



Personnel Policy Manual

This manual does not establish an employment contract between the County and its employees nor guarantee continued employment with the County. The benefits, rules, and provisions outlined in this manual are subject to change without notice at any time except where prohibited by federal or state law.

Effective January 1, 2024

A Note from the County Manager

Dear Employee:

Welcome to Tooele County!

We are excited to have you as a part of our talented and diverse team of employees. Tooele County's organizational success is driven by input and contribution from every team member. This policy manual contains key policies and expectations for Tooele County employees. You will find the information both necessary and informative and are encouraged to use the manual as the vital resource it is intended to be.

Tooele County is committed to excellent service to our citizens and visitors. Providing an outstanding quality of life to our community is a top priority. As a part of our team, you will discover that your involvement will benefit the County and be a rewarding experience for you professionally and personally. We expect you to own the results of your innovation and productivity and be an active participant in the growth and development of your career and Tooele County's future.

Again, welcome aboard. We look forward to your contribution!

Sincerely,

*Andy Welch
County Manager*

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1 Personnel Administration

1.1 Authority

1.1.1 General

This Personnel Policy Manual provides policy statements and establishes personnel administration procedures necessary to manage County operations.

1.1.2 Scope of Authority

The County Manager possesses the authority to administer County operations that are under the operational jurisdiction of the Council. The County Manager's authority includes but is not limited to, the ability to:

- Discipline, discharge, or release employees according to procedures described in this manual (excepted as otherwise established in County Code 1-2-9);
- Direct the workforce;
- Hire, assign, or transfer employees;
- Determine the mission of County departments;
- Determine the methods, means, and allocation/assignment of personnel needed to carry out the County's mission;
- Determine reasonable work schedules;
- Require the performance of duties stated and intended in job descriptions;
- Determine position availability by authorizing lateral assignments; freezing, hiring, and promoting; authorizing delay in hiring positions due to budget or other business necessity; or authorizing temporary assignment into a vacancy; and
- Recommend to the Council the addition/deletion of positions.

1.1.3 Delegated Authority

The County Manager may delegate authority to Division/Department Heads in the following areas:

- Discipline, discharge, or release employees according to the procedures described in this manual;
- Direct the workforce;
- Hire, assign, or transfer employees;
- Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
- Recommend work schedules;
- Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- Recommend positions, reclassification, or the reassignment of employees to different positions with different classifications or pay; and
- Assume fiscal responsibility of the department.

The County Manager's delegation of authority to Division/Department Heads does not usurp the County Manager's authority to deal directly with the delegated matter if the County Manager deems it necessary or prudent to administer County

operations.

1.1.4 Administration of Policy

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this manual create high standards of conduct so that training and performance can be aimed at the highest levels and may, in appropriate cases, be the basis for internal discipline. This manual provides general information about County policies, procedures, expectations, and benefits. However, the information in this manual cannot anticipate every situation or answer every employment question. Therefore, the policies outlined in this manual may only cover some situations. The County Manager shall make interpretive decisions for situations this manual does not cover. The intent of this Personnel Policy Manual is compliance with all applicable Federal and State laws. In case of a change in law or a conflict in Federal or State law with the contents of this manual, the Federal or State law shall supersede the policies contained within this manual.

1.2 Departmental Operating Rules

Departmental Operating Rules and Regulations (sometimes referred to as “Standard Operating Procedures” or “SOPs”) may be established and used by Department Heads as applicable. Such Departmental SOPs shall be limited in scope to the conduct or performance of employees in carrying out their jobs and shall not address subjects such as compensation, paid or unpaid leave, or employee benefits. All such Departmental SOPs and subsequent amendments adopted according to this Section shall be submitted to the Human Resources Director. If the Human Resources Director determines that any Departmental SOPs exceed the scope allowed in this Section, the Human Resource Director will advise the Department Head, and the Department Head shall revise the Departmental SOPs to bring them into compliance. If a conflict arises between an employee’s conduct or performance required by Departmental SOPs and the conduct or performance required by this Policy, then the rule or regulation requiring the higher standard of behavior or performance shall control. The failure of a Division/Department Head to submit SOPs to the Human Resources Director will not affect the validity of any corrective action taken against an employee based on those SOPs if the particular provision of the SOPs on which the corrective action is based is limited in scope to the conduct or performance of employees in carrying out their jobs.

1.3 Revisions to Policy

This policy may be amended in whole or in part from time to time at the sole discretion of the County to maintain legal compliance, operational effectiveness, and desired workplace conditions. Only the Council has the authority to amend this policy. Amendments will be available to all employees upon adoption.

1.4 Personnel Records

1.4.1 Establishment and Retention

Employee personnel files are established and maintained by the Human Resources Department. These files shall be under the Human Resources Director's supervision and contain personnel records and actions taken. Files for terminated employees shall be retained under all applicable record retention laws. The practice of maintaining copies of these files or portions thereof within the departments is strongly discouraged. If departmental records must be maintained, these records must be kept in a secure location to ensure the confidentiality of protected information. The Human Resources Director shall determine the time limit that personnel records are kept in accordance with State and Federal laws.

1.4.2 Inspection of Records

Employees have the right to review and request copies of their personnel file. The Human Resources Director will facilitate these requests. All employee personnel files are subject to inspection and protection per the Government Records Access and Management Act (GRAMA).

1.4.3 Changes to Records

The employee must notify the County of any personal data changes, such as name, address, phone number, emergency contact information, change in beneficiaries, etc. Name changes will require legal documents as a backup.

1.4.4 Verification of Employment

All requests from persons inside or outside the County for information concerning an applicant, employee, or previous employee must be referred to the Human Resources Department. Only Human Resources representatives are authorized to release such information. Only information on employment dates and positions is released except as required by law or authorized by the employee's signed request. However, employees should not expect privacy beyond those exempted by GRAMA.

1.5 Personnel Policy Manual

Scope: The provisions of this policy apply to all County employees unless otherwise indicated or limited by law.

Not a Contract: This policy does not constitute a contract of employment or benefits. Nothing in this policy should be construed as a guarantee of continued benefits from or employment by the County. Benefits provided are subject to change or revocation with or without notice. Certain benefits may be summarized in this policy; however, these benefits are governed by the plan documents related to the benefits. If there is a conflict between a statement in this policy and a plan document, the provisions in the plan document will take precedence.

State and Federal Laws: Where this manual contains summaries of various state and federal laws, the manual is not intended to explain every detail of those laws but merely to inform the employee that specific laws exist regarding certain subjects. Consequently, there may be exceptions to what is stated, and nothing contained in this manual is intended to expand or limit the rights or obligations of the County or the employee under those laws.

Titles/Headings: The use of titles or headings in this manual shall not govern, limit, modify, or affect the scope or meaning, or intent of any provision.

Validity/Severability: Any provision of this manual found illegal, incorrect, or inapplicable

shall not affect the validity of the remaining contents.

Official Copy: An official copy of this manual containing the latest revisions is maintained by the Human Resources Department and is available online.

1.6 Definitions

The following words and phrases shall have the following meanings. Unless the context requires a different meaning, all other words not defined herein shall have common and ordinary dictionary meanings.

Career Service Position: Any position in the County except Career Service Exempt Positions and employees who have not successfully completed their initial evaluation period.

Career Service – Exempt Positions: Exempt positions include: County Manager, council members, elected officials, chief deputies, seasonal employees, contract employees, part-time employees, and employees whose positions are not expected to exceed three years in duration.

Chief Deputy: An employee appointed by any elected County officer who takes over and discharges the duties of the elected County officer in their absence.

Corrective Action: Any actions taken for counseling, guiding, correcting, or disciplining employees, including termination of employment. Corrective action may alternatively be referred to as “disciplinary action.”

Council: Refers to Tooele County Council.

County: Unless otherwise defined, “County” refers to Tooele County.

Days: Unless otherwise provided, “days” refers to business days rather than calendar days or shift days.

Demotion: Demotion is the change of an employee from a position in one grade to a position in another grade at a lower level.

Department Head: The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank. Elected officials are the department heads of their offices.

Division: Divisions are subdivisions of a department.

Division Head: The highest administrative employee of a division.

Employee: Each full-time, part-time, elected official, and any temporary, seasonal, or on-call worker in the service of the County.

Exempt Employee: An employee assigned to a position that is designated and qualifies as exempt under the federal Fair Labor Standards Act (FLSA). Exempt employees are compensated on an annual salary basis and do not receive overtime pay or compensatory time.

Full-time Employee: Any employee filling an approved, budgeted position with a regularly scheduled work week of thirty or more hours per week. Most full-time employees are regularly scheduled for at least forty hours per week; however, the regular work schedule of individual employees may vary based on job descriptions and department needs.

Non-Exempt Employee: An employee assigned to a position not qualified as exempt under the federal Fair Labor Standards Act (FLSA). Non-exempt employees receive compensation on an hourly basis and are entitled to receive overtime pay or compensatory time.

On-the-Job Injury: An on-the-job injury is an injury arising out of employment and sustained in the course of employment.

Overtime Rate: The overtime pay rate for a non-exempt employee is one and one-half (1½) times the regular pay rate for that employee.

Part-time Employee: Any employee with either (a) a regularly scheduled work week of less than thirty hours per week or (b) an irregular, intermittent, or unpredictable schedule of less than an average of thirty hours per week.

Evaluation Employee: Those newly hired employees who are in their “original evaluation period” and those who have changed positions and are in the “position evaluation period.”

Promotion: A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

Reassignment: Reassignment is defined as the movement of an employee not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

Reclassification: A position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or equivalent pay grade.

Supervisor: Any employee formally assigned supervisory responsibilities for personnel and operations of a work unit.

Unauthorized Absence: Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

Work Week: For calculating overtime pay under the FLSA, the work week starts at 12:00 a.m. on Sunday and ends at 11:59 p.m. the following Saturday.

2 Work-life Integration

2.1 Policy Statement

Tooele County is committed to providing employees with work-life integration that meets the needs of individual employees and the County. Work-life integration describes the ideal situation in which employees can split their time and energy between work and other important aspects of their life. Work-life integration policies help employees make time for family, friends, community participation, personal growth, self-care, and other personal activities, as well as work performed for Tooele County citizens. To provide work-life integration to employees, the County offers the following: Flextime, Telecommuting, Career Planning, Health and Wellness Programs, and Community Engagement.

2.2 Flextime

2.2.1 General

1. Flextime is a scheduling arrangement that permits variations in an employee's arrival and departure times but does not change the total number of hours worked in a week. This allows employees greater flexibility in their work schedules.
2. Supervisors may review flextime requests on a case-by-case basis and must obtain Department Head approval before the final approval may be granted. The employee must discuss possible flextime arrangements with their supervisor and then submit a written request to their supervisor. The supervisor will approve or deny the flextime request based on staffing needs, the employee's job duties, work record, and the employee's ability to temporarily or permanently return to a standard work schedule when needed.
3. Department Heads may implement flextime work schedules, subject to the following conditions:
 - Department Heads have the discretion to determine if staffing coverage is adequate to meet the operating requirements;
 - Work weeks and work periods established by Department Heads must be observed;
 - Department Heads should evaluate the flextime schedule periodically to determine if it meets departmental operating requirements;
 - Department Heads may implement, continue, discontinue, or modify flextime work schedules. In addition, Department Heads have the right to return employees to a standard work schedule without justifying such action; and
 - Department Heads are to ensure that flexible schedules allow the continuation of normal services.

2.2.2 Types of Flextime Schedules

The total number of hours worked each workday, workweek, or work period must be maintained by each department per the FLSA. The following types of flextime schedules may be approved:

1. Fixed Schedule – employees may set their work hours within limits established by their supervisor. Employee adheres to a schedule that differs from regular office business hours.
2. Adjusted Meal Period – employees may adjust the length of their meal period while still working their standard hours for the workday.
3. Compressed Schedule – employees may complete a full-time work week in fewer than five days.
4. Peak Hour Flextime – employees may flex their daily work hours (outside of peak hours) while working the total standard hours for the day.

2.3 Telecommuting

2.3.1 Purpose

This policy describes the general purposes and conditions under which remote telecommuting for work purposes will be permitted.

2.3.2 Policy

The County's policy is that all jobs are performed on-site except as required by the job function and as directed by the various directors or elected officials of each department or office. Telecommuting may be a workplace alternative where a Department Head determines that an employee or employees may perform some or all their assigned duties at an offsite location. Approved telecommuting is a management tool and does not change the basic terms and conditions of employment. Telecommuting arrangements are provisional in nature and may not be considered permanent arrangements.

2.3.3 Procedures

1. The employee's department head must authorize telecommuting.
2. Supervisors of telecommuting employees shall conform to the policies of Tooele County. Telecommuting employees shall be managed and treated as onsite employees and be afforded the same opportunities for evaluations, training, assignments, job advancement, or other growth opportunities. Supervisors should understand that managing telecommuting employees may require additional duties depending on circumstances.
3. Eligibility. To be eligible for telecommuting, the following requirements must be met:
 - The employee's job description should indicate whether the essential functions may be performed remotely. This determination may be made on a case-by-case basis as requests are made for telecommuting status.
 - Where the job description has not yet been modified to indicate eligibility, the employee must not have, as their essential job function, duties that require onsite activity that cannot be handled remotely or at an alternate worksite as determined by the Department Head and the Human Resources Department.
 - Employees requesting telecommuting may be approved at the discretion of the department head.

- The Department Head determines that allowing employees to telecommute must be in the County's best interests.
4. Review and Approval. The Department Head shall review the telecommuting request taking into consideration the following factors:
 - Needs of the department or division.
 - Needs of the employee.
 - Ability of the employee to perform the job duties and the supervisor to assess and review the work performed.
 - Availability and costs of necessary equipment.
 - Availability of a safe workspace, as certified by the employee, at the remote location.
 - Employee's current and past job performance, as documented in performance evaluations, including time management, organizational skills, self-motivation, and the ability to work independently.
 - Effect on the service provided by the County or required by law.
 - Whether there is an ability to have measurable objectives and results upon which the employee can be evaluated.
 - Other appropriate factors.
 - Annual review of the arrangement during the employee's appraisal.
 5. Work hours and performance expectations.
 - At a minimum, employees are expected to work the full schedule for which they were hired, whether full-time or part-time.
 - Telecommuting arrangements shall set forth the specific work schedule expected of the employee, which may not result in fewer hours than those normally expected. The work schedule may allow for periodic or routine teleworking days with irregular hours in the office as directed by the department head.
 - The working of overtime, accrual of compensatory time, or taking paid leave shall be subject to the same rules and conditions outlined in this policy.
 - To enhance and ensure the performance of duties, department heads may impose measurable performance standards or benchmarks to meet as part of the telecommuting arrangement.
 - Arrangements shall also indicate daily communication requirements. Employees are generally expected to be available to their supervisors and others by phone, text, email, etc., during the regular work hours set forth above.
 6. Computers and Equipment.
 - The use of County-owned or purchased equipment in a telecommuting environment is considered a privilege and not an entitlement or benefit of the employee. Employees wishing to telecommute may be required to provide and maintain necessary equipment at their cost. The County is not obligated to purchase additional equipment or Internet/Wi-Fi capability to allow an employee to telecommute.

- County provided: Any County-owned equipment shall always remain the property of the County, and the use of County equipment in a telecommuting environment shall not eliminate the employee's need to follow all applicable laws and County policies. The employee shall also agree to keep the equipment safe, maintained, and functioning. Maintenance of County-owned equipment should be done only by the County. Information Technology (IT) should maintain computers and related equipment, and the employee will be responsible for bringing the equipment to IT.
7. All work produced as part of employment is considered the property of the County and shall be subject to relevant provisions of the Government Records Access Management Act (GRAMA), discovery in litigation, and inspection or review at any time by supervisors, department heads, the County Manager, or their designees.
 8. Internet. If required, the employee shall acknowledge and confirm that they have access to an acceptable internet provider with sufficient speed to allow the employee to perform their job functions.
 9. Office Supplies. The department head shall set forth any arrangement regarding the use and costs of general office supplies, including but not limited to paper, pens, software, ink, staplers, paperclips, etc. Reimbursement by the County for costs of general office supplies will only occur if it is within budgeted limits for those supplies.
 10. Communication methods. The IT department and the employee's department head shall determine which meeting and communication systems are required for the employee to telecommute.
 11. Abuse. Employees who violate the telecommuting agreement may be subject to disciplinary action up to and including termination.
 12. Taxes. The employee will determine any personal income tax implications of maintaining a home office area.
 13. Termination of the Telecommuting arrangement. The department head may terminate the telecommuting arrangement at any time. Employees wishing to terminate the arrangement must work with their supervisors to establish an end date and the transition to on-site employment. If a telecommuting arrangement is terminated or the employee leaves the employ of the County, all County-owned equipment shall be immediately returned to the County. Damage to or failure to return equipment may be charged against the employee if the act was intentional.

2.4 Career Planning

2.4.1 Purpose

To provide a method whereby employees with management potential are identified by their department heads and given opportunities to increase their skill level so that there is available within the County a pool of employees with managerial talent capable of assuming broader responsibilities at a higher level.

2.4.2 Policy

Under this policy, department heads will be responsible for the following:

1. Identifying the key management positions in the department for which career planning programs will be developed;
2. Obtaining approval of positions, if applicable;
3. Hiring employees who can assume such positions;
4. Working with these employees and helping them develop by creating and following formal career planning programs.
5. Reviewing career plans with their employees.

2.4.3 Procedure

1. The department head will identify the key management positions for which long-term career planning programs will be developed.
2. The department head will work with employees in these positions to help them acquire the necessary job-related education, training, and work experience by developing a career plan.
3. As these key management positions become vacant, the department head will consider hiring employees with management potential to fill the positions.
4. The department head may “underfill” a key management position (i.e., select an applicant who may not have as many years of experience as another applicant) to allow the development of the individual through the assumption of the duties of the position in increments (as a learning process). The career plan document must include steps, time frames, and necessary training the incumbent must achieve to progress to the targeted management position.
5. The Human Resources Department will draft a temporary class specification for the underfilled job identifying it as a development classification. A copy of the career plan document and any incremental pay increases approved by the department head, as provided in the career planning document, will become part of the employee’s personnel file.
6. If the employee needs additional work experience or training to qualify for a higher-level position, the supervisor will help them determine ways to obtain such experience and training. Techniques that could be used to increase an employee’s knowledge/skill level and promotion potential include:
 - Encouraging affiliation with professional associations.
 - Encouraging/requiring involvement in self-development activities such as:
 - Attending job-related seminars
 - Reading management literature (books, journals, magazines)
 - Attending career planning and development workshops
 - Using self-assessment tools to determine potential, evaluate aptitude, or identify strengths and areas needing improvement (e.g., surveys on management style, skills inventories, aptitude tests, etc.)
 - Pursuing job-related interests outside work (e.g., enrolling in an advanced degree management program, teaching management courses at a community college or technical school, etc.)
 - Job rotations (involve shifting or transferring managers among jobs, so they are exposed to and learn new responsibilities).

- Committee assignments (expose promising employees to a wide range of organizational processes, issues, and problems to broaden their knowledge).
7. If the employee needs additional outside education or training to qualify for a higher-level position, the department head will advise them of an appropriate academic program and the County's education assistance program.
 8. After the career plan is developed, department heads, under the direction of the Council, will review the developed career plans with the County Manager.
 9. With assistance from the department head, the employee will be responsible for tracking their progress.
 10. If the employee fails to complete the development plan on schedule and as described, or if their career plans change, the employee reverts to the position in which they have permanent status, if available.

2.4.4 Exceptions

Any exceptions to this policy will require the approval of the County Manager or the County Council.

2.5 Health and Wellness Programs

2.5.1 Wellness Program

The County provides benefits to help employees stay healthy, feel secure, and maintain work-life integration. This is just one way the County strives to provide employees with a rewarding workplace. The County wellness program is a voluntary employee benefit that enhances employees' minds, bodies, and spirits. The wellness services, programs, and resources aim to improve employee health and well-being, increase productivity, decrease absenteeism, and manage healthcare costs by providing various opportunities for employees to adopt and maintain healthy behaviors.

