by a care provider supporting the need for medical leave and the probable duration of the leave due to a serious health condition affecting the employee or an immediate family member. If such certifications are required, the employee has 15 calendar days to comply upon request. The medical certification form is provided in the FMLA packet.
 - (c) Sevier County may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.
 - (d) A fitness-for-duty certification will be required in order to return to work at the conclusion of the FMLA leave period.
 - (e) Additional unprotected leave extending beyond the 12 or 26 weeks will only be granted upon further review and approval from management.
 3. Use of Paid Leave:
 - (a) An employee must use all accrued Paid Time Off (PTO), Extended Illness Bank (EIB) and compensatory time concurrent with FMLA leave and cannot be used to extend beyond the 12 week FMLA protection. After using all PTO, EIB and comp time, the balance of the FMLA leave will be unpaid leave.
 - (b) During FMLA leave, PTO will continue to accrue only during that portion of the leave which is paid by using PTO, EIB and Comp days. During any unpaid FMLA leave, PTO will not accrue. For those employees returning from any unpaid FMLA leave, accrual of PTO will resume immediately upon the employee's return to work. Where the FMLA leave is taken on an intermittent basis or as a reduced-schedule, PTO may continue to accrue during the leave on a prorated basis.
 - (c) Workers' Compensation, Short Term Disability, and Long Term Disability time off will also be counted concurrent with FMLA leave and PTO will not accrue during this time off.
 4. Spouses Working for the Same Employer:
 - (a) When spouses both work for the same employer and each spouse is eligible to take FMLA leave, FMLA limits the combined amount of leave they may take for some of the FMLA leave. See FMLA Fact Sheet #28L, FMLA leave for Spouses Working for the Same Employer.

- (b) Combined limitations: Eligible spouses who work for Sevier County are limited to a combined total of 12 workweeks of leave in a 12 month period for the following reasons:
 - for the birth of a child and bonding with the newborn child,
 - the placement of a child with the employee for adoption or foster care and bonding with the newly-placed child, and
 - the care of a parent with a serious health condition.
 - (c) Eligible spouses who work for Sevier County are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness if each spouse is a parent, spouse, son or daughter of the servicemember.
 - (d) When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons listed above.
 - (e) These limitations do not apply where the reason for the leave is the serious health condition of either of the spouse's or the serious health condition of their child.
 - (f) If either spouse is ineligible for FMLA leave, these limitations on combined leave do not apply. The eligible spouse retains full leave entitlement (i.e., they don't have to split the leave).
5. Benefit Coverage:
- (a) During any FMLA leave, Sevier County will maintain the employee's group medical, dental, vision, life and disability insurance coverage during the entire FMLA leave period under the same conditions that coverage would have been provided if the employee had been continuously employed.
 - (b) Sevier County and the employee will each continue to pay their portion of the benefit costs. In some instances, Sevier County may recover premiums it paid to maintain health coverage on a prorated basis for an employee who fails to return to work from FMLA leave.
 - (c) The County's and employee's contributions to the 401K plan and to the pension plan will continue to be made as long as an employee on FMLA leave continues in pay status.

C. Disability Leaves:

- 1. Short-term Disability (STD):
 - a. STD is a form of insurance that provides partial income replacement to qualified individuals in the event of short term disability, it is not a paid leave of absence or provide job protection.
 - b. The leave begins on the last day the employee worked and requires a 15-calendar day waiting period before benefit payments begin. Approved FMLA runs concurrent with STD and begins on the last day the employee worked.
- 2. Long-term Disability (LTD):
 - (a) LTD is a form of insurance that provides partial income replacement to qualified individuals in the event of long term disability, it is not a paid leave of absence or provide job protection.
 - (b) The leave begins on the last day the employee worked and requires a 90-calendar day waiting period before benefit payments begin. Approved FMLA runs concurrent with LTD and begins on the last day the employee worked.
- 3. Paid Leave and Benefits:
 - (a) An employee must use their PTO and comp time between the time of the disability and the insurance company's approval of the benefit. If necessary, the employee will go on unpaid leave to bridge benefits and pay until approval of the disability application.
 - (b) Employees who have exhausted all their paid leave or are receiving short-term disability income during FMLA, will be responsible to pay for their portion of the premium each

month. The amount owed will be communicated to the employee by the Human Resources Office. Failure to pay premiums as requested will result in termination of benefits.

- (c) PTO, EIB and compensatory time may not be used during the time the disability insurance is paying an employee's income.
 - (d) Following expiration of the FMLA period, an employee on LTD shall have thirty days to give the County notice of intent to return to work. If the employee fails to give notice of intent to return to work within this period, the employee will be administratively terminated. If the employee files notice of intent to return to work, the County will assess the employee's ability to return to work and perform the essential functions of the job with or without reasonable accommodation. If the employee cannot return to work within six months, with or without accommodation the employee will be administratively terminated.
 - (e) Employees who are determined eligible for the Long-Term Disability Program (LTD) will be allowed to continue receiving insurance benefits through the Sevier County group plan until the expiration of the FMLA period. At this time the employee will no longer be benefit eligible and will receive written notification regarding the continuation of their health, dental and vision benefits through COBRA.
4. Application and Return to Work:
- (a) A disability claim form can be obtained from the Human Resources Department and all disability leave must be certified by a physician or licensed health care professional. Sevier County reserves the right to confirm the necessity for disability leave by requiring the employee to receive a second or third opinion by a doctor of the County's choice. Sevier County will assume any costs for additional examinations that are not paid by the insurance carrier.
 - (b) Employee's will not be able to return to work without submitting to the Human Resource office a statement from a physician or licensed health care professional authorizing the employee's return.

D. Worker's Compensation:

Sevier County carries workers compensation insurance on all employees and duly authorized volunteers to handle claims resulting from work related injuries or illness and operate under the State of Utah Workers' Compensation Act found at Utah Code Ann. Section 34A-2-101 et seq.

1. Lost time benefit: Every employee is eligible to receive workers' compensation benefits for injuries arising out of or in the course of county employment, subject to the following:
 - (a) If an employee loses 14 or fewer work days, the first three days of absence shall be taken as personal time off (PTO), comp time or leave without pay if accrued leave is exhausted. The worker's compensation benefit would then begin on the fourth lost work day.
 - (b) If those first three days are later compensated by the workers' compensation carrier, PTO paid for those days, must be reimbursed by the employee.
 - (c) If 15 or more days are lost, an employee should receive workers' compensation benefit wages for all lost work days.
 - (d) An employee may receive wages by using accrued PTO or comp time if workers' compensation is denied.
 - (e) Employee may not otherwise use PTO or comp time while being compensated by workers' compensation.
 - (f) Under no circumstances shall an employee receive more income because of an industrial accident than the employee's regular pay check
2. Lost Time/FMLA: Any time off for workers compensation leave also qualifies for FMLA leave. These benefits will run concurrent with each other and will be charged against an employee's FMLA leave entitlement.

E. Return to Work:

1. The Human Resource Director will coordinate with an employee's supervisor and health care provider to determine whether the employee may undertake partial or limited work during recovery from the accident or illness.
2. A limited work assignment is not intended to last indefinitely. Rather, a limited work assignment is temporary and designed to facilitate a return to full employment. Limited work assignments last only for a reasonable time at the County's discretion.
3. Employees who are not making improvement toward returning to full employment are not eligible for limited work assignments. The availability of limited work assignments depends upon the availability of limited work within the employee's department as determined by the department manager or elected official.
4. Employees recovering from a work-related injury or illness who are unable to return to work and fully perform the essential functions of their jobs, with or without reasonable accommodation, may still be able to undertake an alternative, temporary, transitional position with the county until recovery is complete.
5. While the goal of this program is to return all employees to gainful employment as quickly as possible, the workload needs of the county must be considered. As a result, temporary transitional duty work may not always be available to all employees. A transitional duty position may entail doing some of the duties of the injured employee's normal job, or it may involve undertaking a special project or projects previously left unaccomplished by the department. Transitional duty work may also be found outside the employee's own department. At the time of the work-related illness or injury, the Human Resource Director shall contact elected officials or department managers for assistance to determine whether an appropriate transitional duty position is possible.
6. An employee able to perform transitional duty or limited work assignments will work in a temporary transitional duty position until either he or she has the necessary capacity to perform his or her normal position or until the transitional job is terminated. A transitional duty or limited work assignment is not intended to last indefinitely and is designed to facilitate a return to full employment. Limited work assignments last only for a reasonable time at the County's discretion. Employees who are not making improvement toward returning to full employment are not eligible for limited work assignments.
7. After a reported illness or injury, the Director of Human Resources will contact the employee to determine when the employee may be available to return to work, to either full duty in the normal position, or to a new temporary transitional duty position. If the employee is unable to resume the full set of duties, elected officials or department managers will first attempt to provide the employee a temporary transitional duty position based on the employee's job skills and capacities at the time of return to work.
8. With appropriate medical documentation indicating an employee is able to perform all temporary transitional duty tasks, a Personnel Action form will be signed by the employee, elected official or department head, and Human Resource Director, defining the transitional duties and the duration of the agreement based on the operational needs of the institution. The employee needs to communicate to both the supervisor and the Human Resource Director any changes in medical condition, concerns about transitional duty tasks, and other concerns related to the workplace injury or the transitional duty work.

- F. ADA Benefit:** It is the policy of Sevier County to comply with all current requirements and laws of the Americans with Disabilities Act (1990) and the ADA Amendments Act (2008, 2011). See Sevier County Human Resources or visit the U.S. Department of Labor (DOL) website at <https://www.dol.gov/general/topic/disability/ada> for current information on ADA.

SECTION 11A – TRAVEL EXPENSES

- A. Travel Policy: The policy of Sevier County is to provide for limited attendance at conferences, seminars, special training sessions, promotional events, or other county business.
1. Purpose: To increase the knowledge and effectiveness of county personnel; to keep current on new developments; to infuse new or innovative practices and procedures; to promote county development and business.
 2. Guidelines:
 - (a) Travel shall be limited by budget constraints and restricted to training and promotion or other county business that is appropriate and beneficial to the County. Travel shall be done in a frugal and efficient manner. Those trips not included in regular budgets shall be approved by the elected official or department manager.
 - (b) All out of state travel, or travel costing over \$500, shall be pre-approved by the department manager. Expenses for out of state travel may be adjusted depending on location.
 - (c) Where a number of employees are required to preview the same training; in an effort to save travel costs, elected officials and department managers should look at the possibility of bringing an instructor to the County to provide the training. If this is not possible, the number of employees traveling to the same seminar, convention or training session shall be kept to a minimum. Special training needs requiring a group to attend shall be pre-approved by the department manager.
 - (d) Department managers shall be responsible to see that employees within their respective departments comply with the travel policy and procedures and stay within the approved travel appropriation.
 3. Pre-Authorization of Travel:
 - (a) Prior to travel related purchases or the travel itself, elected official or department manager must review and authorize the travel request.
 - (b) Factors that should be considered when authorizing travel:
 - (i) The need for travel.
 - (ii) The use of travel substitutes (i.e., webinar, teleconferencing, etc.)
 - (iii) The most cost effective routing means of accomplishing travel.
 - (c) The purpose of pre-authorization is to prevent disapproval of travel or conference after a trip is made (and is not reimbursable) and to assure budgetary funds are available prior to the trip.
 - (d) In the event of travel on county business where part or all expenses will be covered by an outside agency, an employee may receive reimbursement from either Sevier County or the outside agency for the travel expenses. This should be noted in the travel request. *Under no circumstances is it permissible for an employee to request or receive duplicate reimbursement for the same travel expenses.*
 - (e) Elected officials and department managers may use their discretion to determine if employees use a per diem rate or actual travel costs (i.e. county credit card, direct bill or reimbursement of receipts). Whether per diem or actual cost, the County will only expend up to the amounts outlined herein. Elected officials and department managers may authorize adjustments as necessary.

- (f) Employees may be advanced a per diem and other required expenses prior to travel if a Sevier County Travel Reimbursement Form has been submitted and pre-approved by the department manager. This advance must be submitted to the Clerk/Auditor's office in sufficient time to process the request.
4. Reimbursement of Travel Expenses:
- (a) A Travel Reimbursement Form must be completed for all travel expense reimbursements. This form is available in the Clerk/Auditor's office, Human Resource office, Sevier County website and can be made available in each department upon request.
 - (b) Employees must attach appropriate documentation for reimbursement such as:
 - i. Event agenda for the determination of meal per diem expenses and to demonstrate the purpose of travel;
 - ii. A copy of a mileage source (Map Quest, Expedia, or other) when claiming personal mileage reimbursement to and from the event;
 - iii. Hotel, meal, gas or other receipts paid personally by the employee and is considered an approved travel expense.
 - (c) The Travel Reimbursement Form with appropriate signatures and all supporting documents must be submitted to the County Clerk/Auditor's office for reimbursement.

B. Lodging:

1. When travel requires an overnight stay, Sevier County will pay the cost of the hotel/motel accommodations.
2. The elected official or department manager shall approve the appropriate number of nights authorized for each trip after considering such factors as meeting times and travel distances.
3. For any overnight travel, lodging shall be obtained at the most reasonable rate available in the destination area, and shall be no higher than the established rate for that location; or the cost of a standard room at the conference lodging facility. In extenuating circumstances, elected officials or department managers may pre-approve a rate above these established standards.
4. The County will not make a payment for additional lodging expenses for anyone other than the employee. Additional expenses will be the responsibility of the employee.
5. An itemized hotel bill and conference agenda must be submitted to the Clerk/Auditor's office with all direct bill charges, visa statements or requests for reimbursement. Room service will fall under per diem guidelines. Incidental charges beyond regular room and tax charges are the responsibility of the employee.

C. Meals and Incidental: County employees or approved volunteers who travel in accordance with this policy may choose to be reimbursed at actual meal cost with original receipts or may receive a meal per diem allowance, which is intended to compensate the traveler for the cost of meals, applicable taxes, appropriate gratuities, and other expenses associated with the purchase of meals while traveling. The allowance is not considered an absolute right of the employee and is authorized at the discretion of the elected official or department manager.

1. Meals Actual Cost: An employee may be reimbursed at the actual meal cost with original receipts instead of a per diem rate. Reimbursement is for employee only. If more than the employee's meal is charged on a receipt, and this person is not authorized on business, this meal must be deducted from the total of the receipt to reflect the authorized costs only. Actual meal cost shall not exceed the amount listed on the current Sevier County Travel Reimbursement Form without elected official or department manager approval.

2. Meal Per Diem: For in-state travel, Sevier County follows the most current approved meal allowance amount listed on the Sevier County Travel Reimbursement Form. For out of state travel, in certain circumstances, the meal allowance may be allowed to exceed the established rates with department head approval. The per diem rates may differ by the travel location, and the primary destination will determine which per diem rate applies.

(a) Meal Per Diem for Overnight Travel:

The day travel begins. The meals the employee may be eligible for is determined by the time the employee leaves their home or work as follows:

Time of Departure	Meals Compensated
12:01 AM to 6:00 AM	Breakfast, Lunch, and Dinner
06:01 AM to noon	Lunch and Dinner
12:01 PM to 6:00 PM	Dinner
06:01 PM to Midnight	No meals

The day(s) at the location. The employee is eligible for the total meal per diem less complimentary meals of the hotel/motel and meals provided by the conference or event.

The day travel ends. The meals the employee may be eligible for is determined by the time the employee returns home as follows:

Time of Return	Meals Compensated
12:01 AM to 6:00 AM	No meals
06:01 AM to noon	Breakfast
12:01 PM to 6:00 PM	Breakfast and Lunch
06:01 PM to Midnight	Breakfast, Lunch, and Dinner

- (b) Meal Per Diem for Partial Days: An employee may be authorized by their elected official or department manager to receive a meal allowance for conferences and/or trainings that are outside their normal work area and do not require an overnight stay. The meals the employee may be eligible for is determined by the time the employee leaves and/or returns from their destination, as follows:

Time Leaves>Returns	Meals
Employee leaves before 06:00 AM	Breakfast
Employee leaves before 10:00 AM/returns after 2:00 PM	Lunch
Employee returns after 06:00 PM	Dinner

For example, if an employee leaves the county at 9:00 a.m. and returns after 06:00 pm, then only the lunch and dinner meal will be included in the per diem payment.

