

TABLE OF CONTENTS
SUMMIT COUNTY
PERSONNEL MANUAL
(as of September 2023)

TITLE	Page	Adoption Date/ Revised Date
SECTION I PERSONNEL SYSTEM PROVISIONS	1-1	July 30, 2015
Purpose	1-1	October 24, 2002
Functions of the Manual	1-1	July 30, 2015
Applicability of Policies and Procedures	1-2	October 24, 2002
System Standards	1-2	July 30, 2015
SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY	2-1	July 30, 2015
Legal Compliance	2-1	July 30, 2015
AntiDiscrimination	2-1	July 30, 2015
Compensation	2-1	June 16, 2010
Nepotism	2-1	July 30, 2015
Affirmative Action	2-3	October 24, 2002
SECTION 3 ADMINISTRATION	3-1	August 1, 2022
Administration of Policies	3-1	October 24, 2002
Personnel Advisory Committee	3-1	August 1, 2022
Management Prerogative	3-2	August 1, 2022
Employee Supervision	3-2	August 1, 2022
Official Personnel Records	3-4	August 1, 2022
"Atwill" Confirmation	3-5	August 1, 2022
Savings Clause	3-6	October 24, 2002
SECTION 4 POSITION MANAGEMENT	4-1	August 1, 2022
Position Allocation	4-1	December 17, 2008
Job Description	4-1	August 1, 2022
Classification	4-1	August 1, 2022
Reclassification	4-2	August 1, 2022
Reorganization	4-2	August 1, 2022
SECTION 5 HIRING FOR NEW AND VACANT POSITIONS	5-1	July 30, 2015
Recruiting	5-1	December 17, 2008
Disqualification	5-1	July 30, 2015
Testing	5-1	August 1, 2022
Veterans Preference	5-1	August 1, 2022
Physical Examination/Drug Testing	5-1	August 1, 2022
Final Appointment	5-2	August 1, 2022
Employment Eligibility Verification	5-2	October 24, 2002
Hiring Procedures	5-2	August 1, 2022
Employee Induction	5-4	October 24, 2002
Orientation Period	5-4	October 17, 2019
SECTION 6 EMPLOYMENT STATUS	6-1	August 1, 2022
Applicability	6-1	October 24, 2002

Merit Exempt Positions	6-1	August 1, 2022
Temporary Employees	6-2	August 1, 2022
Full-time Employees	6-2	October 24, 2002
Part-time Employees	6-2	August 1, 2022
Conditional Employees	6-3	August 1, 2022
FLSA Exempt Employees	6-3	July 30, 2015
Seasonal Employees	6-4	August 1, 2022
SECTION 7 PERSONNEL ACTIONS	7-1	August 1, 2022
Promotion	7-1	August 1, 2022
Career Ladder Adjustment	7-1	August 1, 2022
Layoff (Reduction in Force)	7-1	July 30, 2015
Abolishment of Position	7-1	August 1, 2022
Separation	7-2	August 1, 2022
Resignation	7-2	August 1, 2022
Defacto Resignation	7-2	August 1, 2022
Reinstatement/Rehire	7-2	August 1, 2022
Transfer	7-3	August 1, 2022
Reassignment	7-3	August 1, 2022
Performance Documentation	7-3	July 30, 2015
SECTION 8 COMPENSATION	8-1	August 1, 2022
Equability	8-1	October 24, 2002
General Wage/Salary Adjustments	8-1	August 1, 2022
Initial Appointment	8-1	August 1, 2022
Hourly Rates	8-1	October 24, 2002
New Hire Orientation Period Increases	8-2	July 30, 2015
Overtime	8-2	August 1, 2022
Holiday/Weekend Pay	8-3	February 8, 2021
Separation Pay	8-3	August 1, 2022
Pay advancement	8-4	October 24, 2002
Severance Pay	8-4	July 30, 2015
Payroll Deductions/Withholdings	8-4	February 8, 2021
Salary Adjustment & Red Line Rates	8-4	August 1, 2022
Out of Classification Assignments	8-4	August 1, 2022
Additional Assignment	8-4	October 3, 2019
Pay Progression	8-5	October 24, 2002
Performance/Incentive Awards & Bonuses	8-5	January 1, 2022
Pay Day	8-7	February 9, 2017
Payroll Corrections	8-8	January 1, 2022
SECTION 9 FRINGE BENEFITS	9-1	August 1, 2022
Group Health Insurance	9-1	August 1, 2022
Continuation of Benefits	9-1	February 8, 2021
General Group Insurance Programs	9-2	August 1, 2022
Employee Assistance Program	9-2	April 1, 2018
Leave Status	9-3	October 24, 2002
Vacation	9-3	August 1, 2022
Sick Leave	9-4	February 8, 2021
Funeral/Bereavement Leave	9-6	August 1, 2022
Holiday Leave	9-6	August 1, 2022
Court or Jury Leave	9-7	August 1, 2022
Maternity Leave	9-7	October 24, 2002
Parental Leave	9-8	December 28, 2018

Military Leave	9-9	August 1, 2022
Administrative Leave	9-10	December 17, 2009
Family & Medical Leave Without Pay	9-10	February 8, 2021
Retirement	9-13	August 1, 2022
Unemployment Insurance	9-15	July 30, 2015
Education Assistance	9-15	December 17, 2015
Benefit Limitation	9-16	August 1, 2022
SECTION 10 REIMBURSEMENT FOR EXPENSE	10-1	August 1, 2022
Travel	10-1	August 1, 2022
SECTION 11 WORK HOURS	11-1	August 1, 2022
Normal Work Day	11-1	August 1, 2022
Attendance	11-1	August 1, 2022
Show Up Pay	11-1	August 1, 2022
Meal Periods	11-1	August 1, 2022
Rest Periods	11-1	August 1, 2022
Stand By/On Call	11-1	August 1, 2022
Call Out	11-1	August 1, 2022
Time Card Approvals	11-1	August 1, 2022
Telecommuting	11-2	October 8, 2020
SECTION 12 PRODUCTIVE WORK ENVIRONMENT	12-1	August 1, 2022
General Conduct	12-1	October 24, 2002
Outside Employment	12-1	August 1, 2022
Conflict of Interest	12-2	October 24, 2002
Non-Competition	12-2	July 30, 2015
Political Activity	12-2	August 1, 2022
Discrimination Based on a Protected Category	12-3	July 30, 2015
Sexual Harassment	12-4	August 1, 2022
Drug Free Work Place	12-7	August 1, 2022
Nonsmoking Policy	12-11	August 1, 2022
Serious & Communicable Diseases	12-11	July 30, 2015
SECTION 13 DISCIPLINARY PROCEDURES	13-1	August 1, 2022
Disciplinary Action	13-1	August 1, 2022
Process	13-2	February 8, 2021
Types of Discipline	13-3	August 1, 2022
Appeal	13-4	August 1, 2022
Corrective Action	13-4	August 1, 2022
SECTION 14 GRIEVANCE & APPEAL PROCEDURE	14-1	February 8, 2021
General Statement	14-1	February 8, 2021
Grievance and Appeal Bodies	14-1	February 8, 2021
Administrative Law Judge	14-3	February 8, 2021
Grievable & Non-Grievable Issues	14-3	February 8, 2021
Multiple Grievances or Appeals	14-4	February 8, 2021
Employee Rights	14-4	February 8, 2021
Automatic Step Processing & Waivers	14-4	February 8, 2021
Stipulations	14-5	February 8, 2021
Grievance and Appeal Procedure Steps	14-5	February 8, 2021
Discrimination and Sexual Harassment	14-8	February 8, 2021
Career Service Council Hearing Guidelines	14-8	February 8, 2021
Hearing Procedures For all Appeals and Grievances	14-9	February 8, 2021

SECTION 15 GARNISHMENTS	15-1	July 30, 2015 July 30, 2015
SECTION 16 OCCUPATIONAL LAWS	16-1	August 1, 2022
Occupational Health & Safety	16-1	December 17, 2008
Worker's Compensation	16-2	August 1, 2022
Coordination of Social Security Benefits	16-2	October 24, 2002
Unemployment Insurance	16-3	August 1, 2022
SECTION 17 MISCELLANEOUS	17-1	August 1, 2022
Uniform & Equipment Allowance	17-1	October 24, 2002
Gratuities	17-1	August 1, 2022
Worksite Wellness Physical Activity and Nutrition	17-1	October 10, 2023
Dogs at Work Policy	17-5	October 10, 2023
SECTION 18 COMMUNICATIONS	18-1	August 1, 2022
Introduction	18-1	August 1, 2022
General Principles	18-1	August 1, 2022
Use of Telephones	18-3	August 1, 2022
Social Media	18-3	August 1, 2022
Use of Electronic Mail	18-3	August 1, 2022
Use of Internet and Intranet	18-5	August 1, 2022
Misuse of Summit County Equipment and Systems	18-6	August 1, 2022
System Security	18-7	August 1, 2022
Working Remotely	18-8	August 1, 2022
Personal Social Media, Blogs and Websites	18-9	August 1, 2022
Privacy and Monitoring of Communications	18-10	August 1, 2022
Compliance with this Policy	18-11	August 1, 2022

SECTION 1 PERSONNEL SYSTEM PROVISIONS

- A. **Purpose:** Revised 10/24/2002
Summit County is a political subdivision operating under the laws of the State of Utah and administers public funds. The policies and procedures relative to the personnel working for the County are set forth for a dual purpose:
1. To give employees clear, concise information as to their rights, privileges, obligations and responsibilities.
 2. To provide administrative officials and officers direction in dealing fairly and consistently with all employees.
- B. **Functions Of The Manual:** Revised 7/30/2015
It is the policy of the County that this manual be used as an outline of the basic personnel policies, practices, and procedures for the County. The manual, however, is not intended to alter the employment at will relationship in any way.
1. This manual contains general statements of County policy and should not be read as including the fine details of each policy, nor as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The County may add to the policies in the manual or revoke or modify them from time to time. Every effort will be made to keep the manual current, but there may be times when policy will change before this material can be revised.
 2. All manuals are County property and are assigned to employees holding a County position. The Office of Personnel Management is responsible for distribution of the manuals to newly hired employees. Each employee shall sign a statement that they have received, read and understand the manual. Amendments to the manual shall be distributed through employee email & posted into ADP, the County's human resources management system.
 3. A Personnel Advisory Committee has been established to review and authorize changes in the County's personnel policies. Department heads, division directors and supervisors are encouraged to recommend changes or new policies. The Personnel Director is responsible for disseminating new policy information.
 4. Department heads, division directors and supervisors should refer to the manual whenever questions of policy interpretation or implementation arise. They should, when possible, refer the employee to the policies on ADP and to, exercise caution in copying materials and avoid disseminating fragmented portions of these policies. Issues needing clarification should be referred to the Personnel Director.
 5. As used in the manual:
 - a. The words "shall" or "will" are to be construed as mandatory and the word "may" as permissive;

b. Any reference to a specific gender shall be construed to include both genders.