2.5.2 Employee Assistance Program (EAP)

An EAP is available to all employees. An EAP is a resource for employees and their families to get help with issues they may face, from emotional, relationship, and family issues, to legal, financial, or wellness concerns. The EAP provider has a team of professionals ready to help day or night. The EAP is a strictly confidential employee benefit that provides assessment and short-term counseling to employees, their spouses, and their dependents.

2.5.3 Fitness Release Time (FRT)

1. The FRT is available to full-time, benefits-eligible employees who have been with the County for a minimum of 3 months from their hire date. The FRT applies to approved physical fitness activities.
2. Employees approved for FRT may receive up to thirty minutes, three times weekly, to participate in approved physical fitness activities.
3. The FRT may not interfere with the employee's duties or the department's responsibilities; therefore, supervisor approval is required before the employee commences or continues this program.
4. Employees must complete the FRT application process to participate in the program and may apply any time throughout the year. A supervisor's approval

is necessary before commencing any physical fitness activity under the FRT policy. Department Head approval will be granted to applicants on a year-to-year basis.

5. FRT cannot be used at the start or the finish of the workday (i.e., to come in 30 minutes late or to leave 30 minutes early). It can, however, be connected to an employee's lunch hour if it does not interfere with the employee's duties or the department's responsibilities and the supervisor approves.
6. Approved physical fitness activities include exercise involving the movement of the body. Examples of approved activities include walking, Yoga, working out, etc.
7. Hourly employees must record FRT in the time reporting system.
8. FRT is compensated as straight time only. It is not to be used for overtime pay or compensatory time, where applicable.
9. Failure to adhere to the FRT policy may disqualify an employee from future use.

2.6 Community Engagement

2.6.1 Policy

The County is committed to partnering with and helping strengthen the communities in which we work and live. The County encourages its employees to become engaged in their communities, lending their voluntary support to programs that enrich the quality of life and opportunities for all citizens. Providing service to organizations in the community and building sustained partnerships with these organizations allow employees to embrace the County's mission, vision, and values and support strategic goals.

2.6.2 Procedures

1. Community Engagement Activities
 - Community engagement leave is provided to employees to engage in volunteer activities during their regularly scheduled working hours to enhance our community, such as participation in schools or community service organizations, etc.
 - Employees may select their community partners.
 - Employees may not use community engagement leave with specific organizations or activities, including attendance at:
 - religious organizations to attend worship services or proselytize;
 - fraternal societies;
 - social clubs or country clubs;
 - political activities which are partisan in nature;
 - service for compensation;
 - service, which is a part of the employee's employment; or
 - social events, rallies, and fundraisers for community organizations.
 - While some organizations do not meet the criteria for using leave, County leadership recognizes that these organizations hold community events that may qualify on a case-by-case basis.
2. Availability of Community Engagement Leave

- Current and new employees hired between January 1st and June 30th will receive 24 hours for the calendar year. New employees hired between July 1st and December 31st will receive 12 hours for the remainder of the year.
 - Unused leave does not carry over.
3. Approval of Community Engagement Leave
- Employees must submit a written request to their supervisor describing the leave, the date, and the number of leave hours requested.
 - Supervisors will then approve or deny the request. Supervisors will keep a record of their decision.
 - Employees should schedule leave at times that will not interfere with the department's efficiency.
 - Supervisors should attempt to approve leave at the time requested by an employee but have the discretion to deny the leave if it impacts County operations.
4. Reporting Community Engagement Leave Time
- Employees will report leave time on their timesheets on the day they took the leave.
 - Employees should enter the name of the organization they provided service for in the comments section on their timesheet.
 - Supervisors are responsible for approving an employee's submitted leave time.
 - Volunteer time exceeding 24 hours will be charged to vacation or unpaid leave as appropriate.
5. Other
- Community engagement leave is not paid out at termination or used to extend a termination date.
 - Leave time taken under this policy will not be included in the calculation of weekly hours for overtime.
 - Employees will not be entitled to any reimbursement for travel, lodging, meals, and other trip-related expenses associated with taking leave.
 - County property and supplies will not be used for community engagement leave.

3 Hiring

3.1 Policy Statement

The County's policy provides equal employment opportunities to all applicants and employees. The County is committed to employing, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. Authorization from the Human Resources Department is required to initiate any action for an open position, including any recruitment efforts or advertising.

3.2 Equal Employment Opportunity (EEO)

The County provides equal opportunity to all employees and applicants regardless of color, religion, gender, sexual orientation, gender identification, national origin, age, disability, marital status, genetic information, or status as covered veterans per applicable Federal, State, and local laws. This policy applies to all terms and conditions of employment, including, but not limited to, recruitment, placement, promotion, corrective action, termination, reduction in force, transfers, leaves of absence, compensation, working conditions, training, and benefits.

3.3 Americans with Disabilities Act (ADA)

The ADA prohibits unlawful discrimination based on disability in employment, public services, and public accommodations. The ADA requires employers to reasonably accommodate qualified individuals with disabilities. The County will not unlawfully discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The County will provide reasonable accommodations to both employees and members of the public if so requested.

3.4 Selection Criteria

Selection for employment with the County is based on job-related qualifications and is contingent on satisfactory results of such exams or tests as required by law or administered due to job-related duties.

3.5 Minimum Age

Eighteen is the minimum age of employment for the County except for selected part-time positions where:

1. Persons are at least age 15; and
2. The positions are non-hazardous in nature, and the employment of minors is permitted by law.

3.6 Work Authorization

All employees must provide proof, as required by Form I-9, of eligibility for employment within the United States and maintain work authorization eligibility as a condition of

continued employment.

3.7 Application Process

3.7.1 Acceptance of Applications

Generally, applications/resumes will only be accepted for open positions.

3.7.2 Recruitment Requests

Upon a vacancy, the supervisor should notify the Human Resources Department. A recruitment announcement/advertisement will be posted listing the position, the minimum qualifications, and the closing deadline for application submission. This announcement will be posted for a minimum of ten business days. Unless otherwise specified, all postings will be open to internal and external candidates.

Internal-only postings: With the approval of the Human Resources Director, the Department Head may consider only internal candidates for an existing vacancy. Internal-only postings will be approved when (1) there are enough internal candidates from which to select and (2) the vacancy represents a typical career progression for individuals in the candidate pool. Internal-only positions shall be posted for at least 48 hours to allow employees time to apply.

Waiver of posting process: If a position becomes vacant within 90 days of having been filled, the position will not require re-advertising if there are additional qualified candidates to consider from the previous posting.

3.7.3 Forms and Submission

All candidates for a position must complete the employment application process. Resumes and letters of interest will be accepted in addition to, but may not be substituted for the standard application process. Additional information outside the initial employment application may be required for some positions.

3.7.4 Examinations

As determined by the supervisor and the Human Resources Director, the selection process may include, but not necessarily be limited to, one or more of the following: oral interviews, evaluation of experience and training, written/computerized/performance skills test, physical ability skills test, driver history, criminal history, psychological testing, drug test, and reference and background checks. Any written or oral test, performance skills test, or other selection procedures must be valid as to its ability to test for job performance. Any such selection procedure that has an adverse disparate impact on persons subject to Title VII of the Civil Rights Act or any other Federal equal employment law must be validated per the Equal Employment Opportunity Commission guidelines. Candidates for positions designated as physically demanding or safety-sensitive may be required to undergo post-offer physical examinations at the County's expense before employment.

3.7.5 Falsified or Omitted Material

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for employment, transfer, or promotion consideration. Corrective action, including termination, may be taken against a current employee for an omission or falsification, regardless of when the omission or falsification is discovered.

3.8 Selection

3.8.1 Job-Related Criteria

Selection for County employment is based on job-related criteria that may include, but are not limited to:

1. Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications, and experience required for the position.
2. Satisfactory results on performance tests on physical or psychological examinations or drug and alcohol tests.
3. Satisfactory results on criminal history, driving record, and employment and education reference checks. Criminal history evaluation will be based on an individualized assessment that includes the nature and gravity of the offense, the time that has passed since the offense or completion of the sentence, and the nature of the job sought.

3.8.2 Position Control

The Human Resources Department is responsible for monitoring all vacancies and tracking authorized positions and the status thereof. No position will be advertised or filled without an authorized vacancy.

3.9 Re-Employment

3.9.1 Re-Employment Eligibility

To be considered for re-employment, a former employee must have demonstrated satisfactory prior service with the County. Re-hired employees are subject to the conditions of employment and benefits of a newly hired employee. Re-hired employees are subject to any waiting periods and eligibility requirements in the County's various benefits and retirement plans.

3.9.2 Re-Employment Agreements Prohibited

Before the retirement or separation of employment, an employee planning to retire or terminate employment cannot discuss re-employment with anyone at the County to facilitate a distribution from the retirement plan that would not otherwise be available.

3.10 Emergency Employment

The County Manager may approve emergency employment without advertising the vacancy when the position must be filled immediately.

3.11 Temporary Employment

3.11.1 General Overview

Personnel from temporary employment agencies may be utilized from time to time by the County to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel and payroll/benefits. For performance purposes, the Department Head or designee will supervise temporary personnel utilized by the County.

3.11.2 Requests for Employment Agency Personnel

Requests for employment agency personnel must be placed through the Human Resources Department and are subject to the availability of funds. The temporary assignment must be approved by the Human Resources Director.

3.12 Outside Employment

3.12.1 General Overview

The County recognizes that employees may seek additional employment during their off hours to earn extra income or develop new skills and experience. Despite any other outside employment, the County job is the primary employment responsibility of any full-time employee. Working extended hours at a secondary job may adversely affect employees' health, safety, endurance, and productivity. The County does not consider outside employment as an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the County. Outside employment also presents the opportunity for conflicts of interest.

3.12.2 Outside Employment

Outside employment is subject to approval by the department head. A County employee may not engage in any business, trade, occupation, or profession that:

1. Brings the County into disrepute;
2. Reflects discredit upon the employee as an employee of the County;
3. Interferes with the performance of the employee's County duties;
4. Presents a conflict of interest;
5. Results in misuse of County property or funds;
6. Results in use of the County position for unethical or illegal personal gain;
7. Violates department policy or procedure; or
8. Decreases employees' health, safety, or endurance or adversely affects their productivity.

Permission granted is subject to revocation in the event of a subsequent conflict with this policy.

3.12.3 Dual County Employment

Employees typically only work in one position. Working a second position must be reviewed and approved by the Human Resources Department and the Department Head for the primary position.

3.12.4 Prohibitions

If an employee is on leave for personal medical reasons (sick leave, Workers' Compensation, FMLA, etc.), they cannot engage in outside employment without the specific approval of the department head and County Manager. No employees shall engage in outside employment while on duty with the County.

3.13 Nepotism

3.13.1 Policy Statement

It is the County's policy that relatives (which, for this policy, include spouse, child,

parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepparent, stepchild, stepsister, stepbrother, or any individual living in the employee's household) will not be employed in regular full-time or part-time positions where:

1. One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other;
2. Other circumstances would place the relatives in an actual or reasonably foreseeable conflict between the County's interest and their own.

3.13.2 Options to Maintain Policy Compliance

To address new or newly discovered relationships that conflict with Section 3.13.1 above, the County will consider the following options:

1. Voluntary movement of either or both employees based on the availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment of the more senior employee to an available position of equivalent status/grade based on the qualifying skills of the employee.
3. Resignation or dismissal from County service.

3.13.3 Relatives of Members of the Council

Relatives of Council members are ineligible for full-time employment by any County department. However, a relative employed at the time of the election shall be eligible to remain employed. Assuming other policies and guidelines relating to conflicts of interest are met, relatives of the Council shall be eligible for employment in any County department as part-time employees.

3.13.4 Relatives of the County Manager

Relatives of the County Manager are ineligible for employment in any capacity in any County department.

4 Orientation

4.1 Policy Statement

The County is committed to ensuring that all new employees are integrated into the workforce consistently and effectively.

4.2 Assignment of Responsibilities

Upon employment, an employee shall complete an orientation process. The Human Resources Department and the employing department each have a role in ensuring that the employee is familiarized with County and departmental rules, policies, benefits, and procedures.

1. The Human Resources Department shall be responsible for the initial New Hire Orientation, including standard employment paperwork, employment eligibility verification, benefits information and enrollment, and policy acknowledgments.
2. The employing department shall be responsible for the following: introduction to other departmental employees; a tour of departmental facilities; explanation of departmental standard operating procedures and rules; introduction of safety rules and practices; explanation of performance expectations; and other pertinent information.

5 Education and Development

5.1 Policy Statement

The job performance of all employees will be reviewed periodically to determine if the employee's performance meets expectations. A periodic formal performance evaluation is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected;
2. Understand the level of performance expected;
3. Receive timely feedback about their performance;
4. Have opportunities for education, training, and development;
5. Are evaluated fairly and consistently; and
6. Have the opportunity to discuss performance goals.

5.2 General Provisions

5.2.1 Timing

It is intended that the performance of employees will be formally reviewed and documented annually for all non-seasonal employees.

5.2.2 Performance Discussion

Informal reviews by the supervisor throughout the year are encouraged. The purpose is to foster communication, assure a common understanding of purpose and expectations, and assist in resolving problems as they develop.

5.3 Evaluation Process

5.3.1 The Evaluator

Employees should be confident as to whom they are accountable for their work performance at any given time. The formal evaluation should include all aspects of an employee's work performance for the entire year. If the employee has worked in a different position/department or for a different supervisor during the formal evaluation year, the evaluator should consult with the previous supervisor(s) to gain input/information for the evaluation.

5.3.2 Performance Evaluation Tool

The supervisor will document the employee's evaluation using a performance evaluation tool. The Human Resources Department shall maintain all performance evaluation forms and related documentation.

5.3.3 Evaluation Discussion

1. If possible, the supervisor should give the employee advance notice before the performance evaluation discussion. The evaluation discussion should take place in a quiet, uninterrupted environment. The supervisor and employee will discuss the employee's performance during the review period and plan for the next review period. The contents of the review should:
 - Identify the principal duties of the job and measure the results of those duties during the review period;
 - Review the expectations of the level of performance and the measured

- results of meeting those expectations/goals during the review period;
- Identify and address areas of employee developmental needs;
 - Develop an action plan for training to improve skills or to learn new skills;
 - Set goals and objectives for the upcoming year; and
 - Offer advice on career advancement, specialization, and training.
2. The evaluation discussion with the employee may result in agreed-upon plans (i.e., training needs, goals, etc.) that should be recorded on the performance evaluation.
 3. The employee should be allowed to make oral or written comments on their performance evaluation.
 4. The employee should have access to a copy of their performance evaluation.

5.4 Training

Employees may receive training to ensure high-quality performance. Each department head shall develop and implement a program to improve employees' job and career-related skills so that they may render more valuable service to the County. The following standards shall apply to departmental training and development programs:

1. Employee development programs must focus on the legitimate needs of the department.
2. Training programs should be relevant to the job and designed to improve employee behavior and performance.
3. Individual development plans should be established for each employee, providing for the job and career-related development needs.
4. Departments may keep records of all training activities in which their employees participate. These records shall include the names of participants, the type of training and the number of hours, and the costs per participant hour. Departments offering education assistance to employees will keep records of the amount paid annually and the type of training received for each employee who receives assistance.

5.5 Education Assistance Program

Educational assistance is available for employees who desire to pursue an approved degree. To qualify for educational assistance, both the degree being sought as well as the institution from which it will be obtained must be approved by the department head and Human Resources Director. As employees are deciding on the type of education, they should carefully consider institutions, programs, and disciplines that best help them grow professionally and improve their ability to accomplish County objectives. In addition to budgetary considerations, reimbursement is based upon the employee qualifying for educational assistance by being 1) full-time employees, 2) employed for at least 12 months, and 3) on the payroll at the start and end of the course.

5.5.1 General Guidelines

1. Classes and associated homework should normally take place outside of work time and should not interfere with the accomplishment of work responsibilities.

2. To make the best use of limited funds, employees are encouraged to apply to other sources for grants or scholarship money that may be available. If funds are received for tuition from other sources, the amount of assistance will be limited to the County allowance minus the tuition portion of grants or scholarships.
3. Employees are eligible for tuition reimbursement up to a maximum of 12 semester/18 quarter hours in a calendar year. Hours are counted in the year the course is started (if a course starts in December and ends in the new year, the semester hours are counted in the year the course started).
4. The dollar amount of assistance cannot exceed \$5,000 annually per employee.
5. No employee may be reimbursed for credits beyond the number of hours required by the institution for the degree being sought. The total hours of assistance cannot exceed forty semester hours toward a master's degree.
6. Educational assistance is not available for a second master's degree.
7. Educational assistance may not be used to pay for the continuous hours of registration required in a graduate program unless actual courses are taken or the credit is used for the thesis or dissertation hours required by the program.
8. Educational assistance will be granted for tuition and mandatory fees only. It may not be used to pay for books, optional fees, credit card fees, or penalties for late registration.

5.5.2 Application Process

1. Completion of an application form supplied by Human Resources is required.
2. The application must be approved by the employee's supervisor, department head, Human Resources Director, and County Manager.

5.5.3 Reimbursement Process

Each time a course is completed and reimbursement is requested, the materials listed below should be sent to the Human Resources department.

1. Completed Tuition Reimbursement Request.
2. Grade verification transcript or report card for each course (only courses with a pass or B- grade or better will be reimbursed).
3. Official receipts from the school that show the name of the institution; the name of the participant; the number of hours taken; the term, semester, or date of the course; and the amount paid for tuition.

If any of the documents are incomplete or missing, the reimbursement request will be returned to the employee to resubmit. If the documents are all accurately received, a reimbursement will be deposited directly into the employee's checking or savings account after being processed.

6 Compensation

6.1 Policy Statement

The County strives to maintain a competitive pay structure to recruit and retain an effective and efficient workforce. The pay structure is designed to compensate employees based on the relative worth of the position while recognizing and rewarding individual employee performance through merit increases. The pay plan is designed to comply with Federal and State law, including the Fair Labor Standards Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined at the sole discretion of the Council.

6.2 Compensation Plan

Pay grades shall be approved each year by the Council. Hourly employees (non-exempt) and salaried employees (exempt) shall be paid at their assigned pay grade according to the compensation plan. Elected officials shall be paid an annual salary established by the Council.

6.3 Overtime

Overtime hours are discouraged. If the requirements of a department mandate working extra hours, the department head shall arrange schedules to avoid overtime pay if possible and give preference to the accrual of compensatory time. Before working overtime, an employee shall obtain direction to work from the department head. Overtime hours shall be recorded on the timecard for the pay period in which they are accrued.

Overtime wages for non-exempt employees will be paid for any hours worked exceeding forty hours in a workweek as required by the Fair Labor Standards Act. Employees must actually work more than forty hours in the applicable work week before receiving overtime pay. (For example, an employee who is paid for 48 hours in a workweek would not be entitled to overtime pay if 8 hours of the paid time was for paid annual or sick leave or holiday pay.) For overtime calculation, an alternate work period has been established for some positions according to 29 U.S.C. § 207(k). Overtime (at the rate of one-and-one-half times the regular pay rate) will be paid for eligible certified staff in the Sheriff's office when the hours worked during the 14-day work period exceed 84 hours.

6.4 Compensatory Time

6.4.1 Accrual

In place of monetary overtime compensation, compensatory time off is authorized for non-exempt employees at the rate of one and one-half hours of compensatory time for each hour of overtime worked. The use of compensatory time shall be authorized only for those employees who have previously entered into the compensatory time off agreement with the County. Non-exempt employees generally may accrue up to 40 hours of compensatory time. After 30 days, the County will pay any amount of compensatory time over 40 hours.