3. Event Sponsored Meals: The meal allowance is not applicable when a meal is provided by the event sponsor. An itinerary must be submitted with the request for reimbursement. If the seminar or event includes a full meal, the relative amount should be discounted from the per diem allowance.
4. Receipts: All receipts must be attached to either a VISA statement or an expense or travel reimbursement form and shall indicate who attended the event or meeting, a brief description of the event (ie; UAC Conference), the budget code to be charged for the expenses, the employee's signature to confirm the meeting was a work-related event, and an elected official or department manager's signature verifying that the charge is an eligible expense.

5. Work Related Meals: Only work-related meals shall be paid for by county funds. A work-related meal occurs when a county employee is with a person not employed by the County and the nature of the meeting is to conduct county business. Two or more employees going to lunch together does not constitute a work-related meeting unless approved by the elected official or department manager.

D. Transportation: The most economical or practical form of transportation should be considered when traveling for Sevier County.

1. Airfare: The County will pay the cost of the standard coach airfare. Flight arrangements will be made so that arrival times allow for sufficient rest to fully participate in and benefit from the conference/meetings. Advanced purchase of tickets is encouraged to ensure more economical rates.
2. Personal Car In Lieu of Airfare: A personal car may be used in lieu of airfare if it is deemed more economical or advantageous to the County. If an employee is approved to drive a personal vehicle as means of travel for long trips, the individual will be reimbursed at the standard rate set by the U.S. Internal Revenue Service and the use of car, plus meals and lodging while en route shall not exceed the cost of coach airfare and ground transportation available to the conference.
3. Ground Transportation: The County will pay the cost of necessary ground transportation. The employee is expected to secure the least expensive means of appropriate transportation as circumstances dictate. The County does not reimburse if another agency is paying mileage or any other travel expense for the same trip.
 - (a) Whenever possible, any county official or employee traveling on official business shall do so by using one of the county owned vehicles provided for that purpose. Upon return of official business, the employee using the county owned vehicle shall be responsible for seeing that the fuel tank is full and the vehicle is cleaned and ready to go for the next use.
 - (b) Report any problem that you notice while driving a county owned vehicle to your manager or Clerk Auditor's office so that necessary repairs can be made. Whenever you notice an unusual noise, vibration, excessive leak, etc., stop the vehicle and call for road service/towing as authorized by your supervisor.
 - (c) While traveling on county business in a county owned vehicle, it may be advantageous to conduct a minimal amount of personal business. The amount of personal use shall be limited and sporadic.
 - (d) If a county vehicle is not available to the employee and the County requests that an employee use his or her own vehicle, the County will reimburse the employee at the current established mileage rate equal to the IRS reimbursement rate and found on the travel reimbursement form. Employee's private insurance is the primary coverage for liability and property damage insurance.
 - (e) If an employee elects to use his or her own vehicle when a county owned vehicle is available for use, the County will reimburse an employee for mileage expenses at half (1/2) the IRS reimbursement rate and the County will not cover the employee's vehicle for property damage occurring during non-county business travel.
 - (f) Mileage reimbursement shall be calculated based on information from www.expedia.com, www.mapquest.com, or another mapping source defining the actual mileage from point "A" to point "B". A printout of this statement shall be submitted with the travel reimbursement request form. Mileage allowance will not be allowed without prior approval.

E. Fuel Cards:

1. All County fuel cards must be documented in the Clerk/Auditor's Office. Cards are issued to specific vehicles only. The PIN number is issued for an employee's exclusive use. Any misuse of the card or PIN will result in personal and legal liability. The PIN is an electronic "signature" of the person to whom it is issued.
2. The County will reimburse an employee for mileage expenses and other necessary expenses when regular forms of payment are not available such as a county credit card.

F. Travel with Dependents:

1. An employee may be accompanied by a spouse or family member on approved county travel with the understanding that costs incurred for a traveling companion are not eligible expenses. An allowable expense will be ceremonial meals to which the spouses are invited. Any exception must be approved by the Board of County Commissioners
2. County employees using county owned vehicles when traveling with their spouses are responsible for the operation of that vehicle. The employee should accompany the vehicle at all times when persons not employed by Sevier County are driving the vehicle and such persons must show evidence of a valid driver's license. Minors shall not operate county owned vehicles at any time.

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SECTION 11B – OTHER EXPENSES

- A. Gifts: The policy of Sevier County is to recognize the deaths, significant hospitalizations, retirement from county service, acknowledgements of exceptional service of Sevier County employees, and to outline the amount of county funds spent on such recognition.
1. Condolences:
 - (a) Acknowledgement of relatives who have died will be made for parents, spouse, and children of Sevier County employees. The maximum amount of county funds that can be spent for condolences of relatives is \$50.00.
 - (b) Acknowledgement of current county employees who have died will be made from the County and the amount of county funds to be spent for such condolences will be determined by the County Commission.
 2. Significant Hospitalizations: Acknowledgement of a significant hospital stay will be for employees only and the maximum amount of county funds that can be spent for this acknowledgement is \$50.
 3. Retirement Gifts: Sevier County acknowledges the significance of retirement of its employees by providing a gift upon their retirement. The amount of county funds for retirement gifts are established on a scale that includes up to \$10.00 for every year of service with a minimum of 5 years of service. To maintain uniformity among departments, retirement socials shall be limited to light refreshment only.
- B. Employee Recognition: Sevier County recognizes the importance of acknowledging employees for work related accomplishments and encourage activities that promote positive employee morale throughout the county.
1. Department events as well as de minimus awards and recognitions are appropriate and are encouraged as a way to say thank you and strengthen departments. Recognition may involve giving praise, granting awards, celebrating and communicating successes. These examples are not all inclusive; however they clarify some of the reimbursable expenses.
 2. County officials or department heads may be reimbursed for employee recognition expenses, which has an identifiable work-related interest and must be documented in writing upon the submission of a receipt. Such expenditures may include acknowledging an employee or a group of employees for specific work performance; motivation and attitude; outstanding customer service; and other qualities that demonstrate exemplary employee performance.
 3. County funds will not be used for personal non-work-related recognitions.
 - (a) Such expenditures include the following;
 - i. Recognition of a personal occasion or employee event (e.g., a birthday, wedding, birth, or a personal accomplishment);
 - ii. Holidays (e.g., Christmas gifts, etc.)
 - iii. National Recognition days (Administrative Assistant Day, Boss's Day, etc)
 - (b) Voluntary employee collections may be appropriate for non-work-related recognitions and will be initiated by the department in which the employee is being recognized.
 4. Elected officials and department managers are responsible to administer this policy.

C. Gift Cards and Gift Certificates:

1. In an effort to address requirements that comply with IRS guidelines, department managers should not use gift cards and gift certificates as a way to recognize their employees.
 - (a) IRS guidelines: *'gift cards or gift certificates that are redeemable for general merchandise or have a cash equivalent value that have not been determined de minimus benefits are subject to employment and income tax and should be reported as wages.'*
 - (b) Any gift card or gift certificate submitted for reimbursement will be reviewed by the County Auditor to determine if it is a de minimus benefit. If the gift card or gift certificate is determined to be taxable, according to IRS regulations, the employee receiving the gift card will have the total amount of the gift card or gift certificate reported as wages and will be taxed accordingly.

D. Cellular Telephone Use and Allowance Policy:

The purpose of this policy is to establish a policy for cell phone use and allowance for employees that are required to maintain cell phone availability for county business purposes. Due to the wide variety of cell phone services and costs and the significant privacy interests involved, it is necessary to provide alternative arrangements to county-owned plan.

1. Cellular Telephone Election:
 - (a) Elected officials, department managers, and employees required to use a cellular telephone for official county business shall elect by the end of each year whether to receive an allowance for their cellular telephone use, or to obtain a county-owned phone. Any election can be changed at any time with the prior approval of the elected official or department manager and reported to the Human Resource Office by completing the Cell Phone Allowance form.
 - (b) Generally, cellular telephones may be assigned to employees who may have some duties away from the office, who are required to remain in contact with voice-mail, email, other employees and officials, or who are required to respond to after-hour emergencies.
2. Monthly Allowance Election:
 - (a) In an effort to address requirements that comply with IRS regulations regarding personal use of government owned devices, and the difficulty and time intensive manual labor required to identify, track, and determine personal versus business use, Sevier County is offering to provide justified employees an allowance to cover the presumed business use of cell phones and service.
 - (b) The allowance will be considered taxable income to the employees. In short, it will be up to the individual employee to claim any business use based on appropriate documentation of personally owned cell phones when filing their personal tax return.
 - (c) This policy acknowledges that for most employees the device will be used for both personal and business use.
 - (d) The cell phone allowance is intended to reimburse the employee for the average business use of the cell phone, not to pay the entire phone bill.
3. Department Head/Elected Officials Responsibility:
 - (a) The elected official or department head is responsible for overseeing and justifying each employee's continued need of a cellphone for business purposes.

- (b) The elected official or department head is responsible for determining the level of allowance that employees may receive based on their job description and required use of a cellphone to perform their work responsibilities.
 - (c) The elected official or department head will review employee cell phone allowance stipend agreements on an annual basis and ensure funds are available in the department's telephone budget.
 - (d) All allowances will be subject to Commission approval.
4. Employee Responsibility:
- (a) Employees receiving cell phone allowance must complete a Cell Phone Allowance form. The allowance will be applied on the first check of each month following the approval date of this form.
 - (b) A new Cell Phone Allowance form must be completed annually with appropriate signatures and filed with the Human Resource office at the beginning of each calendar year in order to receive this allowance.
 - (c) The employee receiving the allowance will be required to purchase a phone and plan of their choice and will be responsible for all costs related to the phone including data and accessories.
 - (d) Employees receiving the cell phone allowance will be required to maintain cellular service and provide their cell phone number to supervisors and other County officials as determined appropriate by the department head and/or County Management.
 - (e) Any employee who uses a cellular phone for County business use shall comply with applicable laws regarding the use of cell phones while driving and all local, state and federal laws and County policies related to such use.
 - (f) Employee must inform Human Resources to discontinue the allowance when the eligibility criteria are no longer met or when the cell service is cancelled.
5. Allowance Standards and Levels:
- (a) The level of monthly allowance (stipend) will be determined by a person's job duties as it relates to cell phone justification, use, and access.
 - (b) An employee may receive a cell phone allowance if sufficient justification exists when the department head or elected official determines the employee's business use and need.
 - (c) Justification for cellular use is to be categorized as:
 - (i) Tier 1 – Cellphone use required 24/7 – the job requires the employee to be immediately accessible to receive, respond to and/or make frequent business calls, texts and/or emails outside normal working hours and office environment.
 - (ii) Tier 2 – Cellphone use required during regular business hours – the job requires time outside the employee's assigned office or work area (job need, travel, meetings, etc.) and use of a cellphone facilitates the effective conduct of business operations during regular assigned business hours;
 - (iii) Tier 3 – Incidental need – the job requires special circumstances necessary for the efficient and effective operation of County business based on department need and job related responsibilities.

E. Uniform Allowance & Attire: If Sevier County requires employees to wear identifying uniforms they shall comply with all OSHA safety rules and County safety policies. Sevier County may provide certain employees with the proper work attire required to perform the functions of their job. Public Safety personnel will be provided a uniform allowance for reimbursement of uniforms and equipment that is required to perform the essential function of their job.

F. County Credit Card Use:

1. County credit cards shall be issued in the name of the employee. The department head or elected official will contact the Clerk/Auditor's office to request a card for the employee.
2. The county card shall only be used for the payment of official county business, travel and related expenses. These cards shall not be used for paying personal expenses. The privilege of use of a card will be withdrawn and disciplinary action taken against any employee who misuses the card.
3. Employees shall obtain necessary receipts for all expenses charged to the county card and attach them to the county visa statement and/or the Sevier County expense form describing the nature of the expense(s). This form and/or visa statement with receipt(s) must be submitted to the clerk/auditor's office for payment.
4. Lost or stolen cards should be reported immediately to the credit card office as well as the clerk/auditor's office.
5. Upon termination of employment, the employee must return the credit card to the department manager or human resources on or prior to their exit interview. The card will then be submitted to the clerk/auditor's office for cancelation of the card.

SECTION 12 - WORK HOURS

- A. The Sevier County administrative business hours may vary from day to day, such hours will be posted to the general public and employees. Various work and on-call schedules are established by department managers to assure quality County operation and service to the public.
1. Work Period: For the purpose of calculating overtime under the Fair Labor Standards Act (FLSA), unless designated otherwise and approved by Human Resources, the County's work schedule shall provide for a work week of forty (40) hours for employees and shall begin at 12:01 a.m. on Sunday and end at 12:00 midnight on the following Saturday. The work period for employees engaged in law enforcement activities shall consist of eighty (80) hours and shall be in accordance with provisions of section 207(k) of the Fair Labor Standards Act.
 2. Work Schedule: The normal work day for full-time employees may consist of an eight (8) hour day unless otherwise specifically provided by a department manager. A department manager may alter the permanent work schedules of individual employees to accommodate or meet the needs of that department by using a written schedule. Regular and predictable attendance is an essential job function of all positions.
 3. Pay Period: A pay period consists of two (2) consecutive work weeks. Paydays are bi-weekly on every other Friday. If a regularly scheduled payday falls on a County holiday, pay will be received on the last business day preceding the holiday.
 4. Office Hours: County offices are normally open to the public Monday through Friday from 8:00 a.m. to 5:00 p.m. except for legal holidays. Exceptions must be approved by the County Commission. Offices should not be closed for lunch except in unusual circumstances.
- B. Rest and Meal Periods: Generally, meal and rest periods shall be administered by the department manager in compliance with the current wage and hour law. Department managers may be liberal with these Rules and may provide the following Rules:
1. Rest Periods: Two rest periods of no more than 15 minutes are allowed for each employee unless periodic workload dictates otherwise. A rest period may be allowed during each half of an eight-hour or longer shift and shall be taken under the direction of either the supervisor or department manager. Part-time employees may be provided with a 15-minute rest period for every 4 hours worked. To the extent possible, rest periods will be provided in the middle of the work period. This 15-minute period must be taken during the 4-hours worked or it is forfeited. These periods are not to be used to extend the lunch hour, to cover a late arrival or for leaving early. These periods may not accumulate and shall not be carried over to another day if not used. Since this time is counted as paid time worked, employees must not be absent from their work stations beyond the allotted rest period time or they may not be compensated for the break time. The impact rest periods will have on the delivery of services will determine when and/or if breaks may be taken. Since both available staff and public use vary from day to day, rest periods may also vary. Rest periods shall include "reasonable" break time and "a place" for nursing mothers. (See Section 7 of the Fair Labor Standards Act (FLSA), as amended)
 2. Meal Period: Employees may be allowed to have up to sixty (60) minutes for lunch which will be taken at a time determined by the department manager in conjunction with the employees work schedule or shift. The meal period will be taken on the employees' own time; therefore it will not be compensated by Sevier County. However, if work is required through the meal period, no break shall be charged and considered time worked as any other hour of the workday. Additionally, any meal period that does not exceed 20 minutes shall also be compensated as time worked. Unless approved by your manager, unpaid meal periods may not be skipped in order to leave early.

- C. Time Records: Time records include time clock cards and time sheets. Time records for all pay purposes including, but not limited to regular time, overtime, compensatory time, PTO and LWOP will be maintained on individual employee timesheets. The employee shall submit time records through the employee's supervisor or department manager to the Human Resource office. All employees and their supervisor must sign the time records.
1. Non-exempt employees are required to keep careful track of their work time using the provided time clocks and time sheets. The time record must reflect employee's actual hours of work. Each employee is responsible for his/her own time record. An employee shall not make entries, or changes to any other employee's time record, and an employee shall not request that another employee make entries or changes to their time record. Changes to the time clock record requires a signed time change request to be submitted through an employee's supervisor or department manager to the Human Resource office.
 2. Each full-time County employee, except the employees holding positions considered exempt from the Fair Labor Standards Act; as amended, shall account for a minimum of forty (40) hours of work time each work week, or eighty (80) hours of work time each pay period for Public Safety. Additionally, such full-time employees are prohibited from utilizing leave, other than PTO and accrued compensatory time used for the purpose of being absent during scheduled work time to complement actual hours worked to receive payment for more than forty (40) hours in any work week or eighty (80) hours in any pay period for Public Safety.
 3. Employees that are considered exempt from the Fair Labor Standards Act; as amended, are not required to include time clock cards but shall account for their work/leave time each pay period and submit the same form of time sheet as above. FLSA exempt public employees are limited from being paid more than their authorized biweekly salary rate for Sevier County government service.
- D. Notification of Absence: An employee unable to report for duty on a work day shall notify their supervisor, department manager or Human Resource Director within two (2) hours from the regularly scheduled starting time.

