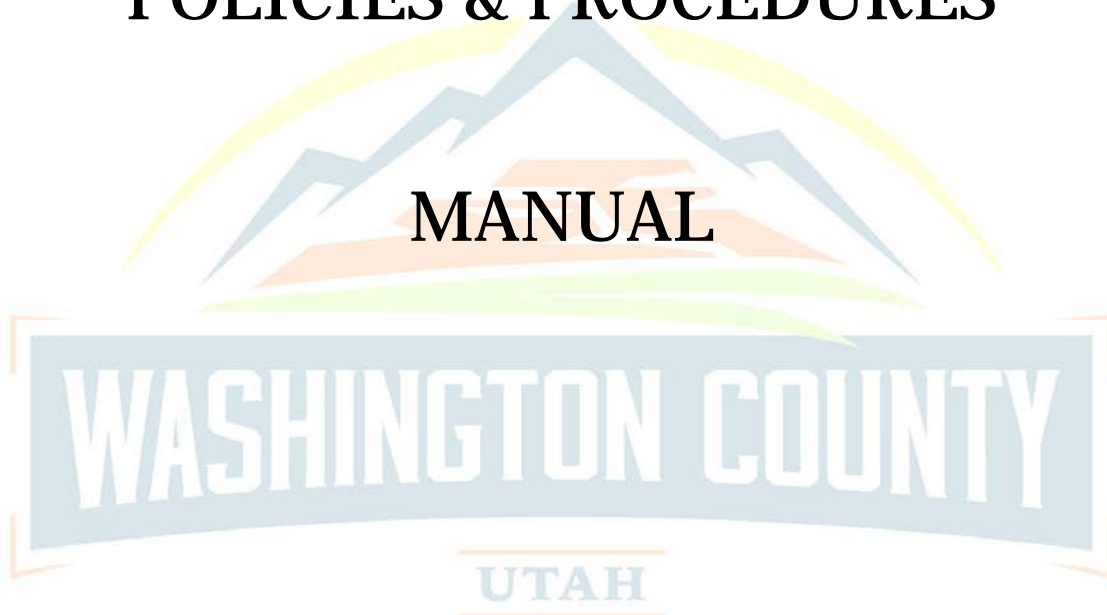


# WASHINGTON COUNTY, UTAH

## EMPLOYMENT

### POLICIES & PROCEDURES

#### MANUAL



*Prepared By:*

*Washington County*

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*Revised on 03/11/2019*

# TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
IMPORTANT NOTICE AND DISCLAIMER OF LIABILITY.....	5
SECTION I - INTRODUCTORY PROVISIONS.....	6
A. Purpose.....	6
B. Applicability of Policies and Procedures.....	6
C. System Goals.....	6
D. Savings Clause.....	6
SECTION II - EQUAL EMPLOYMENT OPPORTUNITY.....	7
A. Non-Discrimination.....	7
B. Anti-Nepotism.....	7
C. Personal Relationships Policy.....	7
SECTION III - ADMINISTRATION.....	10
A. Responsibility for Administration of Policies.....	10
B. Personnel Records.....	10
C. Employment Verification Requests.....	11
SECTION IV – POSITION MANAGEMENT.....	13
A. Position Allocation.....	13
B. Emergency, Temporary, and Seasonal Employees.....	13
C. Job Descriptions.....	13
D. Position Compensation.....	14
E. Reclassification.....	14
SECTION V - HIRING FOR NEW AND VACANT POSITIONS.....	16
A. Filling Career Service Vacancies.....	16
B. Filling Non-Career Service Vacancies.....	18
C. Recruiting of Public Safety Employees.....	18
SECTION VI – EMPLOYMENT STATUS.....	19
A. Basic Employment Classification.....	19
B. Career Service Positions.....	20
C. Non-Career Service Position.....	21
D. FLSA-Exempt Positions.....	21
E. Independent Contractors.....	22
F. Volunteers.....	22
G. Exemption from Participation in the Utah Retirement System (URS).....	22
SECTION VII-COMPENSATION.....	23
A. Compensation Philosophy.....	23
B. Initial Grade and Step Assignment.....	23
C. Changes In Compensation.....	23
D. Compensatory Time Off.....	24
E. Overtime Pay for Public Safety.....	24
F. Payroll Procedures.....	25
G. Termination Pay.....	25

H. Exit Interview .....	25
SECTION VIII – BENEFITS .....	26
A. Retirement.....	26
B. Medical, Dental, and Vision Insurance.....	28
C. Long Term Disability Insurance .....	28
D. Holidays.....	28
E. Personal Time Off.....	28
F. Workers Compensation.....	32
G. Bereavement Leave .....	33
H. Family and Medical Leave .....	34
I. Official Business Leave With Pay.....	35
J. Special Leave Without Pay.....	35
K. Jury Duty.....	35
L. Military Leave.....	36
M. Tuition Reimbursement.....	36
N. Travel for County Business .....	37
O. Employee Recognition .....	38
P. Accommodation for Breastfeeding Mothers.....	39
Q. Meals as Part of County Business .....	39
R. Disclaimer .....	39
SECTION IX – WORK POLICIES.....	40
A. Terminating County Employment.....	40
B. Standards of Conduct.....	40
C. Employee Discipline.....	40
D. Outside Employment or Activities.....	41
E. Conflicts of Interest.....	41
F. Absence Without Leave.....	42
G. Garnishments .....	42
H. Plan for Reorganization or Reduction In Force.....	43
I. Work Hours.....	43
J. Work Interruptions.....	44
K. Political Activity .....	44
L. Drug and Alcohol Free Work Place.....	45
M. Illegal Discrimination & Harassment Prohibited.....	53
N. Workplace Violence.....	55
O. Clean Air Policy .....	55
P. Information Technology Use Policy.....	56
Q. Vehicle Policy .....	59
R. Building Access Policy.....	63
S. Americans with Disabilities Act.....	65
T. Purchase Cards.....	65
SECTION X – DISPUTE RESOLUTION .....	66
A. Internal Procedures.....	66

**B. External Procedure .....66**  
**SECTION XI – COUNTY COMMISSION APPROVAL.....71**

*Washington County welcomes you as an employee. We hope your work with the County will be satisfying and beneficial to you and to the people of the County.*

## **IMPORTANT NOTICE AND DISCLAIMER OF LIABILITY**

THIS POLICIES AND PROCEDURES MANUAL DOES NOT CREATE A BINDING CONTRACT OR ANY OTHER OBLIGATION OR LIABILITY FOR WASHINGTON COUNTY. County employment is governed by statute and the County implements the County Personnel Management Act.

This Manual supersedes any previous manual addressing similar matters. This Manual may be amended solely by the Washington County Commission who reserve the right to amend or revoke any policy at any time with or without notice. Any agreement regarding County employment would have to be in writing, signed by the County Commissioners.

## **SECTION I - INTRODUCTORY PROVISIONS**

### **A. *Purpose***

Washington County is a political subdivision operating under the laws of the State of Utah and administering public funds. These policies and procedures are designed to guide elected officials, department heads and other county supervisors in dealing fairly and equitably with the County's employees, consistent with the County's obligation to serve the public and be accountable for the public's money.

### **B. *Applicability of Policies and Procedures***

These policies and procedures apply to all career service employees of Washington County. Except as otherwise specifically noted, these policies and procedures apply to non-career service employees, including elected officials, department heads and other non-career service employees as defined and approved by the County Commission.

### **C. *System Goals***

The County strives to achieve the following policy goals regarding its employees:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill levels, including consideration of qualified applicants for initial appointment;
2. Considering County budgets and current pay levels within the County and in the labor market where the County competes for labor;
3. Training employees, as needed, to assure high quality performance and 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 in a timely manner; and
5. Assuring non-discrimination for applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, handicap, or familial status, and with proper regard to their privacy and constitutional rights as citizens.

### **D. *Savings Clause***

If any provision of these policies and procedures, or the application thereof, is found to be in conflict with any State or Federal Law, the conflicting part is hereby declared inoperative to the extent of the conflict, but such conflict will not affect the operation of the remainder of these policies and procedures, or any of its application.

## SECTION II – EQUAL EMPLOYMENT OPPORTUNITY

### A. *Non-Discrimination*

Washington County is an equal opportunity employer. County policy prohibits unlawful discrimination in employment opportunities or practices on the basis of race, color, national origin, sex, age (over 40), qualified disability, religion, veteran status, sexual orientation, gender identity, and genetic testing or any other characteristic protected under applicable federal, state or local law. The County complies with all applicable laws relating to non-discrimination in employment.

The County enacts affirmative action/equal employment opportunity plans and programs as required by law under the direction of the County Commission. The County places special emphasis on recruiting efforts to attract minorities, women and persons with qualified disabilities.

### B. *Anti-Nepotism*

#### 1. Compliance with State law

The County complies with state law governing the employment of relatives. In addition to the requirements of state law, the County imposes the further requirements in paragraph 3 below.

#### 2. Definitions

**Relative** – In this policy, ‘relative’ means a spouse, parent, stepparent, parent-in-law, child, stepchild, child-in-law, sibling, stepsibling, and sibling-in-law.

**Department** – In this policy, ‘department’ means a County department, office, or agency.

#### 3. Relative May Not Work in the Same Department

***No person may be hired to work in a department where a relative of that person is already employed. This policy is not retroactive. Exceptions may be made in writing by the Commission in compliance with state statute.***

### C. *Personal Relationships Policy*

The County strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish boundaries regarding relationships during working hours and within the working environment. The policy also impacts off-duty conduct by restricting romantic or sexual relationships between supervisors and subordinates and by restricting marriage or marriage-like relationships between employees in the

same office or department. Supervisors are held to a higher standard under this policy due to their status as role models, their access to sensitive information and their ability to influence others.

## 1. Personal Relationships Generally

- a. During working time and in working areas employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.
- b. During non-working time, such as lunches and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors would not offend a reasonable person.
- c. Employees are strictly prohibited from engaging in physical contact that would be deemed inappropriate by a reasonable person while anywhere in or on County property, whether during working hours or not.

## 2. Personal Relationships between Supervisors and Subordinates

- a. Supervisor/subordinate in the same department. Supervisors, managers and executives must disclose the existence of a relationship with any department subordinate if the relationship has progressed beyond a platonic friendship. Disclosure must be made to the immediate supervisor or someone in the HR Department. This disclosure will enable the County to determine whether any conflict of interest exists because of the relative positions of the employees involved. A supervisor who fails to disclose as directed is subject to discipline, including termination.
- b. Influential decision maker/subordinate in any department. Decision makers in sensitive or influential positions must disclose the existence of a relationship with a subordinate County employee if the decision maker is in a position to influence the subordinate's job. Disclosure must be made if the relationship has progressed beyond a platonic friendship and should be made to someone in the HR Department, the County Attorney or a Commissioner. An influential decision maker who fails to disclose as directed is subject to discipline, including termination.
- c. Where problems or potential risks are identified, the County will work with the parties involved to consider options for resolving the conflict. The initial solution will be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.
- d. In some cases more extreme measures may be necessary such as transfer to other positions or departments. The individual with the highest-



ranking position will be considered for transfer but the final decision will be based on the overall best interests of the County.

3. Marriage and Marriage-like Relationships in the Same Department
  - a. Employees in the same department must report to their supervisor or the HR Department if they plan to marry, move in together in a marriage-like arrangement or if they otherwise are in a marriage-like arrangement. HR will make the final determination of whether a marriage-like relationship exists.
  - b. If a marriage or marriage-like arrangement gives rise to a conflict or disruption that negatively affects the workplace, HR will:
    - i. If appropriate, considering the specific conflict or disruption, work with employees to determine if openings are available in other departments for which they may qualify. If this option is not available, one of the employees – as determined by the County in its best interests – may have to leave County employment.
    - ii. Depending on the specific conflict or disruption, discipline – up to and including termination – may be necessary for either or both employees.
  - c. Refusal of reasonable alternative positions, if available and offered, will be deemed a voluntary resignation.
  - d. Continued failure to work with the County to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for termination under the County's disciplinary policy.
4. The provisions of this policy apply regardless of the sexual orientations of the parties involved.
5. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy and should consult the HR Department.
6. If an employee allows any personal relationship to significantly interfere with County business, appropriate disciplinary action will be taken, up to and including termination.
7. Any employee who feels disadvantaged as a result of this policy, or who believes this policy is not being adhered to, should contact the Director of HR or other designated individual.

## **SECTION III – ADMINISTRATION**

### **A. *Responsibility for Administration of Policies***

The Washington County Commission adopts and approves the County's personnel policies. The elected officials, appointed department heads, 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 heads 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, regulation, policies and procedures.

### **B. *Personnel Records***

The Human Resource Department maintains the official personnel records of each county employee.

Contents. A county employee's personnel records may contain:

1. Employment applications and eligibility certificates;
2. Transcripts of academic preparation;
3. Commendations;
4. Disciplinary actions;
5. Performance evaluations;
6. Compensation and benefit information;

7. Work history information such as promotions, transfers, reassignments or layoffs; and
8. Other information relevant to the individual's employment with the County.

The Human Resource Department must review any documents regarding disciplinary action before they are placed in an employee's official record. In addition, before a disciplinary document is placed in an employee's file, the employee should sign the document and acknowledge receipt of a copy. If an employee declines to sign a disciplinary document, the supervisor should note the date and time the item was presented to the employee. If a disciplinary action is appealed and overturned, related personnel records will be removed from the employee's personnel record.