6.4.2 Utilization

An employee who has accrued compensatory time and requests use of the time will be permitted to use the time off within a reasonable period after requesting if it does not unduly disrupt the department's operations. Compensatory time shall be exhausted before leave is used.

6.4.3 Recordkeeping

Compensatory time shall be recorded on the timecard for the pay period in which it is accrued. Unused compensatory time shall be reflected on subsequent timecards until it has been used or paid. The use of accrued compensatory time shall also be recorded on the timecard for the pay period during which the time off was taken.

6.4.4 Payment

Accrued compensatory time will be paid at the regular rate earned by the employee. Employees who have accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours worked. An employee will be paid for unused compensatory time upon termination or retirement.

6.4.5 No Compensatory Time for Exempt Employees

The accrual of compensatory time for exempt employees is not allowed. If an employee with accrued compensatory time is promoted or transferred into an exempt position, all accrued compensatory time will be paid out as overtime before the effective date of the promotion.

6.5 Holiday Pay

6.5.1 Observance

Holiday pay is based on the day an employee clocks in. When a holiday falls on a Saturday, it shall be observed on the preceding workday. When it falls on a Sunday, it shall be observed on the following workday.

6.5.2 Accrual

When an employee works on a holiday, that employee will receive straight time plus time and one-half pay for time worked.

6.6 Call-out Pay

The time spent waiting while on-call is not considered working time. If the employee's supervisor requires an employee to return to work outside the employee's regular work schedule, the employee shall be credited with a minimum of two hours worked.

6.7 Annual Performance Evaluation

Employees may receive an annual raise if they average at least a three on their annual performance review. Subject to annual budget appropriation, all non-seasonal employees may be eligible for pay increases based on performance (merit increases).

6.8 Eligibility Date Adjustments

When an employee voluntarily changes job classification from one department or division to another, the eligibility date for the pay adjustment will be adjusted to the date of the

change.

6.9 Effective Date

The effective date for a pay increase shall be the beginning of the payroll period nearest the approval date. The increase shall be paid retroactively to the eligibility date.

6.10 Payday

Employees will be paid on a bi-weekly basis. Pay shall be distributed to employees by electronic deposit to each employee's bank account. If more than 26 pay days fall within one calendar year, the Council may authorize additional compensation for employees receiving an annual rate of an additional 1/26th of the regular annual compensation, which is designed to avoid reduced bi-weekly paychecks for years in which there are 27 pay days. Timecards shall be submitted by noon on Monday (or Tuesday if a holiday is on a Monday); typically, payday will be that Friday.

6.11 Timecards

All hourly employees must clock into and out of the timekeeping system at the beginning and end of each workday and at the beginning and end of their lunch break. If an employee does not clock into or out of the system before the timecard is submitted to the Human Resources Department, the employee must accept the adjustments submitted by the supervisor on their behalf for that pay cycle. The employee has one full pay cycle following receipt of that pay to appeal any possible discrepancies from the time that was adjusted.

6.12 Years of Service

Years of service for benefits accrual shall be based upon continuous full-time employment with the County. An employee is deemed to remain a full-time employee and accruing service time during the following circumstances, unless otherwise stated: leave-without-pay for fewer than 30 days; military leave-without-pay necessitated by a draft or reserve call-up because of a national emergency; a period of leave-with-pay; a change of status from a full-time employee to an elected or appointed County position; a specific period of leave-without-pay, approved by the department head and County Manager and; reinstatement to full-time employment within one year of termination, but the time from termination to reinstatement shall not count towards accrual of service time.

6.13 Compensation Plan

6.13.1 Pay Plan

The County will maintain a Classification and Pay Plan, including a complete inventory of all full-time and regularly scheduled part-time positions in the County's service, accurate job descriptions, and specific salary grades with minimum and maximum pay ranges. The pay plan will be designed to provide comparable pay for comparable work and a pay range for each grade of positions, enabling the County to recruit and retain qualified employees and compete in the job market with other private and public employers. All aspects of the pay plan are

contingent upon the availability of funds as determined at the discretion of the Council.

Pay ranges are established based on market rates as part of the pay plan. Each range will consist of a minimum and a maximum. The County Manager establishes the pay rates for certain acting status and part-time positions outside the Classification and Pay Plan.

6.13.2 Administration

The primary responsibility for the day-to-day administration of the Classification and Pay Plan rests with the County Manager or designee, as follows:

1. The Human Resources Director is charged with the maintenance of the Classification and Pay Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.
2. It is the responsibility of the Human Resources Director to examine the nature of new positions as they are created and to allocate them to an existing grade in conformity with this section; to make such changes as are necessary for the duties and responsibilities of existing positions; to periodically review the entire pay plan, and to recommend appropriate changes in the plan to the County Manager. The County Manager shall submit recommendations for updating the pay plan to the Council for approval.
3. A formal Classification and Pay Study may be conducted from time to time to review the plan. Based on the results of these studies, the County Manager shall recommend to the Council such increases, reductions, or amendments of the pay plan as is deemed necessary to maintain the fairness and adequacy of the plan.
4. The County Manager reserves the right to make additional pay adjustments as necessary for business operations or to address any internal equity issues.

6.13.3 Use of the Classification and Pay Plan

The Classification and Pay Plan is to be used:

1. As an aide in recruiting and evaluating candidates for employment;
2. In determining the salary or hourly wage to be paid for various types of work;
3. In providing uniform job terminology understandable to all County officials, employees, and the public; and
4. To ensure that the official job title represented on the Classification and Pay Plan shall be used in organizational charts and other personnel, accounting, budget, appropriation, and financial records.

6.14 Starting Pay

In general, newly hired employees should begin at the minimum pay rate of the grade for the position. Hiring employees above the minimum pay rate for the grade may be appropriate in some instances. The department head, in consultation with the Human Resources Director, has the discretion, subject to the following guideline, to set the starting salary in an amount that is no lower than the pay grade minimum and no higher than the first quartile. As a guideline to help maintain internal equity, the hiring manager may increase the starting pay by 2-3% for each year of related training or experience that

exceeds the minimum qualifications for the position up to the first quartile of the pay grade. The County Manager may approve a new hire's employment at a rate above the first quartile for positions that have been difficult to fill or when other unusual circumstances exist.

6.15 Maintenance of Pay Ranges

The County Manager or designee may make or cause to be made such comparative studies as they deem necessary. Based on information from such studies, the County Manager may make recommendations for changes in salary ranges as deemed necessary to maintain fairness, adequacy, and competitiveness.

6.16 Changes in Pay

6.16.1 Position Reviews

The job performance of all employees subject to the pay plan may be reviewed periodically to determine if pay should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

6.16.2 Across-the-Board Pay Adjustments

Subject to annual budget appropriation, across-the-board pay adjustments may be implemented for employees subject to the pay plan. There is no requirement that an across-the-board adjustment will occur in any given budget year. The pay plan may be adjusted to align with the adjustment to employee pay.

6.16.3 Pay Changes Due to Promotions

Promotions occur when an individual applies for and is selected to fill an open position at a higher pay grade. Typically, promotion adjustments should be in the range of 7-15%, based on the following factors:

1. The tenure of the employee being promoted;
2. The number of pay grades the employee will be moving for the promotional opportunity; and
3. The current pay, tenure, and performance of other employees in the new classification to comply with internal equity responsibilities.
4. The standard promotional increase for a 1-grade increase is 7% - 10%. The standard promotional increase for two or more grade increase is 11 – 15%. The promoted employee's pay must be at least at the minimum pay range.

6.16.4 Pay Changes Due to Reclassification

Typically, adjustments for reclassifications to a higher pay grade are limited to five percent (5%) of the employee's current base pay or the new pay grade minimum, whichever is greater. Reclassifications to a lower pay grade may result in a downward adjustment in pay. These adjustments are to be handled on a case-by-case basis.

6.16.5 Pay Changes Due to Demotion

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance – In general, the pay for employees receiving a demotion based on performance will be decreased by a minimum of seven

percent (7%). At the Department Head's request, the County Manager may allow a greater or lesser decrease to address any internal equity issue.

2. Voluntary Demotions (not performance based) – The pay of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the Department Head but will not exceed the maximum of the lower pay grade.
3. Involuntary Demotions (not performance based) – The pay of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay if the employee's pay falls within the lower pay grade and is comparable to employees within the same pay grade.

6.16.6 No Pay Changes for Lateral Transfers

An employee who makes a lateral transfer (e.g., movement from one position to another with the same pay grade) retains their current pay, up to the established maximum for the pay grade.

6.16.7 Discretionary Pay Adjustments

Special pay adjustments are granted under unusual circumstances, such as to reflect market conditions, exceptional job performance, equity adjustments, etc., which do not conform to customary compensation administration guidelines. All special pay adjustments require approval by the Department Head, the Human Resources Director, and the County Manager.

6.16.8 Employees at Maximum of Pay Range

Employees at or above the maximum of the assigned range will receive the market/across-the-board pay increase up to the new maximum and will receive anything above the new maximum in equal bi-weekly payments. No merit increase will be available until the maximum of the grade is adjusted above their current compensation.

6.16.9 Overpayments to Employees

All overpayments to employees will be repaid to the County regardless of where the error was made or who made it. Human Resources Department will coordinate repayment.

7 Leave

7.1 Policy Statement

The County recognizes that employees have diverse needs for time off from work. Employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. Because of this, the County has established leave practices to address that balance and help protect employees' financial well-being during certain absences from work. Employees are accountable and responsible for managing their leave balances to allow for adequate reserves if they need to cover unanticipated events requiring time away from work.

7.2 General Provisions

Except as provided otherwise in this section, the following apply to all types of leave:

1. Except for sick leave and FMLA Leave, approval of leave is subject to the operational requirements of the department, and any request for paid leave may be denied or rescheduled due to staffing needs.
2. Paid leave cannot be advanced and must be accrued before it can be used.
3. All requests for leave must be submitted with as much advance notice as possible. An employee unable to report for duty shall notify their supervisor not later than one hour after the beginning of the workday.
4. Non-exempt employees shall request leave in no less than quarter-hour increments.
5. Failure to return to work at the expiration of approved leave will be considered absence without approved leave, which may be grounds for corrective action up to and including dismissal.
6. Paid leave is not considered "hours worked" for overtime calculations.
7. Paid leave is intended to make the employee "whole" to help the employee receive full pay during pay periods when the employee is absent. Therefore, in any week during which a non-exempt employee works more hours than regularly scheduled but also requests sick or annual leave, the amount of paid leave deducted from the employee's accrued leave balance and paid to the employee may be reduced.

7.3 Leave Without Pay

Absence without pay will not be approved under normal circumstances; however, approval may be granted in unusual situations or as required by law. Annual leave, sick leave, and holiday hours will not be accrued during leave without pay status. This will not, however, constitute a break in service for accrual rate purposes. While an employee is on leave of absence without pay, there is no job protection except as required by law.

7.4 Annual Leave

7.4.1 Eligibility and Guidelines

The County provides annual leave, sometimes called "vacation" leave, for eligible employees. Annual leave guidelines include:

1. Annual leave is accrued by and granted to full-time employees and part-time

- employees regularly scheduled to work more than 20 hours per week.
2. Eligible employees will continue to accrue annual and sick leave hours while on authorized paid annual or paid sick leave.
 3. Pay for annual leave shall be at the employee's regular pay rate for the employee's regular job on the day immediately preceding the employee's vacation period.

7.4.2 Annual Leave Accrual Rate

1. Eligible employees will accrue annual leave hours on a biweekly basis.
2. Employees will accrue annual leave hours based on their hire date with the County. For an employee with more than one period of employment with the County, the most recent hire date will dictate the accrual rate. For an employee who previously worked part-time but transferred to a full-time position, the date the employee became full-time will determine the accrual rate.
3. The chart below reflects the accrual rates for employees. Pro rata accruals will occur with each biweekly payroll period.

Years of Continuous Service	Hours Accrued per Year			
	Full-time employee	30-39 hours per week employee	20-29 hours per week employee	Less than 20 hours per week employee
Up to 5 Years	104	78	52	0
5 Years up to 10 Years	130	97.5	65	0
10 Years up to 15 Years	156	117	78	0
15 + Years	182	136.5	91	0

7.4.3 Use and Scheduling of Annual Leave

1. Whenever possible, employees will be allowed to take annual leave at times most convenient to them. However, to ensure continued smooth operation and maintain a high level of service to citizens, the County reserves the right to limit the number of employees absent from a given department at any time. When there is a conflict in the annual leave choices of employees who cannot be spared simultaneously, the supervisor will determine who will take leave. Consideration will be given to which employee submitted the earliest request. Annual leave should be requested with as much advance notice as possible. Certain departments may have specific requirements concerning the minimum advance notice required for annual leave.
2. When a holiday occurs during the period an employee is on authorized annual leave with pay, annual leave shall not be charged for the holiday.
3. If an employee is called into work during their pre-authorized annual leave, they may choose to be paid annual leave plus the hours worked that day or retain the leave hours for future use.
4. Employees on annual leave are subject to recall in case of emergency.
5. Employees will be allowed to carry over annual leave hours from one calendar

year to the next, up to a maximum of 320 (.75 to .9 FTE – 200, .5 to .74 FTE – 100). Any hours exceeding these maximums will be forfeited as of December 31st.

6. Annual leave may not be transferred or donated from one employee to another.
7. Employees who separate employment voluntarily are eligible to receive pay for all unused annual leave hours accrued through the last date of employment, provided proper resignation notice has been given. Accrued annual leave hours are forfeited for employees who are terminated involuntarily. *See also Section 21.2.1.*

7.5 Sick Leave

7.5.1 Eligibility and Guidelines

The County provides sick leave with pay for eligible employees. Sick leave is a privilege and may be used when an employee is unable to report to work, or it is inadvisable for the employee to report to work due to personal illness or injury, or when an employee has a medical/dental/optical appointment. Sick leave may be used when an employee's spouse, child, parent, grandparent, grandchild, father-in-law, mother-in-law, or an individual for which the employee is a legal guardian needs care due to personal illness. In addition, sick leave may be used for absences due to participation in children's K-12 educational activities and conferences (e.g., volunteering in classroom activities, teacher professional development days, etc.).

1. Sick leave is accrued by and granted to full-time employees and part-time employees regularly scheduled to work more than 20 hours per week.
2. Eligible employees will continue to accrue annual and sick leave hours while on authorized paid sick leave.
3. Eligible employees can take sick leave once hours have been accrued and the request has been approved by Department management.
4. Pay for sick leave shall be at the employee's regular pay rate in effect for the employee's regular job on the day immediately preceding the period of sick leave.
5. Employees who use sick leave for more than five (5) consecutive workdays or who are frequently absent for the same medical condition should contact Human Resources to determine whether the Family and Medical Leave Act (FMLA) applies.

7.5.2 Sick Leave Accrual Rate

1. Eligible employees will accrue sick leave hours on a biweekly basis.
2. Employees will accrue sick leave hours based on their hire date with the County. For an employee with more than one period of employment with the County, the most recent hire date will dictate the accrual rate. For an employee who previously worked part-time but transferred to a full-time position, the date the employee became full-time will determine the accrual rate.
3. The chart below reflects the accrual sick leave rates for employees. Pro rata accruals will occur with each biweekly payroll period.

Years of Continuous Service	Hours Accrued per Year			
	Full-time employee	30-39 hours per week employee	20-29 hours per week employee	Less than 20 hours per week employee
Up to 5 Years	104	78	52	0
5 or More Years	130	97.5	65	0

4. Eligible employees may carry a maximum of 700 hours of sick leave (.75 to .9 FTE – 300, .5 to .74 FTE – 100). Employees who reach the max will have additional sick leave accrual above the maximum converted to annual leave at a four-to-one rate (4 hours of sick leave converted to 1 hour of annual leave).

7.5.3 Use of Sick Leave

1. Sick leave may be used for activities outlined in Section 7.5.1. The supervisor should approve examination appointments at least one workday in advance.
2. Sick leave may be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report the need for sick leave to their supervisor at least one hour before the scheduled starting time. Where a relief employee is required in a department that must provide 24 hours sustained service, the employee must report their absence two (2) hours before the designated reporting time. Failure to comply with the reporting requirements may be grounds for corrective action.
3. Employees are charged with sick leave for absences only on days for which they would otherwise work and receive pay. No charge is made against sick leave for absence on holidays or other non-workdays unless the employee is scheduled to work.
4. If an employee has exhausted all accrued sick leave, available annual leave will be substituted. An employee may not take sick time as unpaid leave unless no paid leave time is available.
5. A medical certification may be required to substantiate time off due to sickness for absences of three or more consecutive days or when absences occur frequently.
6. Department management will be responsible for monitoring the misuse of the sick leave privilege. Employees may be subject to corrective action, up to and including termination, for any misuse of the sick leave benefit. Three or more occurrences of unplanned/unscheduled absence in three months, or patterns of such absences that indicate abuse, are considered excessive and may be grounds for corrective action. *See also Sections 9.3.1 and 13.7.4.*
7. If an employee sustains an on-the-job injury or illness which necessitates a brief absence from work, they may be paid from accrued leave balances during the workers' compensation waiting period. For absences that exceed the workers' compensation waiting period, the employee will be required to elect between using accrued sick/annual leave instead of workers' compensation benefits or accepting worker's compensation benefits instead of using accrued sick and annual leave. Employees cannot be paid both workers' compensation benefits

and accrued sick/annual leave simultaneously. *See also Section 12.*

8. An employee who becomes ill during their vacation (annual leave) may be granted the option of changing annual leave to sick leave upon presentation of a doctor's certificate.
9. An employee on an authorized period of sick or other medical leave may not obtain or perform either part-time or full-time employment elsewhere without the prior approval of the employee's supervisor and the Human Resources Director.
10. An employee who separates from the County, whether voluntarily or involuntarily, shall forfeit all accrued sick leave. Accrued sick leave forfeited at the time of separation will not be reinstated for employees who are later rehired.

7.5.4 Sick Leave Donation

Employees may voluntarily donate a portion of their accrued sick leave to a qualified employee who is unable to work due to extended illness or injury, subject to the following:

1. To qualify for donated sick leave, an employee must obtain approval from the Department Head and the Human Resources Director before any leave is donated. An employee may be denied the opportunity to receive donated sick leave if the Department Head and Human Resources Director determines that the employee has exhibited a pattern of abusing sick leave within the twelve months before the employee's request. An employee's supervisor may request to Human Resources for sick leave donation on the employee's behalf.
2. Sick leave donations will only be approved in cases of an employee's own serious health condition.
3. Human Resources will solicit sick leave on behalf of eligible employees and will conduct such solicitations without identifying the intended recipient. Individual employees shall not solicit sick leave donations for themselves or others.
4. Employees donating sick leave may not designate a specific recipient for the leave; leave will be allocated among all qualified recipients in need of donation.
5. An employee must use all paid leave before any donated leave is received.
6. Employees may donate sick leave in any amount; however, employees donating sick leave must have a remaining balance of at least 80 hours of sick leave after the donation.
7. Donated leave will only be deducted from the donating employee's accrual balance when transferred to the recipient. Donated leave exceeding the need will be retained by the donating employee and will not be banked for future requests.
8. An employee's eligibility to receive donated sick leave will not extend beyond six months of leave in any twelve months.
9. The County may suspend the sick leave donation program when operations, staffing levels, or other conditions warrant.