SECTION 13 - EMPLOYEE CONDUCT

- A. Standards of Conduct: Sevier County employees shall comply with the following standards of conduct and with specific policies established by their department managers.
1. Employees shall apply themselves to and shall fulfill their assigned duties during the full time schedule for which they are compensated.
 2. Employees shall comply with the standards established in their individual performance plans; maintain an acceptable level of performance and conduct on all other verbal and written job expectations; report conditions and circumstances, including controlled substances or alcohol impairment that may prevent the employee from performing their job effectively and safely; inform the supervisor of any unclear instructions or procedures.
 3. Employees shall make prudent and frugal use of county funds, equipment, buildings, time, and supplies.
 4. Employees shall not conceal, alter, falsify, destroy, mutilate, or fail to make required entries on records for which employee is responsible.
 5. Employees shall observe the workplace rules and shall comply with general County administrative policies, rules and regulations.
 6. Individual departments may have their own code of conduct in addition to this policy and department managers or elected officials shall provide information and instruction to their employees regarding these policy and procedures.
- B. Outside Employment: No employee may engage in additional employment which in any manner interferes with the proper and effective performance of official duties, or which results in conflicts of interest. The outside employment will in no way interfere with the employee's ability to meet the County's work schedule, including reasonable callback and stand-by assignments and must receive department manager or elected official approval.
1. The outside employment will not be directly connected with nor contingent upon a representation that the employee is in any way representing Sevier County, either directly or indirectly.
 2. The outside employment must not be inconsistent or inappropriate with the position held with the County.
 3. The outside employment will in no way interfere with the employee's physical, mental, or emotional ability to fully and completely discharge the job duties of his/her County position.
 4. Department managers may deny an employee permission to engage in outside employment, or to receive payment, if the outside activity is determined to violate this policy or create a conflict of interest.
 5. An employee shall notify their department manager in writing if the outside employment has the potential or appears to conflict with Utah Code, Title 67-16-4, "The Utah Public Officers' and "Employees' Ethics Act".
 6. All requests for outside employment which have been approved by the elected official or department manager shall be filed in the employee's personnel file.
 7. Failure to notify the employer and to gain approval for outside employment is grounds for disciplinary action if the secondary employment is found to be a conflict of interest.

C. Conflict Of Interest:

1. Employees should avoid any situation that may involve a conflict between their personal interests and the interests of the County. Employees shall comply with the provisions of Utah Code 67-16-4, as amended. Employees should act in the best interest of the County to the exclusion of personal advantage and shall make prompt and full disclosure in writing to their supervisor, Human Resources, Executive Administrator or the Commissioners of any situation which may involve a conflict of interest. This includes but is not limited to:
 - (a) Engaging in business conduct which is damaging to Sevier County's reputation.
 - (b) Attempting to use a County position to secure privileges or exemptions.
 - (c) Entering into transactions or activities where personal interests are advanced at the expense of Sevier County.
 - (d) Promising or giving something of value to anyone doing or seeking to do business with the county in order to influence them in matters relating to the County.
 - (e) Dispensing special favors to any member of the public or another employee.
 - (f) Assisting any person in securing a contract with the County in a manner not available to any other interested person.
 - (g) Using or releasing to a third party any data on decisions, plans, competitive bids or any other information concerning the County which might be prejudicial to Sevier County's interests.
 - (h) Selecting vendors based on non-business reasons, such as personal or former non-business relationships.
 - (i) Directing business to a relative, friend, or county in which the employee or one of the employee's family members has a direct or indirect financial or personal interest.
 - (j) Representing or discussing County affairs with the media without proper authorization.
 - (k) Undermining business decisions, unless they are perceived to be illegal or dishonest.
 - (l) Engaging in illegal activity.
 - (m) Using County confidential information, facilities and supplies, or merchandise for personal gain.
 - (n) Accepting a fee or compensation beyond that received in an official capacity for advice, information, or services that is otherwise available from the County.
 - (o) Accepting commissions, a share in profits or other payments, services, excessive entertainment and travel, or gifts of more than nominal value, from any individual or county doing or seeking to do business with Sevier County.
2. Inappropriate conduct in situations where a conflict of interest exists, and/or failure to disclose a conflict of interest may be considered grounds for discipline up to and including termination.
3. All employees shall complete a conflict of interest disclosure form by January 1st of each year and file it with the Human Resource Office.

D. Receipt of Gifts:

1. Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any item of monetary value from any person within or outside county employment unless authorized by State law.
2. Employees shall not receive outside compensation for their performance of county duties except in cases of:
 - (a) Awards for meritorious public service given publicity;
 - (b) Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the department manager or on their own time for which they are not compensated by the County and which are not prohibited by these rules; and
 - (c) Receipt of usual social amenities, door prizes, ceremonial gifts or insubstantial advertising gifts.

E. Solicitation:

1. Employees are discouraged from conducting any type of non-county solicitation during working time including, for example, canvassing, collecting funds, soliciting pledges, circulating petitions, soliciting memberships in any county or any other such activity without approval.
2. Employees are discouraged from distributing any non-County literature or other materials, such as leaflets, letters, petitions or any other written materials during working time or in working areas without approval.
3. Solicitation and/or distribution of material on county property by persons not employed by Sevier County are prohibited at all times, unless approved by County Commission.

F. Political Activity: Unless otherwise prevented by law, County employees may voluntarily participate in political activity subject to the following provisions:

1. An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and to allow employees to serve as voting County officers and as state or county delegates without jeopardizing public programs for which they are responsible.
2. No Sevier County official or employee, whether elected or appointed, may directly or indirectly coerce, command, advise or solicit any employee covered under the personnel system to pay, lend, or contribute part of his or her salary or compensation or anything else of value to any party, committee, county, agency or person for political purposes.
3. No Sevier County official or employee, whether elected or appointed, may attempt to make any employee's employment status dependent upon the employee's support or lack of support for any political party, committee, county, agency, or person engaged in a political activity.
4. No Sevier County employee shall engage in the distribution or publication of materials approving or favoring a candidate for nomination or election to public office during working or office hours.
5. An employee may not engage in the solicitation of money for the purpose of aiding or defeating the election of any candidate for any public office during office or working hours.

6. No employee shall use his/her office or position for the political enhancement of any individual or group. For purposes of this paragraph, employee does not include elected officials.
7. No employee shall be denied the opportunity to become an applicant for a position by virtue of political opinion or affiliation.
8. No person employed by Sevier County may be dismissed from service as a result of political opinion or affiliation.

G. Public Relations: It has always been Sevier County's policy to cooperate as fully as possible with news media inquiries and to communicate truthfully with State wide media on county matters appropriate for public knowledge. To ensure accuracy regarding the County or its actions, elected officials or their designee will serve as the only authorized media spokesperson for the County. No other employee may grant an interview concerning County business to any form of media without permission from an elected official or designee.

H. Dress Code Policy: While it is the intent of Sevier County that all employees dress for their own comfort during work hours, the professional image of our county is maintained, in part, by the image that our employees present to customers, vendors, and other visitors. You should therefore use good judgment in determining your dress.

1. Employees working in office areas should dress conservatively and professionally. For those employees who do not have direct contact with the public, dress should still be neat and clean and pose no safety hazard to themselves or others.
2. Under no circumstances may employees wear halter tops, strapless tops or spaghetti straps without a cover/jacket or a shirt underneath these tops, cropped tops, clothing that shows undergarments (sheer), torn clothing, clothing with holes in it, or extremely tight-fitting, revealing, or extremely baggy clothing. T-shirts with inappropriate slogans or pictures or gang insignias are prohibited. Shorts are only allowed where it is job appropriate. All clothing must be clean, neat, and fit properly.
3. Uniforms are provided for those employees whose jobs require the wearing of one. Uniformed employees must wear neat and clean uniforms at all times unless approved by department manager or elected official for job related assignments.
4. For all employees, professional appearance also means that the county expects you to maintain good hygiene and grooming while working.
5. If employees require a reasonable accommodation regarding their dress for bona fide health and/or religious reasons, they should contact their supervisor or Human Resources to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, Sevier County will accommodate such requests.
6. All employees should practice commonsense rules of neatness, good taste, and comfort. Provocative clothing is prohibited. Sevier County reserves the right to determine appropriate dress at all times and in all circumstances and may send employees home to change clothes should it be determined their dress is not appropriate. Employees will not be compensated for this time away from work.

I. Fraternization:

1. While Sevier County encourages amicable relationships between elected officials, department managers, supervisors and their subordinates, it recognizes that involvement in a romantic relationship may compromise or create a perception that compromises the employees ability to perform his/her job.
2. Sevier County desires to avoid misunderstandings, actual or potential conflicts of interest, complaints of favoritism, discrimination, possible claims of sexual harassment, and the employee morale and dissension problems that can potentially result from romantic relationships involving managerial/supervisory relationships with their employees in the work place.
3. Any involvement of a romantic nature between an elected official, department manager, or supervisor and anyone he/she supervises, either directly or indirectly, is prohibited.
4. Fraternalization of any romantic nature or any displays of affection is prohibited on county time and/or on county property.
5. If a dating relationship between an elected official, department manager or supervisor and a subordinate is established after employment begins, it is the responsibility of the supervisor involved to disclose the existence of the relationship to management. Sevier County reserves the right to take appropriate action to eliminate the conflict. Such action could include a transfer to a different department, a different shift or location, or in the extreme, termination of the supervisor in the relationship.
6. Violation of this policy will lead to corrective action up to and including termination of the management individual involved in the relationship.

J. Violence:

1. The safety and security of all employees is of primary importance at Sevier County. Threats, stalking, threatening and abusive behavior, or acts of violence against employees, visitors, customers, and/or county facilities or property by anyone on county property, on a county-controlled site, or in connection with county employment or county business will not be tolerated (even those made in jest).
2. Violations of this policy will lead to corrective action up to and including termination and/or referral to appropriate law enforcement agencies for arrest and prosecution. Sevier County reserves the right to take any necessary legal action to protect its employees.
3. Any employee who makes threats, stalks, exhibits threatening behavior, or engages in violent acts on county premises, on a county-controlled site, or in connection with county employment or county business shall be removed from the premises as quickly as safety permits and shall remain off county premises pending the outcome of an investigation.
4. Following investigation, the county will initiate an immediate and appropriate response. This response may include but is not limited to suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or civil or criminal prosecution of the person or persons involved.
5. All employees are responsible for notifying management of any threats that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed that they regard as potentially threatening or violent or that could endanger the health or safety of an employee when the behavior has been carried out on county premises, on a county-controlled site, or is connected to county employment or county business.

6. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.
7. The county understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee

SECTION 14 - WORKPLACE HARASSMENT

A. Harassment and/or Discrimination:

1. Sevier County strives to maintain a workplace that fosters mutual employee respect and promotes harmonious, productive working relationships.
2. Our organization believes that sexual harassment, harassment, discrimination, and/or retaliation in any form constitute misconduct that undermines the integrity of the employment relationship. Therefore, Sevier County prohibits discrimination and/or harassment that is sexual, racial, or religious in nature or is related to anyone's gender, national origin, age, sexual orientation, disability, genetic information, or any other basis protected by federal, state, or local law.
3. This policy applies to all employees throughout the County and to all individuals who may have contact with any employee of the County.
4. The information in the policy gives the employee direction in reporting, filing, and resolving sexual harassment or discriminatory situations.
5. This policy outlines employee, supervisor, and County responsibilities when an employee files a sexual harassment, harassment or discrimination claim. It also describes consequences of violations.

B. Definitions:

1. Workplace/Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a harassing and/or discriminatory nature will constitute harassment and/or discrimination.
2. Hostile Environment: If conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment, it also may be considered harassment and/or discrimination. This behavior can include but is not limited to suggestive or insulting noises, facial expressions, vulgar language, nicknames, slurs, derogatory and/or threatening comments, cartoons, jokes, written materials, invading another's privacy, knowingly blaming other individuals for mistakes they did not make, taking credit for another personal work, any type of "bullying" behavior, and offensive gestures or touching.
3. Discrimination: Unfavorable or unfair treatment of a person or class of persons in comparison to others because of race, gender, color, religion, national origin, age, physical/mental disability, sexual orientation, political affiliation, veteran status, genetic information or any other protected class.

C. Policy Administration:

1. Department managers and supervisory personnel are admonished to do all within their power to ensure that sexual harassment, harassment, discrimination, or retaliation is altogether prevented, insofar as is possible, and if it does occur is immediately investigated and remedied with appropriate disciplinary action taken against any county employee who engages in such behavior. The County expects the prompt reporting of instances of such behavior and will ensure that reporting employees' rights are protected.
2. Employees shall not engage in conduct constituting sexual harassment, hostile environment, or discrimination. Those in supervisory positions shall discipline any employee who, after investigation, is determined to have engaged in such conduct. Retaliation for opposition to

discriminatory practices or participation in the Equal Employment Opportunity process is prohibited.

3. Supervisors who knowingly allow or tolerate sexual harassment are in violation of this policy and are subject to disciplinary action up to and including termination of employment. Supervisors must deal quickly and fairly with allegations of sexual harassment, whether or not there has been a formal complaint.
4. Those in supervisory positions shall discipline an employee who retaliates against another employee for filing a complaint alleging harassment or for appearing as a witness for any party in a harassment or discrimination complaint. An employee shall be disciplined who submits a claim which is determined to be fraudulent or in bad faith.
5. Conduct occurring off duty or off County property may constitute sexual harassment.
6. Any supervisor or employee who has reason to believe that an employee is the victim of sexual harassment should encourage the victim to seek resolution, in accordance with the procedures established in this policy.
7. Prevention is the best tool for the avoidance or elimination of sexual harassment, harassment, discrimination, and/or retaliation. Inasmuch as the EEOC holds department managers and supervisory personnel liable for the actions of their employees, with respect to this policy, department managers and supervisory personnel are required to inform their staffs of the seriousness of sexual harassment, harassment, discrimination, and/or retaliation, and the existence of this policy.
8. Sevier County will take the steps necessary to prevent such harassment or discrimination from occurring and will take appropriate action when it is found to have taken place.

D. Complaint Procedure:

1. All Sevier County employees can resolve problems fairly and informally before initiating a formal complaint. Employees are encouraged to inform the alleged offender that the behavior is unwelcome. If informal efforts are unsuccessful, the following steps will be taken.
2. Employees who feel they are or have been, or someone else is or has been, a victim of sexual harassment, harassment, discrimination, and/or retaliation, is encouraged to:
 - (a) Make a written record of the incident that should include the nature of the incident, dates, times, places, and circumstances surrounding the incident(s), and witness signatures when possible.
 - (b) Report the incident immediately to any of the following:
 - (i) A supervisor in the employee's chain of command;
 - (ii) The Human Resource Director;
 - (iii) Any County Commissioner;
 - (iv) The Executive Administrator; or
 - (v) The County Attorney.
 - (c) Report the matter through the most confidential and direct means possible to preserve morale and discipline among employees.
 - (d) Avoid discussing the matter with co-workers and persons not directly responsible for investigating the matter.

3. The initial complaint can be either oral or written; however, a written and signed statement by the complainant must be submitted to the Human Resource Office within five (5) calendar days of the offense by the person the complaint was reported to. If the Human Resource Director is the alleged offender or otherwise concludes that he or she is unable to be impartial, the complaint shall be referred to the County Attorney.
4. Allegations for an oral complaint will be investigated promptly prior to receiving the written complaint. Though the complaint need not be verified under oath, any false statements deliberately included in a complaint or made during an investigation may be grounds for disciplinary action up to and including termination.
5. In as much as alleged occurrence of sexual harassment, harassment, discrimination, and/or retaliation has a damaging effect on the workplace, all effort should be made to resolve the situation as quickly as possible. A timely resolution of each complaint will be reached and communicated to all employee(s) involved.