Access: Regarding access to the contents of personnel records, the County complies with County Ordinance 529 and the Government Records Access Management Act, Utah Code Ann. § 63-2-101 to 63-2-909 (1953, as amended).

The County considers employees' official personnel records to be confidential and available only to employees' department heads and administrative officials with a legitimate need to access the information. The Human Resource Department will keep a list of people accessing the personnel files. All reviews of personnel records must occur in the presence of a member of the Human Resource Department staff.

Employees may review the contents of their own personnel files, with the exception of any documents that are classified as controlled or protected under the law.

Record Retention: All records related to terminated employees may be retained for three (3) years following the end of the year to which they relate. Records of medical examinations required by law, and records of any environmental exposure to hazardous material are required by OSHA to be retained for thirty (30) years.

### ***C. Employment Verification Requests***

Occasionally, a current or former employee ("Employee") asks the County to provide verification of employment to potential employers or lenders. The County's policy is to provide only the following information:

- ❖ The Employee's name
- ❖ Positions held by the Employee
- ❖ Date of employment
- ❖ Salary

1. **Release of Liability Form:** Additional information sought concerning a current or former County employee, such as a reference check, shall not be released unless the Employee has given written permission to do so releasing Washington County and its employees from any liability for any damage whatsoever arising from issuing such information. Information released is considered confidential and is provided for professional purposes only.

Employees authorizing Washington County to release such information shall sign a Release of Liability to Provide Information form (“Release Form”) provided by Washington County. This signed release form shall be kept in the Employee’s personnel file which is located in the Human Resources Department. Each request for information must go through this process.

2. **Persons Authorized to Release Information:** Information concerning an Employee shall only be released as approved by elected officials, department heads, or the staff of the Human Resources Department. Before providing information, the Human Resources Department must be consulted to determine if the Employee has a signed Release Form on file and whether or not there are other circumstances impacting the release of such information.
3. **General Letters of Reference:** It is Washington County’s policy not to provide the Employee with a general letter of reference to an Employee but only to provide references and information in response to a specific request from an outside entity such as prospective employer. Such requested information must only be disclosed after determining that a signed Release Form for the specific request is in the Employee’s personnel file. Exceptions may be approved with the concurrence of Human Resources on a case-by-case basis.

## **SECTION IV – POSITION MANAGEMENT**

### **A. *Position Allocation***

The County Commission must approve the creation of any new County position as well as the hiring, transfer, or promotion of employees. Elected officials and department heads should take the following steps to create a new position or hire a new employee.

1. Submit a new or revised job description for the position to the Human Resource Department for review.
2. Verify that the position has been assigned to an appropriate pay grade and step by the Human Resource Director.
3. Obtain confirmation from the County Clerk/Auditor that sufficient moneys are budgeted to fund the position through current budget year.
4. Comply with the applicable recruitment and advertising requirements of Section V “Hiring of New and Vacant Positions”.
5. Complete, sign and submit a personnel action form to the Human Resource Department.

### **B. *Emergency, Temporary, and Seasonal Employees***

Elected officials and department heads may from time to time as necessary hire emergency, temporary, and seasonal employees as long as the Clerk/Auditor verifies that sufficient funds are budgeted for the position. Such employees may not be hired for more than six (6) months in any one year. Individuals serving in temporary or emergency positions may be rehired in subsequent years as long as the maximum time limit is not exceeded for any one year. Such positions need not go through the advertising and recruitment process.

### **C. *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 heads 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 heads 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 County 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 will not be given for such added duties.

#### ***D. Position Compensation***

The County determines compensation levels for each career service position according to a step and grade chart developed by the Human Resource Department and approved by the County Commission. The Human Resource Department Director comparatively evaluates a set of common factors and assigns each County position a step and grade classification that encompasses a specific salary range. The compensation for all career service positions is set according to each position's classification on the step and grade chart.

1. No compensation will be approved for any individual hired to fill a career service position unless the compensation conforms to the approved classification and compensation plan.
2. Unless an applicant's qualifications or experience suggest a higher beginning step and grade assignment, most employees will be hired at the entry compensation level and will progress through the salary range based upon performance.
3. The County Commission determines the amount of compensation for elected officials and non-career service employees.

#### ***E. Reclassification***

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 will not generally 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. When an existing position is eliminated, the County may, at its discretion, implement any of the following options depending upon the availability of alternative positions:

1. Employees occupying eliminated positions may be reassigned or transferred to available comparable positions at the same or higher step and pay grade.
2. Employees occupying eliminated positions may be reassigned to an available position that the employee previously held before occupying the eliminated

position. In such a case, if the employee's compensation in the eliminated position is greater than the maximum pay allowed on the step and grade chart for the previously held position, the employee may be paid the maximum pay grade specified on the step and grade chart for the previously held position.

3. If no comparable or previously held position is available, an employee occupying an eliminated position may be offered other available positions for which the employee is qualified at the step and pay grade appropriate to the position. If no such position is available, the employee may be released from employment.

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

### **A. *Filling Career Service Vacancies***

When a new or existing career service position becomes vacant, the elected official, department head, or supervisor (hereafter collectively ‘the supervisor’) of the position should notify the Human Resource Department of the need to fill the vacancy. After confirming that the job description, minimum qualifications and required knowledge and skill are appropriate and that the Clerk–Auditor has certified that funds are available to support the position, the Human Resource Department will begin the recruitment process.

Nothing in this policy is intended to give applicants any contractual or property right to employment with Washington County.

1. **Open Recruitment.** As a general practice, Washington County openly recruits applicants for vacant positions. The Human Resource Department will list the vacancy on the County ‘Jobs’ Website and may otherwise publicly advertise or post the vacancy as deemed appropriate by the Human Resource Department. Interested applicants must complete the online employment application. After the recruitment period closes, the Human Resource Department will forward the applications to the applicable supervisor to decide which, if any, applicants to interview.

The supervisor may request that the Human Resource Department re-advertise the vacant position.

The County accepts applications only for vacant positions currently undergoing open recruitment.

#### **a. Open Recruitment Interviews**

After a supervisor has decided which applicants to interview, the Human Resource Department will coordinate an interview schedule. The applicable supervisor (or a designated representative) will conduct the interviews. Other relevant participants, including a representative of the Human Resource Department, may be invited to attend the interviews.

During the interview, the applicants may be invited to respond to a series of questions asked of all the applicants. These questions pertain to the requirements of the position and the applicant’s qualifications. The questions are approved in advance by the Human Resource Department after consultation with the supervisor. The interviewers may divide questioning responsibilities as they choose. Follow-up questions or questions that arise from review of the applicant’s employment application may also be asked.



b. Evaluating the Applicants

After the interviews, the applicants are generally evaluated based upon their applications and interviews in three categories:

- ❖ Education and experience
- ❖ Skills and capabilities
- ❖ Interview

Alternative categories may be used, but must be approved in advance by the Human Resource Department. The Human Resource Department shall either provide or approve in advance an interview scoring sheet to be completed by everyone on the interview panel. Department Head scores are generally given greater weight in the scoring process. The Human Resource Department will calculate the scores to create a roster of applicants.

c. Roster of Applicants

The supervisor(s) may choose from among the top three applicants on the roster to fill the position. Supervisors should check references prior to extending any offer of employment. Normally a supervisor will extend a conditional offer of employment pending the outcome of a background check and drug screening. If the selected applicant declines the position or is otherwise withdrawn from consideration, the supervisor may select from the next three top applicants on the roster, and so on. Nothing in this policy requires a supervisor to hire an applicant from the roster. At the supervisor's request, the Human Resource Department may recommence the recruiting process at any time.

The Human Resource Department will retain the roster for six months after the position is filled in the event a similar vacancy occurs within the department. If such a vacancy does occur, the supervisor may elect to fill the position from the existing roster or to reactivate the recruiting process. Rosters expire after six months unless extended by the Human Resource Director.

d. Notification of Candidates

Once a vacancy has been filled, the Human Resource Department will notify the other applicants that the position has been filled.

2. Internal Department Recruitment. As an alternative to open recruitment, the Human Resource Director may approve Internal Department Recruitment. The Human Resource Department will notify the current department employees via email of the vacancy. Employees may express interest in the position by filing a written notice of intent with the Human Resource Department. After the recruitment period closes, the HR Department will forward the notices to the applicable supervisor. If the supervisor determines

that there is one or more qualified interested candidate(s) from within the department, the position may be filled internally upon review and approval of the Human Resource Department. Interviews may be held. If the supervisor determines there are no qualified candidates within the department, the recruitment process may proceed to open recruitment.

a. Notification of Candidates

Once a vacancy has been filled, the Human Resource Department will notify the other applicants that the position has been filled.

**B. *Filling Non-Career Service Vacancies***

Non-career service vacancies may be filled at the discretion of the elected official over the department where the vacancy occurs and in consultation with the Human Resource Director. All applicable statutory requirements must be satisfied.

**C. *Recruiting of Public Safety Employees***

Public safety applicants may file their applications on the County Jobs Website at such time as the application process is advertised.

In consultation with the Human Resource Director, the Sheriff may adopt a written policy and implement a separate process for hiring public safety employees.

## SECTION VI – EMPLOYMENT STATUS

### A. *Basic Employment Classification*

There are four basic employment classifications: Full-Time, Part-Time Regular, Part-Time Reserve/Substitute, and Temporary/Provisional. An employee’s classification determines the benefits for which the employee is eligible. Below is a chart showing the typical benefits for each classification. Following the chart, each classification is defined in greater detail.

	<b>Full-Time Employee</b>	<b>Part-Time Regular Employee*</b>	<b>Part-Time Reserve/Substitute Employee</b>	<b>Temporary/Provisional Employee</b>
<b>Performance-Based Pay</b>	Yes	Yes	No	No
<b>Health Benefits<sup>i</sup></b>	Yes	No	No	No
<b>Retirement Benefits<sup>ii</sup></b>	Yes	No	No	No
<b>PTO</b>	Yes	No	No	No
<b>Tuition Reimbursement</b>	Yes	No	No	No
<b>Funeral Leave</b>	Yes	No	No	No
<b>Career Service<sup>iii</sup></b>	Depends on position	No	No	No

#### **Full-Time Employee:**

1. Hired to work 30 or more hours a week and not Temporary/Provisional.
2. May be career service or non-career service depending on position. If not career service may be terminated at any time at the will of the County.

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\* A Part-Time Regular Employee—as defined and existing on December 1, 2011, receiving benefits on that date—will continue those benefits as long as employed in the same classification.

<sup>i</sup> “**Health Benefits**” in this section consist of: Medical, Dental, Vision & Prescriptions, Life Insurance, Long-Term Disability, Accidental Death & Dismemberment, and Short-Term Disability (STD only if elected and paid by employee).

<sup>ii</sup> “**Retirement Benefits**” in this section consist of: Pensions and Investment Options.

<sup>iii</sup> “**Career Service**” is defined by statute. Sections “B” and “C” below outline which positions are not Career Service.

3. Eligible for Retirement Benefits, Health Benefits, PTO, Tuition Reimbursement, Funeral Leave, and Performance-Based Pay.

**Part-Time Regular Employee:**

1. Hired to work 28 or fewer hours a week and not Part-Time Reserve/Substitute or Temporary/Provisional. However, with department head approval, the employee may have a more flexible work schedule, but shall not work over 1456 hours during the standard measurement period of 12 months which begins on Dec 1 and ends on Nov 30.
2. Non-career service; may be terminated at any time at the will of the County.
3. Not eligible for Retirement Benefits, Health Benefits, PTO, Tuition Reimbursement, and Funeral Leave. Eligible for Performance-Based Pay.

**Part-Time Reserve/Substitute Employee:**

1. Hired to work only when called; County has no obligation to provide work.
2. Can work up to 28 hours a week, or with department head approval, up to 1456 hours during the standard measurement period of 12 months which begins on Dec 1 and ends on Nov 30.
3. Can decline work hours at any time.
4. Non-career service; may be terminated at any time at the will of the County
5. Not eligible for Retirement Benefits, Health Benefits, PTO, Tuition Reimbursement, Funeral Leave or Performance-Based Pay.

**Temporary/Provisional Employee:**

1. Hired as temporary, provisional, seasonal or emergency employee.
2. Cannot work more than 270 days at a time.
3. Non-career service; may be terminated at any time at the will of the County.
4. Not-eligible for Retirement Benefits, Health Benefits, PTO, Tuition Reimbursement, Funeral Leave or Performance-Based Pay.

***B. Career Service Positions***

Career service employee status is defined in the County Personnel Management Act (Utah Code §17-33-8).

Orientation Period. Final appointment to a career service position is contingent upon satisfactory performance during a six-month orientation period, with the orientation period extendable for good cause for up to six months. Employees who voluntarily change positions, in either the same or to another County department, must complete a six-month orientation period in the new position.

During the orientation period, the supervisor monitors the employee and notes any area of concern. An employee may be terminated at any time without cause during the orientation period.

### **C. *Non-Career Service Position***

The following positions are established by the County Personnel Management Act (Utah Code §17-33-8) as non-career service positions:

1. Elected officials and major department heads.
2. A confidential secretary for each elected official and major department head.
3. An administrative assistant to each elected official.
4. Chief Deputies and division directors for elected officials.
5. Temporary investigators for Commission.
6. Emergency, seasonal and provisional employees.
7. Part-time employees.
8. Appointments with limited funding or duration.
9. Confidential or key policy determining positions.