C. Applicability of Policies and Procedures: Revised 10-24-2002

The policies and procedures set forth herein shall apply to all personnel, except where specifically excluded within the text of individual contracts or elsewhere in this document. If lawful and applicable federal or state governmental regulations concerning elected and appointed officials are contrary to these policies, such governmental regulations shall have precedence. These policies and procedures do not apply to members of boards and commissions, persons engaged under contract to supply professional or technical services and volunteer personnel who receive no or nominal compensation from the County.

D. System Standards: Revised 7/30/2015

The system standards subscribed to by the County shall conform to the following:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill levels, including open consideration of qualified applicants for initial appointment.
2. Providing equitable and adequate compensation.
3. Training employees as needed, to assure high quality performance and justify reasonable performance standards.
4. Normally, retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected or corrected in a timely manner.
5. Assuring nondiscrimination for applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, military status, disability, sexual orientation, gender identification, and with proper regard for their privacy and constitutional rights as citizens.
6. Providing information to employees regarding their political rights and prohibited practices under the Hatch Act or related legal guidelines.
7. Providing a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY

- A. Legal Compliance:** Revised 7-30-2015
It is the policy of the County to comply with the guidance set forth in Title VII of the Civil Rights Act of 1964 according to Public Law 92261 approved March 24, 1972; with Executive Order No. 11246, of September 24, 1967; with Title V, Section 503 of the Rehabilitation Act of September 26, 1973 (Public Law 93112); Americans with Disabilities Act of July 26, 1990, Civil Rights Act of 1991, amendments to the above laws and any other regulation which is or may yet be promulgated relating to fair employment practices.
- B. AntiDiscrimination:** Revised 7-30-2015
The County will provide fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religious creed, sex, national origin, age, military status, disability, sexual orientation, gender identification and with proper regard for constitutional rights. No class of jobs will be closed to any individual because of the above referenced criteria.
- C. Compensation:** Revised 6-16-2010
Employees will be compensated on the basis of equal pay for equal work as determined through a formal job classification system. No individual will receive reduced compensation for equal work on the basis of race, color, religion, sex, national origin, age, military status, disability, sexual orientation or gender identification.
- D. Nepotism:** Revised 7-30-2015
It shall be the policy of Summit County to comply with the AntiNepotism provisions of Section §5231 et. seq., Utah Code, 1953, as amended.
1. Employment of relatives prohibited.
 - a. "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
 - b. No supervisor may employ, appoint, or vote for or recommend the appointment of a relative in or to any position of employment, when the salary, wages, pay, or compensation of the individual will be paid from public funds and the individual will be directly supervised by a relative, except as follows:
 - 1) The individual is eligible or qualified to be employed by the county as a result of their compliance with merit system laws or regulations;
 - 2) The individual will be compensated from funds designated for vocational training;
 - 3) The individual is a volunteer as defined by the County;
 - 4) The individual is the only person available, qualified, or eligible for the position; or vocational training;

- 5) The County Manager determines that the Department Head/Division Director is the only person available or best qualified to perform supervisory functions for the individual.
- c. No supervisor may directly supervise an individual who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds, except as follows:
- 1) The relative was appointed or employed before the supervisor assumed their position, if the relative's appointment did not violate the provisions of Utah Code Section §52.3.1 in effect at the time of their appointment;
 - 2) The individual is eligible or qualified to be employed by the County as a result of their compliance with merit system laws or regulations;
 - 3) The individual will be compensated from funds designated for vocational training;
 - 4) The individual is a volunteer as defined by the County;
 - 5) The individual is the only person available, qualified, or eligible for the position; or
 - 6) The County Manager determines the supervisor is the only person available or best qualified to perform supervisory functions for the individual.
- d. When a Department Head/Division Director/Supervisor supervises a relative:
- 1) The Supervisor shall make a complete written disclosure of the relationship to the Personnel Department and the County Manager;
 - 2) The Supervisor who exercises authority over a relative may not evaluate the relative's job performance or recommend salary increases for the relative.
- e. No individual may accept or retain employment if they are paid from public funds, and they are under the direct supervision of a relative, except as follows:
- 1) The individual was appointed or employed before the supervisor assumed their position;
 - 2) The individual is eligible or qualified to be employed by a the County as a result of their compliance with merit system laws or regulations;
 - 3) The individual is the only person available, qualified, or eligible for the position;
 - 4) The individual is compensated from funds designated for vocational

- 5) training;
- 6) The appointee is a volunteer as defined by the County; or
- 7) The County Manager has determined that the individual's relative is the only person available or qualified to supervise the individual.

E. Affirmative Action:

Revised 10-24-2002

The County shall take affirmative action in all aspects of personnel management to assure compliance with Equal Employment Opportunity standards (EEO). Affirmative Action plans and programs shall be undertaken when deemed necessary by the County Manager or otherwise required by a regulatory agency of the State of Utah or the federal government. Implementation shall be at the direction of the County Manager.

SECTION 3 ADMINISTRATION

A. Administration of Policies

Revised 10-24-2002

The day to day management of personnel activities and operations within the County is the responsibility of the Personnel Director, elected officials, division directors and appointed department heads. Under the direction of the County Manager, the Personnel Director shall coordinate and manage all aspects of the personnel management system and enforce all policies and procedures which shall include but not be limited to:

1. The administration of the classification and compensation plans.
2. The administration of a system of employee performance management.
3. Notification of vacancies, recruitment and selection processes.
4. Procedures involving the training and disciplining of employees.
5. Maintenance of all personnel records and actions.
6. Promotions, demotions, suspensions and separations.
7. Reassignments and reclassifications.
8. Make reasonable and practical interpretations in the absence of precedent regarding the meaning and intent of policies, procedures, etc.
9. Other actions as prescribed by County rules, regulations, policies & procedures.

B. Personnel Advisory Committee

Revised 8-1-2022

In order to review policies and procedures, job descriptions, grievances and other items of personnel nature as delegated by the County Manager, the County shall establish an advisory committee.

1. General Organization: The committee shall be comprised of county Department Heads or Elected Officials as appointed by the County Manager. Initial appointments shall be staggered for one and two year terms. Thereafter, all members shall serve a two year term. Initial terms shall begin January 1, 2009 and rotate annually thereafter. The terms and positions shall be tracked by the Office of Personnel Management.
2. Chairperson: The Personnel Director shall be the chair.
3. Authority: The committee shall have an advisory role only, unless otherwise allowed or delegated by the County Manager or these policies. Personnel policy proposals or recommendations may be submitted to the Management Team for informational purposes. All policy matters shall be submitted to the County Manager. The County Manager shall make the final decisions in all matters unless otherwise delegated.

C. Management Prerogative Revised 8-1-2022
Department heads retain the responsibility to exercise all managerial functions including:

1. To assign and supervise employees in their respective departments.
2. To discipline and dismiss employees pursuant to Section 13“Disciplinary Procedures”;
3. To determine and change starting times, ending times, and shifts which are consistent with county policy (Section 11 “Work Hours”, Paragraph A);
4. To transfer employees within other divisions within that department and other classifications;
5. To recommend the size and qualifications of the work force to the County Manager;
6. To determine and change methods by which departmental operations are to be carried out;
7. To assign duties to employees in accordance with the County's needs and requirements and to carry out all ordinary administrative and management functions.

D. Employee Supervision Revised 8-1-2022
It is the policy of the County that the work of all employees is to be assigned, directed and reviewed by supervisory personnel. Employees ordinarily are to have only one supervisor to whom they report.

1. A primary role of each supervisor is to provide an effective link between management and nonmanagement employees. As such, supervisors are expected to have communications with employees about the goals and policies of management . At the same time, they are expected to communicate back to management the attitudes, suggestions and complaints of their employees.
2. Supervisors must, in addition to mastering the technical skills needed for their work unit, be able to lead and motivate their employees to do their jobs effectively and efficiently. To this end, supervisors should be prepared to:
 - a. Treat employees as individuals;
 - b. Give recognition for good performance, as well as guidance for correcting mistakes;
 - c. Explain in advance when and why changes are necessary;
 - d. Recommend employees with growth potential for promotion, even if it means losing them to other departments;
 - e. Show integrity by admitting mistakes instead of shifting the blame to others;
 - f. Be impartial and let employees know the reasons for any decisions that might be interpreted as unfair;

- g. Demonstrate a desire for good performance by setting work goals and standards for employees;
 - h. Perform and complete employee performance evaluations in accordance with county guidelines. Evaluations shall be in conducted as described in Section 7 “Personnel Actions” Paragraph K.1
 - i. Create a feeling of teamwork and belonging among employees; and
 - j. Set good examples by holding themselves to the standards of conduct and performance that they demand of their employees.
3. Supervisors are responsible to ensure that the goals regarding employee conduct and performance established by management are achieved and that the personnel policies established by this manual are implemented. Therefore, they are expected to be involved in:
- a. Recommending the hiring of personnel and overseeing special job training;
 - b. Keeping employees informed on factors relating to their work assignments, work progress and opportunities for advancement;
 - c. Evaluating the performance of new employees on a monthly basis, regular employees annually, and employees who are leaving their departments/County ;
 - d. Recommending salary adjustments, promotions, transfers, and termination of employees under existing county policies;
 - e. Scheduling vacations, lunch and rest breaks;
 - f. Approving reimbursement of employee expenses;
 - g. Controlling absenteeism and tardiness and approving requests for time off;
 - h. Verifying employee time records and approving overtime when necessary;
 - I. Recommending job elimination when appropriate;
 - j. Complying with applicable federal and state laws and regulations concerning employee safety;
 - k. Maintaining neat and orderly work areas;
 - l. Implementing all policies and procedures; and
 - m. Ensuring that all rules and regulations are observed by employees.
4. Nothing in this policy should be considered as a contract or promise, express or implied, to employees that supervisors will in each case perform any or all of the activities described above, or that such activities will be performed uniformly in each case.

E. Official Personnel Records:

Revised 8-1-2022

1. It is the policy of the County to maintain personnel records for applicants, employees, and past employees in order to document employment related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.
2. The County strives to balance its need to obtain, use, and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary to conducting County business or which is required by federal or state law or County ordinance.
3. The Personnel Director is responsible for overseeing the record keeping for all personnel information and will specify what information shall be collected and how it shall be stored and secured. According to law, all medical files shall be maintained separately from other personnel records.
4. Employees have a responsibility to make sure their personnel records are up to date and shall notify the department head, division director and the Personnel Director of any changes to the following:
 - a. Name;
 - b. Home Address;
 - c. Telephone number;
 - d. Marital status (for benefits and tax withholding purposes only);
 - e. Number of dependents;
 - f. Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
 - g. Beneficiary designations for any of the County's insurance, disability and retirement plans;
 - h. Persons to be notified in case of emergency;
5. Personnel records shall contain, as appropriate:
 - a. Record of application for employment and employment eligibility certification (I9).
 - b. Reference to transcripts of academic preparation.
 - c. Performance evaluation ratings.
 - d. References to any formal reprimand, corrective action or commendation.
 - e. Records of actions affecting employee salary, status, or standing.