E. Confidentiality:

1. The circumstances and persons involved in an alleged case should be kept confidential except where disclosure is necessary to obtain information leading to a resolution of the case. Sevier County will conduct its investigation in as confidential a manner as possible. Interviews, allegations, statements, and identities will be kept confidential to the extent possible and allowed by law. However, Sevier County will not allow the goal of confidentiality to be a deterrent to an effective investigation. Although, every effort should be made to maintain a climate of confidentiality which would make it possible for those involved to continue their present employment once the matter is resolved.
2. Employees and management personnel involved in a claim or an investigation shall not disclose any information related to the case to any unauthorized person, other than public data as defined in the Governmental Records Access and Management Act.

F. Investigation Procedure:

1. The person the sexual harassment, harassment, discrimination, and/or retaliation are reported to will take the necessary steps to initiate an investigation of the claim. The investigator shall:
 - (a) Obtain a written statement from complainant;
 - (b) Discuss the matter with alleged offender; and
 - (c) Obtain statements from possible witness(es) from both sides of the issue; and
 - (d) Make recommendation to the Human Resource Director regarding the outcome of the investigation.
2. Either party may submit a grievance regarding the findings of the report by submitting the grievance in accordance with the grievance and appeals policy. Only the person disciplined may submit a grievance regarding such discipline.

G. Action and Resolution:

1. Based upon the report, steps shall be taken for immediate and appropriate action for determining whether alleged conduct constitutes sexual harassment, harassment, discrimination, and/or retaliation. Appropriate corrective action, up to and including

termination, will be taken promptly against any employee engaging in discrimination and/or harassment.

2. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis. If disciplinary action is warranted, a specific course of action should be proposed by the investigating officer to the Human Resource Director and such action should be consistent with the severity of the offense and any past similar offenses by the employee and shall consider discipline imposed in other similar cases. Appropriate discipline may range from an oral or written warning to termination.
3. The complainant and the alleged harasser will be informed of the action taken. Such action will be noted in the offending employee's official personnel file.
4. Given the nature of sexual harassment, harassment, discrimination, and/or retaliation, the County recognizes that false accusations or reports of harassment or discrimination can have serious effects on innocent individuals.
5. Where bad faith allegations or misuse of this policy have occurred, disciplinary action shall be taken against the informant (complainant). If a foundation for the allegation exists, appropriate disciplinary procedures will be commenced against the offender. Any original and subsequent disciplinary action will be commensurate with the scope and severity of the occurrence.

H. Non-Employee Complaint: The process for submitting a complaint of sexual harassment, harassment, or discrimination against a person not employed by the County is the same as the process for submitting a complaint against an employee. In these cases, the Human Resource Director or the County Attorney shall use all reasonable means to resolve the complaint, including referring the complaint to the employer of the alleged offender.

I. Records:

1. All complaints, notices, correspondence, reports, and other documents regarding a written complaint shall be maintained by the Human Resource Director separate from any personnel file. If the Human Resource Director is the subject of a written complaint, the record shall be kept by the County Attorney.
2. The Human Resource Director shall keep all records of complaint in a secure file, whether the complaint is determined to be with or without merit.
3. The Human Resource Director shall place records regarding discipline as a result of complaint of sexual harassment, harassment, discrimination, and/or retaliation or violation of this policy in the disciplined employee's personnel file. If the Human Resource Director is the subject of a written complaint, then the record shall be kept by the County Attorney.
4. Separate files related to sexual harassment, harassment, or discrimination complaints shall not be kept by supervisors.
5. Files shall be retained in accordance to the Utah State retention schedule which is a minimum of 6 years after the active case ends.
6. All information contained in the complaint file is classified as confidential. Information contained in the sexual harassment, harassment, or discrimination confidential file shall only be released by the Human Resource Director.

J. Retaliation:

1. Sevier County prohibits retaliation of any kind against employees, who, in good faith, report sexual harassment, harassment and/or discrimination or assist in investigating such complaints.
2. If an employee feels he/she has been subjected to any form of retaliation, the employee should report that conduct within five (5) days to: a supervisor in the employee's chain of command; the Human Resource Director; any County Commissioner; the Executive Administrator; or the County Attorney, so it can be investigated and your concern(s) resolved.

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SECTION 15 - DRUG AND ALCOHOL POLICY

A. Purpose: The County is committed to maintaining a work place that is free of drugs and alcohol. However, this commitment is jeopardized when employees illegally use drugs or alcohol on the job, come to work under their influence, or manufacture, possess, distribute or sell drugs. Therefore, Sevier County has established the following policy. This policy applies to all Sevier County employees, including elected and appointed officials, elected official or department manager, temporary employees, and volunteers. Variations in the extent of testing may vary by department. This policy does not replace, but is in addition to, testing required of employees subject to Department of Transportation regulations. All department employees should also refer to their separate department policy.

B. Policy Statements:

1. All employees are prohibited from using, processing, buying or selling drugs or alcohol in the workplace as specified by this policy, and are prohibited from reporting to work or being subject to work (specifically while on-call or on break) with prohibited drugs active in their systems or while under the influence of alcohol. Sevier County also discourages the detrimental or illegal use of alcohol and/or drugs by its employees when off duty.
2. It shall be a condition of employment and continued employment that all employees and prospective volunteers comply with the provisions of this policy and all other relevant State and Federal Statutes. While the County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to violate this policy and/or do not seek rehabilitative assistance.
3. This policy is intended to conform to the requirements set forth in the local Governmental Entity Drug-free Workplace polices Act, Utah Code annotated, Title 34, Chapter 41, and all other relevant State and Federal statutes including the Americans with Disabilities Act; as amended. The provisions of any applicable law, statute, regulation, or ordinance (i.e. The Omnibus Transportation and Employee Testing Act of 1991 and the Federal Highway Administration and Department of Transportation rules of February 1994) shall prevail in the event of any conflict with the provisions of this policy.

C. Definitions:

1. "Alcohol": The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
2. "Controlled Substance" (herein referred to as "Drug"): Any controlled substance including those assigned by 21 U.S.C. 802 and all substances listed on Schedules I through V, as they may be revised from time-to-time (21 CFR 1308), or any substance recognized as a drug by other drug compendia including Title 58 Chapter 37, Utah Controlled Substances Act, or supplement to any of those compendia.
3. "Drug Testing": The scientific analysis of a sample for the presence of drugs or their metabolites.
4. "Random Testing": The unannounced drug and/or alcohol testing of employees who have been selected for testing by using a method uninfluenced by any personal characteristic other than job category.
5. "Reasonable Suspicion for Testing": An articulated belief based on recorded, specific facts and reasonable inferences drawn from those facts that an employee or volunteer has the presence of drugs and/or alcohol in his/her system, or has used controlled substance or alcohol on County paid time.

6. "Safety Sensitive Positions": Any Sevier County position involving duties which directly affects the safety of Sevier County employees, the general public, or positions where there is access to controlled substances, as defined in Title 58, chapter 37, Utah controlled Substances Act, during the course of performing job duties. This definition would include all positions assigned essential functions involving:
 - (a) direct health treatment services;
 - (b) educational services or counseling of at-risk individuals (which includes jail inmates, children, youth substance abuse clients, the elderly, the disabled or other similarly situated individuals);
 - (c) sworn law enforcement activities, and other civilian services of public safety requiring daily contact with inmates;
 - (d) the use of heavy and/or dangerous equipment in facility construction, maintenance, engineering grounds and roads services, operation of equipment requiring the driver to hold a CDL; CDL holders will be tested for drugs and alcohol in accordance with Department of Transportation rules.
7. "Use": To consume, sell, purchase, manufacture, distribute, be under the influence of, report to work under the influence of, or be in the possession of drugs or alcohol. The term "use" shall also include the presence of drugs or alcohol in the body of the individual being tested, including the presence as a metabolite, and the use of a prescription drug without a current valid prescription from a licensed physician or using a prescription drug beyond the prescribed therapeutic dosage.
8. "Volunteer": Any person who donates services to Sevier County without pay or other compensation except for expenses actually and reasonably incurred that may be reimbursed.

D. Alcohol Rules – Prohibited Activities:

1. The consumption of an alcoholic beverage by an employee on duty will result in immediate termination. The possession of an open alcoholic beverage by an employee on duty shall be cause for disciplinary action up to and including termination. Sworn law enforcement personnel who are working in an undercover capacity and are on duty, working in the legitimate scope of their assignment, are exempt from this paragraph if following established undercover guidelines set forth in the Sevier County Sheriff's Office Policy and Procedure Manual.
2. An employee will also be subject to disciplinary action when the consumption of alcoholic beverages at time proximate to his or her work time has an adverse effect on his or her work performance, causes impairment while on duty or while on-call, or creates a risk of harm to self, others, or County or private property.
3. If an employee who is required to drive as part of his/her assigned duties has his/her driver's license suspended or revoked, temporarily or permanently, due to an alcohol related offense, the employee must notify his/her supervisor of these circumstances when next reporting to duty. Failure to do so shall be cause for disciplinary action up to and including termination.
4. The felony conviction of an employee as a result of alcohol or while off County premises and not on duty shall be cause for disciplinary action up to and including termination.
5. It is a violation of County Policy to report to work or be in an on-call status while under the influence of .04 grams per liter.

E. Drug Rules – Prohibited Activities:

1. The unlawful use, manufacture, distribution, dispensation, or possession of a controlled substance by an employee in the work place or during work hours, including on-call time, is prohibited. Employees in violation of this policy will be terminated.
2. The use of any drug which negatively affects performance or the ability of an employee to work in a safe manner may be cause for discipline where the employee knew or reasonably should have known that the drug would adversely diminish his/her capabilities to perform the job.
3. Whenever an employee is prescribed a drug by a licensed health care provider or uses over-the-counter medication which may negatively affect his/her performance or ability to perform in a safe manner, the employee shall notify his/her supervisor. An employee who fails to notify his/her supervisor may be subject to disciplinary action when the use of such drugs by that employee contributes to an accident or incident that results in property damage or injury to a person.
4. The illegal possession or use of controlled substances while off County premises and while not on duty may be cause for disciplinary action up to and including termination where such conduct can be shown to have a direct and material adverse effect on the County's interests, including public image.
5. If an employee who is required to drive as part of his/her assigned duties has his/her driver's license suspended or revoked temporarily or permanently, due to a drug related offense, the employee must notify his/her supervisor of these circumstances when next reporting to duty. Failure to do so shall be cause for disciplinary action up to and including termination.

F. Alcohol and Drug Testing Circumstances: Sevier County maintains the legal right to require any employee, prospective employee, or prospective volunteer to take a drug and/or alcohol test under any of the following circumstances:

1. Pre-employment Hiring: Once Sevier County has made a conditional offer of employment, the offer is contingent upon the prospective employee passing a drug test. A positive result from the drug screening may result in the applicant not being hired.
2. Post-accident: Sevier County conducts drug and alcohol testing upon an employee or volunteer involved in, and contributing to a serious work related accident. A serious accident is defined as a casualty or any accident to which the employee or volunteer contributed that must be reported to the police and that result in one or more injuries that require medical treatment beyond first aid or damage to property in excess of \$1,500.00. Sevier County may require testing after any accident when there is reasonable suspicion. Additionally, for Commercial Driver's License (CDL) holders, all drivers who are in an accident where there is an injury or a vehicle is towed must be tested for the misuse or abuse of drugs and alcohol.
3. Reasonable Suspicion: Sevier County may require, at its discretion a drug and alcohol test when a supervisor, department manager, or elected official observes and records behavior or appearance that is characteristic of alcohol or drug abuse.
4. Preannounced Periodic Testing: Sevier County may conduct, at its discretion, preselected and preannounced drug and alcohol testing on a regular schedule of safety sensitive employees.
5. Random Testing in Safety Sensitive Positions: Sevier County may, at its discretion, randomly test employees in safety sensitive positions, as defined, and will be conducted on a random, unannounced basis.

6. Compliance with Federal Requirements: Sevier County may conduct drug and alcohol tests in accordance with the Federal Drug Free Workplace Act of 1998 or other federally required drug policies.
7. Deadly Force Incident Testing: Any safety sensitive employee or volunteer employing deadly force resulting in a casualty and/or injury to an individual while serving in an official capacity, whether on or off duty, is subject to drug and alcohol testing immediately following the deadly force incident.

G. Retest of Specimen: If a positive drug test is reported, the tested individual shall have 72 hours from the time he/she is so notified to request at his/her option that the split urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the tested individual and Sevier County. If the tested individual declines to request testing of the split sample before the end of the 72 hour period, Sevier County may, at its discretion, proceed to take appropriate action under this policy based upon a positive result. If the split sample tests negative for the presence of drugs, Sevier County may consider the results negative. If the split sample is also positive, Sevier County will proceed to take action as provided by this policy.

H. Reasonable Suspicion and Post-Accident Testing Steps for Employees and Volunteers:

1. Circumstances which may constitute a basis for determining a reasonable suspicion for testing may include, but are not limited to: a pattern of abnormal or erratic behavior (i.e. a significant change in the quantity or quality of work or unusual absenteeism); a serious work-related accident as defined in Section 5 of this policy; the noticeable presence or physical symptoms of drug or alcohol use; or being informed by a county employee or other source that another employee or volunteer is believed to be using or under the influence of drugs or alcohol.
2. If it is determined that reasonable suspicion indicators exist, whether or not an accident occurred, the employee or volunteer shall be relieved of duty and transported, if necessary, to the drug testing specimen collection site for a drug and alcohol screening. Once the test sample is collected, Sevier County will offer to make arrangements to have the employee or volunteer transported home. An employee or volunteer who is incapacitated to the point that he/she cannot provide a sample at the time of the incident shall later provide the necessary authorization for releasing hospital or medical reports that would indicate whether or not the employee or volunteer was under the influence of a drug and/or alcohol. Additionally, testing results conducted at the accident scene and /or in accordance with law enforcement procedures shall also be considered valid for purpose of this policy.

I. Refusal to Test: The refusal to submit to a drug and alcohol test or to provide the necessary authorization for releasing hospital or medical reports that would indicate whether or not the employee volunteer was under the influence of drug and/or alcohol shall be considered the same as a positive test result for a controlled substance. An employee determined to have tampered with, adulterated, or substituted his/her sample will also be considered to have the same as a positive test result for a controlled substance.

J. Procedures – Testing:

1. Testing will occur during or immediately before or after work time of current employees or volunteers. Testing time will be deemed work time for the purposes of compensation for current employees.
2. The collection of samples will be performed under reasonable and sanitary conditions. Samples will be collected and tested in a manner that protects the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples. Sample collection will be appropriately documented to ensure that samples are labeled and sealed so as to reasonably preclude the probability of erroneous

identification of samples and test results. Employees, volunteers, prospective employees, or prospective volunteers have the opportunity to provide notification of any information that they consider relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information. Sample collection, storage, and transportation to the place of testing will be performed in a manner that reasonable precludes the probability of sample misidentification, contamination or adulteration.

3. Sample testing will conform to scientifically accepted analytical methods and procedures.
4. Sevier County will pay all costs of the initial testing and verification process.

K. Confidentiality:

1. Medical reports, laboratory reports and test results, shall not be filed in an employee's official personnel file. Information of this nature will be contained in a separate confidential medical record that will be secured under the control of the Sevier County Human Resource Director.
2. The test and its results are considered confidential and are the property of the County. The test and its results shall not be disclosed to any other person other than County elected official or department manager who possess a need to know, the employee tested, or the tested prospective employee. The County shall not disclose the test or its results to any other employer or any member of the public. Any other disclosures of the test or its results must be authorized by the employee or prospective employee in writing. Confidentiality of the test or its results shall be deemed waived in the event the employee or prospective employee initiates any proceeding, action, or arbitration concerning application for employment or employment with the County. The County reserves the right to use drug or alcohol test results as a basis for disciplinary action, including termination, and in any administrative or judicial proceeding in which an employee or former employee seeks to obtain unemployment benefits.