The County Commission determines hiring, recruitment, compensation and benefit policies for non-career service employees. Except for elected officials, non-career service positions serve at the will of the appointing official and may be terminated at any time for any reason.

If a career service employee accepts a non-career service position and is not retained, that employee will be given, unless discharged for cause, (a) a career service position for which the employee qualifies in a pay grade comparable to the employee's last career service position if an opening exists; or (b) a lesser career service position for which the employee qualifies, pending the opening of a comparable position. The HR Director maintains a reappointment register that takes precedence over other registers.

### **D. *FLSA-Exempt Positions***

Employees who are exempt under the Fair Labor Standards Act ('FLSA') are paid a salary for any week in which they work, regardless of the hours worked. However, all full-time employees are generally expected to complete a 40-hours week. Reasonable time-off guidelines for FLSA-exempt positions are the PTO guidelines found in Section VIII-F with the following general modifications:

1. PTO is deemed accrued at the beginning of each year.
2. PTO does not carry over from year to year, and is not paid out upon separation.
3. In case of serious illness or injury to an FLSA-exempt employee in good standing, the County will cover the full salary for up to 15 days per year

beyond the applicable PTO days available. Pay for absences extending beyond 15 days will require Commission approval.

**E. *Independent Contractors***

Independent contractors hired to perform professional or other specialized services for the County are not employees of the County and do not qualify for County benefits or career service status. Contractors must provide proof of Workers Compensation coverage or a waiver as part of the contract.

An independent contractor is one who performs work for the County:

- ❖ Free from the County's control or direction in performance of the work; and
- ❖ Who is customarily engaged in an independent trade, occupation, profession or business.

**F. *Volunteers***

Before a volunteer can donate service to the County, the volunteer program and the volunteer must be approved by the Commission, (or a Commission Representative) and Human Resources. Please contact the Human Resource Office for volunteer program guidelines.

**G. *Exemption from Participation in the Utah Retirement System (URS)***

The following positions may be exempted from participating in the Utah Retirement System:

- |                             |   |
|-----------------------------|---|
| <b>Elected Officials:</b>   | Assessor  |
|                             | Attorney  |
|                             | Clerk/Auditor   |
|                             | County Commissioners  |
|                             | Recorder  |
|                             | Sheriff   |
|                             | Treasurer   |
| <b>Appointed Officials:</b> | Directors of Building Maintenance; Community & Economic Development; Council on Aging; Habitat Conservation Plan; Human Resources; Information Technology; Justice Court; Libraries; Public Works; Tourism. |

## **SECTION VII - COMPENSATION**

### **A. *Compensation Philosophy***

The Washington County Commission sets and approves all compensation paid to County employees. Career service employees are compensated pursuant to a compensation step and grade plan based upon similarity of duties performed and responsibilities assumed. Through the step and grade plan, the County strives to compensate positions in the same class equitably based upon the qualifications required and the responsibility and difficulty of the work. The County seeks to maintain a high quality public work force by considering the comparative pay and benefits needed to compete in the labor market and to stay in proper alignment with other similar governmental units. The County Commission makes all compensation decisions consistent with the public trust inherent in administering the county budget. The step and grade plan is developed by the Human Resource Department and approved by the County Commission.

NOTE: The County Commission may alter pay rates or compensation methods at any time at its discretion.

### **B. *Initial Grade and Step Assignment***

Career service employees' compensation is determined by their grade and step assignment. A career service employee's placement on the grade and step chart is determined by the Human Resource Director in consultation with the employee's applicable supervisor based upon the employee's qualifications. Typically, new employees are placed at the beginning step of the appropriate grade. However, exceptions may occur:

1. If an employee cannot be recruited for the position at the beginning step, or
2. If the employee exceeds the minimum qualifications and is expected to perform at a level equal to that of other individuals paid at a higher step.

### **C. *Changes In Compensation***

An employee's compensation can change in the following ways:

1. General Increase: The County Commission may at their discretion grant a general compensation increase to County employees to reflect market trends and changes in cost of living. Such increases take effect on the date determined by the County Commission.
2. Performance Increase: Full and part-time career service employees working more than 20 hours per week are eligible for a performance increase based upon performance and the recommendation of the employees' applicable supervisor. A performance increase is a one-step advancement within the employee's grade.

Once an employee has reached the top step of a position's grade, the employee is no longer eligible for further performance increases, unless the position's grade is reclassified at a higher grade or the employee is promoted to a new position.

3. Classification Changes: Employees' compensation may change in connection with a promotion, demotion, or reclassification of the position.

NOTE: The Human Resource Department, Department Manager and the County Commission must approve all compensation changes before they take effect. The Clerk/Auditor must certify funds are available.

#### ***D. Compensatory Time Off***

The County complies with the FLSA regarding minimum wage and overtime compensation. Unless otherwise specified, the County compensates those employees covered by the FLSA who are not exempt from its provisions by awarding compensatory time off in lieu of monetary overtime compensation at a rate of one and one-half hours of compensatory time for each hour of overtime worked.

An employee with accrued compensatory time may take time off to use the compensatory time within a reasonable time after making a request so long as the time off is not unduly disruptive to the operations of the employee's department. The County encourages employees to use compensatory time within a reasonable time after accruing it. Accrued compensatory time must be used before using accrued PTO time.

The maximum amount of compensatory time an employee may accrue is 240 hours (or 160 hours of actual overtime work). Employees who accrue more than 240 hours of compensatory time will be paid overtime at the rate of one and one-half times their regular hourly rate for each hour of overtime worked.

Upon terminating employment, employees will be paid for unused compensatory time at the average regular hourly rate received by the employee during the last three years of employment, or the final regular hourly rate received by the employee, whichever is higher.

#### ***E. Overtime Pay for Public Safety***

In lieu of compensatory time off, Washington County may elect to pay Public Safety personnel overtime pay at one and one-half times their regular hourly rate for each hour of overtime worked in excess of 86 hours in a 14 day work period.

**The County strongly encourages managers and employees to complete their work within the normal forty-hour work week. Positions that frequently require more than forty hours work per week should be carefully reviewed and adjusted so that work can be accomplished within the normal forty-hour period.**



FLSA Exempt Employees. Some County employees are not covered by the FLSA. These employees include elected officials, certain members of their personal staffs, policy-making appointees, and legal advisers. Other employees are exempt from the FLSA's minimum wage and overtime requirements. These employees include certain executive, administrative, and professional employees. The County determines, after review and approval by the Human Resource Department and the County Commission, which positions to characterize as exempt from the FLSA.

FLSA exempt positions are generally compensated on a salary basis and do not accrue compensatory time for overtime hours worked.

**F. *Payroll Procedures***

A regular pay period consists of two consecutive weeks beginning at 12:01 a.m. on Saturday and ending at 12:00 midnight on the second following Friday. Paychecks are generally available after 11:00 a.m. on the Friday following the close of the pay period. County employees' paychecks are subject to the standard legal deductions, such as F.I.C.A. and State and Federal income taxes. Employees may arrange for certain other deductions to be automatically withheld from their paychecks by notifying Human Resources. Employees will receive their paychecks by direct deposit.

**G. *Termination Pay***

Employees who leave County service for any reason will be paid the wages due them at the next regularly scheduled pay day. The County will also pay terminating employees for accrued vacation time or compensatory time that may be due.

**H. *Exit Interview***

All terminating employees should meet with the Human Resource Department at some point within the two weeks prior to leaving the County employment for an exit interview. The exit interview helps the County accurately determine the amount of any benefits or wages outstanding as well as assisting the County to complete the necessary paperwork.

## SECTION VIII - BENEFITS

The County provides a variety of benefits to County employees whose eligibility is specified in Section VI-Employment Status. Among the benefits currently offered to eligible employees are retirement benefits, medical, dental, vision & prescriptions, life insurance, long-term disability, accidental death & dismemberment, and, if elected and paid by the employee, short-term disability.

**The County Commission may add, alter, or eliminate benefits at its discretion.**

### **A. Retirement**

In order to help its employees plan and prepare for retirement, the County participates in the public safety and public employment retirement programs of the Utah State Retirement System (“URS”) as follows:

#### 1. Tiers

On behalf of each employee, the County contributes an amount specified by the State legislature to each eligible employee’s retirement account. Generally, those employees hired prior to June 30, 2011 are considered to be Tier 1 employees. The County contributes a specified amount toward the Tier 1 employee’s pension plan.

Generally, an employee hired on or after July 1, 2011 (Tier 2 employees) must, within one year of his/her employment date, choose to participate in either: A) the Tier 2 Hybrid Retirement System (a pension and 401(k) plan), or B) the Tier 2 Defined Contribution Plan (a 401(k) only). At the end of one year, the choice is permanent and irrevocable and remains in place throughout the employee’s lifetime. If no choice is made, the employee will automatically become a member of the Tier 2 Hybrid Retirement System.

A benefit eligible employee hired on or after January 1, 2019 will have 5% of their gross salary automatically deferred into the employee’s URS 401(k) Plan. An employee may elect to stop, decrease, or increase these deferrals at any time. These deferrals and any employer contributions are vested immediately and may only be withdrawn according to plan provisions.

All employees will be required to sign a disclosure that they have received information about how to access, enroll in, and change their eligible retirement plans and systems, prior to or on their first day of employment.

#### 2. Retired Employees

A retiree from any URS-covered agency, who is hired by the County after May 2011, is subject to the following conditions:

- a. If hired **within 60 days** of the URS retirement date, the retirement allowance will be cancelled and the employee will return to active status, accruing additional service credit if eligible.

- b. If hired after 60 days but **within one year** from the URS retirement date;
  - i. The employee cannot receive any employer-provided benefit, including, but not limited to: medical, dental, paid time off, annual leave, sick leave, other insurance benefits, excluding workers' compensation.
  - ii. The employee's salary is limited to the lesser of \$15,000 or half of his final average salary in a calendar year. If he exceeds the earnings limitation or receives benefits, his retirement allowance will be cancelled.
- c. If hired **after one year** from the URS retirement date, the employee will choose to either:
  - i. Earn a salary and continue to receive the retirement benefits (while the County pays a required amount to URS). Members who choose this option will forfeit any additional retirement-related contributions, meaning the employer cannot pay into a 401(k) or other retirement accounts: or
  - ii. Earn a salary and cancel the retirement benefit in order to earn additional service credit, if eligible for service credit. If re-employed for at least 2 years, a separate benefit will be calculated based upon the new service and salary at the time of the second retirement, and the original retirement benefit and the new retirement benefit will be combined.

### 3. Elected Officials

Tier 1 elected officials – those with URS service prior to July 1, 2011 – may participate in the defined benefit plan (if they meet minimum earnings requirements as set by Utah Code) or may choose an alternate retirement program (such as a 401(k)). The County will contribute an amount equal to that currently being paid on behalf of employees enrolled under the URS to an alternate retirement program.

Tier 2 full-time elected officials are restricted to participation in the URS Tier 2 Defined Contribution Plan. Part-time elected officials are ineligible under Tier 2.

### 4. Eligibility

Eligibility for participation in the URS is specified in Section VI-Employment Status.

### 5. Retirement Date

With very few exceptions required by law, there is no mandatory retirement age for County employment. Employees may choose to retire and receive a monthly retirement benefit at any time after they are eligible under the Utah

State Retirement Act. Employees with questions regarding retirement may contact the Human Resources Department or the URS.

**B. *Medical, Dental, and Vision Insurance***

For eligible employees, the County will pay an amount determined by the Commission for single, two-party, or family plan coverage.

**C. *Long Term Disability Insurance***

For Eligible employees, the County will pay an amount determined by the Commission for County-approved long-term disability insurance.

**D. *Holidays***

For eligible employees, the County provides 12 days of Personal Time Off (PTO) accrual to cover paid holidays. Each year the County Commission approves the official list of County holidays. As a general matter, the County closes for the following holidays:

- ❖ January – New Years’ Day
- ❖ January – Martin Luther King Jr Day
- ❖ February – Presidents’ Day
- ❖ May – Memorial Day
- ❖ July – Independence Day
- ❖ July – Pioneer Day
- ❖ September – Labor Day
- ❖ November – Veteran’s Day
- ❖ November – Thanksgiving Day
- ❖ November – Day after Thanksgiving Day
- ❖ December – Christmas Eve ½ Day
- ❖ December – Christmas Day
- ❖ December – New Year’s Eve ½ Day

Generally, when a scheduled holiday falls on a Sunday, the following Monday will be observed as the holiday. In the event that the holiday falls on a Saturday, the preceding Friday will be considered the holiday.

**E. *Personal Time Off***

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 County as well as to the employee.

The County awards Personal Time Off (PTO) to all eligible employees<sup>iv</sup>. PTO is awarded according to the following schedule:

1 to 8 years	30 PTO days per year	(Includes 12 holidays)
9 to 16 years	36 PTO days per year	(Includes 12 holidays)
17 years and over	42 days per year	(Includes 12 holidays)

Here are some general PTO rules:

1. All Full Time (not Temporary/Provisional) Employees<sup>v</sup> hired to work at least 30 hours per week are eligible to accrue PTO. Employees hired to work less than 30 hours per week do not qualify for PTO.
2. PTO is based on the number of regular hours worked and the years of continuous employment with Washington County.
3. PTO may not be used in increments of less than 15 minutes (.25 hours).
4. 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.
5. PTO use must be approved in advance by your supervisor in light of your 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. PTO may not be used to make up tardiness or unapproved absences.
6. Employees, who are required to work on a holiday where county offices are otherwise closed, may receive both compensation for the PTO that would have otherwise been used had the employee not worked and for the actual hours worked on the holiday. This is not available to employees who work in departments where employees are regularly scheduled to work holidays (e.g., Sheriff's Office and Regional Park).
7. Unused current and accrued PTO may be carried forward to succeeding years up to a maximum of 500 hours. Once the 500-hour cap is reached, no additional PTO will accrue until the hours drop below the 500 mark.
8. All employees are strongly encouraged to take a minimum of 10 days of personal time off per calendar year.