- f. Leave Records.
 - g. Any other information felt to be pertinent by the department head, division director, Personnel Director or employee.
6. The County will, upon written request, supply the employee with a copy of any document it places in the employee's file.
 7. An employee has the right to review, upon written request, the contents of their personnel record as governed by law and may challenge any information contained in the official personnel record, but may not remove any of its contents. All challenges must be directed to the Personnel Director, division director and/or department head.
 8. If a disciplinary action is rescinded or disapproved upon appeal, all forms, documents and records pertaining to the case shall be removed from the personnel record and destroyed.
 9. Release of personnel records is subject to Utah's Government Records Access and Management Act. private data and available for review only to the employee and persons authorized by law or as determined by the Personnel Director to have a legitimate "need to know." A log or record of those reviewing personnel records and information shall be maintained together with the reasons for access to the records. All requests for reviews of personnel records shall be in writing and review shall be done in the presence of the Personnel Director or designee.
 10. Requests for Information: Information and records management shall be conducted in a manner consistent with state law, Government Records Access & Management Act (GRAMA), as amended within the Utah Code. Any person requesting information or documents under GRAMA must submit a written request on an approved form, detailing the specific information or document requested and the number of copies. Any request asking for information regarding verification of employment, including name, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, numbers of hours worked per pay period, dates of employment, relevant education, previous employment, and similar job qualifications of present employees, shall be directed to the Office of Personnel Management and shall be deemed public information as provided by Utah law, unless otherwise classified.

Any request for information regarding a reference check on a former or current employee shall be forwarded to the Office of Personnel Management, who shall issue a response similar to employment verification. **Under no circumstances shall character judgments be issued during these requests.**
 11. Records Retention: All active employee files shall be kept up to date with all pertinent information. All records related to inactive or terminated employees shall be retained as required by law. For complete and accurate records of all medical examinations required by the law and records of any personal or environmental monitoring of exposure to hazardous materials such records are required by OSHA to be retained for 30 years.

F. **"Atwill" Confirmation**

Revised 8-1-2022

Nothing in this manual shall be considered as altering the employment at will relationship or as creating an express or implied contract or promise concerning the policies or practices that the

County has implemented or will implement in the future. Accordingly, the County retains the right to establish, change, and abolish its policies, practices, rules and regulations at will, and as it sees fit.

G. Savings Clause

Revised 10-24-2002

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

SECTION 4 POSITION MANAGEMENT

- A. Position Allocation:** Revised 12-17-2008
It is County policy, as much as possible, to initiate proposed changes in the number of personnel or reclassification of personnel during the process of budget approvals for the ensuing year. This allows for the most thorough consideration of personnel expenditures and available revenues. The establishment of a position by a department head cannot take place without the approval of the County Manager. No person shall be hired or appointed and no regular employee promoted to any position (exceptions may occur for the occasional emergency/temporary, contractual or part time professional work needs), until it has been properly allocated as follows:
1. The development or revision of a current job description.
 2. The proper classification of the position and assignment to an established pay range.
 3. The presentation of justification as to the need for the position or for the promotion and advancement of an employee.
 4. Verification that funds are available to support the position, promotion or change in classification.
- B. Job Description:** Revised 8-1-2022
The initial content of all job descriptions shall be provided by subject matter experts such as department heads, division directors, supervisors and incumbent workers through the use of questionnaires, written documents and related materials. If needed, verification shall be obtained through onsite job audits conducted or coordinated by the Personnel Director. Based upon obtained information, the Office of Personnel Management shall prepare the description in approved format for finalizing. All job descriptions shall be reviewed and approved by the Personnel Advisory Committee. All employees will be assigned to a position with an established job description and must be able to meet the requirements for performing the "essential functions" of the position to which assigned. Standard formats shall be established by the Personnel Director to include essential and marginal duties and responsibilities and minimum qualifications (training, education and experience). The description shall be used by the County as the basis for:
1. The classification of the position and determination of its rate of pay.
 2. Preparation of examinations and for determination as to whether an applicant or employee meets minimum requirements for a particular class of positions.
 3. For preparation of a position announcement soliciting applications from interested individuals for position vacancies.
 4. The orientation of a new employee to the duties and responsibilities of a position to which hired or promoted by an administrative officer, supervisor or department head.
 5. The development of performance management objectives and evaluations.
- C. Classification:** Revised 8-1-2022
All County positions are evaluated on a set of common factors (i.e., difficulty of work, complexity, judgment, responsibility, controls over the work, minimum qualifications, education

& training, physical environment, etc.) and assigned a grade encompassing a specific salary range on the salary plan. All employees hired on a full time or part time basis will receive compensation according to the classification of the position for which they are hired. Recommendations for advancement shall be in writing, and shall be approved by the division director, department head, Personnel Department and the County Manager.

D. Reclassification: Revised 8-1-2022

If the duties and responsibilities of a position change significantly, the department head shall submit a request for reclassification to the Personnel Director with a draft job description. The Personnel Director will perform an analysis of the job to determine reclassification eligibility. Reclassification of a position to a class with a lower pay range shall not generally change an employee's salary. Normally, the employee's pay shall be adjusted to a step within the new pay range which is at least equal to the current salary. The Personnel Director will utilize the Personnel Advisory Committee to review and finalize the description. The recommendations of the Personnel Advisory Committee and the Personnel Director shall be submitted for approval by the County Manager prior to changes being implemented.

E. Reorganization: Revised 8-1-2022

Reclassification may be required from time to time as a result of reorganization. Circumstances may arise from the reorganization or reclassification process which require the abolition of a position, which shall be treated as a reduction in force (See Section 7, paragraph C). Reorganization shall also be sufficient cause for reclassification by way of reassignment (See Section 7 "Personnel Actions", Paragraph I and J). In an effort to minimize the effects of a reduction in force brought about by reassignment, reclassification or reorganization, the following options shall be considered:

1. The employee may be assigned to a lesser position.

OR

2. The employee may be reassigned to another position within the employee's department, depending upon qualifications and available position.
3. Salary adjustments related to reclassification are as outlined in Section 8 "Compensation," Paragraph L.

SECTION 5 - HIRING FOR NEW AND VACANT POSITIONS

- A. **Recruiting:** Revised 12-17-2008
Selecting and advancing employees in the County personnel system shall be on the basis of their ability, knowledge and skill levels related to the vacant position. The County Manager may execute, at their sole discretion, written employment agreements for certain services.
- B. **Disqualification:** Revised 7-30-2015
The County reserves the right to reject any application which is incomplete or indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applicants and subsequently hired applicants who make false or misleading statements, or who are found to have engaged in any type of deception or fraud in the application or testing process shall be rejected or immediately terminated.
- C. **Testing:** Revised 8-1-2022
Applicants may be subjected to competitive testing which may include, but is not limited to: determination of bondability, rating of education and experience, written, oral, or physical agility tests, psychological testing, essential function demonstrations, and/or background investigations, proof of academic attainment, etc. Applicants for positions which require the employee to operate County vehicles or equipment on public roadways shall provide a copy of a State Department of Motor Vehicle driving record. The driving record will be used to assist in the ranking of applicants who meet the minimum qualifications. When all test results are compiled the eligible candidates shall be ranked according to highest scores. Various recruitment registers may be established by the Office of Personnel Management as needed to expedite the recruitment and selection for job vacancies. Retention schedules for all registers shall be determined by the Personnel Director and the department head shall assure that a sufficient pool of qualified applicants is available for the selection process.
- D. **Veterans Preference**
1. For purposes of new hires, any eligible veteran of the armed forces of the United States separated from the armed forces under honorable conditions following more than six months of active duty shall, in the final determination of scoring, be given a veteran preference of 5% of the total possible score for eligible veterans and 10% of the total possible score for veterans with a disability or a purple heart recipient, pursuant to Utah Code §71-10-2. This shall be added to the grade earned by such veteran only if the veteran earns a passing score without preference.
 2. Additionally, for purposes of new hires, there will be a preference score added pursuant to Utah Code §71-10-2 for any preference eligible veteran's spouses or unmarried widows or widowers.
- E. **Physical Examination/Drug Testing:** Revised 8-1-2022
Public health and safety demands that employees be physically able to perform the duties and essential functions of the position for which they are hired. The physical requirements of the job constitute bona-fide occupational qualifications. The County will make every effort to provide reasonable accommodations for employees and applicants in compliance with the Americans with Disabilities Act (ADA), however if the requested accommodation creates an undue hardship on the County it shall not be obligated to provide such.

1. A physical examination may be required before an applicant is hired for any County position. The results of the exam will be presented to the department head, in writing. A disabled applicant may be required to submit to a physical exam only subsequent to a job offer being made and only if all others being hired are required to do the same.
2. The County may require a medical examination at any time during the employee's work tenure, if deemed necessary to assure the safety and health of the employee, co-workers and the public. The County will pay the cost of any required medical examination.
3. Final candidates for public safety and safety sensitive positions shall be required to undergo chemical screen testing to determine the presence of chemical substances in the body. Subject to the ADA, any applicant who tests positive, tampers with or adulterates their sample may be disciplined according to these policies and procedures and state law (See Drug Free Work Place policy, Utah Code §34-38-8, Summit County Policies and Procedures, Section 12, paragraph H, subparagraph 6).

F. **Final Appointment:** Revised 8-1-2022
 In appointed positions the Personnel Director and department head shall submit the personnel form to the County Manager for approval of the final applicant. In elected offices the County Manager shall submit the personnel form or roster to the County Council.

G. **Employment Eligibility Verification:** Revised 10-24-2002
 In conformance with the "Immigration Reform and Control Act of 1986" (P.L. 99-603) and in order to avoid monetary penalties for the hiring of undocumented workers, the Personnel Director shall establish an employment verification system, and shall verify that all applicants for vacant positions or persons hired to fill vacant positions are authorized to work within the boundaries of the United States.

1. The Personnel Director shall complete or have completed Immigration and Naturalization Service Form 1-9 prior to or on a hired employee's first day of work and verify work eligibility through examining such documents as a United States Passport, birth certificate, social security card, driver's license or an alien identification document.
2. Employees must also attest in writing that they are authorized to work in the United States. Forms and all written verifications shall be kept along with other personnel records and shall be kept in accordance with the Utah State Records Management Act. These documents shall be made available to the Immigration and Naturalization Service or the Department of Labor as requested.

H. **Hiring Procedures:** Revised: 8/1/2022

1. When a position opens or a need arises to create a new position or fill a vacancy, the department head shall notify, in writing, the Office of Personnel Management of recruitment needs. Notification shall be accompanied by the position title and a description of the duties, responsibilities and required knowledge and skills. Minimum qualifications for education and experience shall be outlined for recruited positions. Authorization to hire individuals must be in accordance with Section 4 "Position Management," Paragraph A.
2. Advertisements will be placed only by the Office of Personnel Management. Upon being given

approval to recruit and receiving documentation from the Department Head authorizing the creation of a position, the Personnel Director shall prepare, advertise and post the opening internally, where all County full and part-time employees will be made aware of the opportunity, as well as posting the position in appropriate community and labor market locations. First consideration in filling the vacancy will be given to County employees who qualify. Full and part time employees interested in the position must apply for the position within seven calendar days of the posting date. All in house recruitment shall be posted in the Office of Personnel Management and designated locations.