L. Policy Enforcement: The County may take any of the following steps to enforce its drug-free workplace policy upon receipt of a confirmed positive drug test or upon the refusal of an employee to submit to a drug test:

1. Immediate termination of employment.
2. Suspension of employment with or without pay.
3. Refusal to hire a prospective employee.
4. A requirement that the employee enroll in a County-approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, as a condition of continued employment; an employee who does not participate in or complete such a program to the County's satisfaction may be terminated immediately. To prevent long-term problems, this rehabilitation program may only be used one time.
5. A requirement that the employee submit to additional tests at any time, with or without cause, including any time after the employee has successfully completed a rehabilitation, treatment, or counseling program; and
6. Other disciplinary measures in conformance with County policy or practice.

M. Searches: In order to achieve the purposes of this policy, the County maintains the right, without notice, to search County facilities, property, equipment, vehicles, employee lockers, and work areas. The County may, without notice, search employees and employees' personal property that has been brought onto County premises. The County may seize any controlled substance and report the same to law enforcement.

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SECTION 16A – COMPUTER AND TECHNOLOGY USE

- A. Acceptable Use of Information Technology Resources: Information technology resources are provided to Sevier County employees to assist in the performance of assigned tasks and in the efficient day to day operations of County Government.
- B. Internet and Electronic Communications Policy:
1. Employees are to access only files, data and protected accounts that are their own, that are publicly available, or to which they have been given authorized access.
 2. County owned telephones, computers, and all other electronic forms of communications are the property of Sevier County. Employees do not have a personal privacy right to any matters received, created in, sent over, or stored in Sevier County's telephone systems, communication systems, and/or computer systems. In short, none of these systems is considered to be confidential, nor should they be used to meet an employee's own personal needs and is intended for de minimis personal use.
 3. If an employee receives a message that is not addressed directly to them, the employee is not authorized to read or use information contained in that message.
 4. Employees are to exercise professionalism in all business communications including those in electronic and/or voice format.
 5. Internet usage guidelines: The following guidelines have been established to help ensure responsible and productive internet usage:
 - (a) Employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.
 - (b) Employees are expected to communicate with courtesy and restraint to both internal and external recipients. Data that is composed, transmitted, accessed, or received via the internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person.
 - (c) All internet data that is composed, transmitted, or received via Sevier County computer communication systems is considered to be part of the official county records and as such, is subject to disclosure to law enforcement or other third parties. Remember that even when communications have been deleted from a location, it is still possible to retrieve and read those messages.
 6. Prohibited internet use: Abuse of the Internet access provided by Sevier County in violation of law or county policies will result in disciplinary action up to and including termination of employment. The following behaviors are just a few examples of previously stated or additional actions and activities that are prohibited and may result in disciplinary action:
 - (a) Sending discriminatory, harassing, or threatening messages or images.
 - (b) Using the county's time and resources for personal gain. Any use for commercial purposes, product advertisements or "for profit" personal activity.
 - (c) Stealing, using, or disclosing someone else's code or password without authorization.
 - (d) Copying, pirating, or downloading software and electronic files without permission.
 - (e) Sending or posting confidential material, trade secret, or proprietary information outside of the organization.

- (f) Transmitting classified information under the Government Records Access and Management Act without following proper procedure and authorization.
- (g) Violating copyright law which is the unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material.
- (h) Failing to observe licensing agreements.
- (i) Engaging in unauthorized transactions that may incur a cost to the county or initiate unwanted Internet services and transmissions.
- (j) Sending or posting messages or material that could damage the county's image or reputation.
- (k) Participating in the viewing or exchange of pornography or obscene materials, unless conducting a criminal investigation.
- (l) Sending or posting messages that defame or slander other individuals.
- (m) Attempting to break into the computer system of another organization or person.
- (n) Violating the privacy of individual users by reading Email or private communications unless you are specifically authorized to do so.
- (o) Refusing to cooperate with a security investigation.
- (p) Sending or posting chat letters, solicitations, or advertisements not related to business purposes or activities.
- (q) Using the Internet for political causes or activities, religious activities, or any sort of gambling.
- (r) Jeopardizing the security of the county's electronic communications systems.
- (s) Sending or posting messages that disparage another organization's products or services.
- (t) Passing off personal views as representing those of the county.
- (u) Engaging in any other illegal activities.

C. Password Protection:

1. The following guidelines have been established for employee's responsible use of their own accounts and guard against unauthorized access to their accounts:
 - (a) Passwords should not be shared with anyone. All passwords are to be treated as sensitive and confidential information.
 - (b) Passwords should not be inserted into email messages, revealed over the phone or other forms of electronic communication.
 - (c) Change your passwords with regular frequency or no less than 90 days.
 - (d) Create strong passwords. Strong passwords contain at least eight characters, both upper and lower-case letters, at least one number and contains at least one special character.
 - (e) Do not use obvious passwords such as family names or other personal information.
 - (f) Where possible, users should not use the same password for various Sevier County access needs or personal access needs.
 - (g) Do not use the "remember password" feature on applications.
 - (h) Any user suspecting that their password may have been compromised must report the incident to the IT department or supervisor and change all passwords.

- (i) When you are away from your desk, take precautions to protect your accounts.
- (j) User accounts that have system-level privileges granted should have a unique password from all other accounts held by the user to access system-level privileges.
- (k) Employees who have access to essential county computer systems must keep a current record on file with the County Auditor of necessary usernames, passwords, and other required key words or codes. This record should be updated annually, or every time a change is made, in order to keep a current record in the event of an emergency.

D. Cyber Security basic controls:

1. Check to see if a website starts with https, which signifies that the data you put on the website is encrypted. If a website doesn't start with https, don't give them confidential information.
2. Set strong passwords, don't share your password with others, and don't use the same password for multiple sites.
3. Enable two-factor authentication on your bank accounts and other important logins.
4. Lock your devices, like your phone and computer, when they are not in use.
5. Disable Bluetooth whenever you are not actively using it.
6. Never use a USB whose source you don't know, as it could have malware installed on it.
7. Be careful when clicking on attachments or links in email. If it's unexpected or suspicious, don't click it.
8. Backup your important data in case it is damaged, stolen, or held for ransom by cyber criminals. Make sure to test your backups regularly.

E. Workplace Monitoring:

1. The equipment, services, and technology provided by Sevier County to access the internet remain at all times the property of Sevier County. As such, Sevier County reserves the right to monitor all equipment and communication and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.
2. Workplace monitoring may be conducted to ensure quality control, employee safety, security, and customer satisfaction. Computers, email systems, internet access and phones furnished to employees are the property of the county. As such, any of these items may be monitored or accessed.

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SECTION 16B – SOCIAL MEDIA POLICY

A. Social Media Acceptable Use:

1. Employees must carefully read the Sevier County Employee Conduct Policy and the Workplace Harassment Policy and ensure all postings are consistent with these policies.
2. Inappropriate postings that may include discriminatory remarks, offensive or harassing statements, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

B. Personal Social Media Guidelines:

1. Posting Guidelines:
 - (a) Maintain the confidentiality of Sevier County's private or confidential information. Do not post internal reports, policies, procedures or other internal business-related, confidential communications.
 - (b) Do not create a link from your personal blog, website or other social networking site to a Sevier County website without identifying yourself as a Sevier County employee.
 - (c) Never represent yourself as a spokesperson for Sevier County. If you do publish a blog or post online related to the work you do or your position with Sevier County, make it clear that you are not speaking on behalf of Sevier County. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Sevier County."
2. Using Social Media at Work: Refrain from using social media while on work time or on equipment Sevier County provides, unless it is work related as authorized by your supervisor, or consistent with policy. Do not use Sevier County email addresses to register on social networks, blogs or other online tools utilized for personal use.
3. Retaliation is Prohibited: Sevier County prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

C. County Social Media Guidelines:

1. Security Guidelines:
 - (a) All county sponsored Facebook pages must be prior approved by Commission.
 - (b) All accounts shall be password protected using multiple characters and formats.
 - (c) Access shall be limited to 2 persons per department (i.e. one employee for content posting and the department head).
 - (d) A written copy of the user ID and password shall be kept by the department.
2. Posting Guidelines: Use the following guidelines for posting information.
 - (a) Official county sites need to be clear, precise and follow best practices for posting updates.
 - (b) Relevant information that helps resident and pertains to their daily lives.

- (c) Timely information about deadlines, upcoming events, or related current events.
 - (d) Actionable information on how to register, attend an event, fees, etc.
 - (e) Include links that take people to the county website for additional information.
 - (f) During emergencies, any posting must be coordinated with the Sheriff's Office and his designated PIO.
 - (g) Do not post copyrighted content without permission of the copyright holder.
 - (h) An employee's personal account(s) shall not be used for official county communications.
 - (i) Before any content is posted, the department head shall review and approve the material.
3. Do not post the following:
- (a) Any information about litigation or claims that the county is involved with or as a party on the matter.
 - (b) Non-public information.
 - (c) Private, protected, or documents considered non-public using Utah GRAMA standards.
 - (d) Medical or health information that violates HIPAA regulations.
 - (e) Anything that would be considered personal in nature.
 - (f) It is expected that employees and department staff will use sound judgment and discretion when posting content.
4. Related policies:
- (a) Departments that use social media are responsible for complying with applicable federal, state, and county laws, regulations, and policies. This includes adherence to established laws and county policies with regards to the use of county equipment and resources.
 - (b) Violations of these standards may result in disciplinary action including the removal of further use of any county social media accounts.
 - (c) The county retains authority to oversee any county account and to remove any item or posting.
5. Approved Platforms: The following platforms are approved for use by county offices and employees. Additional platforms shall be requested and reviewed before being approved. The county will not use platforms that allow for two-way communications or forums.
- Websites
 - Twitter
 - Facebook
 - YouTube
 - Pinterest
 - Instagram

SECTION 17 - USE OF COUNTY ADMINISTRATION BUILDING

- A. Room Availability: The rooms available for use in the Sevier County Administration Building includes the auditorium, training room (three sections), large conference room (Suite 116), and Commission Chambers. Occupancy limits shall be observed.
- B. Organization Use:
1. Organizations that will be allowed to use the building include county sponsored boards, commissions, and advisory groups. In addition, governmental agencies, non-profit community-based groups, and political organizations may use it as well.
 2. Organizations not allowed to use the building include for-profit companies, private gatherings, receptions, and celebrations such as weddings, and private clubs.
 3. The Sevier County Administration Building is a public building open for business during normal operating hours. Unless a special activity is scheduled in the building, all doors will be locked and the building will be closed to the public at 5:00 p.m. In the event of scheduled activities, all persons must vacate the building by 10:00 p.m.
- C. Room Use Guidelines:
1. Sponsoring party is responsible for set-up and take-down as coordinated with the Building and Maintenance Manager.
 2. Food is discouraged but allowed. Complete clean-up by sponsor must be done with the acknowledgement that the sponsor will be held responsible for any damage.
 3. Any physical damage to the room or building shall be charged to the sponsoring party.
 4. Internet use is free.
 5. Any ongoing or long-term use of the building (i.e. monthly meetings for a year) must be approved by the Commissioners.
 6. Unforeseen County events may force a reservation to be changed or cancelled.
 7. County sponsored activities will take priority over outside organization requests.
 8. All activities should be scheduled to end prior to 10:00 p.m. and the building should be evacuated by 10:00 p.m.
- D. Proof of Insurance: Proof of insurance may be required.
- E. Prohibited Items: Alcoholic beverages, open flames, candles or heat sources, smoking, animals except for those who assist people with disabilities, unsupervised children, and attaching displays or posters to wall surfaces.

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SECTION 18 - VEHICLE USE POLICY

A. Vehicle Policy:

1. Sevier County assumes no liability for use of vehicles outside the scope of county employment or for activities in violation of this policy. Nothing in this policy can increase the obligations or liability that Sevier County currently has to employees, officials, or third parties in regard to the operation of motor vehicles.
2. Employees may be assigned county vehicles in the course of their normal duties or to fulfill standby or other assignments. These vehicles shall only be used for the purpose of county business and shall not be used for personal business unless stated differently in this policy. With the exception of law enforcement, county vehicles shall not be used to transport persons who are not county employees unless such transportation is in the course of the duties of the employee.
3. Individual departments may make more detailed rules for vehicle usage, safety and maintenance.
4. Violation of this policy may result in employee discipline up to and including termination from employment.

B. Restrictions on Use of County Vehicles: Use of county vehicles should always be for the benefit of the county and its citizens, not just a convenience for a County employee.

1. County vehicles shall be used exclusively for county business. Any personal use is prohibited except for de minimis incidental personal use.
2. No county vehicle may be taken home or used for normal commuting between home and work unless the commute is authorized by the county elected official supervising the commuting employee and the following conditions are met and explained in a written authorization filed in the County Human Resource Office:
 - (a) Law Enforcement Officers assigned to commute vehicles: (These employees would not need to pay income tax on commute costs). This situation must meet all three requirements listed below:
 - (i) Vehicle is equipped as a law enforcement patrol vehicle.
 - (ii) Enforcing the law is the major responsibility of the person assigned the vehicle.
 - (iii) The person assigned the vehicle is LEO Certified and often required to respond to law enforcement duties from their home.
 - (b) Others assigned a commute vehicle: (These employees will be required to pay income tax on the commute cost). Employee must meet as least one of the following situations:
 - (i) Employee is often required to respond to emergency related work responsibilities from their home.
 - (ii) Employee is required to perform work related tasks between home and their regular work station, where the tasks are performed a reasonable distance from the regular work station.

- (iii) If authorization has been made in writing by an elected official, the county employee shall receive income notification on their payroll voucher for tax purposes of the value of the vehicle for personal use and commuting. This does not apply to first-responders for emergency purposes.
- (iv) Any authorization for home or commuting use must be related to county business or advance an important county interest.
- (c) Other approved commutes limited to six or less per calendar month: (Will not be required to pay income tax on the commutes).
 - (i) Work sites in various locations throughout the County and the last work site of the day or the first work site of the next day, is beyond the employee's home and away from their permanent work station.
 - (ii) Situations may arise when it is impractical or uneconomical for a user to acquire or return a vehicle the same day of the authorized use due to the time or distance required to do so. Permission may be given in such circumstances for the user to take the vehicle home prior to or immediately following the authorized use.
- 3. Alcoholic beverages and drugs may not be kept in county vehicles unless required for law enforcement purposes.
- 4. Smoking, lighted or heated tobacco in any form, is prohibited in all county vehicles.
- 5. No texting while driving.

C. Eligibility to Operate County Vehicles:

- 1. The following are required to obtain/maintain the privilege of operating a County vehicle:
 - (a) A current valid Utah driver's license of the correct class for the vehicle.
 - (b) Age 18 or older.
 - (c) Mentally and physically able to drive safely.
 - (d) Obey traffic laws.
 - (e) No convictions for driving under the influence of alcohol or drugs or reckless driving offenses within the previous 4 years.

D. Special Provisions for Approved Out-of-County Training or Business:

- 1. When attending approved out-of-county training or business in an authorized county vehicle, an employee may take non-county passengers. Incidental personal use of a county vehicle while at training or business is permitted when such use is at a de minimus and when such use does not adversely affect the vehicle or the public perception of the County.
- 2. An employee's spouse who has received current defensive driving instruction and complies with the eligibility requirements above may drive when the employee is in the vehicle.

E. Rules for Driving any Vehicle on County Business: In order to drive any vehicle—County or not—on County business, employees must:

1. Possess a current valid Utah Motor Vehicle operator's license for the class of vehicle operated. If an employee's work requires driving, his/her license will be checked before employment and periodically thereafter. The employee must notify their supervisor immediately upon expiration, suspension or revocation. Failure to report or continuing to drive a county vehicle will result in discipline, including possible termination.
2. All prospective employees shall be required to submit to a State of Utah, Department of Motor Vehicles driving records check after receiving a conditional offer of employment. Such checks shall be coordinated by the Sevier County Human Resource Department as part of a pre-employment background investigation.
3. The Human Resource office shall maintain a current copy of the employee's driver's license and verify its validity on an annual basis. Any employee who does not hold a valid driver's license shall not be allowed to operate a vehicle in the performance of county duties.
4. No accommodation for a suspended or revoked driver's license shall exceed six (6) months. If the suspension or revocation of an employee's driver's license exceeds six (6) months, the employee may be permanently reassigned to a vacant position not requiring a valid driver's license, demoted into a vacant position for which he/she qualifies, or terminated for County employment.
5. Drive a vehicle that is properly registered and insured in the amounts required by State law.
6. Observe and inspect the vehicle for obvious defects and safety hazards. If a hazard is apparent, the vehicle shall not be operated.
7. Obey all traffic laws, rules and regulations and use common sense and good judgment.
8. Not drive after ingesting alcohol or illegal substances or while impaired by prescription drugs.
9. Observe all accident reporting procedures.
10. Not allow an unauthorized person to have the keys to or operate a county vehicle, unless an emergency requires it.
11. Ensure that all vehicle occupants properly use the restraint and other protective devices consistent with applicable laws.
12. Receive defensive driving instruction every five years or if emergency-response personnel, receive defensive driving or EVO instruction every year.
13. Sevier County will not be liable for injuries or damages arising from activities outside the scope of employment, including but not limited to personal use of rented vehicles by employees during a county-authorized business trip. If a county employee on county business is involved in an accident while driving a personal vehicle, the employee's personal insurance shall provide the primary coverage.