7.6 Bereavement Leave

1. Non-seasonal employees are eligible for a maximum of 40 hours of bereavement leave with pay upon the death of a spouse, child, stepchild, parent, mother-in-law, or father-in-law, and a maximum of 24 hours upon the death of a brother, sister, grandparent, grandchild, or similar in-law or stepfamily relationship, or any individual living in the employee's household.
2. Employees should direct requests for bereavement leave to their supervisor.
3. There is no requirement that bereavement leave hours be taken on consecutive days. However, generally approved bereavement hours should be taken within seven (7) calendar days following the family member's death unless funeral or memorial services are delayed beyond seven (7) days.
4. When attending a funeral of an individual other than a person specified in Section 7.6.1, the employee must use their annual leave time to cover their absence from work after appropriate approval is sought and granted.
5. Employees attending the funeral of another County employee may be granted up to a maximum of four (4) hours of paid time to attend the funeral during their normal scheduled work hours; annual leave time must be used to cover absences exceeding four (4) hours. Authorization to leave the work premises to attend coworker funerals may be granted or withheld, at the sole discretion of the employee's supervisor, after considering necessary service and staffing levels.
6. There is no accumulation of bereavement leave or payment upon separation from County employment.
7. The amount of paid bereavement leave that an eligible employee receives shall be within the discretion of the employee's supervisor based upon the circumstances but shall not exceed the maximum amounts stated above for each period of bereavement leave.

7.7 Jury Duty

1. Because jury duty is recognized as a civic responsibility, the County will continue to pay an employee's regular salary when the employee is required to report for jury duty on a day they are scheduled to work.
2. An employee must report their need for jury duty in advance to their supervisor. Employees are required to present documentation from the court indicating jury service is required.
3. Employees are not required to turn over to the County any fees received for participating in jury duty or serving as a witness.
4. Employees are expected to return to work on any day they are dismissed from jury duty before 1:00 p.m.
5. All employees subpoenaed or ordered to attend court or to appear as a witness in connection with the employee's County employment are working and will be paid accordingly.

7.8 Military Service Leave

Employees are entitled to a leave of absence for military service per state law and federal

law commonly known as the Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

1. Military leave is granted to elected officials or employees who work more than 20 hours per week.
2. Employees shall notify their supervisor and the Human Resources Department as soon as possible when military leave is anticipated. Employees shall provide a copy of their military orders.
3. The County grants paid military leave up to 15 days per calendar year. If an employee elects not to use paid military leave or if the military leave exceeds 15 days, the employee may use vacation leave, compensatory time, or leave without pay.
4. Military leave (paid or unpaid) caps at five cumulative years.
5. The County will pay both the County’s portion and the employee’s portion of medical and dental insurance premiums for the first 30 consecutive days of each military leave. After the first 30 days, the employee may elect to continue coverage up to 24 months by paying both the County’s portion and the employee’s portion of medical and dental insurance premiums.
6. Disability insurance coverage and life insurance coverage are suspended during military leave.
7. Regarding restoration of employment and benefits upon conclusion of military service, the County follows the USERRA and applicable state laws.

7.9 Family and Medical Leave (FMLA)

Pursuant to the Family and Medical Leave Act (“FMLA”), 29 U.S.C. §2601, et seq., an eligible employee can take up to twelve (12) weeks of unpaid leave in any 12 months for one or more of the following:

1. The birth of a child and to care for a newborn child (entitlement to leave expires at the end of the 12 months beginning on the date of birth and cannot be taken intermittently or on a reduced leave schedule);
2. The placement with the employee of a child for adoption or foster care (entitlement to leave expires at the end of the 12 months beginning on the date of placement and cannot be taken intermittently or on a reduced leave schedule);
3. To care for the employee’s spouse, child, or parent who has a qualifying serious health condition;
4. For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job;
5. For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent; or
6. An eligible employee who is a covered servicemember’s spouse, child, parent, or next of kin may also take up to 26 weeks of unpaid leave in 12 months to care for the servicemember with a serious injury or illness.

For purposes of this Section, a “12-month period” means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the provisions in this manual conflict or conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control. ([For eligibility and use of FMLA](#),

[click here.](#))

7.10 Leave of Absence

The County allows employees to apply for a leave of absence beyond those required by state and federal law. A Leave of Absence is defined as a continuous absence for medical, personal, or educational reasons exceeding two (2) calendar weeks approved by the Human Resources Director and the employee's supervisor. These guidelines also apply when an employee on FMLA requests additional time off beyond the expiration of FMLA eligibility. This policy does not apply to approved vacations exceeding two weeks.

1. When an employee anticipates that a continuous absence will exceed two weeks, regardless of the reason for absence, a request must be submitted to their supervisor and Human Resources at least 30 days before the first day of anticipated absence when the leave is foreseeable or, for unforeseeable leaves, as soon as practical after the need for leave is known.
2. Employees on Leave of Absence are not eligible for any pay, except sick leave, annual leave, or workers' compensation pay. Employees on unpaid Leave of Absence do not accrue sick or annual leave.
3. An employee may not exceed six (6) months of leave in any twelve months, except for military leave or leave that has been granted as a reasonable accommodation under the Americans with Disabilities Act (ADA). Indefinite leave is not considered a reasonable accommodation under the ADA.
4. A medical leave of absence may continue until whichever of the following occurs first:
 - The employee voluntarily resigns.
 - The employee fails to provide proper documentation of the nature and anticipated length of absence.
 - The employee refuses an examination by a physician of the County's choosing, if requested.
 - The employee's physician releases the employee to return to work.
 - The employee remains unable to perform their duties, no reasonable accommodation is possible, and there is no foreseeable return to work date.
5. An employee on Leave of Absence is not guaranteed a job (or, if a job is offered, placement in the same or equivalent position) upon return unless required by law, such as in FMLA.

7.11 Administrative Leave

A department head may grant administrative leave. Administrative leave related to potential or actual corrective action is governed by Chapter 20.

7.12 Leave Due to Inclement Weather and Other Emergencies

While the County strives to remain open for business during normal work hours, County facilities may be forced to close temporarily or to limit operations due to severe weather, power outages, or other short-term emergencies of one week or less. During such situations, the County Manager shall determine whether to close County offices for one or

more full or partial days.

1. Due to the critical nature of their services, essential employees may be required to report to work when County offices are closed. Essential employees generally include personnel in public safety and public works. However, other employees may be categorized as essential depending on the nature and severity of the emergency. The department head is responsible for determining if employees are essential or non-essential for any given emergency.
2. In the event of a closure, non-essential employees will be excused from work and will be compensated for the hours missed due to the closure.
3. Employees who were not scheduled to work or on approved leave or vacation at the time of the closure will not be eligible for pay as described in this section.
4. When County offices are open but questionable weather or other emergencies exist, employees must make their independent safety determinations concerning travel to work. Employees must notify their supervisor as soon as possible whenever they cannot work. The absence will be charged against the employee's accrued annual leave time if the employee does not work a full day due to weather or emergency-related safety concerns. Employees with no accrued annual leave will not be paid for the hours they are absent from work.
5. For closures of more than one week, employees will only receive weather/emergency pay if approved by the Council.

7.13 Holidays

7.13.1 Designated Holidays

New Year's Day	Labor Day
Martin Luther King, Jr.'s Day	Columbus Day
Presidents' Day	Veterans Day
Memorial Day	Thanksgiving Day
Juneteenth Day	Day after Thanksgiving
Independence Day	Christmas Eve (½ day)
Pioneer Day	Christmas Day

7.13.2 Scheduling

Generally, when a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for County employees, and when a holiday falls on a Sunday, the following Monday shall be declared a holiday for County employees. The County Manager may select an alternate day as deemed appropriate.

7.13.3 Holiday Leave Accrual

Employees will receive pay for non-worked holidays equal to their regular rate of pay times the total number of hours which make a regularly scheduled shift. No holiday leave is paid to temporary, seasonal, on-call, or part-time employees working less than 20 hours per week.

8 Benefits

8.1 Insurance

1. The County pays a portion of the premium for medical, dental, and life insurance provided to employees and their dependents. The portion paid by the County may vary according to the group plan offered and the costs incurred. The County Council establishes the County's contribution.
2. Employees who work 30 hours or more per week are entitled to enroll in the County's insurance programs.
3. Payroll deductions for insurance premiums shall be prorated equally and withheld bi-monthly.
4. If a married couple works for the County and each spouse is eligible to receive full insurance benefits, they may acquire family coverage at a reduced rate. The couple shall designate the employee whose pay the deduction will be taken.
5. Employees taking an approved leave of absence without pay shall have continuous insurance coverage if the leave does not extend beyond one full pay period. When an employee takes such leave that extends beyond one full pay period, the employee can continue paying their insurance premiums. Failure to pay premiums will result in loss of coverage. Coverage may continue under the Consolidated Omnibus Budget Reconciliation Act (COBRA) guidelines.
6. Eligible new hires may immediately enroll in the insurance program. Employees eligible for the benefits who have appropriately enrolled in the insurance program shall be covered after 14 days from their hire date. Insurance premiums shall be prepaid and withheld during a full payroll period before coverage.
7. Upon termination of employment, insurance coverage continues through the last day of the month.
8. Eligible employees who do not enroll in the insurance program at the time of hire must wait for an open enrollment period or may enroll if they have a qualifying event. Employees shall contact the Human Resources Department for details when a special enrollment may be required.
9. Employees participating in any supplemental program are enrolled for the entire calendar year. They cannot cancel or change their election until the next open enrollment period unless a life status change occurs. The employee must notify the Human Resources Department when a dependent is no longer eligible for coverage. The County will not refund premium payments made for ineligible dependents.

8.2 Retirement

Elected officials and employees who work 20 or more hours per week and receive benefits shall participate in the Utah Retirement Systems. The Utah Retirement Systems' laws and regulations determine which retirement plan an employee is enrolled in. Due to the complexity of the plans, employees should refer to the handbooks prepared by the Utah Retirement Systems' Office regarding questions concerning the plans (www.urs.org).

8.3 401(K), 457, Roth, IRA, and Traditional IRA Plans

8.3.1 Eligibility

The County has adopted 401(k), 457, Roth IRA, and Traditional IRA plans to benefit eligible employees. The plan(s) aims to provide a supplemental retirement income for eligible employees through a plan administered by Utah Retirement Systems.

8.3.2 Matching

The County may contribute to the 401(k) plan in an amount determined by the County Council.

9 Schedule

9.1 Policy Statement

To be responsive to citizens, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

9.2 General Provisions

9.2.1 General Business Hours

Administrative offices: The County will be open from 8 a.m. to 5 p.m. Monday through Friday during a regular work week. Unless otherwise approved by the County Manager, normal business hours are from 8 a.m. to 5 p.m.

9.2.2 Hours Worked

The scheduled hours for employees will vary according to position, department, service needs, and workflow. Employees will be notified of their scheduled hours. Any changes in employee schedules, as deemed necessary by supervisors based on service needs or workflow, will be communicated to employees as soon as possible. Any change in the work schedule requested by an employee is subject to approval by the employee's supervisor or department head and may be denied. The work week shall be 40 hours. It shall begin Sunday at 12:00 a.m. and continue through Saturday at midnight. The work period for sworn law enforcement officers shall be 14 consecutive days.

9.2.3 Time Rounding

To prevent small fluctuations in timekeeping, to help ensure employee pay is consistent from pay period to pay period, and to record time in quarter-hour increments, employee start and end times will be rounded to the nearest quarter-hour. For example, an employee who clocks in at 8:07 will be paid beginning at 8:00, while an employee who clocks in at 8:08 will be paid beginning at 8:15. This rounding is intended to have a neutral impact over time; however, employees who frequently clock in late or leave early may be subject to corrective action.

9.2.4 Overtime Work

Supervisors may schedule overtime for non-exempt employees as deemed necessary. Employees must work overtime if required by a supervisor. Non-exempt employees may only work overtime, or any other work outside their scheduled hours, with the prior approval of their supervisor or department head.

9.3 Attendance Requirements

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that cause significant disruption of service; and an excessive amount of time off the job.

9.3.1 Excessive Absences

Specific attendance requirements may be established by supervisors as needed to ensure operational effectiveness. However, generally, three occurrences of

unplanned/unscheduled absence in three months are considered excessive and may be grounds for corrective action. *See also Sections 13.7.4 and 7.5.3(6).*

9.3.2 Unauthorized Absences

An employee absent from the job without proper authorization for any period may be subject to corrective action, including termination of employment. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned from their position without notice unless exigent circumstances are demonstrated upon review on a case-by-case basis. *See also Section 21.2.3.*

9.4 Time Increments

Hourly computations for compensation and the use of annual, sick, holiday, or other types of leave will be computed in no less than quarter-hour increments.

9.5 Daily Breaks

A one-hour lunch period shall be allowed for those employees who regularly work an eight-hour or longer shift. Two 15-minute rest periods are allowed during each half of an eight-hour shift but cannot be taken in conjunction with the lunch period.

10 Position Change

10.1 Policy Statement

Employees may undergo any number of changes in status or compensation. This policy aims to identify and describe the more common of these changes.

10.2 General Provisions

10.2.1 Requirement

All new hires, promotions, demotions, reassignments, or transfers are contingent on position availability, meeting the minimum qualifications, and the availability of funds.

10.2.2 Status Change

Status changes described may affect compensation based on position classification and availability of funds. A Personnel Action Form (PAF) must be completed to document all status changes.

10.3 Evaluation Period

10.3.1 Policy Statement

The purpose of the evaluation period is to serve as a working test period during which both the employee and employer can evaluate the job and performance and decide whether to continue the employment relationship. Employees and supervisors should utilize the time to examine all aspects of the job and related performance.

10.3.2 Original Evaluation Period

Newly hired employees are subject to a six-month evaluation period, unless a department has a standard operating procedure that requires a lengthier evaluation period (the "Original Evaluation Period"). New hires who fail to perform at an acceptable level may be terminated at any point during the evaluation period.

10.3.3 Position Evaluation Period

Employees who are promoted, demoted, or transferred to a different position are subject to a 3-month evaluation period in the new position (the "Position Evaluation Period"). If the employee fails to complete a "position evaluation period" following promotion successfully, they may be terminated or, at the County's option, they may (i) be reinstated in their former position at their former rate of pay if the position is vacant, or (ii) assigned to any vacant position for which they are qualified at a rate of pay within the salary range of the vacant position. If no vacant position for which they are qualified is available, the employee will be terminated. If the employee fails to complete a "position evaluation period" following demotion or transfer, they may be terminated or, at the County's option, they may be assigned to any vacant position for which they are qualified at a rate of pay within the salary range of the vacant position. If no vacant position for which they are qualified is available, the employee will be terminated.

10.3.4 Extension of Evaluation Period

At the supervisor's discretion, and with notice to Human Resources, the evaluation period may be extended one time for an additional three months. If the evaluation period is to be extended, the employee will be notified in writing.

10.4 Promotions and Demotions

10.4.1 Eligibility for Promotion

Employees may be eligible to be promoted to higher classified positions based on qualifying skills and demonstrated performance.

10.4.2 Reasons for Demotion

Employees may be demoted due to failure to meet minimum performance standards established for their position, corrective action, job elimination, or reasonable accommodation. A recommendation for demotion must be in writing. It must contain a recitation of prior coaching conversations and the reasons why it is necessary to recommend demotion rather than alternative personnel actions. Only Division/Department Heads, in consultation with the Human Resources Director, may authorize a demotion. The Division/Department Head shall notify the employee in writing.

10.5 Reassignment

10.5.1 Management Reassignment

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities at the department head's discretion.

10.5.2 Temporary Reassignment to Modified/Light Duty

Any employee may be, but is not required to be, temporarily reassigned to modified, lighter, or safer duties for a reasonable period when the employee is unable to perform their current duties based on a medical certification by a physician or when the continued performance of current duties may aggravate a present medical condition/problem as diagnosed by a physician. Determining what a "reasonable period is" depends on factors such as, but not limited to, the employee's anticipated progress based on reports from health care professionals, any disruptions in the County's operations due to the employee's light duty assignment, and the County's continuing need for or ability to provide the light duty assignment. The County may require an employee to be examined by an appropriate health professional of the County's choice and at the County's expense if the employee provides insufficient information from their treating physician (or other health care professional) to substantiate that they are unable to perform current duties. Every reasonable effort will be made to reassign the employee to other duties within the same department. During the reassignment period, the employee will be required by the Human Resources Department to provide periodic reports regarding the employee's ability to perform duties.

If a reassigned employee is unable to resume, with or without reasonable accommodations, their original duties within a reasonable period, the Human Resources Department may, with approval of the County Manager, assign the

employee to a vacant position in another classification for which the employee is qualified and able to perform the essential functions of the position and at a salary comparable to that of other employees in the same classification. If no vacancy exists in another classification for which the employee is qualified, the employee may be terminated unless additional leave for a specified period is considered a reasonable accommodation to enable the employee to return to their original duties and perform the essential functions of their original job. Indefinite leave is not considered to be a reasonable accommodation.

10.5.3 Temporary Reassignment to Higher Classification

An employee may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

- An existing position is vacant, or the incumbent is or is expected to be absent from work for at least thirty (30) days;
- Operational effectiveness precludes dispersing the duties of the position among other equally classified employees;
- The employee meets the minimum qualifications and can perform the assigned duties of the higher-level position; and
- The County Manager approves the temporary acting status before the reassignment.

10.5.4 Employee-Sought Reassignment

Employees may voluntarily seek transfers to equal or lower classified available positions for which they are qualified. Such transfers may not be granted if the department head determines that it is not in the best interest of County operations.

10.6 Reclassification of a Position

10.6.1 General Overview

Reclassification of a position may occur at the department head's request and upon approval of the County Manager when the job duties or the position's minimum qualifications have significantly changed since the job description was written. Reclassification may result in a position being placed in a higher, lower, or equivalent classification. Employees whose positions are reclassified will not be subject to a "position evaluation period."

10.6.2 Approval

All requests for reclassifications shall be submitted to the Human Resources Director for review and analysis. The County Manager must approve any recommendation to reclassify a position.

11 Safety and Accident Reporting

11.1 Policy Statement

The County is committed to providing a safe workplace. Employees are expected to promote workplace safety by reporting unsafe working conditions and following safety rules in this manual and their respective departments.

11.2 General Provisions

11.2.1 Department Head Responsibility

Each Department Head is accountable for the safety of employees within the department and should ensure that individual supervisors are (1) providing safety information to employees and (2) encouraging and promoting safe work practices among their employees.

11.2.2 Supervisor Responsibility

Direct responsibility and oversight for any operation or function's safety rest with the immediate supervisor. The supervisor is expected to provide department-specific and task-specific safety training for employees and to ensure that departmental new hires have received safety information specific to their job responsibilities. The supervisor is also responsible for ensuring employees are provided with and using personal protective equipment as needed.

11.2.3 Safety Committee Responsibility

The County Safety Committee is comprised of representatives from various County departments. It is responsible for reviewing/analyzing accident trends, recommending safety policies or activities, promoting awareness of safety and loss control tools, and communicating safety-related information to employees.

11.2.4 Human Resources Department Responsibility

The Human Resources Director chairs the Safety Committee and is responsible for implementing and overseeing safety initiatives, conducting quarterly Safety Committee meetings, and distributing periodic reports to Department Heads and the County Manager.

11.2.5 Employee Responsibility

Employees are responsible for exercising care and sound judgment in preventing accidents and observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities; and
4. Maintain contact (in case of an on-the-job injury resulting in lost work time) with the supervisor and the Human Resources Department regarding work status.

11.2.6 Equipment Repair

An employee is responsible for reporting the need for repairs of any County-owned or leased property issued to the employee. No employee shall alter, repair, or in any

way change, add to, or remove any parts or accessories of any County-owned or leased property without the supervisor's permission.

11.3 Personal Protective Equipment

The County will provide personal protective equipment to be used by employees while performing certain job functions. Supervisors will direct the use of personal protective items, and employees are required to comply with such direction.

11.4 Seat Belt Use

All persons shall use seat belts, both drivers and passengers, when (a) in a County vehicle when the vehicle is operating, (b) in any personal vehicle when the personal vehicle is being used for County business, and (c) on all County construction equipment when equipped with a seat belt.