3. Following the review of internal applications, if the position is not filled by promotion or transfer, the external market applicants shall become eligible for interviews. . All applications will be received by the Office of Personnel Management. External applications will be accepted for a minimum of seven calendar days. If necessary, outside recruitment may be extended as needed to attract sufficient qualified applicants.

The Personnel Director may choose, after advising the County Manager, to recognize the equivalency of other governmental entity's merit hiring processes. This can be done by waiving the open recruitment requirement for placement into a Summit County career service position. Employees hired by this method must have been originally selected through a competitive merit hiring process in another governmental entity. The selected employee shall serve a new hire orientation period. If the position is filled through the recognition of another agency's merit recruitment process, the in-house posting requirement is waived.

4. Upon closing the recruitment postings, the Office of Personnel Management shall review all applications to determine those that meet the minimum qualifications. Those applicants who meet the minimum qualifications and are subsequently scheduled for interviews shall then be ranked through the interview process by using a formal system for rating applicant training, education and experience, etc. The rated list then constitutes the certified list of eligible applicants and a hiring register for the recruited position and functionally similar positions within the County. The certified eligible list for the advertised position shall remain active for six months.
5. Upon ranking the applicants, the finalists for the position will be determined and the scores will be submitted to the department head. The finalists for the position shall be selected from the scores submitted to the department head.
 - a. The department head or their designee(s) will conduct the interviews. Upon the selection of the individual to be hired the department head shall submit the name of their choice and proposed salary in writing to the Office of Personnel Management for the development of a formal employment offer and processing. No offer is final until approved by either the County Manager or County Council (see Section 5, Paragraph E).

6. Upon extending a conditional offer of employment to the finalist, the Office of Personnel Management will secure the following:

- b. Documentation by the department head if a new employee is hired or a current employee is promoted to an amount higher than the starting wage for that position.
- c. Necessary background check information and required medical information.
- d. All notes, scores, or other documentation created and or received during the interview process.

- e. The results of any physical/medical/psychological examinations.
- f. The results of any job related skills or agility tests.
- g. Time and location for the finalist's pre-employment drug screening test if applicable.

I. **Employee Induction:** Revised 10-24-2002

After the new employee is hired, they shall promptly receive a general orientation concerning benefits, compensation practices, personnel policies and procedures and various employment expectations from the Office of Personnel Management and their immediate supervisor. Job specific orientation shall be conducted by the department head or their designee. All new employees must sign a document stating they have read and understand Summit County's Personnel Policies and Procedures.

J. **Orientation Period:** Revised 10-17-2019

All positions within the County, whether new hires, rehire, reinstated (affected by reduction-in-force or leave without pay) transfer, or promotional, require an orientation period during which both the County and the employee can determine compatibility and competence.

- (1) This period is regarded as a testing period designed to acquaint the new employee with the position and allow the employee, supervisor, division director and department head to measure fairly the employee's ability to perform the job. An employee is not eligible for promotion, transfer or reassignment during the orientation period unless the current department head and the new department head have agreed in consultation with the Personnel Director to allow the change to occur during the orientation period.
 - (a) New Hire Orientation: During the orientation period, the supervisor shall conduct a written performance review at least quarterly to coach the employee in the job duties, appraise the employee of their suitability for the position and determine the employment action to be recommended to the County Manager. (See Section 6 "Employment Status", Paragraph F.)
- (2) Except as outlined in subsection 2 below, the orientation period for county employees shall be six (6) months in duration with the period extendable up to an additional six (6) months for good cause as determined by the supervisor in consultation with the Personnel Director, but with the condition that the orientation period employee may appeal any undue prolongation of the period designed to thwart merit principles. The employment relationship may be terminated at any time during the new hire orientation period, with or without notice, and with or without cause, by either the employee or the County.
- (3) The orientation period for those in public safety positions shall be twelve (12) months in duration with the period extendable up to an additional six (6) months for good cause, but with the condition that the orientation period employee may appeal any undue prolongation of the period designed to thwart merit principles. The employment relationship may be terminated at any time during the new hire orientation period, with or without notice, and with or without cause, by either the employee or the County.

- 4) During the new hire orientation period, all benefits accrue. Vacation hours may be used during the orientation period but only with the express written permission of the employee's supervisor and department head. At the close of the orientation period or at the close of the six-month period for Public Safety employees the department head shall submit the new employee's written evaluations and may recommend up to a 3% increase for the new employee, if sufficient progress has been made. There shall be no orientation period increase at the completion of a orientation period for a promoted or transferred employee.
- 5) Career Ladder Adjustment: Employees participating in a Career Ladder Adjustment will not participate in an orientation period.
 - a) Promoted or Transferred Employee Orientation: Promoted or transferred employees who fail to demonstrate competence and/or compatibility with the new assignment within the six-month orientation period may be reassigned to the same or equivalent position with the equivalent pay and tangible benefits previously held if one is available. Reassigned employees shall have all rights of appeal and due process as outlined in this manual.

K. **Employee Referral Program:**

Revised 3-1-2023

Summit County believes in hiring quality employees. Current employees are the best source of marketing, advertising and referring quality applicants for job openings. A referral bonus program offers an incentive for employees to refer applicants to job openings who they know would be a good co-worker.

The referral bonus program:

1. All full time, part time and time-limited employees who refer an external applicant to apply for a job who is ultimately selected, hired and begins employment with Summit County are eligible for the referral bonus when a job announcement is listed with the "refer and earn" ADP link.
 - a. Job notices with the "refer and earn" link will list the dollar amount to be paid out for successful referrals. Typical amount will be \$500.
 - (1) The listed dollar amount will be paid out less applicable taxes that must be withheld.
 - b. The exact amount of any referral bonus will be determined before a job opening is posted and will be announced along with the job posting.
 - c. If no "refer and earn" link is listed with a job posting, there is no referral bonus eligible for referrals for that specific position.

Referral Process:

1. Employees **MUST** fill out the referral information in ADP to be eligible for the referral bonus by following this process:
 - a. ADP → Myself → Talent → Career Center → find job you are referring person to → Click on the "refer and earn \$\$" link → fill out the requested information (a resume of the candidate is not required).
 - b. Once you complete the referral form, an email is sent to the candidate to apply for the position.
2. An applicant **MUST** list the referring employee's name on the application (specific spot is noted on application) when applying for the position.
 - a. If more than one name is listed by the applicant, the referral bonus will be split evenly among all names listed.

- b. If no employee referral name is listed on the original application of an applicant for a specific position, there is no referral bonus payout if that applicant is hired.
3. A \$100 employee referral bonus will be paid, subject to applicable tax withholdings, 30 days after the referral starts work and stays employed in good standing.
 - a. The remaining amount of the employee referral bonus will be paid out after the referred employee completes and is removed from their six (6) month orientation period.
4. If the referral is terminated or voluntarily leaves Summit County employment during the six (6) month orientation period, any part of the bonus still outstanding will become void and non-payable.
5. If the position is a seasonal/temporary position of less than six (6) months and eligible for a referral bonus, the remaining bonus amount is paid to the referring employee upon the completion of assignment by the referred employee.
6. The referring employee receiving the referral bonus must be actively employed with Summit County on date of payout and will not receive payment if he/she leaves with or without cause in advance of their referred employee meeting the payout requirements noted above.
7. Employees who participate in any part of the review, interview, selection or hiring process of an applicant are not eligible for a referral bonus, even if they are listed by the applicant as the referral source.
 - a. Any potential conflicts with this section should be discussed with HR and have guidelines established before an applicant moves forward in the recruiting process.
8. Department Heads, Elected Officials, Supervisors and Hiring Managers are not eligible for a referral bonus payout for any position that they directly have responsibility for.
 - a. They are eligible for a referral bonus if a referral is hired in any other department in the County or in a position within their own department that they do not have supervisory responsibility over.
 - b. The County Manager, Deputy County Manager & Personnel Director are not eligible for any referral bonus payouts.
9. Employees in the Human Resources department are only eligible for the referral bonus if they notify the Personnel Director of a referral before an application is submitted and the referral can be validated as a true referral and not simply as part of their job responsibilities (i.e. job fair, answering questions of general candidates, etc.)
10. All referrals shall be approved by the Personnel Director before any payout occurs.
11. Individuals who occupy internships, temporary positions and contractors are not eligible to participate in the referral program.
12. Former employees, interns, temporary workers, contractors or anyone who previously worked for the County and apply for a position are not eligible for submission to the employee referral program unless the referred individual has been out of County employment for at least two (2) years.
13. Current employees who apply for any internal position are not eligible for submission to the employee referral program.
14. Referrals of applicants expire either after six (6) months from the original application submission date OR if the applicant fills out a new application for a different position (for which they are hired),

lists a different employee as the referral source and the referring employee has completed the referral information as listed in section 1 above.

15. Questions and final decisions regarding the eligibility for a referral bonus will be decided by the Personnel Director.
16. Referral program is subject to budget restraints.
17. Any referral bonus paid out to an employee is not an indicator of the employee's job performance, productivity or quality of work.
18. Employees can be banned from participating in the referral program and/or receiving a referral bonus who manipulate, influence, or otherwise use tactics to unfairly gain favor or get their referred applicants hired to benefit under this program.
19. Any abuse or fraudulent use of the referral program is subject to disciplinary measures up to and including termination.

SECTION 6 - EMPLOYMENT STATUS

- A. **Applicability:** Revised 10-24-2002
All employees, officers and other personnel not exempted herein, who prior to the effective date of these policies and procedures, have successfully completed the orientation period; (see item F below) are deemed to be fully covered employees under these personnel policies and procedures.
- B. **Merit Exempt Positions:** Revised 8-1-2022
It shall be the policy of Summit County to comply with the County Personnel Management Act as provided in Utah Code Ann. §17-33-1 et. seq. (1953 as amended). The following types of positions have been designated as being exempt from the provisions of the personnel system. The Personnel Director will specify, in writing, those positions which fall under the exempt categories listed below. Exempt positions shall be reviewed annually to determine whether or not their exempt status should be withdrawn based on changes of duties and related factors. Written agreements with the County Manager may include applicable policies and procedures. Workers in such positions are “at will” and may be separated from employment for reasons other than cause.
1. Elected full-time positions: Assessor, Attorney, Auditor, Clerk, County Council, Recorder, Sheriff, and Treasurer.
 2. Appointed full-time positions: County Manager, Deputy County Manager, Chief Deputy Assessor, Chief Deputy Attorney, Chief Deputy Auditor, Chief Deputy Clerk, Chief Deputy Recorder, Chief Deputy Sheriff, Chief Deputy Treasurer, County Council Administrative Assistants, Community Development Director, Economic Development Director, Health Department Director, Justice Court Judge, Public Works Director, and Regional Transportation Director
 3. Appointed part-time positions: Planning Commission Members, Board of Adjustment Members, Career Service Council Members.
 4. Employees who after May 5, 2008, are:
 - a. Appointed by an elected county officer to be a division director, to administer division functions in furtherance of the performance of the elected officer’s professional duties;
 - b. in a confidential relationship with the elected county officer; and
 - c. not in a law enforcement rank position of captain or below.
 5. Members of policy, advisory, review, and appeal boards, or similar bodies who do not perform administrative duties as individuals.
 6. Attorneys serving as outside legal counsel, special advisors, and any person employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body.