F. County Vehicle Maintenance: Employees are primarily responsible for the condition of their County vehicle, including compliance with scheduled maintenance, reporting needed repairs, and maintaining cleanliness.

G. Accident/Violation Procedures: If an employee driving on county business is involved in an accident resulting in personal injury or property damage, the employee shall:

1. Report the accident immediately to the appropriate law enforcement agency and complete the appropriate "Auto Accident" packet provided in each county vehicle.

2. Report the accident as soon as reasonably possible to his/her department manager.
3. Refrain from making statements regarding the accident to anyone other than the investigating law enforcement representative, appropriate county officials, and representatives of his or her own insurance company if the employee's privately owned vehicle is involved. Any statements made should be confined to factual observations and not opinions of fault.
4. A copy of all police reports and any statements attached thereto shall be forwarded to the County Insurance Coordinator within five days of the accident. The County Insurance Coordinator will report such accidents to the County Accident Review board and the County's insurer.
5. If your accident involves damage or injury to non-county property or a non-county employee, request an accident report from a law enforcement agency other than the Sheriff's Office. Exchange information with a non-county driver and attempt to locate, notify, and exchange information with a property owner and provide it to the investigating agency.
6. A county employee who, while driving in the course of employment, is the proximate cause of two or more preventable motor vehicle accidents, as determined by the Accident Review Board, within a two (2) year period of time, shall, in addition to other corrective action as recommended by the Accident Review Board, either:
 - (a) Lose county driving privileges for a period of time as recommended by the Accident Review Board; or
 - (b) Be reassigned to a no-driving county position for a period of time as recommended by the Accident Review Board; or
 - (c) Be terminated from county employment.
7. In addition to reporting all accidents immediately to the supervisor, Commercial Driver's License (CDL) holders must:
 - (a) Notify the immediate supervisor within 30 days of conviction for any traffic violation (except parking) no matter what type of vehicle you are driving, on or off the job;
 - (b) Notify the motor vehicle licensing agency within 30 days if convicted in any other jurisdiction of any traffic violation (except parking) no matter what type of vehicle you were driving on or off the job.
 - (c) No one can drive a commercial motor vehicle without a Commercial Drivers License.
8. The Sevier County Accident Review Board will review all vehicle accidents involving county vehicles or county business. Based on driving history and circumstances, the ARB may recommend loss of driving privileges, reassignment, termination or other appropriate discipline.

H. County Fuel Cards: All fuel cards must be documented in the Clerk/Auditor's Office. Cards are issued to specific vehicles only. The PIN number is issued for an employee's exclusive use. Any misuse of the card or PIN will result in personal and legal liability. The PIN is an electronic "signature" of the person to whom it is issued.

I. Defensive Driving Training:

1. The County requires employees and volunteers who drive a county vehicle to complete a defensive driving course during the first year of employment. The course must be approved by the county's insurer. Employees and volunteers must attend the course every five years thereafter.
2. The County requires emergency-response personnel who drive a county vehicle to complete a defensive driving course every year and EVO training every three (3) years.
3. The following employees are required to complete the defensive driving course as set forth in this section:
 - (a) Employees convicted of the following offenses:
 - (i) Driving under the Influence or alcohol related recklessness in the last twelve (12) months.
 - (ii) Two or more moving violations during the last twelve (12) months.
 - (iii) Ambulance drivers who have not had the listed courses or EVO training the last twelve (12) months.

J. Cellular Telephone Usage in County Vehicles: Use caution if you must make a phone call while driving a county vehicle or while driving on county business. If feasible, the vehicle should be stopped in a safe location during any phone call. This policy does not apply to first-responder employees responding to an emergency when the phone call concerns the emergency.

K. Safety Belt Usage:

1. All county owned or leased vehicles and motorized equipment designated to permit or require the installation of safety restraints shall be so equipped.
2. Safety belts and/or safety harnesses shall be properly fastened at all times when the vehicle is in motion. All occupants of vehicles owned by Sevier County shall fasten their safety belts and/or safety harnesses upon entering their vehicles and shall keep them fastened as long as the vehicle is in motion.
3. Likewise, drivers and occupants of privately-owned vehicles being operated while on county business shall abide by the above-stated policy.
4. The driver shall be responsible for the safety restraint of themselves and all passengers.
5. If a county employee is observed by his/her supervisor and/or other county employees to be not wearing his/her seat belt while operating a county vehicle or his/her private vehicle while doing county business, the employee may be subject to disciplinary action.

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SECTION 19 - DISCIPLINARY & APPEAL PROCEDURES

- A. Policy: This policy applies to all County employees and shall be followed if any County or departmental policy and/or procedure is violated. Elected officials and department managers shall consult with the Human Resource Director and/or County Attorney prior to commencing a disciplinary investigation and prior to imposing formal disciplinary action as defined herein.
- B. Investigation: When disciplinary action seems warranted, the elected official or department manager shall conduct an investigation into the alleged misconduct. In conducting the investigation, a career service employee shall be given the opportunity to respond to the findings. On a case-by-case basis, the elected official or department manager may choose to place the employee on paid administrative leave, pending the investigation.
1. Administrative leave or job transfers shall not be considered as disciplinary measures, unless documented otherwise.
 2. The period of administrative leave shall not be longer than is reasonably necessary to complete an investigation into the alleged misconduct.
 3. An employees' supervisor may impose immediate administrative leave if the conduct of the employee endangers the peace and safety of others or poses a threat to the public interest.
- C. Determination of Discipline:
1. After the investigation is complete, the elected official or department manager, in consultation with the Human Resource Director and/or County Attorney will determine the type of disciplinary action to be imposed. In making the determination, The elected official or department manager may consider relevant circumstances such as: the repeated nature of violations, prior discipline, the severity of the violation, the employee's work record, the effect on County operations, and the potential of the violation to harm individuals or property.
 2. In most cases, an employee will be given an opportunity to correct the behavior for which employee is being disciplined. If an employee's conduct is severe, pervasive or blatant, elected officials or department managers may bypass any step of the disciplinary process if they feel that the behavior warrants such.
- D. Pre-Disciplinary Hearing:
1. When a demotion or termination action is anticipated, the elected official or department manager shall allow the employee to address the allegations and potential disciplinary action in a pre-disciplinary hearing. The employee will present his/her case personally. This hearing shall be recorded by the elected official or department manager and/or Human Resource Director. Witnesses may be called and heard and/or witness statements may be presented by the parties in writing or orally. Employees shall have the right at their own expense to receive assistance from a representative of their choice. Such representatives may act as the employee's advocate at any level of the complaint procedure and may be present at the hearing but will not be allowed to speak for the employee.
 2. The employee shall be given reasonable notice of the hearing and be allowed to prepare a response and bring evidence to the hearing. On a case-by-case basis, the employee's response given the investigation process as defined above may be accepted as the pre-disciplinary hearing.

E. Progressive Discipline: The usual sequence of discipline shall be verbal warning, written warning, suspension, and termination. A Sevier County Employee Counseling form shall be completed prior to any discipline. A disciplinary evaluation period with interim performance evaluations may be a part of the progressive discipline process. Deviations from the usual sequence of discipline may be justified depending on the severity and circumstances of the action(s) to be disciplined.

1. Verbal Warning: Whenever grounds for disciplinary action exist, and the supervisor determines that more severe action is not required, the supervisor should verbally communicate to the employee the observed deficiency. A verbal reprimand shall be conducted in a confidential meeting between the employee, supervisor, and a second supervisor or Human Resource Director, upon request. Written documentation by the supervisor of the reprimand shall be signed by the employee and will be kept for future reference. The Employee Counseling Form shall be used for this purpose. A copy of this record shall be given to the employee to ensure it is clear that a verbal warning has been given. The record of a verbal warning is sent to the Human Resource Department for retention in the employee's official personnel file.
2. Written Reprimand: The supervisor shall follow the same procedure as in a verbal reprimand, but must have a witness at the confidential meeting. This step is generally used if the employee has not corrected the inappropriate action(s) through a documented verbal reprimand or if a higher level of discipline is necessary on the first offense.
3. Disciplinary Consequences: (Any or all of the following may apply depending on the severity of the conduct.)
 - (a) Demotion: A reduction of employees' current base pay, job responsibilities, title and/or additional benefits or assignments.
 - (b) Suspension: A length of time, for up to thirty (30) days, with or without pay, where an employee is not allowed to perform work-related activities. Payment of wages and length of suspension shall be determined on a case-by-case basis. An employee suspended without pay for disciplinary reasons will not continue to accrue leave during the suspension. The employee shall continue to receive health, disability, and life insurance benefits and may continue to participate in programs that involve payroll deductions as long as he/she continues to pay his/her portion of the premiums. The employee may use accrued leave to cover the deductions; however, accrued leave may not be used to cover lost payment of wages.
 - (c) Probation: A timeframe during which an employee is expected to make enough progress that the grounds for discipline no longer exist. Employment is not guaranteed during or after probation. Immediate and continuous improvement is expected. Unimproved performance, unacceptable behavior, and other setbacks may lead to termination before an employee's probation is completed. Being put on probation as a form of discipline is different than probationary employment for new hires (which is part of the selection process) or trial periods for career service employees who are transferred or promoted to a position of significantly different duties and responsibilities. Probation may last from thirty (30) days up to one (1) year.
 - (d) Termination of Employment: If an employee's improper conduct is repetitive, severe, or appears irreparable, the employee shall lose all rights to perform work on behalf of Sevier County.

F. Documentation: Any documentation in association with the investigation and/or disciplinary action shall be retained in the Human Resource Department.

G. Appeals: The Career Service Council shall conduct appeals pursuant to Utah Code 17-33-1. The Council hears appeals not resolved at lower levels in the cases of career service employees suspended, transferred, demoted, dismissed or alleging unlawful discrimination. The appeal procedures is set forth below:

1. Employees of County Departments (Non-Elected):

(a) An employee who has been disciplined may appeal the decision by delivering a copy of the notice of disciplinary action to the Human Resource Director within ten (10) days of receipt of the notice of discipline.

(b) Upon receipt of an appeal, the Human Resource Director shall notify the County Administrator and schedule a hearing within 15 days before the Board of County Commission. A copy of the disciplinary action notice and the employee's personnel file shall be provided to each Commissioner and the employee prior to the hearing. The employee, supervisor/department manager, Human Resource Director, and County Administrator may attend the hearing. The Commission shall issue a decision within five (5) days of the hearing.

(c) An employee may appeal the decision of the County Commission by filing a written request for a Career Service Council hearing with the Human Resource Director within five (5) working days of the date of the County Commission decision.

(d) Career Service Council Hearing:

(i) Hearing Request: The hearing request filed with the Human Resource Department must state the reason for appeal, the specific allegations and the specific outcome the employee seeks. Human Resources will forward the request to the Career Service Council and to the relevant County representative.

(ii) Optional County Response to Hearing Request: At the County's option, it may file a response to the request with Human Resources. Human Resources will forward the response to the Career Service Council and to the person who filed the request.

(iii) Review and Scheduling: Within ten (10) working days after receiving the request, the Council will notify the parties of a time and place for the hearing. The hearing should be scheduled no later than thirty (30) working days after the Council receives the request. These time limits may be modified by the Council Chair upon agreement of the parties or for good cause shown.

(iv) The Hearing: The purpose of the hearing is to determine whether the County's order for suspension, transfer, demotion, or dismissal should be affirmed, modified, vacated, or set aside, or in the case of a claim of discrimination, to determine whether discrimination occurred.

(v) Who May Attend: Career Service Council hearings may be attended by Career Service Council staff, the employee and the employee's appropriate representatives, the County Commissioners, County Administrator, Human Resources, by the relevant department manager and supervisors, and by County

legal counsel. Career Service Council hearings are not open to the public unless otherwise required by law.

- (vi) Record: A verbatim record of the hearing before the Council must be kept and the Council's decision entered into the record. The record may be kept through electronic recording.
 - (vii) Presentation of the Case: The party requesting the hearing ("appellant") has the burden of going forward and the burden of proof.
 - (viii) Decision: Within twenty (20) working days after the hearing, the Council will issue and send to the parties its written decision including finding of facts and conclusions of law.
- (e) Appeal from Council Decision: An appeal to the district court must be filed within thirty (30) days of the Council's decision.

2. Employees of Elected Officials:

- (a) An employee who has been disciplined by an elected county official may appeal the decision by delivering a copy of the notice of disciplinary action and a written request for a Career Service Council hearing to the Human Resource Director within ten (10) days of receipt of the notice of discipline.
- (b) Career Service Council Hearing:
 - (i) Hearing Request: The hearing request filed with the Human Resource Department must state the reason for appeal, the specific allegations and the specific outcome the employee seeks. Human Resources will forward the request to the Career Service Council and to the relevant County representative.
 - (ii) Optional County Response to Hearing Request: At the County's option, it may file a response to the request with Human Resources. Human Resources will forward the response to the Career Service Council and to the person who filed the request.
 - (iii) Review and Scheduling: Within ten (10) working days after receiving the request, the Council will notify the parties of a time and place for the hearing. The hearing should be scheduled no later than thirty (30) working days after the Council receives the request. These time limits may be modified by the Council Chair upon agreement of the parties or for good cause shown.
 - (iv) The Hearing: The purpose of the hearing is to determine whether the County's order for suspension, transfer, demotion, or dismissal should be affirmed, modified, vacated, or set aside, or in the case of a claim of discrimination, to determine whether discrimination occurred.
 - (v) Who May Attend: Career Service Council hearings may be attended by Career Service Council staff, the employee and the employee's appropriate representatives, the County Commissioners, County Administrator, Human Resources, by the relevant department manager and supervisors, and by County legal counsel. Career Service Council hearings are not open to the public unless otherwise required by law.

- (vi) Record: A verbatim record of the hearing before the Council must be kept and the Council's decision entered into the record. The record may be kept through electronic recording.
 - (vii) Presentation of the Case: The party requesting the hearing ("appellant") has the burden of going forward and the burden of proof.
 - (viii) Decision: Within twenty (20) working days after the hearing, the Council will issue and send to the parties its written decision including finding of facts and conclusions of law.
- (c) Appeal from Council Decision: An appeal to the district court must be filed within thirty (30) days of the Council's decision.

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SECTION 20 - WORKPLACE GRIEVANCE PROCEDURE

A. Grievance Steps:

1. An employee with a grievance or request shall first go to his/her immediate supervisor with a written statement describing the conditions or circumstances and the resolution desired. If a resolution cannot be agreed to within ten (10) days, or if there is no action taken by the supervisor within ten (10) days, the employee shall provide the Human Resource Director or the next level supervisor with a copy of the grievance for further processing. If the Human Resource Director is the immediate supervisor, skip two.
2. Whenever a grievance is directed to the attention of the Human Resource Director, the Human Resource Director and County Executive shall, within five (5) working days, discuss all relevant circumstances with the employee and the immediate supervisor and resolve the grievance to the extent the Human Resource Director and the County Administrator deems advisable and possesses authority. This decision of the Human Resource Director and County Administrator must be delivered within ten (10) working days.
3. If the employee is unsatisfied with the decision of the Human Resource Director and County Administrator, the employee shall deliver the written decision of the Human Resource Director and County Administrator, along with a written statement from the employee, to the Board of County Commissioners or elected official; who shall hear testimony from Human Resource Director, County Administrator, employee and/or employee representative within twenty (20) working days from receipt of notice of grievance. The Board of County Commissioners or elected official shall render a written decision within ten (10) working days from the date of the hearing, which shall be final and binding as far as Sevier County is concerned.