11.5 Accidents

11.5.1 Prompt Notification of Supervisor

All the following collectively referred to throughout this Section as an "Accident" shall be promptly reported to the immediate supervisor:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving County-owned or issued vehicles or equipment, whether occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during business; and
4. All property damage occurring during the course of business.

11.5.2 Employee Responsibilities – Vehicle Accidents

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle should:

1. Report the Accident and any injuries to local law enforcement. A copy of the report should be forwarded to the Auditor's office when received from the agency.
2. Notify their supervisor or designee.
3. Obtain the name, address, phone number, and name of the insurance company of the other party.
4. Record the name, address, and phone number of any witnesses, if possible.
5. Be courteous, but do not make or sign any statement for anyone other than the officer/deputy responding to the scene, the employee's supervisor, the Auditor's office, or the insurance representative for the County.
6. Remain at the scene until excused by law enforcement personnel.
7. Not discuss or reveal information or provide statements to non-County personnel after the Accident. This does not prohibit cooperation with law enforcement investigations outside the County's jurisdiction.
8. Arrange towing of damaged County vehicle, if necessary.
9. Submit to all requested post-Accident testing as directed by the supervisor or

other County management representative.

11.5.3 Accident/Incident Reporting to the Auditor's office

The supervisor or other designated employee should complete an Accident/Incident Report and submit it to the Auditor's office promptly following the accident.

11.6 Workplace Violence

11.6.1 Policy Statement

The County is committed to preventing workplace violence and maintaining a safe work environment. The County has adopted the following guidelines to deal with intimidation, harassment, or other threats of violence that may occur during business hours or on its premises.

11.6.2 Scope

All persons on County property shall refrain from threats and acts of violence. All employees, elected officials, members of the public, and guests should be treated with courtesy and respect. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

11.6.3 Restriction on Conduct

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public will not be tolerated.

11.6.4 Duty to Report

All threats of or actual violence are to be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats or acts by employees, as well as threats or acts by customers, vendors, inmates, or other members of the public. When reporting a threat or act of violence, you should be as specific and detailed as possible.

11.6.5 Investigation

The County will promptly and thoroughly investigate all reports of threats or actual violence. To maintain workplace safety and the integrity of its investigation, the County may suspend employees, either with or without pay, pending investigation.

11.6.6 Corrective Action

Any employee responsible for violence, threats of violence, or other conduct that violates these guidelines will be subject to prompt corrective action up to and including termination of employment.

12 Workers' Compensation

12.1 Policy

Tooele County provides Workers' Compensation coverage for employees, interns, and volunteers who become injured on the job and cannot perform their normal duties or who contract an occupational disease as covered under the Workers' Compensation Act.

12.2 Reporting

1. Report the injury to your supervisor immediately. Failure to report promptly may result in benefits being lost or reduced. Employees must fill out the First Report of Incident form ([Click here](#)).
2. Within twenty-four (24) hours of being notified of any injury, a supervisor or designee must: a) complete the supervisor's section of the First Report of Incident form, b) any witnesses must also fill out the appropriate sections of the form, and c) the completed form shall be submitted to the Human Resources Director.
3. An employee injured on the job will be paid for the scheduled hours missed on the day of the injury.
4. If an employee dies or incurs a disabling injury: a) the supervisor must immediately notify the Human Resources Director, and b) the Human Resources Director shall contact the Division of Occupational Safety and Health of the Utah Labor Commission within eight hours after the incident occurs.

12.3 Access to Medical Services

1. The Human Resources Director designates an occupational medical clinic as its preferred provider for injured workers. Except in cases of life- or limb-threatening injuries or after-hours injuries, an injured employee should seek initial medical care through this preferred provider. If the employee prefers not to use the County's preferred provider, they may report to an emergency room. In case of life- or limb-threatening injuries or after-hours injuries, initial care may be provided at any appropriate medical facility.
2. After an injured worker has received initial care from the preferred provider and after receiving approval from the County's workers' compensation provider, the injured worker may obtain subsequent medical care from a qualified provider of their choice.

12.4 Coverage

If an employee is injured on the job or suffers from a qualifying occupational illness or disease, the County's workers' compensation provider will pay the employee or the employee's family for the following items, subject to statutory limits and requirements: 1) hospital and medical bills, 2) time lost from work, 3) a permanent loss of body functions, 4) artificial appliances, 5) death and burial benefits.

12.5 Wage Replacement Payments

An employee with a medical release from work will receive wage replacement in the following manner according to Utah Workers' Compensation Law:

Medical Release from Work	Payments by Workers' Compensation
Day of injury	Administrative Leave
Day 2 and 3	None
1-14 days	All except the first 3 days
More than 14 days	All (including the first 3 days)

12.6 Leave

Weekend days and holidays are included when counting the number of days off. Time off does not need to be consecutive but must be confirmed by a doctor's report. The employee may use available leave to supplement workers' compensation payments but may not exceed total gross earnings.

12.7 Doctor Reporting

The treating medical provider must document time away from work following the date of injury where the employee is totally unable to work or work a full shift. Following a doctor's declaration that an employee may return to full duty, occasional absences related to the original injury (doctor's appointments, etc.) will be charged to sick leave.

12.8 Human Resources

Employees with questions or disputes regarding workers' compensation benefits and payments should contact the Human Resources Director. Employees on workers' compensation may continue existing County insurance coverage by paying the employee's portion of the total premium.

12.9 Fraud

Workers' compensation fraud, including the filing of a false claim for medical or disability compensation or the exaggeration of the severity of an injury, is a crime punishable by fines and imprisonment. Any employee who becomes aware of a situation that may constitute workers' compensation fraud should report it to the Human Resources Director immediately.

12.10 Transitional Work Program

Employees recovering from a work-related injury or illness who are unable to return to work and fully perform the essential functions of their jobs, with or without reasonable accommodation, may still be able to undertake an alternative, temporary, transitional position at the County until recovery is complete. This transitional position will be carefully designed to be appropriate for the skills, knowledge, and capabilities of the recovering employee so that the work can be accomplished safely. An employee able to perform transitional duty will work in a transitional position until either they have the

necessary capacity to perform the duties of their normal position, or until the transitional duty job is terminated.

While the goal of this program is to return all employees to gainful employment as quickly as possible, the workload needs of the county must be considered. As a result, transitional work may not always be available to all employees. A transitional position may entail doing some of the duties of the injured employee's normal job, or it may involve undertaking a special project or projects previously left unaccomplished by the department. Transitional work may also be found outside the employee's own department. Employees assigned to transitional work are compensated at their regular rate of pay for hours worked. At the time of employee illness or injury, the Human Resource Director should contact supervisors for assistance to determine whether an appropriate transitional position is possible.

12.11 Return to Work

Employees on Workers' Compensation shall resume the same or comparable position of the same grade and classification. If the employee, in the opinion of a doctor, cannot perform the duties of the position from which leave was taken, the supervisor is not required to accept the employee for work. The supervisor may, at their discretion, request a second opinion to verify the physician's findings. A list of duties should be sent to the verifying physician. If the employee does not return when released from the doctor's care, the supervisor shall notify the employee that they are on unapproved leave and expected to return to work immediately. An employee who does not report as directed and makes no contact with the supervisor within three (3) days following the notice shall be considered to have resigned. The County requires employees to present medical certification from their doctor of fitness to continue or resume work or to be physically unable to resume work.

12.12 Accident Review Board

1. The Accident Review Board is comprised of the members of the Safety Committee.
2. The Accident Review Board shall review each on-the-job injury or illness involving County employees and volunteers, keep written minutes of each meeting and forward a copy of the minutes to the workers' compensation loss control manager and send copies of the accident reviews or reports to such carrier. The Accident Review Board shall also review each vehicular accident involving County employees or County vehicles and forward its conclusions and recommendations to the County Manager and the department head of the employee involved in the accident. Other accidents may be reviewed by the Accident Review Board upon the department head's request of the employee involved in the accident.
3. The Accident Review Board shall evaluate the accident and shall consider any or all of the following information: i) written evidence presented by the driver concerned, the supervisor, and the police report of the accident investigation; ii) maintenance records of the vehicle or other information available concerning the vehicle both

- before and after the accident, including estimates of the cost of repair; iii) laboratory tests on vehicle parts; iv) the driver's past driving record; v) diagrams, photographs, and other evidence; and vi) testimony of other drivers and witnesses present.
4. The Accident Review Board shall determine, as far as possible, the cause and whether the accident was preventable. A preventable accident is when the employee failed to exercise every reasonable precaution to prevent the accident.
 5. The Accident Review Board shall prepare a report of its findings and recommendations to implement corrective action if indicated. The report shall be delivered to the employee, the County Manager, the department head, and the Human Resources Director to be placed in the employee's personnel file.
 6. If the Accident Review Board's findings and recommendations include corrective measures to be taken by the department head, the department head shall implement those corrective measures as soon as practical. If the department head fails or refuses to act, the County Manager may implement the recommended corrective measures.
 7. Corrective disciplinary action should be taken as soon as practical if the accident involves the violation of established policies associated with preventing injuries and incurring liability.

13 Standards

13.1 Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in their work performance. All employees are expected to maintain minimum standards of conduct both on and off duty to:

1. Promote impartial, objective, and effective performance of their duties;
2. Avoid activities that are adverse to the County's interest or that adversely affect the County's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for County operations.

The following list of standards of employee conduct is not intended to be all-inclusive of every type of conduct prohibited. Other standards of conduct are established throughout this manual; additional standards may be established and published by departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated. Failure to abide by these standards of employee conduct may result in corrective action, including termination.

13.2 General Provisions

13.2.1 Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, the State of Utah, or the County. Behavior described as a violation of such laws may result in corrective action, regardless of whether charges are filed or prosecuted, or the employee is adjudicated guilty.

13.2.2 Violation of Rules

An employee shall not commit any act contrary to good order and discipline or any act constituting a violation of any of the provisions of the rules and regulations of the County and its departments.

13.3 Ethics

13.3.1 Prohibited Financial Interests

A County employee who has a direct or indirect financial interest in any firm, corporation, partnership, limited liability company, or other legal entity that furnishes or offers to furnish goods or services to the County shall disclose that interest in writing prior to the transaction or offer. No County employee shall accept or receive, directly or indirectly, from any person or entity that furnishes or offers to furnish any goods or services to the County: 1) any money; 2) any nonpecuniary item having a value of \$50 or more; or 3) any promise, obligation, or contract for future reward or compensation. For purposes of this section, an indirect financial interest includes, but is not limited to, the financial interest of the employee's spouse or domestic partner. This section does not preclude County employees from: 1) attending seminars, courses, lectures, briefings, or similar functions at any manufacturer's or vendor's facility or any other place if the purpose of such seminar,

course, lecture, briefing, or similar function is to furnish the employee with knowledge and information relative to the manufacturer's or vendor's products; 2) receiving meals from a manufacturer or vendor in connection with any such seminar, course, lecture, briefing, or similar function; or 3) receiving educational materials and business-related items of not more than \$50 in value from a manufacturer or vendor.

13.3.2 Purchasing

No employee shall personally participate either directly or indirectly in the purchasing of any goods or services furnished to the County by an immediate family member of the employee or by a firm, corporation, partnership, limited liability company, or any other legal entity in which the employee's immediate family member has a direct financial interest. For this provision, "immediate family member" means the employee's child, parent, or sibling.

13.3.3 Personal Benefit

Use of County property by employees shall be governed by the Personal Use Policy.

13.4 Attention/Insubordination

13.4.1 Attention

An employee shall remain awake, alert, observant, and occupied with County business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly, and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are always engaged productively or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties; and
5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

13.4.2 Insubordination

An employee shall adhere to and execute all appropriate orders of a supervisor. An appropriate order is an order in keeping with the performance of duty, issued either verbally or in writing by the Department Head or any other supervisor, direct or indirect. The willful disobedience of any appropriate order issued by a supervisor or insolent, uncooperative, or abusive language or conduct toward a supervisor shall be considered insubordination.

13.5 Competence, Judgment, and Supervision

13.5.1 Competence

An employee shall maintain sufficient qualifications and competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the County. Failure to perform work at an acceptable level of competence as determined by the applicable supervisor may be grounds for corrective action, up to and including termination.

13.5.2 Judgment

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

13.5.3 Supervision

A supervisor shall:

1. Demonstrate qualities of leadership necessary for the position;
2. Maintain a positive attitude in support of department decisions and goals;
3. Exercise appropriate supervision of subordinates and appropriately perform other responsibilities as assigned;
4. Effectively plan, develop, and coordinate supervision and training of subordinates;
5. Observe and appropriately counsel subordinates;
6. Take appropriate action when a subordinate fails to perform; and
7. Properly account for all funds and property under their control.

13.6 Fitness for Duty

An employee must be physically and mentally fit to perform essential job functions.

13.6.1 Evaluation for Fitness

When it is reasonably suspected that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential functions of the position, the employee may be required to submit to an evaluation of fitness for duty by a physician of the County's choosing and expense. All such testing must be approved by the Human Resources Director.

13.6.2 Periodic Evaluation

An employee may be required to submit to periodic examinations or undergo a program of treatment to qualify for continued employment to the extent allowable by law.

13.6.3 Disclosure Required

An employee who is notified or otherwise becomes aware of a physical or mental impairment that affects or reasonably threatens to affect their ability to perform essential job functions shall report the condition immediately to the Department Head or the Human Resources Director.

13.6.4 Status During Evaluation

Pending completion of the fitness for duty evaluation, the employee may be required to use accrued leave, be placed in an unpaid or paid leave status, or be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

13.7 Absences and Reporting

13.7.1 Unauthorized Absence

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment

without authorization.

13.7.2 Reporting for Work

An employee shall report to work on time and be physically and mentally fit to perform the essential functions of their job at the time and place specified by the supervisor.

13.7.3 Reporting Absence

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor. Failure to do so may result in an unauthorized unexcused absence. *See also Section 7.5.3(2).*

13.7.4 Frequent or Excessive Absence, Tardiness, or Leaving Early

Three occurrences of unplanned/unscheduled absence in three months are considered excessive and may be grounds for corrective action. Three occurrences of tardiness or leaving early in three months are considered excessive and may be grounds for corrective action. *See also Sections 9.3.1 and 7.5.3(6).*

13.7.5 Fictitious Reporting

Employees reporting absences or reasons for absences shall be truthful and shall not attempt to deceive any supervisor or official of the County.

13.8 Personal Appearance

13.8.1 Expectation

All employees must present a neat, well-groomed, and professional image to the public while in the workplace.

13.8.2 Guidelines

The following guidelines apply:

1. Employees are expected to be clean and to practice good hygiene habits.
2. Uniformed personnel shall wear a clean and complete uniform (including shoes/boots) and shall adhere to dress standards established by their department.
3. Non-uniformed personnel shall wear clothing and shoes that are clean, properly fitting, and appropriate to the work situation. The wearing of tight-fitting, suggestive, or see-through attire is not permitted.
4. Supervisors have the right and responsibility to determine the appropriateness of attire. Employees who are not properly clothed will be directed to change their attire. If the problem continues, corrective action will be taken.
5. Individual departments may establish certain dress and grooming requirements specific to the type of work.

13.8.3 Employee Identification

Employees who are required to wear ID badges must do so in a visible area. Nothing should be worn on the badge which conceals the employee's name or department.

13.9 Professional Conduct

13.9.1 Courtesy

Employees shall be courteous to the public and fellow employees. An employee's

conduct should always be civil, orderly, and polite. Employees shall be diplomatic and tactful, controlling their temper and exercising patience and discretion in all situations. Employees should refrain from using coarse, violent, profane, or insolent language.

13.9.2 Conduct Unbecoming or Prejudicial to Good Order

An employee's conduct shall reflect favorably on the employee and the County. Unbecoming conduct includes acts that tend to bring the County into disrepute, discredit the employee, or impair or interfere with the operation of the County or employee.

13.10 Inappropriate Conduct

Inappropriate conduct includes, but is not limited to:

1. Uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. Conflict of interest;
3. Reporting to work/working under the influence of drugs or alcohol; any involvement in the manufacture, distribution, possession, or use of illegal, non-prescription drugs or illegally obtained prescription drugs;
4. Use of abusive or obscene language;
5. Violation of the Personal Use Policy;
6. Theft, abuse, or misuse of County property or vehicles or loaning property or equipment of the County without permission or proper authority;
7. Violation of traffic laws while driving a County vehicle;
8. Failure to report damage or destruction of County property to a supervisor;
9. Illegal gambling;
10. Falsifying documents/records or making false claims;
11. Fighting or any other form of workplace violence;
12. Deliberate damage to County property or a pattern of damage resulting from unsafe driving or unsafe equipment operation;
13. Acceptance of a bribe;
14. Mishandling cash or other County property;
15. Discriminatory attitude or prejudice concerning another person;
16. Conviction of or admission of a felony or a crime of moral turpitude, or arrests that bring discredit to the County or otherwise threaten to interfere with the County operations;
17. Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage;
18. When duly and properly called as a witness before any County board, appeals board, State or Federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning the performance of official duties with the County;
19. Failure to timely report an on-the-job injury or accident;
20. Absence due to incarceration;
21. Use of any form of physical abuse toward the public, supervisors, or other employees,

- or making threats to the public, supervisors, or other employees;
22. Violation of any lawful official regulation or order or failing to obey any proper directive made and given by a supervisor;
 23. Carelessness, recklessness, or negligence with the monies, vehicles, equipment, or other property of the County;
 24. Use of, threatening to use, or attempting to use personal or political influence to secure employment benefits, including, but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
 25. Failure to acquire or maintain a valid license, registration, or certification when such license, registration, or certification is required for the position occupied by the employee;
 26. Wasted time, inefficiency, or loitering during working hours;
 27. Sleeping while on duty;
 28. Failure to perform work at an acceptable level of competence as determined by the supervisor or Department Head;
 29. Violation of County ordinances, administrative regulations, or departmental rules;
 30. Falsification of information on an application or during a pre-hire interview or examination which had not been detected previously;
 31. Use of County employees to perform work or duties for the personal benefit or gain of another County employee;
 32. Use of any tobacco product in any County building or vehicle;
 33. Violation of safety and health rules and established safety standards, including unsafe acts;
 34. Refusal to submit to a drug/alcohol test as required by County policy;
 35. Refusal to be examined by a County-authorized licensed physician when so directed;
 36. Abuse of leave policies, including excessive absence, tardiness, or leaving early;
 37. "Clocking in" or "clocking out" for another employee or otherwise assisting another employee to inaccurately record working hours.
 38. Engaging in horseplay or rough play while on the job or in any County facility.
 39. Unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

13.11 Immoral Conduct

An employee shall maintain high standards of moral conduct in personal affairs and shall not participate in any incident involving moral corruption that may impair the employee's ability to perform as a County employee or cause the County to be brought into disrepute.

13.12 Identification

An employee must furnish their name, job title, and department name to any person requesting that information because of actions taken by the employee during County business.

13.13 Examinations and Tests

Upon order of the Department Head, in consultation with the Human Resources Director, for matters related to duty performance and investigations, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program authorized by law, and shall sign any related authorization forms. If an employee is required to submit to a polygraph examination, the employee will be informed that (1) the questions will relate specifically and narrowly to the performance of official duties; (2) the answer cannot be used against the employee in any subsequent criminal proceeding; and (3) the penalty for refusing to submit to the polygraph examination is dismissal.

13.14 Fraudulent Employment

No employee shall procure or maintain employment in the County through willful misrepresentation or omission of any fact concerning the employee's personal or work history, qualifications for employment, or physical condition.

13.15 Employee Mobile Devices

The County recognizes that most employees own and carry cell phones or other mobile devices. This section addresses guidelines for the use of those devices in the workplace.

13.15.1 Personal Use During Work Hours

While personal phone calls are discouraged during working hours or while conducting County business, it is understood that periodic or infrequent calls of a "de minimis" nature during business hours may be expected and acceptable. However, personal phone calls, text messaging, or other mobile device usage, which is excessive in frequency or length, unprofessional in nature, or interferes with the employee's assigned duties or normal functioning of the workplace, are not acceptable.