7. Each employee appointed to perform:
 - a. Work that does not exceed three (3) years in duration; or
 - b. Work with limited funding.
8. Bona fide independent contractors
9. Temporary and seasonal employees as defined in paragraphs C and H below.
10. Part-time employees hired after August 1, 2015 as defined in paragraph E below.
11. Each Position that by its confidential or key policy determining nature cannot or should not be appropriately included in the career service.
12. Time-Limited contractual personnel hired to perform services requiring specific professional skills and abilities, not to exceed three (3) years in duration. Employment contracts shall not be valid until approved by the County Manager.

C. Temporary Employees: Revised 8-1-2022
Department heads may make temporary appointments to carry out necessary departmental responsibilities, as their budget will permit. The Office of Personnel Management shall create a pool of eligible temporary employees. When a department head needs to utilize the services of a temporary employee, they shall select an individual from the temporary employee pool. Supervisors, division directors and department heads may request individuals of their choice be added to the temporary employee pool.

Temporary employees may be employed for up to 8.5 months before taking a break for 90 days. Temporary employees may be eligible for benefits if they meet the 30 hour per week average over a year of working time.

1. All temporary employees should be provided the mandatory benefits as prescribed by law, i.e. social security, workers compensation and unemployment.
2. Temporary employment does not count as credit toward the completion of an orientation period.

D. Full-time Employees: Revised 10-24-2002
An employee who has satisfactorily met the requirements for employment, is generally working forty (40) hours per week (is expected to work 2080 hours per year), and has successfully completed the appropriate orientation period is considered a full-time employee. Full-time employees are eligible for all the benefits programs, rights, and privileges described in County policies and procedures.

E. Part-time Employees: Revised 8-1-2022
Employees expected and scheduled to work less than a yearly average of forty (40) hours per week in any one position shall be considered part-time.

1. Merit Status: Consistent with the provisions of Utah Code Ann. § 17-33-8(1)(b)(ix), and paragraph B above, part time employees hired after August 1, 2015 shall be considered Merit Exempt. Part-time employees who were hired and have successfully completed their orientation period prior to that date shall retain their Merit status.
 2. FLSA Exempt: Part-time employees who are considered exempt under the federal Fair Labor Standards Act (“FLSA”) and under paragraph G below shall be compensated at a fixed rate, based upon the expected hours of work per week for the part time position they hold. All other part time employees shall be compensated at an hourly rate in accordance with federal law.
 3. Benefits: Part-time employees who work a yearly average of less than twenty (20) hours per week (1040 hours per year), shall not qualify for benefits offered to full-time employees. Part-time employees hired prior to January 1, 2017, who work a yearly average of twenty (20) or more hours per week, but less than forty (40), shall qualify for the following benefits only:
 - a. The County shall pay 50% of the medical and dental insurance benefit offered to regular employees if the employee opts for participation (there shall be no pay in lieu of benefit participation). The employee shall pay the remaining 50% if they choose to participate in the insurance program.
4. Part-time employees working on average thirty (30) hours per week (1,560 hour per year) shall qualify for health care at the same rate as full-time employees.
5. Mandatory benefits shall be provided as prescribed by law, i.e. social security, workers compensation, retirement and unemployment.

F. Conditional Employees: Revised 8-1-2022
All new and promoted employees shall be considered conditional employees and are required to serve an orientation period as outlined in Section 5 “Hiring for New and Vacant Positions,” Paragraph I. Conditional employees who are new hires may be terminated with or without cause.

Conditional employees who were promoted or transferred and are unable to satisfactorily perform the requirements of the new position, during the orientation period, may be reassigned to their former position, if available, reassigned to a like position of similar pay grade, or reassigned to a position of lesser pay grade. If a promoted or transferred conditional employee violates county policy and procedures, they may be terminated but shall have all rights of appeal and due processes as defined by policy and procedures. (See Section 14)

This period is designed to acquaint the new employee with their position and allow the supervisor to assess the employees performance (see Orientation Period, Section 5, Paragraph I)

G. FLSA Exempt: Revised 7-30-2015
There are two types of employment classes in Summit County relative to FLSA minimum wage and maximum hour requirements, exempt and non-exempt.

1. Exempt employees are those in an executive, administrative or professional position and certain merit exempt employees. These employees will normally be classified in category 1 and 2 according to the EE04 definitions. These codes generally include: officials, administrators; and professionals.

2. Non-exempt employees are generally included in all other EE04 categories. Category 3 includes technicians, category 4 protective service workers, category 5 office and clerical, category 6 craft workers, category 7 operators (semi-skilled), laborers (unskilled), category 8 service workers.

- b. Part-time employees will not be paid for overtime unless the total number of hours worked in a standard work week exceeds forty (40).
- c. Full-time, temporary and seasonal employees shall be paid overtime if they are non-exempt and hours actually worked exceed forty (40).
- d. Holidays, vacation, sick leave and other paid leave such as jury duty, military leave and funeral leave shall not be counted as time worked for purposes of overtime.
- e. Public Safety employees, Sheriff's Deputies, Corrections Officers and Court Security officers shall be paid overtime if they are non-exempt and hours actually worked exceed 43 per week, if they are working eight (8) or ten (10) hour shifts or 86 hours per pay period if they are working twelve (12) hour shifts.
- f. Volunteers and Board Members are exempt from FLSA minimum wage and overtime requirements and will not be considered an employee of the County. They may receive a nominal stipend or reimbursement for expenses.

H. Seasonal:

Revised 8-1-2022

Due to the seasonal nature of the work demands placed upon some County departments, department heads may designate certain positions as seasonal hire. Seasonal employees are hired for a specific portion of the year not to exceed 780 hours to meet the increased demands during that period. Such employees are not merit employees as described above. All seasonal appointments must be determined through a competitive recruitment process.

SECTION 7 PERSONNEL ACTIONS

- A. **Promotion:** Revised 8-1-2022
A promotion is defined as a change in job title and grade recognizing increased capacity and responsibility of an employee from a position in one job class to a position in another job class having a higher pay grade. Whenever a position comes open in a department, whether a newly created position or a vacated position, the department head will first look within their department to determine if the promotion of a qualified, interested employee is possible. If it is determined to be so, then the position may be filled in that manner. A notice of the job opportunities may be circulated among the department employees describing the position. Personnel promoted into a higher pay grade shall receive a pay increase commensurate with their abilities and other employees holding the same or similar position. The department head shall take into consideration longevity, performance evaluations and budget. Department heads will work in conjunction with the Personnel Director in establishing promotion criteria for various job classifications. Employees who are full-time shall be entitled to continued benefits notwithstanding the orientation period and conditional status associated with such promotion.
- B. **Career Ladder Adjustment:** Revised 8-1-2022
A career ladder adjustment is defined as moving an employee from one position in a job class to a similar position with a higher pay grade in the same job class, i.e. Deputy 1, Deputy 2, and Deputy 3. This change recognizes an employee's increased capacity and responsibility to perform their work to a higher standard. If budgeted, employees receiving a career ladder adjustment will be moved to the bottom of the new range or receive a 6% increase, whichever is greater. Department heads will work in conjunction with the Personnel Director in establishing criteria for moving employees into various job classifications. There is no orientation period required for an employee receiving a career ladder adjustment.
- C. **Layoff (Reduction in Force):** Revised 7-30-2015
Should it become necessary to undergo a reduction of the work force, brought about by a reduction of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of the County. the Department Head shall lay off the necessary number of employees considering such factors as, but not limited to, longevity, performance, and organizational needs. The decision matrix shall be filed with the Office of Personnel Management. Individuals being separated by a reduction in force do not have a right to prior notice. In determining which employees should be laid off the Department Head shall utilize the following sequence to achieve the required reduction:
1. Temporary/Seasonal employees (shall be separated or reduced in work hours).
 2. Part time employees (shall be separated or reduced in work hours).
 3. Full time employees (may be separated or reduced in work hours).
- D. **Abolishment of Position:** Revised 8-1-2022
If a circumstance should arise requiring the abolition of a certain position, employment status may be maintained by one of the following:

1. The affected employee may be returned to a previous position, if a position is open or allocated by the County Council, at a salary appropriate for the position, which may entail a reduction in pay
2. The affected employee may be promoted based upon performance, qualifications and position availability.
3. The affected employee may be transferred to another department to fill an open position, for which they are qualified,.
4. If none of the alternatives are available, the employee shall be separated.

E. Separation: Revised 8-1-2022
Full and parttime employees may be subject to separation for cause, reasons of reduction in force, reduction of work, abolishment of a position, reorganization or lack of funds. An employee placed on disability leave which exceeds 180 days shall be separated from the county. Otherwise, all employees will be retained on the basis of their performance and separated . Merit employees have the right to appeal as outlined in County grievance procedures if they perceive the separation to be unjustified. Temporary, seasonal, contract, and exempt personnel may be terminated "at will" or according to terms of individual employment agreements.

F. Resignation: Revised 8-1-2022
Excessive turnover is costly and therefore, should be avoided. Competent employees who resign voluntarily shall, whenever possible, be interviewed to determine the potential for reconsideration. If the reason for the resignation is a misunderstanding or mistake by the County, an effort shall be made to correct the situation. Employees who resign and desire to leave the County in good standing shall give a minimum of two (2) weeks' notice if they are to be considered for reemployment at a future date. Resignations shall be in writing and submitted to the division director or department head. Resignation letters shall be forwarded to the Office of Personnel Management for placement in the employee's personnel file.

G. Defacto Resignation:
An employee who is absent from work for three (3) consecutive work days and capable of giving proper notifications but does not inform their supervisor, shall be deemed to have resigned and shall be informed of the same in writing by the department head.

H. Reinstatement/Rehire: Revised 8-1-2022
Former employees, who left voluntarily and in good standing, within one (1) year may be reinstated to a vacant position only when their qualifications and ability indicate a potential for performance which would clearly exceed expected performance of current, and promotable employees. Previous County experience may be taken into consideration in determining placement of the employee on the County's salary schedule and accrual of benefits if the rehire or reinstatement occurs within one (1) year from the date of separation. The restatement/rehired employee shall be required to observe the waiting period before being eligible for the County=s offered insurances. An employee reinstated/rehired within one year of their separation date shall not see a change in their vacation accrual date. If the employee is reinstated/rehired after one (1) year from the date of separation they shall lose one year of accrual of vacation for each year they were away from the County.

I. Transfer: Revised 8-1-2022
A transfer is defined as a move from one department to another, and should not be confused with the managerial function or moving personnel from one division or office to another within the same department by promotion, demotion, or reassignment.