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<sup>iv</sup>See Section VI-D. PTO guidelines for FLSA-exempt employees.

<sup>v</sup> A Part-Time Regular Employee – as defined and existing on December 1, 2011, receiving benefits on that date – will continue those benefits as long as employed in the same classifications as allowed by law or regulations. Such Part-Time Regular Employee's day consists of 5.4 hours per day for accrual purposes.

9. PTO does not accrue during unpaid leave, or leave during which an employee receives compensation from any County sponsored program, such as disability, military or workers compensation leave.
10. PTO may be taken in the same pay period it is accrued. PTO will not be considered as time worked for calculating overtime compensation.
11. An employee who terminates employment with the County will receive payment for any unused accrued PTO. Generally, an employee's last physical day worked will be considered the termination date. PTO accrual will be given for the final pay period providing the employee works the entire pay period.
12. The Payroll Clerk keeps the official record of accrued PTO.

Sell Back (Pay in Lieu of PTO). Employees who accumulate 240 hours of PTO may sell back 8 hours annually. Full Time Employees who accumulate 420 hours are eligible to sell back 56 hours annually. Part Time Employees who accumulate 420 hours are eligible to sell back 38 hours annually.

To receive payment in lieu of PTO, an employee must request payment by completing a 'Sell Back Request' form and submit to Human Resources Department by either May 20<sup>th</sup>, or November 20<sup>th</sup>, of each calendar year.

The County will buy back hours under this policy at the employee's current regular rate of pay.

EIB ('Extended Illness Bank') Hours. The County has discontinued the EIB bank. However, some employees may still have accrued EIB hours remaining. Those accumulated EIB hours will be available to the employee after 3 days of illness with notification from a doctor. EIB hours may be used only for personal illness or to care for sick family members (spouse, child, or parent) until the EIB hours are exhausted. EIB hours are not available for well child care. Once the EIB balance has been used up, hours may not be put in again. Employees leaving County employment prior to retirement shall forfeit any unused sick leave that has been placed in the EIB account.

Retirement. Upon retirement under the provisions of the Utah State Retirement Act or the Utah Public Safety Retirement Act, the employee may receive payment for all unused PTO hours and 25% of any EIB hours under one of the following provisions:

1. The money may be contributed to the employee's State 401(k) retirement account up to the maximum allowed by law, with any balance paid to the employee in cash, subject to applicable taxes and withholdings.
2. The money may be paid to the employee in cash, subject to applicable taxes and withholdings.

Leave Donation Program. Subject to the conditions of this policy, employees may choose to donate accrued PTO time to other employees who 1) despite responsible and judicious management of their PTO have used up all of the time

as a result of a major illness or serious medical condition and 2) are otherwise eligible to accrue PTO.

The leave donation policy is designed to assist those 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.

To receive PTO leave donations, the recipient employee must:

1. Apply to and receive approval from the Human Resources Department.
2. Suffer from a major illness or serious medical condition that is not otherwise covered by Workers Compensation or Short Term Disability insurance. Any exception to this requirement must be approved by the County Commission.
3. Provide a certificate to Human Resources Department from a licensed professional describing the major illness or serious medical condition as well as its anticipated duration, with an indication as to when the employee might reasonable expect to be able to return to work.
4. Take leave for a period longer than 30 calendar days.
5. Deplete all the recipient employee's own accrued PTO (and EIB) leave.

To donate PTO leave to an eligible recipient, the donor employee must:

1. Complete a leave donation form at the Human Resources Department indicating the intended recipient and the amount of PTO donated;
2. Donate any amount the employee desires; and
3. Be an employee of Washington County who is eligible to accrue PTO leave.

The following general conditions apply to the PTO leave donation policy:

1. The maximum amount of donated leave an employee may receive in any calendar year is 12 weeks.
2. The recipients of donated leave will be treated as if they had earned the leave themselves. Therefore;
  - a. Recipients will receive PTO pay on a biweekly basis coinciding with normal pay periods;
  - b. Recipients will receive PTO pay at their regular hourly rate; and
  - c. Recipients will accrue the same benefits as employees using their own PTO time.

3. In the event there are multiple donors to a single recipient, PTO will be distributed in the following order:
  - a. First from the donors who gave the largest number of hours; and
  - b. Second, chronologically, beginning with the earliest donation.
4. The Human Resources Director, in consultation with the Department Manager, will determine eligibility for participating in the leave donation program.

***F. Workers Compensation***

County employees and volunteer workers who are injured in the course of their employment with the County are covered by Workers Compensation insurance that provides some coverage for medical costs and wage compensation. Claims arising out of injuries occurring on the job are processed through Workers Compensation insurance and not through the County Health Insurance program. Coverage is provided for actual medical costs, both hospital and doctor, within the provisions of the Workman's Compensation Act, and according to rulings of the State Industrial Commission.

1. Reporting Requirements:
  - a. Employees injured on the job or who contract an occupational disease must report to their department head or supervisor immediately, no matter how slight the injury.
  - b. Supervisors should accompany the injured worker to the medical clinic specified by the County for initial treatment.
  - c. Supervisors must assure that the Employee's Report of Accident and the Supervisor's Report of Accident forms are submitted to the Human Resources Department within twenty-four (24) hours of the accident and the initial clinic visit.
  - d. The Human Resources Department will file the necessary information with the Workers Compensation Fund of Utah.



## 2. Wage Compensation:

For the first three days of a disabling injury, the County will pay one hundred (100) percent of the injured employee's regular pay if not otherwise paid by the Worker's Compensation Fund. If an employee is still unable to work after three days, the Worker's Compensation Fund will pay the employee's wage compensation at a percentage rate determined by the Fund. In cases where the County initially pays the employee for the first three days of missed time and the Workers Compensation Fund later pays for those same days, the employee needs to turn back the amount paid by the Fund for those three days to the Washington County Clerk–Auditor.

## 3. Return to Work:

The County strives to return injured employees to full employment as quickly as possible. The Human Resources Department will coordinate with an injured 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. 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. 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 County.

### ***G. Bereavement Leave***

The County grants bereavement leave to employees who suffer the death of a member of the immediate family, or a close relative. It is the intent of the County to be considerate of a County employee's special needs and to be supportive in the death of a loved one.

As a result of this consideration, the County may provide the individual with paid time off from work to attend the funeral and to fulfill other responsibilities.

If an employee suffers the death of a close relative, and requests time off from work during the period of bereavement, the Department Head may approve the request based on the following:

1. The necessity and appropriateness of having the time off. The employee should be attending the funeral and/or have certain responsibilities to fulfill.
2. The amount of time off:
  - a. If the deceased was a member of the employee's immediate family (spouse, child, parent, sibling, or the parent of a spouse), the employee may have paid time off up to three (3) days at any time between the death and the first week after the funeral.

- b. For other close relatives (brother-in-law, sister-in-law, grandparents, grandparents of spouse, grandchild, aunt, uncle, niece, or nephew) the employee may have paid time off for the day of the funeral if it is a regularly scheduled workday.
3. The amount of bereavement leave pay will be based on the employee's normal rate of pay and the number of hours in the normal work day.

## **H. Family and Medical Leave**

The County complies with all applicable requirements of the Family and Medical Leave Act (FMLA).

1. Employees are eligible if they have worked for Washington County for at least one year, and for 1,250 hours in the previous 12 months.
2. FMLA unpaid leave may be taken for up to 12 weeks during a 12 month period for any of the following reasons:
  - a. For the birth and care of a newborn, or for adoption or foster care placement.
  - b. To care for the employee's spouse, son, daughter, or parent with a serious health condition.
  - c. When a serious health condition makes the employee unable to work.
3. Military FMLA unpaid leave may be taken as follows:
  - a. Qualifying Exigency Leave. Up to 12 weeks of leave for a qualifying exigency if an employee's spouse, son, daughter, or parent in the National Guard or Reserves is called in support of a contingency operation.
  - b. Military Caregiver Leave. Up to 26 weeks of leave to care for a covered service member on active duty who has a serious injury or illness incurred in the line of duty.
4. An employee must use all accrued PTO, compensatory time, and EIB leave before using unpaid leave while on FMLA leave. All such paid leave and any worker's compensation leave is part of the FMLA leave total and all FMLA-eligible leave is charged against the FMLA leave total.
5. FMLA leave will not cause loss of any employment benefit that accrued before the leave began.
6. The 12-month period in which an employee is entitled to 12 weeks of FMLA leave is measured forward from the date an employee's first FMLA leave begins.
7. Employees are required to provide advance notice and medical certification as described below:

- a. An employee should ordinarily provide thirty (30) days advance notice when the leave is foreseeable.
  - b. Advance certification is required to support a request for leave because of a serious health condition. A second or third opinion may be required (at County expense). Failure to provide certification will result in denial of leave. Periodic recertification may be required (at employee's expense).
  - c. A fitness certification may be required in order to return to work at the conclusion of the FMLA leave period.
8. During FMLA leave, the County maintains employee health coverage and employees pay their regular portion. If approved, the County may advance the employee portion during FMLA leave and deduct it from wages when the employee returns to work.
  9. Upon return from FMLA leave, an employee will be reinstated to the same, or an equivalent position, unless the employee would have been discharged for reasons unrelated to the leave of absence.
  10. The County will not interfere with, restrain, or deny the exercise of any right provided under FMLA. The County will not discharge or discriminate against any person for opposing a practice made unlawful by FMLA or being involved in any FMLA-related proceeding.
  11. The United States Department of Labor is authorized to investigate and resolve FMLA complaints.

***I. Official Business Leave With Pay***

Employees or officials on special leave for official County business, special education, or training, upon authorization by the County Commission, will receive a regular pay check during the period of such leave. The County Commission may authorize that all necessary expenses be paid by the County.

***J. Special Leave Without Pay***

Career-service employees and non-career-service employees may apply for special leave without pay for up to twelve months to pursue educational or special interests that the County deems in harmony with the long-range interests of the County. Such leave must be approved by the County Commission upon recommendation of the employee's department head. Unpaid leave under this section does not count toward the accumulation of County benefits, including retirement, PTO, or any other benefits. However, an employee may maintain coverage under County health insurance programs by paying the full insurance premium before it is due each month.

***K. Jury Duty***

Every employee is entitled to a leave of absence when subpoenaed or ordered to appear as a juror or witness by the Federal Government, State of Utah, or

political subdivision thereof. If the employee turns over the juror or witness fee to the Clerk/Auditor along with a copy of the subpoena, the County will pay the employee's regular County compensation. Travel time to or from juror or witness duty is also considered an approved absence, but the County will not pay for mileage regardless of whether the subpoena requires travel during work hours. Consequently, the employee need not turn in mileage reimbursements to the County in order to be eligible for County compensation.

**L. *Military Leave***

The County will grant paid leave to members of the armed forces reserve or National Guard for up to forty (40) hours per year to respond to duty orders to attend an extended training camp. Absences due to military orders in excess of forty (40) hours per year are considered approved absences, but are not paid by the County. However, employees may elect to apply accrued PTO time or compensatory time to any excess days. To be eligible for paid military leave, the employee should provide a copy of the order to duty to the Human Resources Department in advance. As a courtesy and to minimize disruption, the County requests that employees provide as much advance notice of military leave to their supervisor as possible.

**M. *Tuition Reimbursement***

In recognition of the importance of maintaining and advancing employees' educational, technical and managerial abilities, the County may reimburse eligible employees for partial costs of approved educational programs. However, reimbursement is contingent upon the availability of funds budgeted by the Commission.

1. Applications must be filed and approved before commencing course work.
2. Application may be obtained through the Human Resources Department.
3. Approval will be based upon:
  - a. The relevance of the course or field of study to the applicant's County employment;
  - b. Whether the proposed studies will interfere with the employee's regular working hours;
  - c. The applicant's work history and performance with the County; and
  - d. If the Commission approves an application, an employee receives reimbursement by submitting a grade report at the end of the course, along with a tuition and fee statement, to the Human Resources Department showing course completion with a minimum of a C grade, or passing grade in non-graded course.
4. The Human Resources Department will submit the reimbursement request to the office of the Clerk/Auditor for payment. To provide consistency,

payments will be based upon a Fee Schedule determined by the County Commission. Payment will be made at the rate of one-half of the Fee Schedule tuition.

5. Employees' participation in this program will be required to sign a statement indicating that fifty percent of all funds received under this program from the County will be returned to the County if the employee terminates within one year of receiving reimbursement.

## ***N. Travel for County Business***

The County authorizes travel necessary to perform County Business. The County pays for authorized travel, lodging and meals. Any expense for a spouse or travel companion is the employee's responsibility. Travel advances are not permitted. An employee's department head (or, for department heads, a Commission designee) must review and approve all travel reimbursement requests based upon the schedules found at: <http://www.gsa.gov/portal/content/104877>. The County encourages employees to shop for the best rates available, making use of the County's purchase card, government hotel rates, and the County purchasing agent.