13.15.2 Cameras and Photographs

Many mobile devices contain cameras. If cameras are used at work, employees must be mindful of their obligation to maintain the confidentiality of sensitive work-related information. Also, employees should only photograph coworkers, customers, or visitors with their knowledge and consent.

13.15.3 Use While Driving or Operating Machinery

Unless necessary while performing work duties, the County does not promote any use of mobile phones (or other items which could be distracting) while operating a vehicle. If accepting a call while driving is an unavoidable part of one's job, and pulling over is not an option, employees must use a hands-free device and otherwise comply with state laws on mobile use while driving. Employees will be solely responsible for traffic violations, fines, or penalties resulting from using a phone or other handheld device.

13.15.4 Mobile Device Allowances

Employees whose job duties require the use of a personally owned mobile device may be eligible for a monthly cell phone allowance; eligibility and

justification for such allowance must be confirmed by the supervisor and department head and approved by the County Manager. Employees receiving such an allowance must notify the supervisor immediately if the phone number changes, the phone is lost or stolen, or the service is interrupted.

13.16 Political Participation

While employees are encouraged to express their political opinions and vote for the candidates of their choice in any political election, employees shall not use their positions or County time or resources for political purposes.

13.17 Reporting Arrests/Convictions

Employees arrested or convicted of a misdemeanor or felony, except for routine traffic violations, must report such arrest or conviction to Human Resources and their supervisor within three days. Arrests and convictions will not necessarily result in any corrective action. However, the employee may be disciplined, up to and including involuntarily separation, based upon the employee's position and the nature of the activity leading to the arrest or conviction.

13.18 Receipt of Gifts

Elected officials and County employees shall not knowingly receive, accept, take, seek, or solicit, directly or indirectly, for themselves or another, a gift of substantial value or a substantial economic benefit tantamount to a gift: 1) that would tend improperly to influence a reasonable person in the elected official's or employee's position to depart from the faithful and impartial discharge of the elected official's or employee's public duties; 2) that the elected official or employee or a reasonable person in the elected official's or employee's position knows or should know under the circumstances is primarily for the purpose of rewarding the elected official or employee for official action taken; or 3) if the elected official or employee recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless the elected official or employee discloses the gift, compensation, or loan and other relevant information. For purposes of this section, "economic benefit tantamount to a gift" includes: 1) a loan at an interest rate that is substantially lower than the commercial rate currently prevalent for similar loans; and 2) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. This section does not apply to: 1) an occasional nonpecuniary gift having a value of not exceeding \$50; 2) an award publicly presented in recognition of public services; 3) any bona fide loan made in the ordinary course of business; or 4) a political campaign contribution.

14 Property and Equipment Use

14.1 Policy Statement

It is the intent of Tooele County to be responsible with the use of all tax dollars and all real and personal property acquired with tax dollars and to establish policies regarding the personal use of County property by its officers, agents, and employees, including real and personal property as defined in Utah Code §76-6-412 consistent with the provisions of Utah Code Ann. §76-8-402 (2019 amendments). These policies are to serve as guidance to all employees, contractors, and elected and appointed officials as to the appropriate use of Tooele County property and to avoid unintentional violations of Utah Code §76-8-402 and §76-8-404.

14.2 General Applicability

This policy is applicable to all employees, appointees, elected officials, and independent contractors using county property and equipment and includes the use of all personal and real property as well as public money and public funds of Tooele County.

14.3 Privilege

Public property owned, held, controlled, or managed by Tooele County always remains the property of Tooele County, and the privilege to use the public property may be limited or revoked at any time by the applicable department head. The authorizations contained within this policy do not grant to any employee an inherent right to use public property nor does it grant any expectation of privacy in the personal use of the public property. No individual or employee should have any expectation of privacy while using government resources at any time for any purpose.

14.4 Definitions

As used in this chapter, the following definitions are derived from UCA §76-1- 601 and shall apply:

Employee means (i) a public officer; (ii) an appointed official, employee, consultant, or independent contractor of Tooele County; or (iii) a person hired or paid by Tooele County to perform a government function. An individual becomes an “employee” under these policies upon election, appointment, contracting, or other selection, regardless of whether the individual has begun to officially occupy the position.

Incidental Use or **De Minimis Use** means an occasional or infrequent personal use with little or no cost to the County and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical. In determining whether the use is de minimis, the frequency and the value shall always be considered.

Personal Use means any use by an employee which is for the benefit of the employee and not part of the employee’s official duties or other duties as may be assigned or authorized by the employee’s department head or direct supervisor.

Public Money or **Public Funds** means money, funds, or accounts, regardless of the source

from which they are derived, that: (i) are owned, held, or administered by Tooele County; or (ii) are in the possession of another entity that performs a public function and is authorized to hold, spend, transfer, disburse, use, or receive public money. It also includes money, funds, or accounts after the money, funds, or accounts are transferred to an independent contractor and remain public funds or public money while in the possession of an independent contractor for the purpose of providing a program or service for or on behalf of Tooele County.

Public Officer means an elected official of the County or a person appointed to fulfill the remaining term of an elected official and the Justice Court Judge.

Public Property includes real or personal property that is owned, held, or managed by Tooele County, including public property that has been transferred to an independent contractor who is providing a service or program for Tooele County (definition derived from UCA §76-8-101).

14.5 Policy

It is the policy of Tooele County that all county-owned, held, controlled, and managed personal and real property is for the beneficial use of the public and should always be primarily used for the purpose of conducting county governmental functions consistent with the dictates of Title 17 of the Utah Code.

14.5.1 Authorized Use

1. The incidental or de minimus personal use of public property by Tooele County employees is hereby authorized by Tooele County. To the extent more specific policies have been adopted for particular types of public property which have either less or more restrictive authorized uses, the more specific policies shall apply.
2. Use of public property by authorized charitable organizations or on behalf of those organizations by Tooele County employees may be authorized and, if so, shall not be considered personal use. Authorization for charitable use shall be made by the County Council or the employee's department head and should be in writing.
3. The personal use of public property as authorized in this section shall:
 - Not surpass nor disrupt the primary purpose of the property in fulfilling the employee's official duties;
 - Not incur any unauthorized additional costs to Tooele County;
 - Be conducted, to the extent possible, at times and in such a manner which does not interfere with the conduct of regular business;
 - Be conducted only with or on public property which is in the employee's possession because it is necessary to fulfill the employee's official duties;
 - Be conducted in a manner which does not compromise the integrity of public property, including software and systems; and
 - Be conducted consistent with all other Tooele County policies and in a manner which is compliant with all local, state, and federal laws.

14.5.2 Authorizing Authority

1. The County Council shall be the primary source of any authorization required under this policy, with each department head being responsible for authorizations as set forth below.
2. Each department head, including elected officials, shall be responsible for determining what public property is required by each of their employees, appointees, and contractors to perform their assigned duties.
3. Each department head may authorize greater specific personal use of public property for their employees if the value provided to Tooele County substantially outweighs the personal benefit received by the employee.

14.5.3 Prohibitions

No employee shall use public property, public funds, or public monies in violation of federal, state, or local laws.

14.5.4 Inadvertent Personal Use

Employees who may inadvertently and unintentionally use public property, public funds, or public monies in a manner not consistent with the authorizations in this policy shall:

1. Upon discovery, immediately report the inadvertent use to their department head; and
2. Shall, within 14 days, repay any costs that may have been incurred; and/or
3. Take all necessary steps to ensure that Tooele County is not injured by the inadvertent personal use.

14.6 Penalties

Violations of this policy may subject the employee to discipline under Section 24 of this policy, as well as criminal penalties prescribed by federal and state law.

14.7 Property Care

Employees shall exercise care in maintaining, protecting, and securing County-owned Property and immediately report loss or damage to a supervisor.

14.8 Privacy

No employee shall have an expectation of privacy in any Property. Employees may be assigned or authorized to use County-owned vehicles, lockers, desks, cabinets, computers, etc., for the convenience of the County and its employees. Management reserves the right to search property assigned to employees and documents in employee desks, lockers, file cabinets, etc.

15 Vehicle Use

15.1 Policy Statement

It is the County's policy that vehicles used for County business be operated in a careful, safe, and prudent manner consistent with all policies, regulations, and procedures of the County and with all local and State laws. County vehicles shall be maintained and used only for intended purposes. Employees are expected to display courteous and considerate driving habits when operating a County vehicle or a personal vehicle for County purposes.

15.2 Authorized Uses

Vehicles owned by or otherwise controlled by the County are authorized for use in the performance of essential travel and transportation duties, including the following:

1. The performance of law enforcement duties.
2. When on official travel status, between the place of business and of temporary lodging.
3. When on official travel status and not within reasonable walking distance between either of the above places and: 1) places to obtain meals; 2) places to obtain medical assistance, including a drugstore.
4. Transport of officers, officials, employees, clients, or guests of the County, including transportation of consultants, contractors, or commercial firm representatives when in the direct interest of the County.
5. Transport of materials, supplies, equipment, parcels, baggage, or other items belonging to or serving the interest of the County.
6. Transport of any person or item in an emergency.
7. Commute between the place of dispatch or place of performance of official business to personal residence if the employee is assigned a vehicle with take-home privileges.
8. "De minimis" personal use such as lunch or an occasional stop for a personal errand between a business delivery location and the employee's home.

15.3 Unauthorized Uses

Unless express permission has been granted by the County Manager, the use of a County vehicle is not authorized for unofficial travel duties or tasks, the transport of unauthorized persons or items, or the performance of tasks outside the rated capabilities of the vehicle. The following are considered unauthorized uses:

1. Travel for reasons of a personal nature and not connected with the accomplishment of official business, except for authorized commuting and "de minimis" personal use.
2. Travel or task performance beyond the stated capabilities of the vehicle.
3. Transport of family, friends, associates, or other persons who are not employees of the County or serving the interest of the County, except for authorized commuting and "de minimis" personal use. An example of "de minimis" personal use is taking a child to school on the way to work.
4. Transport of hitchhikers, except in the case of law enforcement personnel.
5. Transport of items or cargo having no relation to the conduct of official business, except for "de minimis" transport.

6. Transport of acids, explosives, weapons, ammunition, or highly flammable material except in an emergency, public safety situation, or performance of an authorized task in the normal performance of duties.
7. Transport of any item, equipment, or cargo projecting from the side, front, or rear of the vehicle in such a manner as to constitute a hazard to safe driving.
8. Extending the length of dispatch beyond that required to complete the official business purpose of the trip.

15.4 Use of County Vehicles Preferred

Employees are encouraged to, when possible, use County vehicles instead of their vehicles for official County business, including attending training, running errands for the County, or any duties that would require transportation.

15.5 Driver Qualification

To operate a County-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid driver license for the class of vehicle to be driven;
3. Be otherwise qualified under Federal and State regulations to drive the vehicle;
4. Be trained and authorized to operate the vehicle; and
5. Not be disqualified due to driving history.

15.6 Driver Disqualification

Employees and applicants will not be qualified to drive a County vehicle, nor a personal vehicle for County business, if one or more of the following have occurred: 1) conviction for impaired driving in the past five years; or 2) conviction of no more than two moving violations within the past 24 months. Employees may also be disqualified from driving following a Driving Under the Influence charge or a serious violation.

15.6.1 Driver License Record Checks – Pre-Employment

The County may check applicants' driver license records before making employment offers.

15.6.2 Driver License Record Checks – Periodic

To ensure the maintenance and validity of driver's licenses, the Human Resources Department may periodically examine the driving records of employees who operate vehicles for work purposes. An employee having an unacceptable driving record, as described above, may be subject to termination.

15.6.3 Notification Requirements

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver license becomes invalid or suspended for any reason, such employees will immediately be prohibited from operating vehicles on County business.
2. When they receive a citation for any violation while operating a County vehicle, the employee will be responsible for paying any fine or penalty incurred and will

be subject to corrective action, up to and including termination. Failure to report a citation received may also be grounds for corrective action, including termination.

3. When they receive a citation, whether such citation occurred on-duty or off-duty, for driving under the influence, leaving the scene of an accident, reckless driving, or other serious driving offense. This requirement applies regardless of whether the vehicle being driven is owned by the County, owned by the employee, or owned by a third party.

15.7 Operation of Vehicles

1. Employees who operate vehicles shall inspect the vehicle daily before driving. Any defective equipment shall be reported immediately to the driver's supervisor.
2. Drivers are responsible for the daily inside cleaning of vehicles; removal of drink cans, food wrappers, paper, and excessive soil; and ensuring that vehicles are washed regularly.
3. Smoking, vaping, and other tobacco use in County-owned or leased vehicles is prohibited. *See also Section 16.2.*
4. Vehicles left unattended will be locked with the engine off and the key removed from the ignition and retained by the driver.
5. Drivers shall adhere to all County safety procedures for vehicle operation and any additional departmental procedures.
6. Drivers must never operate a vehicle when physically impaired or otherwise unfit (e.g., drowsy driver). This includes operating a vehicle while using or under the influence of alcohol or drugs or while taking prescription or over-the-counter medications that may alter the employee's ability to operate a vehicle or equipment safely.
7. Drivers must always wear seat belts and ensure that a seatbelt also restrains each passenger in the vehicle.
8. In the event of an accident involving a County vehicle, drivers must follow all established accident reporting procedures.

15.8 Duty Restrictions

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Section, precludes that employee from operating any vehicle for County business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is unavailable, the employee will be relieved of duty. The employee may be subject to a fitness for duty evaluation if the vehicle prohibition is due to suspected physical or mental impairment.

15.9 Non-employee Drivers

Individuals whom the County does not employ are not authorized to operate County vehicles unless in emergency circumstances or the County Manager approves it in advance.

15.10 Personal Vehicle Usage

Should an employee drive their personal vehicle during County business, they must maintain automobile liability insurance of at least the minimum limits required by state law.

15.11 Take-Home Vehicles

15.11.1 Eligibility and Authorization

The following criteria apply to all requests for authorization to drive a County vehicle home:

1. Drivers of County vehicles must possess a valid driver license required for the type of vehicle being operated;
2. The employee has demonstrated, and continues to demonstrate, a need to respond to an average of five emergency or call-outs to work per month;
3. The employee must be required to regularly return to work on County business, which includes checking facilities when problems arise or responding to emergency or medical situations. These duties must be articulated in the job description of the employee.
4. Take-home privileges must be authorized in writing by the County Manager.
5. Department Heads may remove take-home vehicle privileges from employees for disciplinary reasons, poor vehicle cleanliness or maintenance, at-fault accidents, unsafe driving, or excessive wear or abuse. Department Heads should notify the County Manager of removing any take-home vehicle privileges.
6. Commute-use vehicles are subject to IRS publication 15-B. Take-home vehicles are exempt from IRS taxes.

15.11.2 Vehicle Assignment

Vehicle assignments are based on availability. The Department Head will determine the assignment of a specific take-home vehicle. All vehicle assignments are subject to recall at any time.

15.11.3 Business Use

Except as specified in this manual, County vehicles are furnished for official County business. The following exceptions are authorized:

1. Employees with "take home" privileges are authorized to make stops while traveling to and from work for legitimate reasons (e.g., doctor/dentist, gym/fitness center, grocery store, etc.).
2. Employees can transport immediate family members to and from work, school, and daycare enroute to and from work.
3. County vehicles may be used to transport employees to the doctor or hospital when an on-the-job injury occurs.

15.11.4 Prohibited Stops

While operating a take-home vehicle, employees are prohibited from patronizing bars, liquor stores, or any establishment that would reasonably be expected to

result in public criticism. Violation of this Section shall result in discontinued privileges from the program.

15.11.5 Passengers

No passengers except those expressly allowed in this policy may be transported in take-home vehicles unless connected to County business or authorized by the department head or County Manager.

15.11.6 Driver's Responsibilities

Drivers assigned take-home vehicles must ensure the vehicle is maintained and repaired, reasonably clean inside and outside, and refueled as needed.

16 Tobacco-free Environment

16.1 Policy Statement

Consistent with the public health concerns addressed by the adoption of the Utah Indoor Clean Air Act, all County enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, all County enclosed buildings and vehicles are declared tobacco-free based on the maintenance and cleanliness issues presented by using smokeless tobacco that gives rise to increased facility costs and resulting public health concerns.

16.2 General Provisions

The following rules relative to smoking, vaping, and the use of other tobacco products have been established:

16.2.1 Prohibited Use

1. Smoking, vaping, and the use of other tobacco products are prohibited in all County buildings and County vehicles.
2. Smoking, vaping, and the use of other tobacco products are prohibited within 25 feet from any entrance, window, or air intake of County buildings.
3. Smoking, vaping, and the use of other tobacco products are prohibited at outdoor facilities (parks, pools, etc.) when citizens are present.

17 Drug-free Workplace

17.1 Purpose

This Section supports the County's goals of: (1) assuring employees report to work fit for duty and able to perform their work duties safely and effectively, (2) fostering a workplace that is safe, productive, and free from the effects of unlawful drug and alcohol use and activity, and (3) to reasonably protect County assets. This Section establishes our drug and alcohol-free workplace standard, communicates what is expected of employees, and identifies initiatives the County uses to monitor and enforce the policy. This Section provides procedural information regarding the County's limited drug and alcohol testing program of safety-sensitive employees ("company authority testing") as well as our testing of CDL-required employees ("DOT required testing").

17.2 Definitions

Abuse or Misuse: The possession or use of a controlled substance obtained without a lawful prescription issued to the possessor or user; the use of a controlled substance contrary to the prescription indications; or the use of alcohol or a controlled substance to a degree which renders the user unfit to operate a motor vehicle safely or to safely perform safety-sensitive functions or other job requirements while on duty.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol, no matter how the alcohol is packaged or in what form the alcohol is stored, utilized, or found.

Commercial Driver License (CDL)/CDL-required Position/Employee: a position requiring the employee to possess and maintain a license required by Utah Code §53-3-404, as amended, or the Federal Motor Carrier Safety Administration (FMCSA) to operate a commercial motor vehicle.

Confirmation Test: (1) For alcohol testing, a second test that provides quantitative data of alcohol concentration in the test subject's body; and (2) For drug testing, a second analytical procedure using a split sample to identify the presence of a controlled substance or substance metabolites, analogs, homologs, or synthetic equivalents in the test subject's body, which procedure is independent of the initial screen.

Consume/Consumption/Use: To inhale, ingest, inject, or otherwise take into the body.

Controlled Substance: Those substances defined by the Utah Controlled Substances Act, Utah Code §58-37-4 and §58-37-4.2, as amended, and the federal Controlled Substance Act, 21 United States Code §802(6), as amended. Also referred to herein as "drug" and "drugs."

Company Authority/Safety-sensitive: Drug or alcohol testing program that is established according to the policies and procedures of the County as opposed to DOT regulations.

County Premises: Buildings, parking lots, grounds, parks, properties, equipment, vehicles owned or leased by the County, and personal vehicles being used for County business. See workplace.

Drug Paraphernalia: Objects used for the consumption of controlled substances. Drug Paraphernalia is further defined to include the definitions in Utah Code §58-37a-3, as amended.

Employee: A person employed by the County.

Impaired/Impairment: The impaired physical or mental condition of an employee, resulting from the consumption of alcohol or a controlled substance, that causes the employee to be unable to operate a motor vehicle safely or to safely perform safety-sensitive functions, including but not limited to an alcohol test result of 0.04 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

Medical Review Officer (MRO): A licensed medical provider who has knowledge of substance abuse disorders and the effects of controlled substance consumption on the human body and has the training to interpret and evaluate drug and alcohol test results.

Possess: To be located on one's person, in one's clothing, in one's immediate vicinity or control (such as wallet, purse, desk, drawer, locker, vehicle), or in one's body as evidenced by a positive test result—includes "constructive possession" as defined by Utah law.