Transfer is also a method of filling a vacant position through transfer of an interested, qualified employee already working for Summit County. When a position becomes vacant in any office/department, other County employees are free to make application for the position without hindrance from any supervisors for a seven (7) calendar day period (See Section 5, paragraph G

2) However, employees are encouraged to visit with their department head before making such application. The department accepting the transferring employee shall accept accrued benefits as their budgetary obligation. Transfers must be approved by the affected department heads and by the County Manager. A transferring employee must qualify for the job to which they are transferring. A transferred employee shall retain all accumulated sick and annual leave. A notice of the job opportunity shall be posted in the Office of Personnel Management and designated locations describing the position. This notice shall include:

1. Job title, and a brief description of the duties;
2. Experience and/or education requirements;
3. Wage scale;
4. Closing date.

J. Reassignment: Revised 8-1-2022
The effective operation of a department requires periodic changes in work assignments to match functional needs with capabilities of office/department personnel. An employee may be reassigned by the Department Head in consultation with the Personnel Director, from one position to a different position within the same office/department. Employees who are reassigned to a position with a higher pay scale shall be moved to the bottom of the new range or receive a 6% increase, whichever is greater.

If the county reassigns an employee to a position with a lower salary range and the employee's current salary is higher than the maximum, the employee shall have their pay frozen (See Section 4 "Position Management", Paragraph E, 3). If the reassignment is requested by the employee, that employee shall suffer a loss of pay consistent with the reduction of responsibility. Employees may request reassignments, but must do so in writing through their department head and the Office of Personnel Management.

K. Performance Documentation: Revised July 30, 2015
Elected officials, department heads, division directors and immediate supervisors shall in a timely manner, document noteworthy, or significant incident behaviors of employees. Such records may be used to support decisions which affect employee status related to job advancement, rewards, discipline and discharge.

1. Timing & Purpose Of Evaluations: Annual employee evaluations for all full and part-time employees shall be conducted by the department head, division director or supervisor, the month prior of the employee's hire date, and shall be used as the basis for the following:

- a. To assure that employees are fully aware of performance standards which apply to their jobs;
- b. To allow employees to express ambitions, desires and set goals;
- c. To determine training needs;
- d. To transfer and reassign employees for better use of skills and abilities;
- e. To make appraisals for promotions;
- f. To discharge incompetent employees; and
- g. To identify employees to be separated for reduction in force.

SECTION 8 COMPENSATION

- A. **Equability** Revised 10-24-2002
Compensation for County employees shall be equitable and competitive with the market place. The assignment of employees to positions and pay rates shall be consistent with the formal classification plan.
- B. **General Wage/Salary Adjustments** Revised 8-1-2022
It is the intent of the County to consider prevailing practices related to cost of living and market trends in establishing wages and salaries. The County Manager shall consider annually, during the budget process, the amount of cost of living money available. All cost of living increases, and salary adjustments are subject to the sole discretion (and the availability of funds) of the County Manager as approved by the County Council. This shall be communicated to department heads as a percentage of the departmental salary budget for the ensuing year. Where general, across the board raises are awarded, the raise will be effective on a date determined and approved by the County Manager.
1. **Cost Of Living vs. Market:** Adjustments to the salary schedule shall be determined through analysis of market trends in comparison to cost of living. This shall be done once per year and the County will utilize market survey results and cost of living index data. All employees, regardless of employment status (for exception, see paragraph "L" following Salary Adjustments & Red Line Rates), shall receive the benefits of such general adjustments to the pay plan.
 2. In determining the total compensation value of the position, benefits must be considered. Base salary plus cost of benefits equals' total compensation. In comparing benefit packages provided in the labor market, the County may evaluate both level and cost of benefits or other factors as deemed appropriate.
- C. **Initial Appointment** Revised 8-1-2022
All initial appointments to classes assigned to the wage scale in the compensation plan shall be at the initial wage unless:
1. The employee does not meet the minimum qualifications, but is in the process or can acquire the minimum qualifications within the orientation period,
 2. An employee cannot be recruited for the position at the beginning rate, or,
 3. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at a higher step.
- D. **Hourly Rates** Revised 10-24-2002
Temporary, part-time, and seasonal employees shall be paid at an hourly rate no higher than that which is established for the position through job classification.

E. **New Hire Orientation Period Increases** Revised 7-30-2015
New employees at the completion of their orientation period, shall be assigned a merit review date which coincides with the established performance review policies of the County. New employees who successfully complete their orientation period and receive the orientation period increase shall not be eligible for any other merit increase until they have reached their one (1) year anniversary date of employment. All other merit increases shall be conducted and evaluated as provided in this chapter.

F. **Overtime** Revised 8-1-2022
Employees covered under the overtime pay provisions of the Fair Labor Standards Act (29 U.S.C. chapter 8 and P.L. 99150, 1985 as amended), will be credited with overtime for all hours worked over forty (40) in a work week. Sheriff's Deputies and Corrections Officers shall compute overtime based on a work period of fourteen (14) days, during which overtime will be calculated on any time over and above eighty-six (86) hours. Two seven (7) day periods will correspond to the County's pay period. Time taken as vacation leave, sick leave, funeral leave, compensation time, holiday leave, etc., shall not be counted as hours worked for the purpose of calculating overtime.

It is the County's policy to discourage the accumulation of overtime. Supervisory personnel should organize their department workload to avoid the need for overtime. Overtime will be permitted where circumstances allow no other alternative and should be kept to a minimum. Overtime work must have the prior approval of the division director, department head or immediate supervisor who shall keep complete records concerning overtime and any compensation thereof. Any time worked over forty (40) hours in any defined work week or work period (special law enforcement provisions) by an FLSA covered employee, which the supervisor has approved of, is aware, or "suffered" to be worked, shall qualify as overtime. The following rules apply to the accumulation and compensation of overtime.

1. Positions defined as FLSA exempt as outlined in Section 6, paragraph G, are not eligible for overtime.
2. For all nonexempt, FLSA covered employees, overtime shall be paid and/or all compensatory time accrued at the rate of time and one half (1/2) the regular rate of pay for all hours worked in excess of the forty (40) hour work week and the eighty-six (86) hour Sheriff's Deputy and Corrections Officer work period. Section 6.G.2.D stipulates a different overtime rate (43 hours) for those who work 8 hours shifts vs. 10/12 hour shifts (86 hours) **It shall be the regular practice of the County to pay overtime in the pay period in which it is earned.** However, if authorized by the Department Head/Elected Official an employee may be allowed to accumulate up to a maximum of twenty four (24) hours compensatory time.
3. Every department shall be required, as part of the department's budget, to request overtime and compensatory time, during the County's budget session. Each department shall then be allowed to utilize overtime and compensatory time up to the amount approved by the County Council. Records of overtime hours worked shall be maintained by the department head and County Finance Office for all employees and shall be retained as required by law.
- 4.

5. All time spent in training, in conferences, at workshops, meetings, etc., when such attendance is required by the County shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA.
6. Overtime and Multiple Job Situations: Employees may, at their own option undertake employment with the County on an occasional or sporadic basis in a part-time job in a different capacity than their regular employment. The hours of work in the different job shall be counted as hours worked for overtime pay purposes on the regular job.
7. Vacation, sick leave, compensatory time, holiday leave, and funeral leave shall not be used to obtain overtime.
8. Overtime shall only be paid for actual hours worked.

G. "Compensatory time" and "Compensatory time off" are defined as hours when an employee is not working, and which are paid at the employee's regular rate of pay. These hours are not counted as hours worked in the week in which they are paid.

1. All compensatory time shall only be paid out in the final pay period of the year it was accrued. Compensatory time may not roll-over to subsequent years.

2. An employee who has accrued compensatory time shall, upon termination of employment, be paid for all unused compensatory time.

H. Holiday/Weekend Pay

Revised 2-8-2021

Hourly employees in Departments and Divisions not regularly scheduled to work weekends and holidays, when called out to work on a holiday or weekend shall receive the overtime rate indicated in Section 8.F above for excess hours worked and/or holiday pay as set forth in Section 9.I of these Policies.

I. Separation Pay

Revised 8-1-2022

When employees separate their employment, they shall be required to return all County property and to clear all financial obligations prior to receiving their final paycheck. Any financial obligations not cleared shall be deducted from their final paycheck. Unless terminated for cause the employee shall have the option of:

1. Either extending their separation date to a time when all vacation, sick leave, and all compensatory time will be used;
2. Request a final check, which will include all vacation, sick leave (as described in Section 9.G.2) and all compensatory time earned, when they actually work their last day for the County; or
3. Request a final check for all vacation and compensatory time earned, and request that in lieu, of payment or use, sick time may be used to pay for COBRA or other health

insurance coverage in an amount or for a time equivalent to the earned sick leave, up to but not exceeding eighteen (18) months after the separation date.

In the event the separation date is extended, as outlined in option 1 above, all benefits, will continue through the final check. If a lump sum check is requested, as outlined in options 2 and 3, only F.I.C.A. tax and retirement benefits will be paid on that check. The Personnel Department, Finance Department, shall determine the amount of separation pay to which the employee is entitled. In the event of the death of an employee, final payment under option 2 or 3 shall be made to the employee's beneficiary.

- J. Pay advancement** Revised 10-24-2002
The County will not make pay advances to employees.
- K. Severance Pay** Revised 7-30-2015
When a fulltime employee is separated from County employment due to a reduction in force through no fault of the employee, and when such a separation requires immediate action thereby not permitting a two week notice, the employee shall be paid two weeks' severance pay in lieu of the two weeks' notice. Employees terminated for cause shall not be eligible for severance pay.
- L. Payroll Deductions/Withholdings** Revised 2-8-2021
Payroll deductions other than F,I,C,A, state and federal Income Tax withholdings, benefits, and garnishments, can only be made with the approval of the Personnel Director on a program by program basis.
- M. Salary Adjustment & Red Line Rates** Revised 8-1-2022
When the rate of pay of an employee is lower than the minimum prescribed for their classification in the compensation plan, the wage shall be increased to that minimum unless special circumstances such as training, certifications, etc. must be fulfilled to meet minimum qualifications for position. When an employee's pay rate falls above the established pay range, that employee's pay shall be frozen for a period not to exceed two (2) years. During the freeze period the employee shall not be entitled to any general pay increases or cost of living increases until such adjustments bring the individual pay back into the range. If after two (2) years, the pay still falls above the established pay range, the pay of the individual shall be reduced to the maximum of the pay range of the job classification to which they are assigned. In special circumstances, with the approval of the County Manager and Personnel Director in coordination with the Department Head/Elected Official, the two (2) years may be extended or waived.
- N. Out Of Classification Assignments**
Employees required to perform in higher level positions due to illness, vacation schedules or understaffing of their offices may, at the discretion of the County Manager, and upon recommendation of the department head, receive a temporary increase in compensation which is consistent with the level of the temporary assignment. The out of class assignments must exceed a thirty-day period in order to be considered for a temporary increase. Normally, out of class duties shall not be allowed to continue beyond a six-month period. If the need continues beyond six-months the department head shall treat the situation as a job vacancy and utilize the promotion or transfer policies to remedy the situation. If no internal remedy is achievable, an outside recruitment shall be undertaken.
- O. Additional Assignment** Adopted 10-3-2019

Employees assigned to perform an additional assignment beyond the scope of their job description, and outside of their assigned department, may receive a temporary increase to their base pay between 2% and 5%. This additional pay increase shall not be bound by the employee's assigned pay scale. The additional assignment must exceed a thirty-day period in order to be considered for this temporary increase and be approved by the County Manager. This is not to be confused with Out of Classification Assignments (Paragraph M above)

P. Pay Progression Revised 10-24-2002

Progression through the various pay grades within the salary and wage scale shall be based upon the recommendation of the department head and Personnel Director. In making recommendations for pay progression, the department head shall adhere to County policies and procedures, performance, level of competence and job knowledge. *Such pay progression shall be accomplished within the current budget as approved by the County Council.*

Salary increases shall be limited to cost of living, merit, market adjustments, and progression from one Summit County position to another. Salary increases are not a vested right of any employee.