### **1. Travel**

- a. The County has motor pool vehicles for driving within and outside Washington County. **Use the motor pool when a vehicle is available.** The motor pool is managed by the purchasing agent in the Clerk/Auditor's Office or by your department head if your department has vehicles.
  - b. Check for vehicle availability with the purchasing agent or your department head. If a vehicle is available, you must use it and a County gas card unless otherwise authorized by your department head.
  - c. If a County vehicle is not available and you use your personal vehicle, eligible mileage will be reimbursed at an established rate.
  - d. If your department head authorizes you to use a personal vehicle even though a County vehicle is available, the department head will choose either to reimburse mileage at half the established rate or from your gas receipts—up to the amount of half-rate mileage reimbursement.
  - e. The County does not reimburse if another agency pays for the same trip.
  - f. Department heads review reimbursement requests according to a-e above.
2. **Meals.** For authorized travel, the County pays for meals at a rate established by the GSA. If a meal is part of the registration cost of an event, no separate meal reimbursement is available.
  3. **Lodging.** For authorized travel, the County pays for lodging at a rate established by the GSA. If lodging costs more than the approved rate,

employees need department head approval, and elected officials and department heads need Commission approval.

4. **Out of State Travel.** Out of state travel must be approved by the department head in advance. **Please attach the GSA schedules and/or documents used to plan out of state travel.**
5. **Reimbursement.** Employees must submit all requests for reimbursement, together with supporting documentation, within 30 days of the date the expense was incurred.

## ***O. Employee Recognition***

On occasion the County Commissioners or department heads may wish to recognize an employee, a group of employees, or an entire department with a reward. Department heads have discretionary authority to give employees non-monetary awards valued up to \$25, not to exceed \$50 in any calendar year. In giving recognition gifts, county employees are expected to conform to the IRS De Minimis Fringe Benefits rules (<https://www.irs.gov/government-entities/federal-state-local-governments/de-minimis-fringe-benefits>). Cash and/or prepaid debit cards purchased with county funds may not be gifted to employees.

Elected officials and department heads that desire to utilize gift-cards within their office/department should ensure proper controls and safeguarding. These include:

- Not having more than \$1,000 worth of gift cards on hand without commission approval.
- Separating the record-keeping and custody duties.
- Reporting to the clerk/auditor when gift cards are purchased, what the gift cards are purchased for, who the gift cards are given to, and when the gift cards are given.

1. **Retirement Gifts.** Department heads may purchase a gift for an employee that retires from county service within the following guidelines:

<u>Years of Service</u>		<u>Maximum Gift Amount</u>
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≥20	\$500
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≥10	\$200
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<10	\$100
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2. **Longevity Awards.** Awards are given to employees every 5 years beginning with their 10<sup>th</sup> anniversary of regular County employment. The Human Resources Department administers the Longevity Awards Program and is responsible for identifying the employees to be recognized.
3. Any gift card that has cash value must be reported to the clerk–auditor’s office

4. Any deviation from this policy requires written Commission approval.

**P. *Accommodation for Breastfeeding Mothers***

Any employee who is breastfeeding her child will be provided reasonable break times, up to 20 minutes, to breastfeed or express breast milk for her baby. This accommodation is for up to one year after the child's birth. Each Washington County building has designated a room for this purpose that provides privacy and an electrical outlet. A small refrigerator reserved for the specific storage of breast milk is available in the designated room. Employees who work offsite or in other locations will be accommodated with a private area as necessary.

**Q. *Meals as Part of County Business***

The County authorizes the purchase of meals for employees and other authorized individuals, where appropriate, in order to facilitate County Business. The County pays for the authorized meals based upon the schedules found at: <http://www.gsa.gov/portal/content/104877>.

1. Meals. For authorized purposes the County pays for meals at a rate established by the GSA plus incidentals.
2. Purchase Card. Employees should utilize a County Purchase Card and request the meal be charged as tax exempt.
3. Reimbursement. Employees must submit all requests for reimbursement, together with supporting documentation to include the names of those in attendance as well as the business purpose, within 30 days of the date the expense was incurred.
4. Overages. If the overall meal cost exceeds the GSA rate plus incidentals, employees should obtain approval from the County Commission or a Commission designee.

**R. *Disclaimer***

Washington County reserves the right to make changes in benefits, providers, or other benefit issues at any time.

## **SECTION IX – WORK POLICIES**

### **A. *Terminating County Employment***

An employee's employment with the County may terminate in different ways:

1. Resignation. Employees may resign at any time. However, as a courtesy, the County requests that employees give two weeks written notice so that the County has time to prepare final paperwork and arrange to assure a minimal disruption to County work.
2. De-facto Resignation. Employees who are absent from work for three consecutive days and are capable of providing notice to their supervisor, but fail to do so, are considered to have voluntarily resigned.
3. Reduction in Force. The County may eliminate positions and terminate employees as a result of inadequate funding, budget shortfalls, workforce restructuring, changes in workload, or lack of work.
4. Termination. Just as employees may terminate their employment at any time, the County may terminate the employment relationship. Employees may be terminated as a result of poor performance, the violation of County policies, or other conduct incompatible with County service.

### **B. *Standards of Conduct***

Washington County expects its employees to conduct themselves diligently and honorable in their assignments on behalf of the public. Washington County employees are on the public's payroll and are about the public's business. Employees should:

1. Work diligently on their assigned duties during their assigned work schedules.
2. Make prudent use of County funds, equipment, buildings, supplies, and time.
3. Work courteously with coworkers and the public.
4. Observe work place rules of conduct and safety.
5. Meet the standards of their individual job descriptions.
6. Report and correct circumstances that prevent employees from performing their jobs effectively or completing their assigned tasks.

### **C. *Employee Discipline***

Employees who violate County policy are subject to discipline. Depending upon the circumstances, the County may specify corrective action steps, may suspend, demote, or terminate or may use any other appropriate disciplinary measure with employees who violate County policy. Grounds for discipline may include, but are not limited to:



1. Any act inimical to public service.
2. Inefficiency, incompetence, failure to maintain skills, inadequate performance, or neglect of duty.
3. Discourtesy to the public, inability to work in harmony with coworkers or supervisors, failure to follow a supervisor's direction, or insubordination.
4. Dishonesty or misappropriation or misuse of or damage to public property or funds.
5. Tardiness or unapproved absences.

This list is not exhaustive and is set forth as a guideline. This list should not be construed to limit the County from taking disciplinary action, including termination, in appropriate circumstances, regardless of whether the County has specifically identified a written policy. Employees may also be disciplined for violations of County policy found in other sections of this manual, violations of state or federal law, or violations of relevant policies, rules or laws promulgated elsewhere.

Before implementing disciplinary action that may lead to termination, the employee's supervisor or department head should review the circumstances with the Human Resource Director. Every termination must be approved in advance by the Human Resource Director.

The County's Dispute Resolution Process (Section X) is available to Career Service employees. They may appeal the following: suspensions, transfers, demotions, dismissals and claims of unlawful discrimination.

#### ***D. Outside Employment or Activities***

County employees may not engage in any outside employment or activity that impairs the performance of their duties, is detrimental to County service, or creates a potential or actual conflict of interest with their county employment.

Employees may not regularly engage in outside employment during normal work hours established by their department head.

#### ***E. Conflicts of Interest***

1. Employees shall not use their County position or any influence, power, authority, or confidential information derived therefrom, or County time, equipment, property or supplies for private gain.
  - a. Employees may use County property for incidental personal use in conjunction with his/her official county functions or with prior commission approval.

2. Employees shall not receive outside compensation for their performance of County duties except in cases of:
  - a. Awards for meritorious public contribution publicly awarded.
  - b. Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the County Commission, or on their own time for which they are not compensated by the County and which are not prohibited by these rules.
  - c. Receipt of usual social amenities, ceremonial gifts, or advertising gifts valued at less than \$50.
3. When an employee is required by the responsibilities of his or her position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict and may be excused by the County Commission from so acting.
4. Any creation of any employee that may be protected under copyright or patent laws (e.g. photography, website designs, software code, etc.) on county time *or* using county equipment is “work” prepared within the scope of employment. The county owns the work as the author. The employee may not sell, give away, or take any other action that infringes on the county’s rights. This policy does not include photos taken on a county-owned cell phone or tablet that fall within the county’s IT incidental use.

**F. *Absence Without Leave***

No employee may be absent from duty without permission of the Department Head. All employees should notify their Department Head prior to an absence. However, in emergency situations where prior notification is not possible, the employee should notify their supervisor as soon as possible.

If a pattern (two or more) of unexplained or unexcused absences develops, employees may be subject to a disciplinary action to correct the problem.

An employee absent for three (3) consecutive days without notice to their Department Head, will be assumed to have resigned voluntarily, and will be terminated accordingly.

**G. *Garnishments***

The County encourages its employees to manage their financial affairs responsibly and wisely. A wage garnishment against a County employee reflects poorly upon the employee and imposes administrative expenses on the County. Employees whose wages are garnished should discuss the matter with their department head and arrange to pay off the judgment as soon as possible. Under Utah law, the County will not discipline any employee whose earnings have been subject to garnishment ‘in connection with any one judgment’. Utah Code Ann. §

707-7-104 (1953, as amended). However, the County may take disciplinary action if an employee is subject to garnishment for more than one judgment.

## **H. *Plan For Reorganization or Reduction In Force***

If circumstances require reorganization or a reduced work force, the county plans to retain employees who perform best as judged by department criteria. If the Commission determines a need, the Department Head designates the position to be changed or eliminated, subject to review by the County Administrator and HR.

The Guidelines below are considered when County needs dictate reorganization or job changes. In case of a reduction, if an eliminated position has more than one incumbent, the Department Head (in consultation with HR) determines which employee to discharge by considering the Guidelines.

### Guidelines

1. Merit (how employee performs). First and most important consideration is given to merit as measured by performance records including appraisals and other forms of written documentation such as notes, quarterly evaluations, etc. An appraisal can be performed if an employee has not had an appraisal during the 12-month period preceding a change or reduction.
2. Ability (employee's skills).
3. Seniority (within department).

### Rehire

If the County rehires for an eliminated position within one year from the date of lay off, a laid off applicant will be considered, as compared to any other applicant laid off within the year, according to the Guidelines.

### Bumping Rights for Sergeants and Lieutenants

A sergeant or Lieutenant discharged under this policy has bumping rights—using the Guidelines—into a lower job classification at the WCSO if he/she has previously performed the essential functions of the position and will require little to no training to perform the duties.

## **I. *Work Hours***

All full-time County employees are expected to work forty (40 hours per week).

1. Hours in most County offices are from 8:00 a.m. until 5:00 p.m. unless modified by action of the County Commission or the Department Head.
2. Each employee is allowed a one (1) hour lunch period, usually between 12:00 noon and 1:00 p.m. or from 1:00 p.m. and 2:00 p.m., or as approved by the Department Head. Employees are normally expected to be present during all

other work hours unless special arrangements are made with the Department Head from time to time for cause.

**J. *Work Interruptions***

On occasions when there is an interruption of work for causes outside the control of the County, employees will be compensated for the entire day of the occurrence, regardless of the time released from work.

On the day following the occurrence or interruption, employees are expected to report to work at their regularly scheduled start time, unless otherwise notified by their Department Head or Supervisor. Such notifications should be initiated no later than one (1) hour prior to the regular start time. Reasonable diligence to make contact is the responsibility of both the Department Head, or Supervisor, and the employee. If no such notification is made, there will be no compensation for that work day. If no such notification is made, the employee is expected to report to their regular work station at the appointed start time.

**K. *Political Activity***

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

1. No person will be denied the opportunity to become an applicant for a County position by virtue of political opinion or affiliation.
2. No career service employee may be dismissed from service as a result of political opinion or affiliation.
3. County employees may voluntarily contribute funds to political groups and become candidates for public office.
4. No county officer or employee, whether elected or appointed, may directly or indirectly coerce, command, or advise any career service employee to pay, lend, or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No county officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency or person engaged in political activity.
5. No officer or employee may engage in any political activity during the hours of employment nor may a person solicit political contributions from county employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contributions by a county employee to the party of candidate of the employee's choice.
6. Nothing in this rule shall be construed to permit partisan political activity of any county employee who is prevented or restricted from engaging in such political activity by the provision of the federal Hatch Act.

## ***L. Drug and Alcohol Free Work Place***

Washington County has a strong commitment to its employees and the public to provide a safe environment and to promote high standards of employee health. Consistent with this commitment, we have established this policy on drug and alcohol use and testing. Our goal is to establish and maintain a work environment that is free from the effects of drugs and alcohol. The abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale and decreased productivity.

All employees of Washington County, including elected and appointed officials, management, temporary employees, reserve officers, and volunteers are covered by this policy. As a condition of employment, employees are required to abide by this policy. Certain employees may also be subject to additional requirements that are mandated by their job duties or by additional State or Federal regulations.