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SECTION 21 - OCCUPATIONAL SAFETY AND HEALTH

A. General Workplace Safety:

1. It is Sevier County's policy to provide a safe work environment for all of our employees, clients, and visitors. We comply with all applicable occupational safety, health, and environmental regulations.
2. All employees are required to follow safe work practices and participate in efforts to improve workplace safety. Report any safety problems or violations immediately to your immediate supervisor or a member of management.
3. All employees are required to comply with all applicable rules and regulations pertaining to the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C and the Utah Occupational Safety and Health Act, Utah Code Annotated Section 34A-6-101, as amended. Information relative to such Acts can be obtained from the Industrial Commission of Utah.
4. County supervisors are required to ensure that all employees under their supervision are trained and comply with all health and safety requirements.

B. Accident Reporting/Risk Management Review:

1. Risk Management Committee Membership:

- (a) This risk management Committee shall be comprised of a representative of the following county departments or their appointed designee:

- (i) County Road Department
- (ii) County Sheriff
- (iii) County Clerk/Auditor
- (iv) Human Resources
- (v) County Attorney's Office
- (vi) County Risk Manager
- (vii) County Insurance Coordinator

2. Functions and Authority of Risk Management Committee:

- (a) There is hereby established a Risk Management Committee, hereinafter "Committee", to review policies and procedures and programs relating to risk management for county employees and county clients.
- (b) The Committee shall meet at least quarterly, and may be called at any time that business warrants. It shall be chaired by the Risk Manager and minutes shall be kept.
- (c) The Committee shall discuss, evaluate and recommend action to protect the county, its employees, and its citizens while on county property.

3. Establishment of Accident Review Board: There is hereby established an Accident Review Board for Sevier County. The Accident Review Board shall consist of county Insurance Coordinator, one member of the County Attorney's Office, one member of the Sheriff's Office, one representative from the Human Resources Department, one representative from the County Road Department, the County Risk Manager, and any other representatives as the County Commission shall choose to appoint. The Accident Review Board shall review all accidents involving county employees, including but not limited to vehicular accidents, and shall forward its conclusions and recommendations to the Board of Commissioners of Sevier

County and to the department manager of the employee involved in said accident and a copy shall be filed in the employee personnel file in the Human Resource Office.

4. Report and Investigation of Accident:

(a) Any accident involving county employees or county property shall be reported immediately to the employee's supervisor and the Insurance Coordinator/Clerk Auditor and shall be investigated by the Sevier County Sheriff's Department. In the event of any conflict, outside police agencies may be used. The assigned deputy shall provide a written report to the board.

(b) All accidents shall also be investigated by the supervisor of the employee involved in the accident and the employee involved shall submit a signed, detailed report to his or her supervisor on forms to be supplied by the County. The supervisor shall retain a copy of the report for the department files, shall forward the original report to the Insurance Coordinator, and a copy to the County Risk Manager. The County Risk Manager will submit the accident for consideration by the Accident Review board. Each accident involving a county vehicle shall be reported to the local police, sheriff or highway patrol in accordance with Utah Law.

5. Evaluation by the Board: The Accident Review Board shall evaluate the accident and shall consider any relevant information which may include any of the following information:

(a) Written evidence presented by the employee, the supervisor and any police reports of the accident investigation;

(b) If involving vehicles, maintenance records of the vehicle or the other information available concerning the vehicle both before and after the accident, including estimates of the cost of repair;

(c) Laboratory tests;

(d) Employee's record, including driving record;

(e) Diagrams, photographs, and other evidence;

(f) Testimony of witnesses present.

6. Determination by the Board:

(a) The Accident Review Board shall determine, as far as possible, the cause of the accident and whether the accident was preventable. A preventable accident is defined as an accident in which an individual failed to act reasonably to prevent the accident.

(b) All accidents involving County employees during the scope of employment and all accidents involving County vehicles shall be reviewed by the Committee. Accidents involving the general public while on county property or in county vehicles shall also be reviewed by the Committee for the purpose of determining whether the accident was preventable or non-preventable.

(c) If the Committee determines that the accident was preventable, the Committee shall recommend appropriate disciplinary and corrective action to avoid the future reoccurrence of similar accidents.

(d) If an action is determined as non-preventable the Committee may recommend corrective action to avoid similar occurrences in the future.

- (e) Corrective action recommendations from the Committee may be in the form of facility modification, equipment modification, modification to operating procedures, program modifications or changes, reassignment of personnel to other tasks or any other corrective actions deemed appropriate by the Committee based on individual circumstances.
- 7. Written Report by the Board: The Accident Review Board shall prepare and submit a written report of their findings and recommendations to the department manager of the employee involved in the accident to implement corrective action, if indicated. The report shall also be delivered to the County Commission, and to the Human Resources Department to be placed in the employee's personnel file. A copy of the report shall be given to the employee.
- 8. Department Manager Responsibility: In the event that the Accident Review Board's findings and recommendations include corrective measures to be taken by the department manager, the department manager shall implement those corrective measures as soon as practical, and shall, within ten (10) business days of receipt of the Accident Review Board's findings and recommendations, report the corrective measures taken, in writing to the Sevier County Commission.
- 9. Disciplinary Action: If the accident involved the violation of established policies associated with preventing injuries and incurring liability, corrective disciplinary action shall be taken as soon as practical the department manager.
- 10. Appeals: In the event the employee disagrees with the findings of the Accident Review Board or with the action taken by his or her department manager, the employee may file an appeal to the Sevier County Commission. In order for the appeal to be considered, the appeal must be in writing and must be filed with the Sevier County Commission within thirty (30) days of the date on which the employee is provided with a copy of the report from the Accident Review Board.

C. Managing Claims And Lawsuits Involving Sevier County:

- 1. Claims And Litigation Management:
 - (a) Any county employee who is served delivered, or receives a legal claim or other notification of litigation or legal action, shall immediately provide copies of such to the Sevier County Attorney, County Insurance Coordinator, and his or her department manager. This delivery may be accomplished by mail, hand delivery, fax or electronically, but the documents should be received within twenty-four (24) hours.
 - (b) The employee shall attempt to make immediate verbal notification with the County Attorney and County Insurance Coordinator, his/her department manager, and the Human Resource Director in litigation involving personnel matters, if any of the following occurrences are involved:
 - (i) Any accidents involving death, hospitalization or personal injury.
 - (ii) Vehicle pursuits which result in the death, injury of any person, or destruction of third party property.
 - (iii) Shootings involving deputies.
 - (iv) Involuntary employee termination.
 - (v) Sexual harassment allegation which reasonably might result in litigation.

- (vi) Planning and Zoning issues where the parties threaten litigation or that are likely to result in claims or lawsuits.
- (c) Any county employee, who is involved with any type of reportable incident or accident, shall submit to a standard drug test upon request. Employees shall contact either their department manager or the Human Resource Director as soon after such an incident or accident to determine where the test will be performed. A reportable incident or accident is one that is in excess of \$1,500.00 of damage or in which any injury has occurred.
- (d) Any county employee, who is involved with any type of reportable incident or accident, shall provide to their department manager and to the County Insurance Coordinator, the following documents within five (5) days of the incident or accident:
 - (i) A completed accident report;
 - (ii) Copies of all police reports;
 - (iii) Pictures of all vehicles involved;
 - (iv) All other relevant documents.
- (e) The County Insurance Coordinator shall within two days of the incident, accident, or any notice of claim or litigation, forward all appropriate and required documentation to the County's insurer. Notification shall be within one business day of serious occurrences likely to give rise to significant liability, which occurrences are listed (1-6) above.

D. Non-Smoking Policy:

1. Smoking is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices. Sevier County restricts the use of tobacco products within 25 feet of any entrance-way, exit, open window, or air intake.
2. Sevier County and all employees shall comply with all provisions of both the statute and the rules of the Utah Indoor Clean Air Act.

E. Work-Related Injuries and Illnesses:

1. If you are injured at work or become ill due to a work situation, report the incident immediately to your supervisor, but no later than the end of the employee's regular shift. It is critical that the Insurance Coordinator/Clerk Auditor and Human Resources is also contacted immediately so that legal requirements can be met and so that a First Report of Injury form can be completed. This policy applies to any injury or accident, however minor. If it is a lost-time injury, you may be eligible for partial pay and medical benefits according to our workers compensation insurance program.
2. When returning to work following recovery from a lost-time injury or illness, you may be required to provide a doctor's release indicating your ability to resume work duties. Where appropriate, you may be asked to return to work in a light duty status or return on less than a full-time basis.

F. Return to Work:

1. Employees recovering from a work-related injury or illness who are unable to return to work and fully perform the essential functions of their jobs, with or without reasonable accommodation, may still be able to undertake an alternative, temporary, transitional position with the county until recovery is complete.
2. While the goal of this program is to return all employees to gainful employment as quickly as possible, the workload needs of the county must be considered. As a result, temporary transitional duty work may not always be available to all employees. A transitional duty position may entail doing some of the duties of the injured employee's normal job, or it may involve undertaking a special project or projects previously left unaccomplished by the department. Transitional duty work may also be found outside the employee's own department. At the time of the work-related illness or injury, the Human Resource Director shall contact elected officials or department managers for assistance to determine whether an appropriate transitional duty position is possible.
3. An employee able to perform transitional duty or limited work assignments will work in a temporary transitional duty position until either he or she has the necessary capacity to perform his or her normal position or until the transitional job is terminated. A transitional duty or limited work assignment is not intended to last indefinitely and is designed to facilitate a return to full employment. Limited work assignments last only for a reasonable time at the County's discretion. Employees who are not making improvement toward returning to full employment are not eligible for limited work assignments.
4. After a reported illness or injury, the Director of Human Resources will contact the employee to determine when the employee may be available to return to work, to either full duty in the normal position, or to a new temporary transitional duty position. If the employee is unable to resume the full set of duties, elected officials or department managers will first attempt to provide the employee a temporary transitional duty position based on the employee's job skills and capacities at the time of return to work.
5. With appropriate medical documentation indicating an employee is able to perform all temporary transitional duty tasks, a Personnel Action form will be signed by the employee, elected official or department head, and Human Resource Director, defining the transitional duties and the duration of the agreement based on the operational needs of the institution. The employee needs to communicate to both the supervisor and the Human Resource Director any changes in medical condition, concerns about transitional duty tasks, and other concerns related to the workplace injury or the transitional duty work.

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SECTION 22 - PURCHASING PROCEDURES

A. Purchasing Specifications:

1. The purpose of this policy is to establish standards and guidelines for the acquisition of supplies, material, equipment, and services for Sevier County and its departments.
2. This policy is an effort to provide increased economy in procurement and to ensure equitable treatment for all persons who deal with or wish to deal with the County in the procurement process.
3. County Officials and employees shall attempt to make purchases in Sevier County, when possible, at the lowest available prices. If prices for an item or service are comparable at different sources, attempts should be made to alternate from the various suppliers to avoid the appearance of favoritism.
4. There shall be no cost-plus bids or contracts entered into by Sevier County employees or it's agents and/or assigns; UCA, 63-56-29, as amended.
5. Any person who commits or expends County funds for purchases that do not comply with the provisions of this policy may be held personally responsible for the payment of the unauthorized procurement.

B. Office of the Purchasing Agent: The County Commission may designate a purchasing authority who will act as a purchasing agent for the County.

C. Approval of Purchases:

1. Purchases of less than \$1000: Department managers or elected officials may authorize the purchase of supplies, equipment, materials, or services for their department for amounts of less than \$1,000, provided said procurement is within the budget of said department without seeking competitive quotes.
2. Purchases of \$1,000 to \$4,999: Prior authorization shall be required by the responsible department manager or elected official, and a purchase order shall be completed and submitted to the County Auditor or purchasing agent prior to the purchase.
3. Purchases of \$5,000 to \$10,000: Prior authorization shall be required by the responsible department manager or elected official, by completing a purchase order, attaching competitive bids as outlined in the competitive bid section of this policy, and submitting it to the County Auditor or purchasing agent prior to the purchase.
4. Purchases through Utah State Cooperative Contract: Sevier County should take advantage of the purchasing power of the State by purchasing goods or services under Utah State purchasing contracts. In addition to reduced prices, Sevier County can save time by not having to price shop for items covered by State contracts. If the same item is available at local vendors at a comparable price, County Officials and employees shall attempt to make purchases in Sevier County.

D. Competitive Bid Requirements:

1. Purchasing not requiring a sealed bid:

- (a) When a purchase is made which is expected to be \$5,000 or more, but less than \$10,000, the department manager or elected official shall, under the direction of the Auditor or purchasing authority, obtain three (3) bids or proposals for the item or service to be purchased, from separate sources, which bids need not be in writing. Said bids or proposals shall be recorded by the department manager or purchasing authority and kept as an official record of the County. Said official record shall include the name of the person or firm the bid or proposal was obtained from, the date of the bid, the name of the person who gave the bid, the item or service bid on, and the bid amount.
- (b) When a purchase is made which is expected to be \$10,000 or more, the department manager or elected official shall prepare written specifications for said procurement and have said specifications approved by the Board of County Commissioners prior to obtaining bids or proposals. The Commission may also designate the manner in which bids shall be obtained and awarded. When the County Commission does not require public advertisement for sealed bids, the department manager or elected official shall, under the direction of the Auditor or purchasing authority, obtain at least three written bids or proposals from separate sources. The person or firm who submits the lowest bid or proposal that meets the approved specifications shall be awarded the bid, unless the Sevier County Commission authorizes the acceptance of another bid or proposal that it determines to be in the best interest of the County. The County Commission may waive the foregoing bid procedures if it determines that there is only one source that can meet the procurement requirements or if the service to be acquired is considered to be professional or technical services. A summary of the bids or proposals received shall be submitted with each purchase order.

2. Purchasing requiring sealed bids: Any procurement (to include construction projects) which the County Commission has required a sealed bid and legal notice in a local newspaper of general circulation.

- (a) An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchasing description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for bids shall be given at least twenty-one (21) days prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation.
- (b) Bids shall be opened publicly by the Purchasing Agent in the presence of at least one witness at the time and place designated in bid invitation. The amount of each bid and any other relevant information, and the name of each bidder shall be recorded. The record and each bid shall be open in public inspection.
- (c) Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids.
- (d) Correction or withdrawal or inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening no changes in bid prices or other provision of bids prejudicial to the interest of the County or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the purchasing agent.

- (e) Sevier County may cancel or reject any or all bids or proposals, in whole or in part, when it is in the best interest of Sevier County.
3. Additional Purchasing Requirements: This policy does not specify the additional requirements of Utah State Law for County purchases of stationery (17-15-6 et. seq. U.C.A.); construction of buildings or bridges where the expenditure exceeds \$25,000 (17-15-3 U.C.A.); construction of roads exceeding \$125,000 in labor and materials (27-12-108.1 and 27-12-108.2); or other bidding requirements as from time to time may be required by Utah Law. The County Commission should be consulted prior to proceeding with procurement of these specified items or other large procurements.
 4. Sole Source Purchasing: The County Commission will not generally permit a sole source procurement of a particular proprietary item if there is more than one potential bidder or offer or for that item or service.
 5. **Purchases shall not be artificially divided so as to avoid the bid requirements of this Section.**

E. Emergency Purchases:

1. An emergency condition is defined as a situation which creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reasons as may be determined by a department manager or elected official and one County Commissioner. The existence of such a condition must create an immediate and serious need for supplies, services or construction that cannot be met through normal procurement methods. From time to time an addendum or adjustment to an existing project may require an emergency purchase to complete the project.
2. A department manager or elected official and one County Commissioner may authorize emergency procurements for those supplies, services, or construction items necessary to meet an emergency without complying with the foregoing provisions provided that said expenditures are not beyond the budget for the department that the emergency procurements are to be paid from. After an emergency procurement is made, the department manager and authorizing County Commissioner will submit a written statement to the Auditor and County Commission indicating the basis of the emergency procurement and such other details necessary to process the procurement.