Upon achieving the maximum of the pay range, the employee shall still be eligible for Cost of Living increases, market adjustments to the pay plan, and consideration for performance incentives.

Q. Performance/Incentive Awards & Bonuses Revised 1-1-2022

In order to promote exceptional or outstanding services and recognize those occasions where services are rendered, emergencies responded to, or proficiencies demonstrated which are beyond the normal expectation of the job; it is the position of the County to reward such individual or group contributions. These awards shall be a onetime recognition, in that they are not added to the regular pay of the recipient.

No performance/incentive award or bonus shall be given for job expectations, i.e., coming to work on time, not using sick leave, keeping a clean environment, or returning telephone calls.

1. **Instant Bonus Program:** A county employee, supervisor, manager, Division Director, Department Head, Elected Official or member of the general public may nominate a county employee for a bonus of \$50 for actions which bring favorable attention or recognition to the division, department, or County.

- a. The nomination shall be written in memo or bonus nomination form. Nominations must involve a detailed description of the project or act and the nominated employee's involvement in the act. If money is awarded to the county employee, the award shall run through the payroll process.
- b. The nomination shall be forwarded to the employee's supervisor and Personnel Director for approval. If the employee's supervisor or the Personnel Director does not approve the nomination, the nominating individual may appeal the Department Head or Personnel Director's decision to the Personnel Advisory Committee.
- c. The Personnel Advisory Committee decision shall stand.

- d. The bonus money/gift certificate will be given to the nominating individual so they can present the award to the recognized employee.
 - e. In lieu of money, the nominating employee may choose to award the employee a \$50 gift certificate.
2. **Cost Savings Bonus:** A Department Head or Elected Official may nominate one of their employees for a Cost Savings Bonus. These may include:
- a. Ways to increase efficiencies. If there is a process in the normal routine of the workplace that is time consuming, repetitive, a burden on the budget, there may be a means for improvement. This is a criterion where creative ideas improve departmental efficiency or effectiveness or eliminate difficulties.
 - b. Cost Savings. An employee may suggest a procedure that will save costs to the Department or County. Similarly, an employee may suggest a procedure for generating revenue.
 - 1) The Department Head or Elected Official shall submit a written letter detailing the actions of the county employee and the recommended amount of the award to the Personnel Director. The employee may be nominated to receive up to 10% of the amount saved. Savings would be based on an annual basis. Savings in subsequent years shall not be taken into consideration. The maximum amount allowed shall be \$1,000.
 - 2) The Personnel Director after consulting with the County Financial Officer, to verify the cost of the actual savings, will either approve or deny the request.
 - a) If the Personnel Director disagrees with the award or if the County Finance Officer disputes the amount saved, the supervisor may appeal to the Personnel Advisory Committee.
 - b) The Personnel Advisory Committee's decision shall stand.
3. **Meritorious Bonus:** A Department Head, Elected Official or supervisor may nominate one of their employees for a meritorious bonus of up to \$3,000.
- a. These bonuses may include:
 - 1. Exemplary performance on special projects. An employee may be given a special project. A great deal of effort and research may go into the project. The project shall benefit the department or County in some way.

2. The exercise of leadership and/or initiative beyond that normally expected in the individual's regular assignments. An employee may be required to meet unusual deadlines or perform in emergency situations. An employee may demonstrate a willingness to accept and perform new assignments on a short term basis.

3. Actions which avert legal actions by or against the County.
4. Independent research and analysis initiated by an employee resulting in a contribution to the specific objectives or improved methods for delivering County services or conducting County operations.
5. Extraordinary work during declared emergencies. An employee may be recognized for extraordinary work done either within their own department or in duties outside of their job description which demonstrate a willingness to go above and beyond their regular work during a declared emergency.

- b. The Department Head, Elected Official or supervisor shall submit a written letter detailing the actions of the county employee to the Personnel Director. The letter shall include information regarding the source of funding within the budget.
- c. The Personnel Director shall either approve or deny the request.
 1. The Personnel Director's decision may be appealed to the Personnel Advisory Committee.
 2. The Personnel Advisory Committee's decision shall stand.

4. Award Restrictions:

- a. The most recent performance evaluation must be at least above the division/department average in order for the employee to be considered for a nomination.
- b. More than one incentive award of different sizes may be given to the same employee, providing that the performance qualifies.
- c. No more than one incentive award may be given for the same or substantially similar act. However, case by case consideration shall be given.
- d. Awards may be shared by a team of employees, provided all of the employees contribute to the project or act.
- e. Employees shall not be considered for an incentive award for performance which is routinely expected for any duty or responsibility.

R. Pay Day

Revised 2-09-2017

Summit County employees will be paid biweekly on Friday. Funds will be electronically deposited into employee's financial institution account(s) by 5:00 p.m. If a pay day falls on a holiday, employees will be paid on the preceding workday. Pay stubs are available via a link on the county's current payroll system or provided as a printout. Pay stubs may be available prior to the electronic deposit being reflected or recorded in the employee's account.

S. Payroll Corrections.

Adopted 1-1-2022

It is the responsibility of each employee to verify that any pay increase, change, deduction, or any other pay change is accurately reflected on their pay stub as soon as such pay action should take place.

1. A request to make a non-monetary (other than voluntary payroll deductions) correction(s) to an employee's payroll record shall be initiated by the employee and coordinated through the payroll administrator within one (1) year of the date in which the error occurred.
2. A request to make a monetary correction(s) affecting an employee's pay, rate of pay or other compensation, shall be made within six (6) months from the date the employee's payroll advice (pay stub) for the period of employment in which the payroll payment error occurred. The request shall be initiated by the employee and coordinated through the payroll administrator.
3. The Payroll Administrator will coordinate with the Personnel Director regarding any changes. Pay rate changes resulting from monetary corrections to an employee's payroll record may be carried forward, affecting future pay or compensation.
4. Retroactive monetary corrections to an employee's pay or other monetary compensation shall be made according to the following procedure:
 - a. Corrections not affecting an employee's retirement contributions account with the Utah Public Employees' Retirement Systems must be made within six (6) months from the date the pay error occurred.
 - b. Corrections affecting an employee's retirement contributions account with the Utah Public Employees' Retirement System(s) ("URS") will only be made if they otherwise qualify and are not prohibited under the provisions of sub-section 5 below. If a URS correction is accepted according to the requirements herein, Summit County shall be responsible only for their portion of the retirement contribution, plus interest that would have been made if no error had occurred. The employee will be responsible for employee's portion plus interest.
5. URS corrections occurring in the following circumstances will not be considered:
 - a. Claims for contributions for persons who were classified as contract workers or temporary employees during the time for which contributions are claimed and for whom it is determined they were entitled to participate in URS plans unless:
 - (i) the claimant asserts his/her claim within one year of the last date of the period of service for which the employee claims entitlement to contributions; or,

- (ii). if more than six (6) months has passed from the last date of service for which contributions are claimed, the claimant can establish by credible evidence, other than his/her assertion, that (1) he/she could not reasonably discover his/her entitlement prior to the date of discovery, and (2) the claim is asserted within six (6) months of the date of discovery.
 - b. Claims for contributions for an employee who was exempt from the URS during the time for which the contributions are claimed.
 - c. Claims for contributions for periods of service for employees who were participants in any of the URS plans during the time for which contributions are claimed, unless:
 - (i) the claim is asserted within six (6) months from the last date of service for which contributions are claimed; or
 - (ii) if more than six (6) months has passed since the last date of service for which contributions are claimed, the employee can establish by credible evidence, other than his/her own assertion,
 - (A) that he/she had no reasonable notice from payroll advice (pay stub) or from any of the URS's "Members Annual Statement" sent to him/her subsequent to the last date of the period of service for which contributions are claimed; and
 - (B) the error upon which the claim is based could not have reasonably been discovered by him/her within six (6) months of the date of its occurrence, and
 - (C) the claim is asserted within six (6) months of the date of its discovery by the employee.
 - (d) Claims for retired employees who have been receiving retirement benefits from the URS.
- 5. Corrections to URS contributions shall be resolved in accordance with Utah law and rules established by the Utah Public Employees Retirement Board.
- 6. A request for correction of an error to an employee's URS retirement account shall be verified and processed through the Personnel Director and the Payroll Administrator, as appropriate.

SECTION 9 FRINGE BENEFITS

A. Group Health Insurance

Revised 8-1-2022

The County may pay a premium for health, dental, life insurance, and accidental death and dismemberment, up to a maximum amount designated by the County Manager for qualifying employees and their dependents.

1. Qualifying employees are defined as all regular full-time and regular part-time employees working more than 1560 hours annually.
2. Part-time employees hired prior to January 1, 2017, working more than 1040 hours annually, but less than 1560 hours, may participate in health insurance benefits upon paying 50% of the monthly premium.
3. Part-time employees hired on or after January 1, 2017, working less than 1560 hours, non-qualifying employees, reserve deputies and volunteers are not eligible for any benefits, except those as required by law.
4. Employees are designated seasonal if the expected duration of their employment is less than six months and if the job typically starts and ends at approximately the same time each year.
 - a. Summit County shall use a look-back measurement period of twelve months from the last day of work.

B. Continuation of Benefits

Revised 2-8-2021

The County recognizes and follows COBRA regulations for insurance coverage after employment by the County for all employees. Employees separating from county employment who are benefit eligible prior to the qualifying event will be allowed to continue group medical and dental insurance coverage. The separated employee will be responsible for the costs of that insurance and administrative fee. The County assesses up to a minimum of 2% of the premium as an administrative fee. (See Utah Code Section 31A22714, or Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA)). Employees and/or dependents shall be notified within thirty (30) days from date of separation regarding extension and conversion privileges and must reply in writing within sixty (60) days of notice or forfeit their extension right. Payment must be made within forty-five (45) days of acceptance of COBRA benefits or benefits will be canceled.

Dependents of employees are eligible to continue insurance at their cost for up to thirty-six (36) months upon the occurrence of the following:

1. Upon legal separation or divorce from the covered employee;
2. The death of the covered employee;
3. When dependents cease to be dependent under the definition of the policy;
4. When Medicare eligible employees cease participation in employer sponsored plans;

Insurance cannot be continued beyond any of the following:

1. The date the premium is not paid;
2. The date when the individual becomes covered under any other group health plan or is entitled to Medicare benefits;
3. In the case of a spouse, when the spouse remarries or becomes covered under another group health plan; and
4. On the date when the employer ceases to provide any group plan, except the County would be obligated to allow employees or dependents to continue coverage under any replacing group policy or policies.