### **Definitions:**

1. Alcohol. Any beverage, mixture or preparation, including any medication, containing alcohol.
2. Commercial Driver's License (CDL). A private driver's license issued by the State of Utah to afford a qualified and competent individual the privilege of operating a commercial motor vehicle.
3. Controlled Substance. A substance whose sale is controlled by federal or state law, including prescription medication and alcohol.
4. Conviction. A finding of guilty whether by a plea of guilty or no contest, or by a judge or jury of any competent court and includes a plea held in abeyance or a plea pending appeal.
5. DOT. The U.S. Department of Transportation.
6. Drug. A substance recognized as a drug in any official drug compendia.
7. Drug Paraphernalia. Objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, conceal, or to inject, ingest, inhale, or otherwise introduce a drug into the human body.
8. Employee. Any elected or appointed official, management, temporary or regular full- or part-time person, or reserve officer in the employ of Washington County for compensation. For this policy only, the term 'employee' also covers volunteers, except those volunteering for a single event or serving on a board or committee. Also for this policy only, the term covers a person who has been selected to fill a County position, subject to successful completion of a drug and alcohol screening test.

9. He/She/Her/His. 'He' and 'she' are interchangeable, as are 'her' and his'.
10. Medical Review Officer (MRO). A licensed physician with knowledge of drug abuse disorders who is contracted by the County to conduct a review of drug test results. All employees tested under this policy who have a positive, adulterated, substituted, or invalid test will have their tests reviewed by an MRO.
11. Random Testing. The unannounced drug testing of an employee in a safety-sensitive position who was selected for testing by using a method uninfluenced by personal characteristics other than job category.
12. Reasonable Suspicion Testing. Drug testing due to an articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee could be in violation of this policy.
13. Refusal to Submit. An employee (1) fails to provide an adequate sample for drug testing without a valid medical explanation after receiving notice of the required testing in accordance with this policy, (2) engages in conduct that clearly obstructs the testing process or (3) provides an adulterated, substituted, or invalid test result.
14. Rehabilitation/Follow-Up Testing. Unannounced, pre-selected testing done as part of a program of counseling, education, treatment, or reinstatement in conjunction with this policy.
15. Safety-Sensitive Position. A position involving (a) duties which directly affect the safety of employees or the general public; (b) the security of the County or its operations; (c) access to controlled substances as defined by state law or (d) a safety-sensitive function as defined by 49 CFR, Par 382. Safety-sensitive positions include public safety officers and all employees who regularly drive County vehicles or equipment.
16. Split Sample Collection. Urine collected in a single specimen bottle or container, and subdivided into two specimen bottles, one bottle to be used as the primary specimen, the other bottle to be used as a split specimen. Both specimen bottles are labeled and sealed and both specimen bottles are shipped to the testing laboratory in a single shipping container.

**Prohibited or Required Conduct:**

1. Presence of Drug or Alcohol. An employee violates this policy by reporting to work with a drug or alcohol (including a metabolite) in her body without a medically valid reason.
2. Illegal Drug Activity. The County prohibits employees from engaging in illegal drug activity including selling, using, purchasing, manufacturing or possessing an unauthorized Controlled Substance. Each employee is presumed to know the contents of his desk, workspace, briefcase, locker, lunch box, vehicle and any other area under is control.

3. Prescription Drugs. Employees shall not use or possess prescription drugs unless such drugs are properly prescribed by a licensed physician and are being properly used for the treatment of an illness or injury. If an employee is using prescription drugs that may impair performance of duties, she shall report that fact to her supervisor before reporting for duty.
4. Vehicle Operation. No employee will be allowed to operate any vehicle or machinery or perform any work while under the influence of a drug which renders him incapable of safely and adequately operating the vehicle or equipment or performing the work. Presence of a prohibited drug, including the presence as a metabolite, in the body of an employee will constitute a violation of this policy.
5. Conviction. A conviction for dealing (selling) a controlled substance or unlawful manufacturing of a controlled substance while employed by Washington County will be grounds for immediate termination.
6. Retest. Any employee can request a retest of a specimen within 72 hours of the time they are notified of the result of the test. The retest will be conducted on the 'split' of the specimen received.
7. Submit Sample. Employees shall not refuse to submit a sample for alcohol and drug testing purposed when requested under this policy.
8. Off-Duty Drug Use. Employees shall not engage in off-duty drug use which violates the laws of the United States, The State of Utah, or the County. Employees should not engage in any off-duty drug or alcohol use which could reasonable be considered adverse to public service or which compromises the employee's ability to safely and adequately perform job duties.
9. Off-Duty Alcohol Use by Drivers. Employees who drive as part of their employment may not consume alcohol within four hours of reporting for work or within 8 hours after an accident while driving.
10. Notification of Suspected Drug Use. An employee who has reason to believe that another employee is in violation of this policy must immediately notify the employee's supervisor.

#### **Drug Testing Circumstances:**

1. Pre-Employment Testing. As a condition of employment, all prospective employees who have received a conditional offer of employment will be asked to submit to a pre-employment drug test before beginning employment. Refusal to consent to a drug test will stop any further consideration of a candidate for employment.
2. Post-Accident Investigation. In any circumstance in which an employee is involved in a reportable motor vehicle accident or, any accident which results in property damage, personal injury or death, a drug and alcohol test shall be given to the employee as part of the accident investigation. The presence of alcohol, drugs or their metabolites in the test, or the employee's refusal to

submit to the test, shall result in appropriate disciplinary action, including termination.

3. **Reasonable Suspicion Testing.** The Human Resources Department, or a designated representative, may direct that an employee submit to a drug and alcohol test under circumstances in which the Human Resources Department, or the designated representative, has a reasonable suspicion that the employee is under the influence of drugs or alcohol, or otherwise in violation of this policy. Circumstances which may constitute reasonable suspicion include, but are not limited to:
  - a. Observation of the employee using drugs or alcohol;
  - b. A pattern of abnormal or erratic behavior (i.e., a significant change in the quantity or quality of work, unusual mistakes or errors of judgment, or unusual absenteeism);
  - c. Possession of drugs or alcohol at the work site or discovery of drugs, drug paraphernalia or alcohol in the vicinity of the employee or his possessions;
  - d. Unsatisfactory time and attendance patterns;
  - e. Third-party eyewitness account of drug use;
  - f. The noticeable presence of physical symptoms of drug or alcohol use (i.e., dilated or pinpoint pupils, unusual changes in speech patterns, lack of coordination, impaired motor skills, odor of alcoholic beverage, restlessness, rapid mood swings, bloodshot eyes, unusual euphoria, 'nodding off', needle marks, unusually aggressive or bizarre acts, or hallucinations);
  - g. Drug-related investigation, arrest or conviction;
  - h. Receipt of information from reliable sources; and
  - i. Evidence of drug and alcohol test tampering.
4. **Rehabilitation/Follow-Up Testing.** Employees who are not public safety officers may qualify for rehabilitation testing as described in H below.
5. **Random Testing of Safety-Sensitive Personnel.** The County will randomly test one percent to one hundred percent of the combined employees in safety-sensitive positions on an annualized basis. The selected employees will be required to present themselves for testing immediately after notification of selection. Employees in safety-sensitive positions shall also be subject to such other drug and alcohol testing as may be required by appropriate state and federal laws, regulations, or drug policies, including driver's license examinations, CDL requirements, and other license or certification requirements.



6. Condition of Employment. All drug and alcohol testing shall be considered a condition of employment, placement, or continued employment of placement.

### **Drug and Alcohol Testing Procedures:**

1. Testing in Accordance with Law. All drug test sample collections and drug testing under this policy shall be conducted in accordance with the requirements of state law, and for CDL holders, in accordance with the Omnibus Transportation Employee Testing Act of 1991. The sample collection, handling, and transportation procedures shall all be conducted in accordance with the requirements of the relevant law. Reliable identification must be presented by the employee at the time the drug test is taken. The County shall have the right to designate the type of drug and alcohol test for any employee.
2. Regular Work Period. Drug or alcohol testing shall occur during or immediately before or after the regular work period and shall be deemed work time for purposes of compensation and benefits.
3. Test Site and Transportation. Urine specimens, breathe samples and any other required tests from employees shall be collected at the designated County premises or at a designated outside clinic or testing facility licensed to perform such tests. The County shall pay all costs of testing and transportation associated with a test required by the County.
4. Sample Collection and Testing. All sample collection and testing shall be performed according to the following conditions:
  - a. Sanitation and Privacy. The collection of samples shall be performed under reasonable and sanitary conditions and in a manner to ensure the privacy of the individual being tested. Such procedures shall also be reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
  - b. Urine Samples. All urine samples shall consist of at least 45 ml of urine. The 'split sample' method shall be used for the collection of urine specimens. Urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the second bottle. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he is notified to request, at his option, that the 15 ml sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the County.
  - c. Breathe Alcohol Testing. Breath alcohol testing shall be performed by a trained and certified individual.
  - d. Notification. If a drug test result is positive, the MRO will contact the employee and give her the opportunity to provide any information she considers relevant to the test, such as currently or recently used prescriptions or non-prescription drugs, other relevant medical

information or information in compliance with the Americans with Disabilities Act of 1990.

- e. **Scientifically Accepted Methods and Procedures.** Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include verification or confirmation of any positive test results by reliable analytical methods before the results of a test will be used as a basis for any action taken by the County.
- f. **Measurement Criteria.** A test result shall be considered positive and an employee is in violation of the policy if the test result equals or exceeds cut off levels established by DOT regulations or the testing laboratory.
- g. **Excess Fluids Sample.** To obtain accurate and reliable test results, an employee must not dilute the urine sample by ingesting excess fluids before providing the sample. A urine sample shall be considered an Excess Fluids Sample if (1) the test results indicate that the urine sample contains creatinine levels less than .2g/L and a specific gravity of less than 1.003 and (2) there is no medically sufficient explanation for such excess fluids, which explanation must be judged as satisfactory to the MRO in his reasonable discretion.
  - i. **Excess Fluids Sample Procedures.** If a urine sample is determined after appropriate testing to be an Excess Fluids Sample, the employee shall, at the County's discretion, provide another urine sample (the 'Second Sample') at a time and under conditions and requirements that are within the sole discretion of the County. In the event the Second Sample is determined after appropriate testing to be an Excess Fluids Sample, a prospective employee shall be disqualified and a current employee shall be deemed to have refused to submit to drug or alcohol testing.
  - ii. **Temperature Out-of-Range; Adulterated Sample.** If a sample is deemed by the collector at the time of collection to be temperature out-of-range, or to have been adulterated, a prospective employee shall not be hired and a current employee shall immediately produce a second specimen for testing. If he refuses to provide a second specimen, or if the second specimen is deemed by the collector to also be adulterated or temperature out-of-range, he shall be deemed to have refused to submit to drug or alcohol testing.
- h. **Second Test After Positive Result – Employee Request.** Any employee receiving a confirmed positive drug test under this policy may, at his option and expense, request that the original sample be sent to a second SAMHSA certified laboratory for further testing. Such request shall be made in writing to the MRO and the Human Resources Department within 72 hours of being advised of the confirmed positive test. The employee will be placed on unpaid suspension while the additional testing takes place. If the results of the additional testing are negative, the employee

will be reinstated and paid for the full period of suspension. Half the cost will be paid by the employee and the other half paid by the County.

- i. Confidentiality. In all drug testing and sample collection procedures any transmittal or reporting of test results shall be conducted with due regard for confidentiality of the test results. Drug and alcohol test results will be reported directly by a certified lab, third-party administrator or an MRO to a designated County official.
- i. Need-to-Know. Drug Test activities and results may be made available only to supervisory and management personnel with an immediate need to know about those procedures and results.
- ii. Disciplinary Action. Testing procedures and results may be made available and communicated as needed for the purposes of any disciplinary action.
- iii. Testing Information. All information, interviews, reports, statements, memoranda, or test results received by the County pursuant to this drug and alcohol testing policy are confidential communications and are not to be used or received as evidence; obtained in discovery; or disclosed in any public or private proceeding, except to those having a demonstrated need to know, or in a proceeding related to any disciplinary action taken by the County, or in defense of any action brought against the County, or by court order, or as required by law.
- iv. GRAMA. Records regarding test results are generally considered protected documents under state and federal law.

### **Discipline:**

1. Violation of Policy. If a confirmed positive, adulterated, or substituted drug test indicates a violation of this policy or if an individual refuses to provide a sample in accordance with policy, or otherwise violates this policy, the test result, refusal, or violation shall result in termination of employment with the County. A disciplinary action shall be conducted in accordance with the provisions of the Washington County Policies and Procedures.
2. Relief from Duty. An employee impaired by drugs or alcohol during work hours shall be relieved from duty and terminated in accordance with the provision of the Washington County Policies and Procedures.
3. Volunteer Relief from Duty. A volunteer impaired by drugs or prescription drugs during work hours shall be permanently relieved from duty.
4. Change of Assignment. Management may change an employee's assignment while an employee is using prescription drugs if the employee could be impaired by the prescription drug.
5. Evaluation Program Referral. If management has reason to believe that an employee may be abusing drugs, or prescription drugs, management may

refer the employee to an evaluation program for the purpose of obtaining a diagnosis.