F. Vehicle Purchases:

1. The department manager or elected official shall submit specifications for all vehicles to be purchased throughout the year to the County Commission at the beginning of the budget year. Vehicle specifications that have not been approved at the beginning of the year must be approved before any purchase is made.
2. Any department manager or elected official desiring to purchase a vehicle must obtain a purchase order from the County Auditor. The department manager or elected official shall not obtain any bids until a purchase order has been received from the Auditor.
3. Upon receiving a purchase order for the purchase of a vehicle, the department manager or elected official shall obtain at least three bids, including at least one from car dealers within Sevier County. The department manager or elected official shall then return the purchase order and the lowest or most responsible bid to the County Auditor or purchasing agent, prior to the purchase.

4. The department manager or elected official shall present the bids to the County Commission who may then authorize the purchase from the dealer submitting the lowest or most responsible bid.

G. Exemptions from this policy:

1. This policy shall not prevent the County from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
2. When procurement involves the expenditure of federal assistance funds, the County shall comply with applicable federal laws and regulations.
3. All other exemptions listed in Utah Code 63G-6-105, as amended.

H. Appeals: All appeals shall be handled as provided in UCA, 63-56-58 through 64, as amended.

I. Ethics in Public Contracting:

1. No person involved in making procurement decisions may have personal investments in any business entity that will create a substantial conflict between their private interests and their public duties.
2. Any person involved in making procurement decisions shall not ask, receive, or offer to receive any gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use of benefit of any other person or organization interested in selling to the County.

J. Records: All procurement records shall be retained and disposed of in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

SECTION 23 - RECORDS MANAGEMENT & RETENTION

A. Policy:

1. This policy establishes guidelines and standards setting forth the requirements and responsibility for the storage and destruction of county records centrally stored in paper, optical, magnetic, or other forms of media or electronically stored information.
2. All County departments and personnel shall adhere to this policy when storing or requesting the destruction of records.
3. County records should be disposed of after they have met the required retention period, fulfilled their use and have no further legal, historical, fiscal or research value to the County.
4. County records from time to time may have a notice issued, known as "legal hold," suspending the destruction of records due to pending, threatened, or otherwise reasonably foreseeable litigation, claim, audits, negotiation, government investigations, open records request, administrative review, or similar proceedings initiated before the expiration of a retention period. No records specified in any legal hold may be destroyed, even if the scheduled destruction date has passed, until the completion of the action and all issues that arise from it.

B. Definitions:

1. "County Record": Any written, photographic, machine-readable, or other recorded information created or received by or on behalf of the County, a County Department, Elected Official or employee that documents activities in the conduct of County business or use of public resources. The term does not include:
 - (a) Library or museum material made or acquired and maintained solely for reference or exhibition purpose;
 - (i) An extra copy of recorded information maintained only for reference;
 - (ii) A stock of publications or blank forms, and;
 - (iii) Personal, temporary or transitory e-mails.
2. "Duplicate Records/Convenience Copies/Working copies": Records where the original documents exist in another area or are in the possession of another department.
3. "Electronic Mail Record": An electronic document, meeting the definition of a County record, sent or received in the form of a message on an electronic mail system of the County, including any attachments transmitted with the message.
4. "Record Copy": The County record or document that is kept on file as an original or official record for the total retention period.
 - (a) This is not to be confused with "working" or "convenience" copy, which is a duplicate used for reference purposes.
 - (b) A record is simply recorded information that has been created or received by the county and has been used by the county as evidence of its activities or because of the information contained.
5. "Records Custodian": A designated employee in the Justice Court, County Attorney, Sheriff, County Road and Human Resource offices, that maintain the records for their respective

office, and have been appointed as such by the Records Manager. The records custodians may respond to GRAMA requests pertaining to each of their own office records once certified to do so.

6. "Record of Historical Value": Includes important historical documents and other materials that provide Evidence of agency functions or contain information of enduring value of the County and its citizens.
7. "Records Retention Schedule": A timetable that identifies the length of time records must be retained in active an inactive status before final disposition.
8. "Record Series": A group of records coordinated with the Division of State Archives that may be treated as a unit for purposes of designation, description, management, or disposition.
9. "Vital Record": Those records that are essential to resume business or continue the County's operations; the records necessary to recreate the County's financial or legal position, or to preserve the rights of the County, employees or citizens.

C. Procedures:

1. Records Retention Schedule:

- (a) The retention schedule for Sevier County shall be the current version of the Utah Records Retention Schedule prepared by the Utah Department of Administrative Services, Utah State Archives and Records Service. The retention schedule lists the required minimum length of time that listed records series must be retained before destruction or archival preservation.
- (b) Each department may establish a longer retention schedule for each record series that it maintains as long as it meets the minimum requirement of the State. Each department will post any deviation to the State requirements in their office or official website page.

2. Records Manager Identification and Responsibilities:

- (a) The County Clerk shall be deemed the County Records manager and shall have the following responsibilities:
 - (i) Serving as liaison to County departments and the records custodians, the Records Retention staff and the Office of the Utah State Archives, in matters involving records retention;
 - (ii) Annually review the Retention Schedule with input from departments to request changes, additions, deletions to be made by the Records Manager.
 - (iii) Report to the state archives the designation and classification of each record series that it maintains.
 - (iv) Ensure that records custodians receive training to receive and process records requests.

3. Classification of Records: A record is presumed public unless otherwise expressly provided by statute. Records may be classified as public, private, controlled, protected and exempt. At the time a GRAMA request is filed, the records custodian and records manager shall classify the records requested.

D. Records Guidelines:

1. Human Resource Records Retention Periods: The information listed in the retention schedule below is intended as a guideline and may not contain all the records the Human Resource Office may be required to keep in the future.

File Category	Item	Retention Period
Tax	W-2's	Permanent
	IRS Form 990s	7 years
Personnel	Employee personnel files	Permanent
	Retirement plan benefits (Plan descriptions, plan documents)	Permanent
	Employee handbooks	Permanent
	Workers comp claims (after settlement)	7 years
	Employment applications-non-hired Employment application – hired	3 years 2 years after separation
	Family and Medical Leave Act (FMLA)	3 years from the date the leave ended
	Form I-9 (Store separate from personnel file)	Greater of: 3 years, or 1 year after end of service
	Withholding tax statements	7 years
	Timecards Beginning and Ending Timecards	3 years Permanent
	Leave Data Files	4 years
	Disciplinary Actions	6 years after separation

2. Electronic Records:

- (a) Although departments are encouraged to use available electronic technologies to increase efficiency and improve the methods to process, handle, retrieve, transmit and retain records and information, electronic records must be retained and disposed of in accordance with the approved Record Retention Schedule. All official correspondence and business records are subject to the record retention policy whether in electronic or other format.
- (b) The time table for the retention of records is based on the content of the records and not the medium used for the storage of information, therefore, records stored electronically, on the network, hard disk of a computer, magnetic tape, or in other electronic format shall be maintained in accordance with the official records retention schedule.
- (c) All changes of this nature must be reflected in the Records Retention Schedule.
- (d) The original hardcopy source documents that were converted into electronic documents can be destroyed after a minimum of three months has passed since the conversion and the department is confident that the conversion has been completely successful. In the interim, hardcopy source documents should be held at the department.

3. Information Technology Responsibilities:

The Department of Information Technology is responsible for providing training for users of electronic records systems, developing a security program for electronic records that is in compliance with industry standards, and for all other compliance with applicable directives of the Records Management Officer.

E. Electronic Mail (E-Mail):

1. Retention Guidelines:

(a) E-mail messages sent and received by public officials fall within three broad categories:

- (i) Transitory messages, including copies posted to several persons and casual and routine communications similar to telephone conversations.
- (ii) Public records with a less than Permanent retention period; and,
- (iii) Public records with a Permanent or Permanent /Archival period.

(b) Retention guidelines for each of these categories are as follows:

- (i) Transitory messages – No retention requirement. Public officials and employees receiving such communications may delete them immediately without obtaining the approval of the Records Manager.
- (ii) Less than Permanent – Follow retention period for equivalent hard copy records as specified in an approved retention schedule.
 - a. The record must be in hard copy or electronic format which can be retrieved and interpreted for the legal retention period.
 - b. When there is a doubt about the irretrievability of an electronic record over the life span of that record, the record should be printed out.

2. Legal Considerations Disclosure of E-mail:

- (a) Public officials and employees should keep in mind that E-mail messages sent as part of their workdays is not “private” but are discoverable communications.
- (b) Since messages may be retained at different locations or levels of the system, users must remember that their communication can be retrieved during formal discovery processes.
- (c) Discretion, therefore, is an important consideration when using this or any other new technology to send, record and /or retain communications.

F. Erasure Of Magnetic Media:

- 1. When information that is stored on magnetic, audio or video tape or on other magnetic media has fulfilled the retention period, the information can be erased.
- 2. The procedure and schedule for erasure is also provided on the retention schedule. By erasing the information, or recording over it, the media is free for reuse.
- 3. Erasure of electronic media is considered destruction.

4. Electronic storage media previously used for an electronic record confidential information shall not be reused if the previously recorded.

G. Vital Records:

1. Certain records that are classified as “vital” in the Records Retention Schedule may require duplication.
 - (a) Vital records, as defined above, are those that are either considered essential to conducting County operations or necessary to recreate a financial or legal position to preserve the rights of the County, its employees or citizens.
 - (b) Vital records will, however, normally be destroyed after the records have met the required minimum retention period, unless the department has requested a longer retention.
 - (i) Vital records will not be duplicated unless the originating department has determined that duplication is necessary.
 - (ii) If duplication is requested, the originating department will prepare the records for duplication.

H. Procedure for Preservation and Maintenance of Electronically Stored Information (“ESI”):

1. The county Attorney, or county legal counsel, receives notification of imminent or pending litigation that requires County to preserve ESI.
2. The County Attorney, or county legal counsel, shall notify the head of Information Technology (IT) and will consult with the head of IT, or his designee, to identify employees and officers who should also be notified.
3. The County Attorney, or county legal counsel, will send a preservation notice to all relevant County parties notifying them of their legal obligation to preserve and not delete, destroy, alter or modify ESI pertinent to the case. Upon receipt of the preservation notice, the county employee or officer will immediately review and retain all files then held by or maintained by the County, including, but not limited to ESI. Preservation notices should be considered confidential and should be shared on a “need to know” basis only.
4. Upon receipt of a preservation notice, IT will take a snapshot of pertinent information stored on computer/server/mainframe systems over which they have administrative responsibility. This snapshot will be labeled and preserved until notice is given by the County Attorney that they are no longer needed.
5. Each County employee’s responsibility for preservation and maintenance of records includes not only individual printed work files, but electronic information computer work station (as examples, desktop and laptop computers), peripheral devices, PDA’s Blackberry, External Hard Drive, and other electronic media storage devices (e.g., CD ROMS). Information may be located in department files, individual files of officers and employees and electronic files regarding matters relevant to claims or defenses in the particular lawsuit.
 - (a) The following are examples of the type of material or ESI that may potentially be relevant to a lawsuit:
 - (i) E-mails, memoranda, reports, reviews, correspondence, assessments, opinions, word, processing files, spreadsheets, power point presentations, calendars, contact information, databases, evaluations, peer reviews, payroll records, and other documents or information generated, received, or reviewed in connection with claims or defenses in the lawsuit.

- (ii) Items used outside of the office (laptops, personal home computers, and materials in any home or secondary office) must be reviewed by the material pertaining to the County which may have been placed on those CAUTION: Employees must keep in mind that the placement of County-related data into a privately-owned piece of equipment (because of the County related data placed therein) subject to the preservation, maintenance and disclosure requirements of the law and this policy.
 - (b) At the discretion of the individual employee or that the employee's supervisor, a copy of pertinent information may be made for preservation and maintenance. Copies may be selective, targeting only those files, directories and folders that may contain information relevant to the case. Those who need assistance in making a copy of information on their or personal desktop or laptop computer should contact their IT support unit or IT.
 - (c) Until instructed to do so, employees shall not destroy, delete or alter any printed or electronic files containing information relevant to the claims or defenses in the lawsuit. Further, electronic data created after receipt of the preservation notice must also be preserved and maintained if relevant to the case. Each employee will be required to sign a sworn statement he has not destroyed deleted, or altered any such evidence subsequent to the receipt of the preservation notice.
6. Each employee is obligated, upon retirement, transfer, reassignment, departure from employment with the County, or at any other time when no longer assigned duties pertaining to the files subject to the preservation notice to ensure that the preserved electronically stored information is placed under the control of his/her successor or another authorized County Official who shall assume the preservation obligation for that electronically stored information.

I. Procedure for Disclosure of Electronically Stored Information:

- 1. Since disclosure of the ESI must be in accordance with the application of the rules of court in each given case, no ESI shall e disclosed except upon receipt of the advice of the County Attorney or appointed counsel.
- 2. The format of disclosure (electronic, electronic version or code, hardcopy, or otherwise) is only decided, again in each given case, once the rules of the court are applied to the case.

J. Government Records Access and Management Act (GRAMA) Requests:

- 1. A person wanting access to a record must give the records manager or designated records custodian a written request containing his name, date, mailing address, daytime telephone (if available), and a description of the record requested that identifies the record with reasonable specificity. A Utah Government Records Request form is available for your use in the appendix section of this policy and procedure manual.
- 2. Public records are open to the public and the County can charge reasonable fees for copies and/or compilation time.
- 3. The County is not required to compile records in a specified form if they have not already been created.
- 4. Other records (such as private, controlled, protected, or exempt) follow strict statutes concerning who has access.
- 5. Sevier County will comply with all applicable requirements of the Government Records Access and Management Act (GRAMA); Utah Code, Title 63G, Chapter 2; as amended.

SECTION 24 – PERSONAL USE OF COUNTY PROPERTY

- A. The County desires to ensure that county employees are responsibly using county property according to state law and in the best interests of Sevier County; and the County believes that the best way to accomplish this is to establish guidelines for the proper use of county property; and the Commission intends to explicitly authorize personal use of county property by a county employee so long as the use is de minimus, incidental and consistent with these guidelines:
1. Public Property: County property is any real or personal property acquired with tax, grant or governmental funds of any source. Property owned, held, controlled or managed by Sevier County, remains the property of Sevier County at all times, and the privilege to use county property can be revoked at any time. Any authorization for personal use of county property does not grant any employee any right to use the property nor create an expectation of privacy while using county property.
 2. Authorized Personal Use of County Property: The County authorizes limited personal use of county property by county employees if such use is de minimus, incidental and satisfies each of the following criteria:
 - a) Employee is authorized to use or possess the public property to fulfill job duties;
 - b) Primary purpose of the use or possession of county property by employee is to fulfill job duties;
 - c) Public value of use or possession of county property by employee substantially outweighs any personal benefit to the employee;
 - d) Use or possession of county property by employee imposes little or no cost to the County;
 - e) Any use of county property is brief, limited in scope and of reasonable duration;
 - f) Employee use of county property does not interfere with the use of the property for county business;
 - g) Use of county property does not disrupt the performance of the employee's official duties; and
 - h) Employee use of county property does not create risk of liability or harm to the county including reputational damage.
 3. Prohibited Personal Use of County Property: The following uses of county property are always prohibited:
 - a) Any use for personal gain or compensation;
 - b) Any use associated with outside business or private employment;
 - c) Any use for promoting, advertising or soliciting for an outside, unrelated or unaffiliated group or organization;
 - d) Any use for assisting a campaign for election or political gain;
 - e) Any use prohibited by federal or state law or county policy.
 4. Special Authorization: Each department head may authorize greater specific personal use of county property for their employees if the value provided to Sevier County substantially outweighs the personal benefit received by the employee. However, inasmuch as such authorization may result in a taxable fringe benefit attributable to the employee, department heads shall obtain express written consent from the elected official directly responsible for the department and notify the Clerk/Auditor in writing.
- B. County Provided Equipment: An employee that has been provided County equipment such as tools, vehicles, materials, uniforms, etc. is expected to exercise reasonable care in the use of such equipment. All employees are charged with the responsibility of maintaining the County's

property in the best possible condition and making the most economical use of supplies issued to them. Safe and courteous operation is mandatory.

- C. Surplus Property: All surplus property shall be disposed of by the County by trade, public sale or destruction. When public sale is the disposal method, the County Clerk/Auditor shall advertise the sale items and dates of sale. The general public may view the property being sold, which shall be sold "as is", according to approved bid procedure. The County Clerk/Auditor shall also post bid-opening dates.