Sample: Any specimen of urine or breath to be used for testing according to this policy.

Safety Sensitive Employee/Position/Function/Duty (See Work Duties): Employees performing work in which a person performing the position while under the influence may threaten the health or safety of themselves, a co-worker, or the public. Safety-sensitive tasks include, but are not limited to: carrying a firearm or weapon; monitoring/inspecting for life-threatening risks to ensure life safety; inspecting buildings, facilities, and equipment for the safety of others; having responsibility for performing life-saving or rescue procedures; working with hazardous or flammable materials; having access to highly confidential information that if compromised could be life-threatening or cause serious repercussion; having access to medicine or controlled substances; and, operating, repairing, maintaining, or monitoring heavy equipment and machinery that if compromised could be life-threatening or cause serious harm to the employee or others.

- Employees required to hold CDL are also considered safety-sensitive and may be tested according to DOT regulations or company authority.
- Employees regulated by the FAA are also considered safety-sensitive employees and may be tested according to FAA regulations or company authority.
- Employees who are stopped from performing a safety-sensitive duty, whether completed or not, will be deemed to have performed the safety-sensitive duty for purposes of this policy.

Split Sample Testing: A method of testing where the tested sample is divided into two similar quantities before testing. The first half is tested, while the second half is preserved for a limited time for confirmation or other testing purposes.

Test: The scientific analysis for the presence of drugs or alcohol or their metabolites in the human body.

Work Duties/On Duty: The duties, or the performing of the duties, on behalf of the County, which are contained within an employee's job description, or which are assigned to an employee. Including being on-call.

Workplace: The workplace includes, but is not limited to, County-owned buildings, grounds, vehicles, or any other location where the employee conducts County work during work hours or while on duty. See County Premises.

17.3 Policy

1. Employees are to report to work fit for duty and able to perform their duties safely and effectively.
2. Employees may not use or be impaired/under the influence of drugs or alcohol while on duty or operating a County vehicle.
3. Employees may not engage in illegal activity while on duty nor use County equipment, facilities, or resources as part of illegal activity, such as the unlawful sale, purchase, transfer, manufacture, dispense, possession, storage, or distribution of alcohol, drugs, or paraphernalia.
4. To maintain a positive public perception, employees may not use a County vehicle or equipment to patronize a liquor store or establishment deemed a bar, nor may alcohol be stored in County equipment, facilities, or resources. County-approved exceptions include, but are not limited to:
 - Employees may possess paraphernalia in the workplace that is required for their lawful use of prescriptions (i.e., needles for injections of prescriptions) provided the employee takes prudent safety measures to prevent the potential for injury to another person (i.e., sharps container disposal).
 - Cleaning up of drug paraphernalia in the performance of their work duties does not constitute a violation of this policy.
 - Non-CDL drivers may have and use alcohol-containing products not designed for consumption, such as hand sanitizer and disinfecting products.
 - Sheriff department employees may be exempt from Sheriff requirements in the performance of official police business and in compliance with Sheriff department policies and procedures.
 - Authorized staff may sell, purchase, transfer, dispense, possess, store, and distribute alcohol for patron consumption during their job duties.
5. Use of Prescriptions and Over the Counter Drugs
 - Employees may not unlawfully use or misuse prescriptions, including medical cannabis, and over-the-counter drugs, while on duty, on County premises, or in the workplace.
 - Employees may lawfully use prescribed or over-the-counter drugs, including medical cannabis, provided the use does not adversely affect their fitness for duty or their ability to perform their work duties safely and effectively.
 - Any employee lawfully taking a prescribed or over-the-counter drug is expected to consult with their prescribing physician or pharmacist to determine whether the drug has the potential to adversely affect their fitness for duty and ability to perform their work duties safely and effectively. Employees shall use appropriate personnel procedures (i.e., call in sick, use accrued leave, request a change of duty, notify supervisor, notify human resources, exercise FMLA rights, request an accommodation, etc.) to ensure they do not violate any provision of this policy.
6. In general, an employee's lawful use and possession of medical cannabis are handled in the same manner as the lawful use of any other prescribed drug, unless:
 - Use of medical cannabis would jeopardize federal funding for the employee's

- position;
 - Use of medical cannabis would jeopardize any security clearance required for the employee's position;
 - The employee's position is dependent on a license that is subject to federal or state regulations; or,
 - Use of medical cannabis conflicts with any other federal or state background determination required for the employee's position. This provision restricts CDL drivers' use of medical cannabis due to the Federal DOT testing requirements.
7. Employees lawfully using medical cannabis, according to Utah State law, are subject to the same policy requirements for the lawful use of other prescriptions. Employees are encouraged to carefully consider the risk that Cannabidiol (CBD) products may result in a positive drug test in violation of this policy. For this Section, CBD products are not considered an over-the-counter drug and do not negate a positive drug test.

17.4 Workplace Inspections

The County reserves the right to conduct unannounced inspections of the workplace, equipment, facilities, and resources, whether used solely by the employee or shared with others. The County recognizes that employees have a reasonable expectation of privacy to be free from unwarranted searches of personal items such as personal bags, purses, coats, wallets, etc. However, this expectation of privacy does not apply if alcohol, drugs, or paraphernalia are in plain view. The County also reserves the right to utilize detection methods including, but not limited to, electronic detection equipment and trained animals.

17.5 Fitness for Duty Evaluation/Verification

The County reserves the right to establish that an employee is fit for duty and able to perform their work duties safely and effectively. This includes, but is not limited to, requiring an employee to produce documentation from the prescribing medical provider assuring that the employee is/was deemed fit for duty. The County also reserves the right to obtain second and third opinions, at the County's expense, and to use resources available under other applicable laws, including the Americans with Disabilities Act and Family and Medical Leave Act.

17.6 Employee Assistance/Voluntary Treatment

Early recognition and treatment are important for successful rehabilitation. Employees are urged to seek treatment before being identified for testing. They are reminded that treatment and counseling services may be available through the Employee Assistance Program (EAP) and group health insurance plan.

17.7 Criminal Convictions and Other Reliable Evidence

1. An employee convicted for a violation under federal or state criminal statute, which regulates the manufacturing, distributing, dispensing, possessing, selling, purchasing, or consuming of a controlled substance, shall notify their supervisor of the conviction no later than five calendar days after the conviction. Convictions are not necessarily

disqualifiers from employment. A case-by-case analysis is conducted for workplace safety and job relevancy. An employee required to drive a vehicle as an essential function of the job may no longer qualify for the job where the employee's driver license is suspended or revoked due to a drug or alcohol conviction or offense.

2. Test results generated by law enforcement officers, emergency responders, or health care providers may also be considered by the County for determining policy compliance.

17.8 Limited Drug and Alcohol Testing

Post-accident/Incident Testing. Post-accident/incident drug or alcohol testing is required of employees in safety-sensitive positions or CDL-required positions. Any employee required to be tested but needing medical assistance must get the needed medical aid first. In a rare circumstance where an employee is unconscious and unable to test, post-accident/incident testing may not be administered (i.e., as it relates to employment testing, the County cannot catheterize an unconscious employee nor take blood for post-accident testing). Other means shall be used to address the situation.

The supervisor after receiving information about the accident/incident should make a good faith decision to test or not test and who is to be tested (e.g., testing is overbroad when it includes all employees in a vehicle, especially those whom the facts indicate could not have caused the accident) based on the information available at the time. The supervisor should document why a test cannot happen within the established time limit.

Under no circumstances should the employee involved in an accident and subject to post-accident testing be allowed to drive to the testing facility or away. A member of management is required to transport the employee or arrange other transportation.

17.9 Limited Drug and Alcohol Testing (Safety Sensitive Employees and CDL Drivers)

While all employees must maintain a drug and alcohol-free workplace according to this policy, only certain employees are subject to workplace testing for drugs and alcohol. The County's drug and alcohol testing program applies to safety-sensitive employees ("company authority testing") and CDL-required employees ("DOT required testing").

17.10 Testing of Safety-Sensitive and CDL-required Drivers

Pre-employment Testing. Pre-employment drug testing is a condition of offers of employment and reassignment to existing employees who have applied for and been offered a new safety-sensitive or CDL-required position. Pre-employment alcohol tests will not be given.

Random Testing. Random drug or alcohol testing is required of employees in safety-sensitive positions or CDL-required positions. To ensure that employees are selected randomly, the County uses a third-party administrator to manage random selections. Employees are subject to random testing anytime they are on duty. If an employee is absent at the time of testing, another employee is selected from the alternate list.

Reasonable Suspicion Testing. Reasonable suspicion drug or alcohol testing may be required of employees if a supervisor or company official who has been trained in recognizing the signs and symptoms of drug or alcohol use suspects an employee is under

the influence of drugs or alcohol while on duty. Testing cannot be required based solely on another person’s guess, hunch, complaint, or tip. The suspicion must be based on specific, contemporaneous, articulable, and documented observations consistent with the signs and symptoms of drug and alcohol use, such as the following: odors (e.g., the smell of alcohol, body odor, urine); movements (e.g., unsteady, fidgety, dizzy); eyes (e.g., dilated, constricted or watery eyes, involuntary eye movements); face (e.g., flushed, sweating, confused or blank look); speech (e.g., slurred, slow, distracted mid-thought, inability to verbalize thoughts); emotions (e.g., argumentative, agitated, irritable, drowsy); actions (e.g., yawning, twitching); inactions (e.g., sleeping, unconscious, no or slow reaction to questions).

When reasonable suspicion testing is warranted, management should relieve the employee from performing safety-sensitive work duties and meet with the employee to explain the observations. The employee shall be allowed to explain the observations. If, after the explanation, management continues to have reasonable suspicion of drug or alcohol use in violation of this policy or would need further verification, the employee will be notified of the requirement to undergo a drug/alcohol test. In a rare circumstance where an employee is unconscious and unable to explain or test, reasonable suspicion testing may not be administered (i.e., as it relates to employment testing, the County cannot catheterize an unconscious employee nor take blood for reasonable suspicion testing). Other means shall be used to address the situation.

Where reasonable suspicion of drug/alcohol use exists, under no circumstances should the suspected employee be allowed to drive to the testing facility or away from the workplace. A member of management is required to transport the employee or arrange for the employee’s transportation.

The suspected employee may not perform safety-sensitive duties until negative test results are received.

Type	Time Limit	When required?
Safety-sensitive Drug Testing Company Authority	Within 12 hours but cannot exceed 32 hours from time of event	When there is a reasonable basis for concluding that: the employee caused or contributed to an accident that seriously damaged a County vehicle, machinery, equipment, or property, making it inoperable or resulting in immediate disruption to the work process; the employee received or is likely to receive a moving traffic violation in relation to an accident; or, the employee caused or reasonably appears to have caused an accident or incident that resulted in an injury to themselves or another person, requiring off-site medical attention; except that sworn police officers are not subject to automatic post-accident drug and alcohol testing in the instance of an injury to the officer or a suspect when such injury occurs in the normal scope of their duties or during a suspect’s
Safety-sensitive Alcohol Testing Company Authority	Within 2 hours but cannot exceed 8 hours from time of event.	

Type	Time Limit	When required?
		lawful constraint. Sworn law enforcement officers are, however, subject to post-accident/incident drug and alcohol testing following any incident deemed to be an officer's use of deadly force whether an injury occurred or not.
CDL Drivers Drug Test DOT-required	Within 12 hours but cannot exceed 32 hours from time of event.	When there is one or more fatality; or the driver is cited for a moving violation AND either: the vehicle is towed from the scene; or someone incurs bodily injury with medical treatment away from the scene.
CDL Drivers Alcohol Test DOT-required	Within 2 hours but cannot exceed 8 hours from time of event.	<i>Note: If these requirements cannot be met, the employee might still be tested pursuant to safety-sensitive drug or alcohol testing under company authority.</i>

Return-to-duty Testing/Follow-up Testing. Return-to-duty/follow-up drug or alcohol testing may be required of employees in safety-sensitive positions or CDL-required positions when administered in conjunction with a County-approved program of return to duty, rehabilitation, counseling, education, or treatment. Return-to-duty testing shall be for a period of not less than 12 months, and generally not to exceed 36 months, and generally should be tested a minimum of 6 times in the first 12 months following their return to duty. Return-to-duty/follow-up testing shall be at the employee's expense. This policy does not alter the County's policies on leave or disability.

17.11 Testing Notice and Sample Collection/Testing Procedures/MRO Verifications

Testing Notice: Before performing an alcohol or drug test, the employee shall be notified whether the test is pre-employment, reasonable suspicion, random, post-accident, or return-to-duty/follow-up testing.

Alcohol Testing: If an employee's alcohol concentration is .02 or more, a second specimen will be tested approximately 20 minutes later. If an employee's second alcohol concentration is at or exceeds .04, the second confirmation test will be used for the determination of under the influence. The test results will be sent to the MRO, who verifies the testing process and results and makes a final determination of the test result. *Under no circumstances should the employee be allowed to drive following an alcohol test when the second confirmation test result is at or exceeds the positive cut-off limit. A member of management is expected to transport the employee or arrange other transportation.*

Drug Testing: Drug testing is conducted at a County-designated location/facility, and a urine specimen is required. Specimens are provided in private unless they appear to be altered, adulterated, or substituted specimens. Collected specimens will be split samples, sent to a federally or state-certified laboratory, and tested for:

Testing Authority	Tested for
Safety-sensitive Company Authority	9 Panel: Opiates, cocaine, phencyclidine, amphetamines, marijuana, barbiturates, benzodiazepines, propoxyphene, methadone.
CDL Drivers DOT required	5 Panel: Opiates, cocaine, phencyclidine, amphetamines, and marijuana

The laboratory screens all specimens and confirms all positive screens. The laboratory preserves the chain of custody from the time specimens are collected through testing and storage.

The laboratory transmits all positive drug test results to a medical review officer (MRO) retained by the County who offers individuals with positive test results a reasonable opportunity to rebut or explain the results prior to reporting test results to the County. An individual has 72 hours from notice of a positive test result to ask the MRO to perform a confirmation test at another federally or state certified laboratory, at the individual's own expense.

It shall be a violation of policy and a presumptive positive test if an employee: i) fails to appear for a drug/alcohol test as requested without a reasonable or verifiable explanation; ii) refuses to submit to an authorized drug/alcohol test without a medically verifiable reason, as determined by the testing coordinator or the person responsible for administering the test; iii) refuses to contact and cooperate with the drug/alcohol testing official or sign related paperwork; iv) substitutes, alters, or tampers with a drug/alcohol test sample; v) fails to give a sufficient drug/alcohol test sample without a verifiable medical condition that impacts the employee's ability to provide a sufficient sample; vi) falsifies or attempts to falsify a drug/alcohol test sample or test result; vii) refuses to report for an evaluation by a substance abuse professional; or viii) fails to remain readily available for post-accident testing, if applicable, following an accident.

17.12 Cancelled Tests and Unique Situations

At times, a problem with a drug test may be identified that cannot or has not been corrected, or which federal regulations require it to be canceled. In these situations, a canceled test is reported. A canceled test is neither positive nor negative. Additionally, the County recognizes that situations that are not specifically covered by this policy may arise. These may be addressed on a case-by-case basis (after consultation with Human Resources).

17.13 Compensation for Testing and Record Keeping

An employee's time spent participating in random, reasonable suspicion, or post-accident drug or alcohol testing is paid work time. Individuals participating in pre-employment testing, rehabilitation testing, or return-to-duty testing, whether related to disciplinary or corrective action, is not compensable work time. All information relating to County's drug and alcohol testing shall be treated as confidential except as indicated herein or as

provided by law.

17.14 Sheriff's Department Alcohol and Drug Limits and Policy

The Sheriff's Department may establish lower limits of positive tests as identified in their department policies and procedures.

17.15 Consequences for Policy Violations or Positive Tests

Applicants who refuse to participate in a required drug test or who test positive will not be hired. Employees who violate any policy provision may be subject to disciplinary action, including dismissal. Employees may be referred to a substance abuse professional for an initial evaluation at the County's discretion and expense. Recommended rehabilitation, even if imposed as part of discipline, is at the employee's expense. An employee's refusal or failure to submit to an evaluation or to successfully complete the recommended rehabilitation may result in additional disciplinary action, including dismissal.

18 Discrimination and Harassment

18.1 Purpose

This Policy provides an informal and formal process to County employees for addressing discrimination complaints. All employees of the County are entitled to a work environment free from sexual harassment, harassment, discrimination, and reprisal. All individuals applying for employment or conducting business with the County must be allowed to do so in an environment free from sexual harassment, harassment, discrimination, and reprisal.

18.2 Policy

It is the policy of the County, an Equal Employment Opportunity employer, to provide all employees with a working atmosphere free of sexual harassment, harassment, discrimination, and reprisal. It is the firm and express policy of the County that discrimination based on race, color, national origin, gender, gender identity, sexual orientation, marital status, religion, age, pregnancy, childbirth, pregnancy-related conditions, genetic information, veteran status, or disability shall not be tolerated under any circumstances. County administrators and supervisory personnel shall ensure that sexual harassment, harassment, discrimination, and reprisal are altogether prevented, insofar as is possible, and if it does occur, are immediately investigated and resolved. The County expects the prompt reporting of such behavior and will ensure that reporting employees' rights are protected.

18.3 Definitions

Administrative Investigation is a process wherein the Department Head or Elected Official or designee interviews the complaining party, requests the complaint in writing, interviews and requests a response in writing from the accused, interviews witnesses, and determines whether sexual harassment, harassment, discrimination, or reprisal occurred.

Discrimination means any adverse action taken against an employee because of race, color, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identification, genetic information, veteran status, or other legally protected class.

Harassment means pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive conduct toward an employee or applicant that (1) creates an intimidating, hostile, or offensive work environment; (2) unreasonably interferes with a person's work performance; or (3) otherwise adversely and unreasonably affects an individual's employment.

Hostile Work Environment means any lewd sexual conduct, jokes, pictures, words, or touching that unreasonably interferes with a person's job performance or creates an intimidating, offensive working, or public service environment, even if there are no occurrences of tangible or economic loss.

Informal Review is a process wherein a supervisor or manager receives and reviews allegations, meets with the complaining party and the accused separately, and attempts to resolve the issues.

Prohibited Behavior includes, but is not limited to, unwelcome sexual remarks or

compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual comments about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

Quid Pro Quo means "this for that" and exists when submission to, or rejection of, discriminatory conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

18.4 Procedure

1. Discrimination, including harassment, shall not be tolerated. All individuals shall be assured of fair and equitable treatment in all aspects of employment.
2. Sexual harassment is an unlawful activity prohibited under Title VII of the Civil Rights Act of 1964. Any employee who engages in such activity shall be subject to corrective or disciplinary action.
3. Sexual relationships which are used as the basis for employment decisions are prohibited.
4. All County employees have the right to file a complaint and may do so without fear of reprisal.
5. Employees who are subjected to, or are otherwise aware of, sexual harassment, harassment, or discrimination by or against a County employee are expected to report such harassment as soon as possible.
6. Employees may make a report of sexual harassment, harassment, or discrimination to any of the following: i) any supervisor in the employee's chain of command; ii) the Human Resources Director; iii) the County Attorney; or iv) the County Manager or their designee.
7. Complaints may be submitted verbally or in writing.
8. Corrective action may be taken against any individual who intentionally provides false information.
9. Complaints may be filed regardless of whether the behavior occurred on or off duty.
10. Any employee who believes they have been subjected to any act of reprisal for filing a grievance or appeal or any employee who believes they have been sexually harassed, harassed, or retaliated against for having opposed a discriminatory practice shall have the right to file a complaint.
11. Confidentiality will be protected to the extent practical.
12. Anyone attempting to retaliate or to interfere with the investigation of a complaint of discrimination or harassment may be disciplined, up to and including termination. The accused employee shall not contact the complainant regarding allegations of sexual harassment, harassment, or discrimination once a complaint has been filed.