**Treatment:**

1. Admission of Drug Use by Non-Public Safety Officer. If prior to the County finding a violation of this policy, an employee who is not a public safety officer admits abusing drugs or is determined by a medical or other recognized professional diagnosis to be abusing drugs, management may refer the employee to a treatment program if warranted by the severity of the condition. If management makes such a referral, all the following apply:
  - a. The employee shall participate in the treatment program at the employee's expense.
  - b. Management may change an employee's assignment while the employee is enrolled in a treatment program.
  - c. The employee participating in a treatment program shall use accumulated leave consistent with the personal time off policy for any absence. If the employee has no leave available, and if qualified, he may be placed on unpaid leave for up to 12 weeks under the Family Medical Leave Act.
  - d. Treatment Program Documentation. The employee shall provide documentation of successful completion of the treatment program and participation in aftercare if recommended.
  - e. Reinstatement – Return-to-Duty – Contract. After the employee's successful completion of treatment, management may reinstate the employee to the employee's former or equivalent position, subject to the employee signing a return-to-duty contract and complying with and successfully passing periodic unannounced follow-up drug and alcohol testing. Failure to meet the contract terms or failing to successfully pass drug and alcohol tests shall result in termination.
  - f. Signed Release. The employee shall sign a release to allow communication between management and the treatment provider. All such communication shall be maintained by the Drug Policy Coordinator in a confidential file, separate from the employee's personnel file.
  - g. Rehabilitation/Follow-Up Testing. In addition to other bases for testing under this policy, the employee shall be subject to follow-up testing at Management's discretion. Management may dismiss an employee who refuses to submit to a sample for testing when requested to do so pursuant to this policy.
  - h. Refusal to Enroll in Treatment Program. Management may dismiss an employee who refuses to enroll in a treatment program, fails to successfully complete the program, fails to complete aftercare, or fails to provide documentation of completion.

- i. Inability to Perform Duties. Management may reassign, discipline or dismiss an employee returning from treatment who cannot perform assigned duties.
2. Admission of Drug Use by Public Safety Officer. A public safety officer who admits to violation of this policy or who is determined to have violated this policy shall be discharged.

**Miscellaneous:**

1. Notification of Grantor. Upon notification that an employee performing work under a federal grant or contract has been convicted under a federal or state statute regulating controlled substances for a violation occurring in the workplace, the County shall immediately notify the federal grantor or agency of the conviction.
2. Drug Policy Coordinator Designated. The Human Resource Director is designated as the Drug Policy Coordinator.
  - a. Reasonable Suspicion Testing Determination. The Drug Policy Coordinator shall be responsible to determine whether or not reasonable suspicion testing is authorized based upon the facts and circumstances of each individual case.
  - b. Education. The Drug Policy Coordinator shall develop a program for the initial and continuing education of managers and employees regarding drug use and abuse.
  - c. Policy Questions. The Drug Policy Coordinator shall be available to answer employee questions concerning this policy.
  - d. Disciplinary and Rehabilitative Action. The Drug Policy Coordinator shall consult with management on disciplinary or rehabilitative action concerning this policy.
3. Policy Not a Contract. This policy is the unilateral action of the County and does not constitute an express or implied contract with any person affected by or subject to the policy. This policy does not assure or guarantee employment or any term of employment to any person for any period of time. The county may alter, terminate, or make exceptions to this policy at any time, at the County's sole discretion.

**M. *Illegal Discrimination & Harassment Prohibited***

Washington County does not tolerate discrimination or harassment that is based on categories the law protects. The legally **protected categories** are sex, race, color, national origin, age (40 and over), religion, qualified disability, veteran status, sexual orientation, gender identity and genetic information.

Discrimination or harassment based on any of these categories is against the law and could result in discipline, up to and including termination.

Harassment is unwelcome verbal or physical conduct-based on a protected category-that creates a hostile work environment. All employees are responsible for ensuring that the workplace is free from protected-category harassment.

1. Sexual Harassment Defined. Sexual harassment may include, but is not limited to:
  - a. Implying or threatening adverse employment action if sexual favors are not granted.
  - b. Promising preferential treatment for or subtle pressure sexual favors.
  - c. Inappropriate touching of any individual i.e. petting, pinching, hugging, rubbing or repeated brushing against another employee's body.
  - d. Offensive remarks, including unwelcome comments about appearance, obscene jokes, or other inappropriate use of sexually explicit or offensive language.
  - e. The display of sexually suggestive objects or pictures.
  - f. Disparaging remarks about a person's gender.
  - g. Spreading stories about a person's sexual conduct.
  - h. Questions about a person's sexual activity.
  - i. Verbal sexual abuse disguised as humor.
  - j. Obscene gestures.
  - k. Horseplay or bantering of a sexual or off-color nature.
  - l. Offensive conduct or comments consistently targeted at only one gender, even if the content is not sexual.
2. Other Protected Category Harassment Defined. Other forms of illegal harassment include derogatory treatment, taunting, or offensive comments based on a protected category. Such harassment may include, but is not limited to:
  - a. Slurs, put-downs or differential treatment based on a protected category.
  - b. Offensive conduct, comments, emails, or cartoons targeted at a protected category.
3. Retaliation Prohibited. The county prohibits retaliation against any person who, in good faith, reports, participates in proceeding, or otherwise opposes protected-category harassment or discrimination.
4. Reporting. The County considers prompt reporting of harassment or discrimination to be a condition of your employment. If you believe you have

experienced or witnessed harassment, discrimination or retaliation based on a protected category, you must immediately report your concern to your Department Head. If you feel uncomfortable reporting to your Department Head, you must contact a member of the Human Resource Department or a member of the County Commission. If you report to your Department Head and no action is taken within a reasonable time, it is your duty to report to the Human Resource Department.

The County will investigate when violations of this policy are reported and will take appropriate action against offender. Employees who violate this policy are subject to discipline, which may include reprimand, reassignment, suspension, demotion, termination, or other sanctions.

5. Appeal Procedure. The County Dispute Resolution Process, contained in Section X of this Manual, is available to any person who experiences discrimination, harassment or retaliation based on a protected category.

#### **N. *Workplace Violence***

The County opposes and strictly forbids any form of violence or threats of violence in the workplace. Individuals who engage in violence, or threats of violence, are subject to discipline which may include, but is not limited to, termination. If you are subject to violence, or threats of violence in the workplace, immediately report the incident to your supervisor or Department Head. If you are uncomfortable reporting to your supervisor or Department Head, contact a member of the Human Resource Department, or a member of the County Commission.

The County will investigate all threats of violence and will take appropriate action against the offender when warranted, up to and including termination of employment. The County will not retaliate against any person who reports threats or acts of violence.

#### **O. *Clean Air Policy***

To ensure the safety and health of all County employees, the County has implemented a clean air policy. State and Federal regulatory agencies have recognized that second hand smoke is harmful to the health of smokers and non-smokers, especially those with allergies, respiratory or cardiovascular diseases. All employees have a right to be protected from the toxic effects and discomfort caused by exposure to second hand smoke.

1. Therefore, smoking (defined as smoking, vaping, or any other activity that simulates smoking) is not permitted within County buildings or within 25 feet from building entrances.
2. Smoking in county vehicles is prohibited.

3. Employees who are aware of other employees violating this policy should contact their supervisor or Department Head, who will investigate the situation.
4. Allegations of clean air policy violations will be fully investigated and corrective or disciplinary action will be taken if needed.

***Q. Information Technology Use Policy (Including Computer, Internet, E-Mail and Telephones)***

**Definitions:**

1. IT – As used in this policy, ‘IT’ means all County-provided information technology resources, including computer hardware, software, and records; electronic communication systems and data; telecommunications equipment such as telephones and faxes; internet; and new information technologies that may be implemented in the future.
2. Department Head – In this policy, ‘Department Head’ includes elected and appointed officials who are responsible for major departments, agencies or offices.

**Purpose:**

1. Purpose of IT is to support County departments in achieving their goals, to assist operations of the County and to provide access to public information.

**Permitted Use:**

1. IT resources may be used only in accordance with County policies and procedures. Employees shall only access programs, files and data that are publicly available or to which the employee has been authorized access. Employees should use IT efficiently and productively. Employees may not monopolize overload or waste IT.
2. Employees must use IT primarily to accomplish their specific job descriptions. However, employees may use IT incidentally for personal purposes so long as the use complies with the following restrictions:
  - a. During regular work hours, the use should be short and infrequent and must NEVER interfere with an employee’s work; any personal IT use should preferably occur during the employee’s personal time;
  - b. The use should enhance job performance, such as educating the employee or improving job-related skills;
  - c. The County must not incur more than insignificant cost as a result of the use;
  - d. The use must not overburden the communications system;



- e. The use must not involve any activity that reflects adversely on the County or is incompatible with public service; and
  - f. The use must adhere to all other requirements of this policy.
3. Examples of Permitted Personal Use (Unless Your Department Head Has Stricter Standards)
- a. E-mailing short messages to relatives friends, or associates;
  - b. Scheduling medical appointments, arranging for home or auto repairs, making travel arrangements or other appointments;
  - c. Brief internet searches of sites that would not reflect adversely on the County;
  - d. Receiving and sending e-mail comparable to acceptable non-disruptive telephone messages;
  - e. Making a bank transaction.

**Prohibited Use:**

1. Engaging in any prohibited IT use or any violations of 2. A-f above will result in disciplinary action, up to and including termination. Depending upon the specific nature of the offense, the violation could also result in criminal prosecution or civil action. Because all possible actions cannot be listed, the following list is not all-inclusive, and the County reserves the right to take disciplinary action whenever circumstances warrant.

**The following are prohibited:**

- a. Attempting to obtain authentication information without authorization or breaking into any IT resource;
- b. Seeking or obtaining unauthorized access to another employee's IT resources;
- c. Sending a threatening message or making personal attacks on others that could be construed as defamation;
- d. Accessing, viewing, downloading, or transmitting sexually oriented material;
- e. Transmitting derogatory material that may be construed as harassment based on race, color, national origin, sex, age, disability or religion;
- f. Gambling;
- g. Office gossip;
- h. Violation of any law or regulation;

- i. Theft of copying of electronic files without permission or disobeying any copyright law;
- j. Sending or posting County confidential or proprietary material to any unauthorized recipient;
- k. Sending electronic chain letters, Spam or unsolicited junk mail through e-mail;
- l. Sending or soliciting messages that could damage the image of the County;
- m. Loading onto the system counterfeit, unauthorized, or copied software that is not licensed to the County;
- n. Attempting to circumvent any system intended to protect the privacy or security of IT;
- o. Refusing to cooperate with an IT investigation;
- p. Using the County's name in an official way in IT communications when not explicitly authorized to do so.

*Do not say, do, write, view, or acquire anything you wouldn't be proud to have everyone in the world learn about if the electronic records are laid bare.*

If an employee accidentally accesses inappropriate material, (*e.g. sexually explicit or racially disparaging material*), the employee must close the program or delete the material immediately and should report the incident as appropriate.

#### No Privacy in IT:

1. IT is the property of Washington County and IT records are County records. Therefore, employees do not have the right or expectation of privacy in internet, e-mail, or other IT resources provided by the County. Employees should be aware that the County has the right to inspect all IT files, records, and resources, including e-mail messages and internet activity logs. The Human Resource Department may authorize access to any employee's IT resources at any time and without notice.

In its sole discretion as may be required by law, the County, through the Human Resources Department, may disclose the contents of an employee's IT resources, including but not limited to e-mail messages and internet records, to law enforcement officials, government officials, or other third parties without notification to or permission from the employee.

However, this policy does not authorize individual employees to snoop to obtain unauthorized access to other employees' IT resources. Department Heads may authorize access to IT resources within their department when necessary for the daily business of the Department. Otherwise, except as required by law, only the Human Resources Department may authorize one employee to access the IT resources of another employee. As set forth in

section 5, seeking or obtaining unauthorized access to another employee's IT resources is prohibited and is grounds for discipline, up to and including termination.

**Reporting:**

1. County employees with concerns about internet activity or other IT use must report to their Department Head or to the Human Resources Department immediately.

**Security:**

1. To ensure compatibility, avoid viruses and conform to licensing requirements, employees should clear software with their Department Heads, and Department Heads should check with the IT Department as necessary, before software is loaded on to County equipment. When accessing e-mail or downloading any information via the internet, all warnings of potential viruses must be taken seriously and any preventive measures that have been explained must be adhered to.

If you have any questions regarding this policy, contact your supervisor or Human Resources.

***Q. Vehicle Policy***

Washington 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 Washington County currently has to employees, officials, or third parties in regard to the operation of motor vehicles.

Violation of this policy may result in employee discipline up to and including termination from employment. Departments may make more detailed rules for vehicles safety and maintenance.

**1. ALLOCATION AND MARKING OF COUNTY VEHICLES**

- a. All County vehicles shall be marked as County vehicles and by department, except Public Safety Vehicles without exempt license plates that perform undercover assignments and exceptions authorized in writing by the County Commission.
- b. Vehicles may be assigned, moved or replaced based on recommendations to the Commissioners from the relevant department. The County Commission makes ultimate decisions about allocation of County vehicles.

**2. RESTRICTIONS ON USE OF COUNTY VEHICLES**

- a. County vehicles shall be used exclusively for County business. The only exceptions are those enumerated as part of a Commission-approved

department policy and exceptions made in writing by the County Commission.

- b. Drivers of County vehicles shall exclusively carry persons riding as part of County business. The only exceptions are those in 'a' above.
- c. County vehicles may not be taken home overnight. The only exceptions are those in 'a' above and a department head may authorize *incidental* overnight take home.
- d. Alcoholic beverages and drugs may not be kept in County vehicles unless required for law enforcement purposes.
- e. Tobacco products may not be used in County vehicles.
- f. Except in unusual circumstances, ambulances – not County vehicles – shall be used to transport injured persons.

3. ELIGIBILITY TO OPERATE COUNTY VEHICLES

In order to be allowed to operate a County vehicle, a person must be an employee of the County or approved in writing by the Commission. Authorized operators will need to have an annual re-certification signed by a designated agent of the entity.

Additionally 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.