13. Any supervisor receiving a complaint of sexual harassment, harassment, or discrimination shall immediately inform the Department Head or Elected Official of the department where the alleged act occurred. Supervisors who knew or should have known that sexual harassment, harassment, or discrimination was occurring on-duty or were made aware of such behavior occurring off-duty, which resulted in a hostile work environment, and did not take timely action to correct the situation shall be subject to corrective or disciplinary action.
14. After receipt of a complaint, the Department Head or Elected Official shall take appropriate action.
15. The Department Head or Elected Official shall contact the Human Resources Director immediately to report the incident.

18.5 Informal Review

1. The Department Head or Elected Official shall attempt to resolve the issues by receiving and reviewing allegations, meeting individually with the complaining party and accused party, and documenting actions taken. The Department Head or Elected Official may issue discipline if deemed appropriate.
2. If the Informal Review indicates no further action is necessary, a brief written memorandum shall be prepared, and a copy shall be forwarded to the Human Resource Director, the complainant, and the accused.
3. If the Department Head or Elected Official cannot resolve the sexual harassment, harassment, discrimination claims, or if the facts are in dispute, the matter must be referred for Administrative Investigation.
4. In cases where an Elected Official or Department Head has been accused, the matter shall be immediately referred to the County Manager. The Human Resources Director may be assigned to conduct the Informal Review if necessary.
5. Any complaining or accused employee dissatisfied with the response by the Department Head or Elected Official should report their concerns to the Human Resources Director, who shall review that response for compliance with County policies and procedures.

18.6 Administrative Investigation

1. The primary responsibility for investigating and acting upon allegations shall be with the County Manager's Office.
2. The County Manager or designee shall interview the complaining party, request the complaint in writing, interview and request a response in writing from the accused party, and interview witnesses to determine whether sexual harassment, harassment, or discrimination occurred.
3. If the complaining party or accused party declines to submit a written statement, the Department Head or Elected Official shall document a complete record of the verbal complaint or the response in writing. A copy shall be provided to the complaining and accused party.
4. Administrative Investigations shall be conducted and completed promptly.
5. Individuals who investigate sexual harassment, harassment, or discrimination

complaints shall prepare a written report and submit it to the Department Head or Elected Official and the Human Resources Director. This written report is classified as a protected record and shall be retained by the Human Resources Director.

6. The investigation shall protect the rights of both the person complaining and the accused. Confidentiality will be protected to the extent possible under the law.
7. If a Department Director or Elected Official is accused of sexual harassment, harassment, or discrimination, an administrative investigation shall be instituted by the County Manager or their designee if the Informal Review indicates an investigation is appropriate.
8. Any reprisal toward the complainant or witnesses shall be subject to separate corrective or disciplinary action.
9. If it is determined that a policy violation has occurred, the supervisor may issue discipline if appropriate.
10. If an investigation reveals evidence of criminal conduct in sexual harassment, harassment, or discrimination allegations, the matter shall be referred to the County Attorney.
11. If the investigation reveals that the accusations are unfounded, this information shall be documented, the investigation terminated, and all parties notified.

18.7 Discipline

1. If the person conducting the Informal Review or Administrative Investigation determines that sexual harassment, harassment, or discrimination has occurred, appropriate disciplinary action shall be taken.
2. No disciplinary action shall be taken against an employee accused of sexual harassment, harassment, or discrimination until an Informal Review or Administrative Investigation has been conducted and the findings document the allegations. Disciplinary action shall be imposed according to the County's policies and procedures. However, supervisors may take immediate corrective action when witnessing inappropriate conduct.
3. Department Heads or Elected Officials are encouraged to confer with the Human Resources Director regarding the degree of discipline to be imposed.
4. If the accused employee does not agree with the final disposition or summary of findings, the employee may then file a grievance at the next highest level of review.

18.8 Workplace Violence

18.8.1 Policy

The County provides a safe workplace for all employees. All employees should review and understand all provisions of this workplace violence policy to ensure a safe workplace and to reduce the risk of violence.

18.8.2 Prohibited Conduct

The County does not tolerate any workplace violence. Employees are prohibited from making threats or engaging in violent activities. The following behaviors, while not all-inclusive, provide examples of conduct that is prohibited: i) causing physical injury to another person; ii) making threatening remarks; iii) aggressive or hostile

behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress; iv) intentionally damaging the County property or property of another employee; v) unauthorized possession of a weapon while on the County property or while on County business; vi) committing acts motivated by, or related to, sexual harassment or domestic violence.

18.8.3 Reporting Procedures

Potentially dangerous situations must be reported immediately to a supervisor or the Human Resources Department. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled, and the results of investigations will be discussed with them. The County will actively intervene at any indication of a possibly hostile or violent situation.

19 Social Media

19.1 Policy Statement

This policy aims to establish guidelines for employees who engage in social media activity as defined herein. This policy does not intend to prohibit any employee's expression in general or through social media; employees have the right to post complaints, express opinions, and engage in civil discourse that does not unduly disrupt County business. This policy attempts to strike a reasonable balance between employees' interest in engaging in social media activity and the County's interest in preventing unnecessary disruption to or interference with its operations and relationship with the public it serves.

19.2 Definitions

For this policy, "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity," as defined below. In most cases, the term refers to websites or apps such as Facebook, Twitter, Instagram, LinkedIn, Google+, YouTube, Tumblr, Blogger, and TikTok. Online social media technologies covered by this policy also include, but are not limited to, such applications as weblogs/blogs, video logs/vlogs, message boards, podcasts, and wikis. For purposes of this policy, the term "social media activity" is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, posting, uploading, reviewing, downloading, or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

19.3 Scope of Policy

This policy applies to all employees without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or using pseudonyms.

19.4 Prohibitions on Social Media Activity

1. All employees should remain mindful that, as public servants, they are generally held to higher standards than the public regarding their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activities that may be tolerated or even acceptable in the private sector may violate this policy.
2. Each employee who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the County, including, but not limited to, those about making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, disability, or other characteristic protected by law, or otherwise engaging in conduct unbecoming an employee of the County, bringing discredit to the County, or interfering with or detrimental to the mission or function of the County.
3. Employees must refrain from engaging in any social media activity which disqualifies

them from performing or in any way reasonably calls into question their ability to objectively perform any essential function of their job.

4. While any employee, at their discretion, may engage in social media activity with any other employee(s) consistent with this policy's prohibitions, limitations, restrictions, and guidelines, no employee may be required or otherwise compelled to engage in such activity with another employee.
5. Employees must refrain from using a County email address to create or use a personal social media account.
6. No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the County, any other current or former employee of the County, or any applicant for employment with the County.

19.5 Limitations and Restrictions on Social Media Activity

1. Except as otherwise authorized by the County Manager, employees are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the County.
2. Employees must keep any personal use of social media at work to a minimum. Use of personal social media at work must not be allowed to distract from work-related tasks.
3. The County reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even if previously approved) from a personal account if such posted material constitutes a violation of this policy or other County policies or is determined to be detrimental to County operations.

19.6 Application to Other Policies

All personnel policies of the County relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity.

19.7 Corrective Action

Employees engaging in social media activity violating this policy will be held accountable, and corrective action, including termination of employment, may be taken per the County's disciplinary policies.

19.8 Interpretation and Application

1. Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or Federal or State rights to engage in any statutorily protected activity.

20 Corrective Action

20.1 Policy Statement

The County believes that each employee desires to provide quality public service by meeting high job performance and conduct standards and by following established policies, procedures, regulations, and practices. When an employee's conduct does not meet standards or results in deficiencies in job performance or violations of law, County regulations, or rules, it is the policy of the County to take appropriate action to improve or correct the conduct or performance or, if necessary, remove the employee from the County workforce through application of corrective actions.

The primary purpose of corrective action is to remedy behavior and performance problems before ending the employment relationship. However, the employee may be subject to involuntary termination without prior corrective action in cases of serious misconduct or other situations as warranted. This section emphasizes the employee's responsibility for the consequences of their own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

20.2 General Provisions

20.2.1 Level of Discipline

Corrective action will be consistent with the nature of the deficiency or infraction and other relevant factors. In deciding the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior corrective actions, and any mitigating circumstances which may be relevant to the situation.

20.2.2 Consultation with Human Resources

The Human Resources Director shall be consulted before any employee is suspended, demoted, or terminated.

20.2.3 Exempt Employees

Any unpaid suspension of an exempt employee shall be made in full-week increments.

20.2.4 Administrative Leave Pending Investigation

When conduct or policy violations occur that require investigation, it is sometimes in the County's best interest for one or more employees to leave the workplace immediately. Removing an employee from the workplace in these situations allows the supervisor to collect and consider facts that will be necessary to determine the appropriate next steps. The affected employee should be notified in writing that they are being placed on administrative leave pending investigation and should be required to clock out and leave immediately. The employee should provide contact information and remain available during normal working hours to respond should the supervisor have questions or require the employee to return to the workplace. All parties should work to resolve the situation quickly. The supervisor should forward documentation of the administrative leave to the Human Resources

Department. *See also Section 7.11.*

20.2.5 Format and Location of Corrective Actions

All corrective actions should be documented in writing. The supervisor shall ensure that the documentation is complete and accurate and that needed signatures are obtained. An employee's signature does not indicate agreement with the corrective action but is an acknowledgment of receipt. Should an employee refuse to sign the documentation, the supervisor should write "refused to sign" with the appropriate date. The employee should be given a copy of the document, and the original should be maintained in the employee's personnel file in the Human Resources Department.

20.3 Corrective Action Procedures

1. A department head who is considering the demotion, suspension without pay or termination of a career-service employee shall consult with the Human Resources Director.
2. The department head shall provide the employee with written notice of:
 - the facts upon which the considered action is based; and
 - the date and time of a pre-action hearing, which shall be held no sooner than three business days after the notice is given.
3. The employee may submit a written response prior to the pre-action hearing or may appear in person at the pre-action hearing.
4. Attendance at the pre-action hearing shall be limited to the employee, a representative designated by the employee, the department head, county legal counsel, and the Human Resources Director.
5. An employee who does not submit a timely written response or attend the pre-action hearing is deemed to have waived their right to participate in the pre-action process.
6. The employee may appeal an adverse action to the Career Service Council.
7. If an employee is demoted, suspended with pay or terminated without a pre-action hearing due to serious misconduct, the department head shall conduct a post-action hearing following the procedures established for a pre-action hearing.

20.4 Progressive Discipline

While it is expected that corrective action will be exercised progressively, the circumstances of any situation and the nature of the deficiency or the violation in any situation may preclude the exercise of a less severe discipline option. Options for corrective actions may include verbal or written reprimand, suspension, performance improvement plan, demotion, and termination. Serious employee misconduct may cause immediate termination while bypassing any or all other levels of corrective action. There is no requirement or expectation that specific corrective action is used for any given situation, nor is the availability or use of different levels of corrective action intended to imply any right of an employee to receive a less severe form of corrective action before termination of employment.

20.5 Disciplinary Options

20.5.1 Employee Coaching

Coaching provides a structure for the supervisor to communicate with the employee to give positive feedback and guidance regarding areas needing improvement. It is generally preferred that one or more coaching sessions be held before proceeding to more formal discipline; however, the supervisor may initiate corrective action or termination without prior coaching if circumstances warrant.

1. *Who is involved?* Employee coaching is a private discussion between the employee and supervisor.
2. *What documentation is required?* Coaching should be documented by the supervisor and maintained in the supervisor's files to provide a record of historical performance and efforts to correct deficiencies. There is no requirement for an employee to sign any documentation following coaching.

20.5.2 Documented Verbal Reprimand

A verbal reprimand is an oral warning and correction from the supervisor to the employee and is considered the lowest level of formal corrective action.

1. *Who is involved?* The supervisor may initiate verbal reprimands without consultation with the Human Resources Department.
2. *What documentation is required?* Verbal reprimands shall be documented so that a record of the discussion exists. It is preferable to have the employee sign acknowledging the discussion. Supervisors shall keep records of verbal reprimands.

20.5.3 Written Reprimand

A written reprimand is a formal corrective action that provides admonishment and correction to the employee for inappropriate conduct, violation of rules, or substandard performance.

1. *Who is involved?* The supervisor may initiate written reprimands without consultation with the Human Resources Department.
2. *What documentation is required?* Written reprimands shall be documented and signed by the supervisor and the employee. The original signed document shall be sent to the Human Resources Department for inclusion in the employee's personnel file.

20.5.4 Performance Improvement Plan (PIP)

A Performance Improvement Plan imposes a new evaluation period for a specified amount of time, generally 90 days, to ensure that performance deficiencies are understood and that management is coaching the employee to improve. Performance Improvement Plans are recommended only in instances of substandard performance; they are not generally helpful in correcting employee conduct or rule violations.

1. *Who is involved?* The Human Resources Director should be consulted before an employee is placed on a PIP.
2. *What documentation is required?* A PIP must be documented and signed by the supervisor and the employee. It shall contain clear and objective expectations for

improved future performance and consequences for failure to comply. The original signed document shall be sent to the Human Resources Department for inclusion in the employee's personnel file.

20.5.5 Suspension

Disciplinary suspension means the employee is relieved of duties, without pay, for one or more working days. The suspension dates are determined by the supervisor. Employees on disciplinary suspension will not be paid annual leave, accrued compensatory leave, or any other pay.

1. *Who is involved?* The Human Resources Director shall be consulted before an employee is placed on disciplinary suspension.
2. *What documentation is required?* Disciplinary suspension must be documented and signed by the supervisor and the employee. The original signed document shall be sent to the Human Resources Department for inclusion in the employee's personnel file.

20.5.6 Demotion

A demotion is a reduction in rank, grade, or classification. An employee who is demoted will receive a reduction in pay as described in Section 6.16.5. Demotion falls outside normal corrective action and will be considered only in unusual circumstances.

1. *Who is involved?* The Human Resources Director shall be consulted before an employee is demoted. The County Manager's approval is required.
2. *What documentation is required?* Demotions must be documented and signed by the supervisor and the employee. The original signed document shall be sent to the Human Resources Department for inclusion in the employee's personnel file.

20.5.7 Termination

Termination is the involuntary separation of employment from the County.

1. *Who is involved?* The Human Resources Director shall be consulted before an employee is involuntarily terminated.
2. *What documentation is required?* Employee terminations are generally accompanied by a written account of the infractions or performance issues leading to the decision to terminate. The original signed document must be sent to the Human Resources Department, along with a copy of the separation notice, for inclusion in the employee's personnel file.

21 Separation of Employment

21.1 Policy Statement

Employees leave the County workforce, voluntarily or involuntarily, for various reasons. Regardless of the circumstances, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's final pay. Employees should make themselves aware of these procedures.

21.2 Employment Separation

21.2.1 Resignation

Any non-exempt employee who wishes to resign or retire is requested to submit a written notice of resignation to their supervisor at least two (2) weeks before the effective resignation date. Exempt employees must give at least four (4) weeks' written notice. The notice should indicate the reason for resigning and the last working day or shift with the County.

Leave Time During Notice Period: Employees will only be allowed to use annual leave during the notice period if it was scheduled and approved before giving notice.

Annual Leave Payment/Annual Leave Offset: Employees who voluntarily resign from the County will be paid the balance of their unused annual leave, accrued through the last day worked. However, employees who choose not to provide written notice or who provide less than the expected notice period may receive a reduction in their annual leave balance to offset the amount of notice not given.

Wages instead of Notice: An employee who submits a notice of resignation may be requested to leave immediately or at any time during the notice period at the discretion of the County. If the supervisor relieves the employee from duty for some or all the notice period, the employee will be paid "wages instead of notice" through the effective date of their resignation (maximum of two weeks for non-exempt employees and four weeks for exempt employees).

21.2.2 Pending Corrective Action

An employee whose resignation notice is tendered and accepted after the initiation of a corrective action forfeits their right to challenge the corrective action.

21.2.3 Failure to Report (Job Abandonment)

An employee who is absent from work for a period of three (3) consecutive working days without notifying their supervisor of the reasons for their absence and without receiving permission to remain away from work shall be considered as having quit without notice; provided, however, that the failure to contact their supervisor was not caused by unavoidable emergency circumstances (incarceration is not an unavoidable emergency circumstance) that made such contact impossible. The official termination will be effective as of the date of the third consecutive day with no notification. Under these circumstances, employees who "quit without notice" will forfeit the payment of any unused annual leave. Nothing in this policy is intended to prohibit termination of the employee before the expiration of the three-day absence period for reasons other than job abandonment.

21.2.4 Involuntary Termination

Employees who are involuntarily terminated (commonly referred to as “fired”) from the County will be notified of the reasons for the dismissal and the date of the dismissal. The Human Resources Director shall be notified of all involuntary terminations before the termination. Individuals who are involuntarily terminated will forfeit payment for unused annual leave. Resignation in lieu of termination is considered involuntary for this policy.

21.2.5 Loss of Job Requirement(s)

Any employee unable to do their job adequately because of loss of, or inability to obtain, a necessary license or other requirement may be terminated. The effective date will be the last day worked. A separation, for this reason, will not result in the forfeit of unused annual leave balance.

21.2.6 Death of Employee

An employee who dies shall be separated as of the date of death. Any salary due to the employee, along with any unused annual leave balance, will be paid as required by law.

21.2.7 Exit Interview

After receiving written notice of voluntary resignation or retirement, the Department Head or Division Head shall notify the Human Resources Director and will forward the original written notice of resignation or retirement to Human Resources. The Human Resources Department/Department Head will conduct an exit interview with departing employees whenever possible and practical.

21.2.8 Notification of Benefits

Employees will receive, if applicable, information related to the discontinuation of benefits, COBRA, final pay, etc.

21.3 Reduction in Force

21.3.1 Statement of Policy

A reduction-in-force (also referred to as a “layoff”) may result in the separation of an employee due to the abolishment of a position, a shortage of funds or work, a need to increase efficiency, material change in the duties or organizational unit of the Department, or for any other reason. No reduction-in-force shall be made to dismiss an employee for incompetence, misconduct, or other reasons specific to the employee. The reduction does not reflect discredit upon the service of the employee.

21.3.2 Procedures

The County Manager is authorized to initiate a reduction in force. Evaluation or non-regularly scheduled employees will be considered for layoff before full-time or regular part-time employees are affected. Before the reduction in force, consideration may be given to work records, performance history, assigned duties, job skills, and length of service in determining which employees shall be eliminated in the affected job class. Seniority will be considered when performance and qualifications are equal. An employee shall not be terminated based on race, color, creed, religion, sex, sexual orientation, gender identification, national origin, age,

disability, genetic information, or any other category protected by Federal or State law. Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified.

22 Career Service Council

22.1 Purpose

This policy's purpose is to describe the general purposes of the Career Service Council and the parameters and procedures under which it operates.

22.2 Policy

1. There shall be in the County a three-member bipartisan Career Service Council appointed by the County Manager. The members of the Council shall be persons are knowledgeable about the application of merit principles to public employment.
2. The Council shall hear appeals not resolved at lower levels when employees are suspended, transferred, demoted, or dismissed; it shall review written appeals in cases of applicants rejected for examination; and report final, binding appeals decisions in writing to the governing body.
3. A right to appeal to the district court under the Utah Rules of Civil Procedure provisions shall not be abridged.
4. The Council shall have subpoena power to compel witnesses' attendance and authorize witness fees, where appropriate, to be paid at the same rate as in justice courts.
5. Career Service Council proceedings will be consistent with the requirements of formal adjudicative proceedings contained in the Utah Administrative Procedures Act.

22.3 Grievances

1. A grievance is a dispute filed by a Career Service employee concerning their suspension, transfer, demotion, or termination.
2. A grievance does not include a dispute for which other appeal processes are provided in the Personnel Policy Manual or a dispute specifically excluded from the Career Service Council review by said policies.
3. A grievance does not include matters for which the Utah Antidiscrimination and Labor Division has jurisdiction.