4. SPECIAL PROVISION FOR APPROVED OUT-OF-COUNTY TRAINING OR BUSINESS

- a. When attending approved out-of-County training or business in an authorized County Vehicle, an employee may take non-County passengers and may drive other than on County business as appropriate for meals and relaxation in the non-business hours.
- b. An employee's spouse who has received current defensive driving instruction and complies with #3 above may drive when the employee is in the vehicle.

## 5. RULES FOR DRIVING ANY VEHICLE ON COUNTY BUSINESS

In order to drive any vehicle – County or not – on County business, employees must:

- a. Possess a current valid Utah motor vehicle operator's license for the class of vehicle operated. If an employee's work requires driving, his license will be checked before employment and periodically thereafter. The employee must notify her supervisor immediately upon expiration, suspension or revocation. Failure to report or continuing to drive a County vehicle will result in discipline, including possible termination.
- b. Drive a vehicle that is properly registered and insured in the amounts required by State Law.
- c. Observe and inspect the vehicle for obvious defects and safety hazards. If a hazard is apparent, the vehicle shall not be operated.
- d. Drive with courtesy, care, and caution, and make the safety of the driver, passengers, pedestrians, and other drivers, of paramount concern.
- e. Obey all traffic laws, rules and regulations and use common sense and good judgment.
- f. Not drive after ingesting alcohol or illegal substances or while impaired by prescription drugs.
- g. Observe all accident reporting procedures.
- h. Not allow an unauthorized person to have the keys to or operate a County vehicle, unless an emergency requires it.
- i. Ensure that all vehicle occupants properly use the restraint and other protective devices consistent with applicable laws.
- j. Receive Defensive Driving Instruction every three years.
- k. Washington 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.

## 6. COUNTY VEHICLE MAINTENANCE

- a. Employees are primarily responsible for the condition of their vehicle, including compliance with scheduled maintenance, reporting needed repairs, and maintaining cleanliness.

- b. The Maintenance Department will establish and each department will adhere to a proper maintenance schedule for each vehicle.
- c. Drivers must ensure that their County vehicles are properly parked and locked.

7. 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:

- a. Report the accident immediately to their supervisor.
- b. Immediately have a drug test.
- c. Notify the supervisor immediately if their license is suspended, revoked, or canceled, or if they are disqualified from driving.
- d. Report the accident to a law enforcement agency.
- e. 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, and exchange information with a property owner and provide it to the investigating agency.
- f. If there is no damage to non-County property and no injury to non-County employees, request an accident report from the law enforcement agency having jurisdiction and await their arrival.
- g. In addition to reporting all accidents immediately to the supervisor, Commercial Driver's License (CDL) holders must:
  - i. 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;
  - ii. 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.
- h. No one can drive a commercial motor vehicle without a Commercial Driver's License.
- i. The Washington County Accident Review Board (ARB) 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, defensive driving courses, reassignment, termination or other appropriate discipline.

- j. Notwithstanding paragraph i. above, a department head may conduct his/her own review of the reported accident or incident without referring it to the ARB for recommendations, if the following criteria are satisfied:
  - i. There is no personal injury or potential claim of injury;
  - ii. All property damage is confined entirely to property owned by the County;
  - iii. The total of all damage does not exceed \$500; and
  - iv. In the department head's opinion, after a review of all facts, the incident is isolated and does not reflect a pattern of other driving misbehaviors.

Should the department head choose to conduct his/her own review, the department head shall forward a brief summary and supporting documentation of the incident and corrective actions taken, if any, to the ARB with a recommendation that no further action be taken.

#### 8. 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.

#### 9. DEFENSIVE DRIVER TRAINING

The County requires employees and volunteers who drive a County vehicle to complete a driver's training 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 four years thereafter.

#### 10. CELLULAR TELEPHONE USE IN COUNTY VEHICLES

Use caution if you must use a cell phone while driving a County vehicle or while driving on County business.

### ***R. Building Access Policy***

#### Purpose

The purpose of this policy is to promote a safe and productive work environment, while ensuring access by County Employees to the necessary facilities to enable them to perform their jobs.

#### Scope

This policy applies to all employees.

## Policy and Procedure

1. Certain County buildings are reasonably secured by an electronic control system. Access to those buildings and certain internal spaces is granted through a card reader and an iClass card. Most County buildings and offices are generally unlocked during normal working hours and locked after hours.

County facilities with electronic controls are broken down into the following subcategories:

***A:** Administration – Most external doors and general County Office spaces not mentioned below.*

***O:** Operational – County Departments or spaces that are generally restricted from public access (i.e. I.T., etc.)*

***C:** Confidential Information Areas – County Offices that deal in public or County information that is of a sensitive or confidential nature (access is granted by the County Attorney)*

***J:** Judicial Areas – All Justice Court and related support spaces (access is granted by the Justice Court Administrator)*

***P:** Public Safety – All Sheriff's Office and law enforcement related locations (access is granted by the Sheriff)*

2. Regardless of an employees work location, all County employees will have Administration and Operational access between the hours of 8:00 a.m. and 5:00 p.m. during all normal workdays.
3. In order to allow the greatest flexibility for our employees to accomplish their job, Working Hour access into an employee's work site will be automatically granted between 6:30 a.m. and 7:00 p.m. on all normal workdays.
4. For those individuals who require worksite access beyond the basic hours, Department Heads may grant All Hours access.
5. Individuals requiring access into **C**, **J**, or **P** classified spaces must first be approved by the respective granting authorities.

## CARDS

1. All iClass cards are printed at the IT office during normal working hours.
2. Each employee receives one card, which serves as both an official county I.D. as well as an access card to electronically secured spaces.
3. Persons receiving a card are responsible for the care, custody, and control of the card. If a card is lost or stolen it must be reported immediately.



4. Upon separation from County employment, cards are collected by the Department Head or Supervisor and returned to County IT for deactivation.

**S. *Americans with Disabilities Act***

The County complies with all applicable requirements of the Americans with Disabilities Act as amended and prohibits discrimination against any employee or applicant on the basis of disability or perceived disability. An employee who needs a reasonable accommodation because of a disability must promptly contact his supervisor or HR to begin the process.

**T. *Purchase Cards***

Employees with a purchase card should follow the policies and procedures as outlined in the trainings and guidebook given by the county clerk/auditor's office.

## **SECTION X – DISPUTE RESOLUTION**

### **Employees are encouraged to consult with Human Resources regarding disputes and options for dispute resolution.**

Two separate dispute resolution procedures are outlined below. The first procedure provides an internal appeal for any employee complaint. The second procedure provides an external appeal only for career service employees who wish to appeal a suspension, transfer, demotion, or dismissal or for any employee in instances of unlawful discrimination. It may be offered in other circumstances where the Human Resources Department determines that a career service employee's property interest have been directly and negatively affected by County action.

The County prohibits retaliation against employees who use these procedures.

#### **A. *Internal Procedure***

Employees may grieve any dispute by promptly going through their departmental chain of command.<sup>vi</sup> The County encourages employees to work to resolve disputes amicably and informally. Department Heads make final, binding decisions on internal grievances and may choose to do so orally and/or in writing.

#### **B. *External Procedure***

The following definitions govern access to the external dispute resolution procedure:

1. **Suspension**. An absence imposed as discipline, without pay, which may or may not result in further disciplinary action. Administrative leave with pay is not a suspension and is not grounds for appeal under the external procedure.
2. **Transfer**. An involuntary job assignment change from one county department to another.
3. **Demotion**. A job classification change to a lower rank and/or pay grade.
4. **Dismissal**. Involuntary termination from County employment.
5. **Unlawful Discrimination**. A claim of discriminatory treatment based on a protected category (see Section IX-L) or based on retaliation for opposing such discrimination.

Employees may ask an appropriate representative of their choice to represent them at any stage of the external grievance procedure.

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<sup>vi</sup> See Section IX.L.4 for the County's mandatory requirement to report illegal discrimination to your Department Head, to Human Resources, or to a County Commissioner. The IX.L.4 requirement takes precedence over this internal procedure when it comes to issues of illegal discrimination/retaliation.

The external procedure involves three steps.

- ❖ Step One: Department Head Review
- ❖ Step Two: County Commission Appeal
- ❖ Step Three: Service Council Hearing

1. Department Head Review. An employee must take step one within five working<sup>vii</sup> days of the disputed event or within five working days of the time the employee reasonable should have known of the event. An employee files a written appeal with the department head stating the basis of the dispute and outlining the employee's position. The department head has five working days to respond. This step may be waived if both parties agree.
2. County Commission Review. An employee who is not satisfied with step one has five working days after receiving the department head's response (or after the date the department head should have responded) to file a written appeal with the County Commission and the Human Resource Department.

The County Commission may request additional information from the parties and, at its discretion, may hold an informal hearing attended by the parties. If the Commission elects to hold a hearing, the Commission resolves any questions about hearing procedures and then issues a written decision to the parties within five working days from the hearing date. If the Commission elects not to hold a hearing, the Commission will issue a written decision within five working days from receiving the last additional information requested.

3. Career Service Council Hearing. If the employee is not satisfied with the County Commission decision, or if the County Commission fails to schedule a hearing or request additional information within five days of the employee's written appeal, the employee has five working days to file with the Human Resources Department a request for a Career Service Council hearing.
  - a. 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.
  - b. 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.
  - c. Review and Scheduling. Within 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 30 working days

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<sup>vii</sup> 'working' days in this policy are days the Washington County Administration Office is open for business.

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.

- d. Pre-hearing Conference. The Council may, at its discretion, schedule a pre-hearing conference and require the parties to attend. The purposes of the conference may be to:
  - i. establish ground rules for conducting the hearing;
  - ii. define the disputed issues;
  - iii. identify witnesses and exhibits and/or set a date by which exhibits and witness names must be submitted to the Council and the opposite party;
  - iv. identify stipulations of fact; and
  - v. address any other relevant pre-hearing matters.
- e. 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. The following procedures are guidelines for conducting the hearing but are not so inflexible as to prevent the Council from obtaining all the facts and reaching a just conclusion.
- f. 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, Administrator, and designated Human Resources, by the relevant department head and supervisors, and by County legal counsel. Witnesses are excluded except when testifying and except for any witnesses who are specified above as allowed to attend. Career Service Council hearings are not open to the public unless otherwise required by law.
- g. Responsibilities of the Chair. The Chair's duties include assuring that the hearing is conducted in an atmosphere of impartiality and objectivity. The Chair should provide all parties ample opportunity to present evidence, to examine and cross-examine witnesses, and to express and discuss their positions. The Chair should attempt to facilitate a complete and accurate portrayal of the respective positions for the Council's consideration.
- h. Representation. The parties may present their cases personally or through an appropriate representative.
- i. Evidentiary Matters. Although the hearing is not bound by the rules of evidence, courtesy, decorum and efficiency should prevail. The parties may agree to evidentiary rules or restrictions with the concurrence of the Council. The Council may limit evidence on the grounds of relevance and

to avoid undue delay, waste of time, the needless presentation of repetitive evidence, or other appropriate grounds. If County employees are called as witnesses, the employees will be allowed to attend and testify at the hearing if reasonable advance notice is given to the witnesses' supervisor. The Council may subpoena witnesses at a party's request pursuant to Utah Code Annotated Section 17-33-4(5) (1953, as amended).

- j. 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.
- k. Standard of Review.
  - i. Disciplinary Matters. In this subsection, 'disciplinary action' and 'disciplinary matters' refer to disciplinary suspension, transfer, demotion, or dismissal as defined above in subsection B. The Council's review of a County disciplinary action is a limited one that involves two questions: 1) do the facts support the claims and 2) do the claims warrant the discipline? The Council shall give latitude and deference to the County's personnel actions according to the following standards:
    - (a) Reviewing the Factual Support. The Council does not find anew the facts the County relied on in making its decision to impose disciplinary action. Instead, the Council finds whether, at the time the County took action:
      - (i) The County performed an investigation appropriate under the circumstances;
      - (ii) The County had reasonable grounds to believe that the employee's behavior merited discipline; and
      - (iii) The County acted in good faith in imposing the discipline.
    - (b) Reviewing the Appropriateness of the Discipline. In determination whether the claims justify the discipline imposed, the Council asks whether, in light of the claims against the employee, the discipline was so clearly disproportionate to the claims as to amount to an abuse of discretion.
- l. Claims of Unlawful Discrimination and Non-disciplinary Status Changes. When reviewing a claim of unlawful discrimination or a non-disciplinary transfer, demotion, or dismissal, the Council asks whether the County's action was arbitrary and capricious in light of the facts and circumstances the County reasonable believed.
- m. Presentation of the Case. The party requesting the hearing ('appellant') has the burden of going forward and the burden of proof. The presentation of the case by each party generally occurs as set forth below, although the order may be altered by agreement of the parties with the

concurrence of the Council. Council members may ask questions or make comments at any time.

- i. Opening Statements. The parties may present brief opening statements that summarize their positions and evidence, beginning with the appellant.
  - ii. Evidence. The parties may offer their evidence, question witnesses, and cross-examine each other's witnesses beginning with the appellant.
  - iii. Closing Arguments. Following the presentation of the evidence, the parties may offer closing arguments, beginning with the appellant.
  - n. Decision. Within twenty 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.
4. Appeal from Council Decision. An appeal to the district court or a charge with the Division of Antidiscrimination must be filed within 30 days of the Council's decision.

## **SECTION XI – COUNTY COMMISSION APPROVAL**

The Washington County Commission adopted and approved this County Employment Policy and Procedures Manual.