C. General Group Insurance Programs Effective 8-1-2022

1. Disability coverage beginning on the eighth day for accidents and illness is also provided for full-time employees participating in the County's Merit System. Family & Medical Leave without pay shall run concurrently during short term disability but shall begin the first day the employee is not able to work. In the event of long-term disability, health, dental and life insurance premium payments will be paid by the County for a period of six (6) months from date of inception of the disability. An employee returning to work after disability leave shall provide a return to work release from their physician listing accommodations, if any. The County may restrict the employee's return to work if the accommodations preclude the employee from fully participating in their job responsibilities. An employee who cannot return to their regular work responsibilities after this six-month period shall be separated from employment with the county.
2. All benefited employees are eligible for Dental insurance.
3. Additional County approved insurances are available options for full and part time employees participating in the County's benefit program.

D. Employee Assistance Program Revised 04-01-2018

1. The Employee Assistance Program (EAP) offers free, confidential services designed to help qualifying employees prevent or resolve personal, family and workplace problems affecting that employee's well-being and job performance.
 - a. Use of EAP is voluntary.
 - b. Typical problems include:
 - i. job stress,
 - ii. communication problems with a family member, co-worker or supervisor,
 - iii. depression,
 - iv. substance abuse, and
 - v. marital/family problems.

2. EAP provides problem assessment, education, short-term counseling, and/or referral to community resources.

E. Leave Status Revised 10-24-2002
Vacation, sick or funeral leave shall not be used to create overtime. The purpose of leave is to supplement the employee's forty (40) hour workweek or the eighty-six (86) hour pay period utilized by law enforcement.

F. Vacation Revised 8-1-2022
1. Summit County believes that a reasonable period of time away from the job encourages good health and the wellbeing of employees. This is a benefit to Summit County, as well as the employee. Therefore, it is the policy of Summit County to grant paid vacations to certain categories of employees.
2. All qualified employees, working 2080 hours or more per year are eligible for vacation as accrued. Years of county service, for establishing vacation accrual rates, shall be the employee's full time hire date or seniority date, whichever is earlier.
3. Accumulation of vacation shall be based upon the following schedule:

FULL TIME MERIT SERVICE	MONTHLY/ANNUAL ACCRUAL
0 – 5.99 years	8 hours/96 hours
6 – 10.99 years	10 hours/120 hours
11 – 15.99 years	12 hours/144 hours
16 -20.99 years	14 hours/168 hours
21 years or more	16 hours/192 hours

4. Employees may carry unused vacation leave over to the next year to a maximum of 200 hours of vacation leave.
5. Vacation leave may not be accrued during a period of time when leave of absence without pay is being granted for reasons other than personal or family related illness or condition as defined by the federal Family & Medical Leave Act (FMLA) and when an employee has announced their resignation or retirement from Summit County.
6. Utilization: The employee's Division Director, Department Head, or Elected Official must approve in advance all vacation leave. The Division Director, Department Head, or Elected Official may schedule vacation leave so that division, department, or County operations are not disrupted.

7. An authorized holiday which falls within the time period of an employee's scheduled vacation shall not be charged as used vacation.
8. Effective July 1, 2019, for purposes of leave accrual, the Personnel Department shall establish an eligible employee's vacation service date (seniority date) based upon prior relevant experience in a comparable public merit system. Credit for prior service shall be limited to advancing to the beginning of the 6-10 years accrual years noted above.
9. The County will not advance vacation days. No elected official or department head shall authorize the use of un-accrued vacation time.
10. Vacations are to be taken as time off and there will be no pay in lieu of time off.
11. Resignation: Upon resignation or retirement, an employee may take the cash value of earned vacation leave (carried over and earned), or time off with pay equal to the number of leave hours earned. Vacation leave shall not accrue when an employee has announced their resignation or retirement from the County and are using the time off with pay option. Payments made pursuant to this section shall be at the rate of pay current upon termination. Deductions from termination pay may be made where the terminating employee has outstanding financial obligations to the County. The County may withhold the payment of termination pay if the employee fails to return County property in their possession.
12. Record Keeping: The official record of accrued and used vacation is to be kept by the County Finance Department through a formal leave accounting system. Division Directors, Department Heads, and Elected Officials shall be provided with leave accounting reports periodically for departmental and employee review. Any discrepancies shall be reconciled directly through the Finance Department. If discrepancies are not reported within 60 days, all reports shall be deemed correct.

G. Sick Leave

Revised 2-8-2021

Sick leave is allowed for qualifying employees as a benefit and may be used for personal illness or illness in the immediate family. Sick leave taken in excess of three (3) working days may require a statement from an attending physician. The Division Director/ Department Head must use discretion in approving sick leave, while insisting that seriously ill employees stay off the job. Accrued sick leave is a County owned benefit afforded to those County employees who become ill or injured and cannot perform their normal duties.

1. Sick leave shall be earned at the rate of two (2) hours per pay period of full time employment and may be used as earned. Sick leave shall not be granted beyond that earned by any employee.
2. Full-time employees may accrue up to 400 hours of sick leave. Employees who have 400 hours of sick leave may not accrue additional sick leave until their sick leave bank drops below the 400-hour level.

Effective January 1, 2014, employees, who have in excess of 400 hours of sick leave as of the effective date, shall not accrue any additional time until their sick leave balance drops below 400 hours.

Sick leave accrued prior to January 1, 2014, shall be paid out at the time of separation of employment, at the full amount of sick leave accrued as of the effective date, unless used. Sick leave accrued after the effective date shall be paid out at the time of separation of employment at ½ of the accrued amount, unless used.

3. Upon separation from County employment (except when terminated for cause), an employee may take the cash value of the accrued sick leave (as described in paragraph G.2 above) under any one of the options outlined in Section 8, paragraph H of this policy. Payments made pursuant to this section shall be at the rate of pay at the time of termination.
4. Sick leave may not be accrued during a period where a leave of absence without pay is being granted for reasons other than personal or family related illness or condition as defined by the Family & Medical Leave Act (FMLA).

Sick leave shall be accrued while an employee is on short-term disability.

Sick leave shall not accrue when an employee has announced their resignation or retirement from the County and are using the time off with pay option.

5. Notification to the Division Director/Department Head for the use of sick leave shall be made no later than one (1) hour after the employee's regular reporting time.
6. Saturdays, Sundays and Summit County designated holidays occurring while an employee is ill shall be deducted from their compensated illness leave credit if the employee is scheduled to work and elects to use sick leave.
7. Elected Officials, Division Directors, and Department Heads are charged with the responsibility to approve or disapprove leave requests, and may require the employee to provide evidence of illness or injury.
8. The official record of accrued and used sick leave is to be kept by the County Finance Department through a formal leave accounting system. Division Directors, Department Heads, and Elected Officials shall be provided with leave accounting reports periodically for divisional, departmental and employee review. Any discrepancies shall be reconciled directly through the Finance Department. If discrepancies are not reported within sixty (60) days, all reports shall be deemed correct.
9. Workers Compensation: In the event an employee is injured on the job, they must apply for workers compensation. The employee may additionally utilize compensated sick leave in accordance with the following formula: "Gross monthly compensation minus industrial compensation equals total compensation subject to sick leave utilization. The number of hours to be charged shall be determined by dividing the total amount subject to use by the appropriate hourly compensation rate." This shall not be construed as allowing a gross income, inclusive of industrial compensation, in excess of the employee's regular monthly salary or earnings.
10. Insurance benefits are provided for more serious or longer-term illness or accidents. While insurance policies pay 67% of the normal wage, sick leave time and vacation time may be used on a prorata basis to maintain normal income. The employee may supplement the disability benefit with accrued vacation and sick leave to receive 33% of

their normal wage. If no sick leave or vacation time is available, normal insurance proceeds only are payable.

H. Bereavement Leave Revised 8-1-2022

1. Bereavement leave with pay, not to exceed 40 hours, may be allowed in the loss of the following:
 - a. Spouse, Domestic Designee (as noted for health insurance), Child, Parent, Grandchild, Grandparent, Stepparent, Stepchild, Child-in-law, Sibling and Sibling-in-law.
2. Bereavement leave with pay, not to exceed 8 hours, may be allowed for loss of other family members with the written permission of the Department Head:
3. Employees desiring extended funeral leave may request to use compensatory time, vacation or leave without pay. Leave without pay may be used only if the employee has no accrued compensatory time or vacation. Funerals which occur during use of vacation shall be treated as described in this paragraph and not be charged to vacation.
4. If a funeral is attended or death occurs while an employee is on leave of absence, there will be no time off with pay forthcoming.
5. Three (3) days (24 hours) of bereavement leave shall be provided to employees who's pregnancy or partners pregnancy ended by way of miscarriage or stillbirth
 - a. The end of an employee's pregnancy by way of miscarriage or stillbirth, or, the end of an individual's pregnancy by way of miscarriage or stillbirth if:
 - i. The employee is the individual's spouse or partner;
 - ii. the employee is the individual's former spouse or partner; and
 - iii. the employee would have been a biological parent of a child born as a result of the pregnancy;
 - b. the employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Utah Code §78B-6-103, of a child born as a result of the pregnancy; or
 - ii. under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement, the employee would have been a parent of a child born as a result of the pregnancy.

I. Holiday Leave Revised 1-25-2024

1. The following days have been designated by the County to be paid holidays:

New Year's Day	January 1 st
Martin Luther King Jr. Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday of May

Juneteenth	June 19 th
Independence Day	July 4 th
Pioneer Day	July 24 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday of November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 th

2. When any of the above holidays fall on a Sunday, the following Monday shall be observed as the designated holiday. When any of the above holidays fall on a Saturday, the preceding Friday shall be observed as the designated holiday.
3. Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation the day of the holiday.
4. Holiday Pay: Those employees who are required to work on a designated holiday will receive 8 hours of additional compensation for all hours worked on the designated holiday.
5. Additionally, one eight (8) hour personal holiday is allowed annually, based on the employee's anniversary date. A personal holiday shall not be carried over from year to year.

J. Court or Jury Leave

Each employee entitled to paid leave under these rules shall, during regularly scheduled work time only, be entitled to leave of absence with full pay for such period of required absence when, in obedience to a subpoena or direction by proper authority, the employee is to appear as a witness in a case involving the federal government, the State of Utah, or a political subdivision thereof, to serve on a jury or as a witness in a grievance/hearing. Witness or jurors fees paid to employees in leave with pay status shall be returned to County Treasurer for deposit in the general fund. Such fees may be retained by an employee who elects to use vacation leave while on jury duty or acting as a witness. Absence due to litigation not required by the employee's position, but as an individual, shall be taken as vacation leave, comp time, or leave without pay.

K. Maternity Leave

October 24, 2002

1. An employee who becomes pregnant may continue working until such time as they can no longer satisfactorily perform their duties or their physical condition is such that their attending physician deems continued employment to be hazardous to the employee's health or the health of the unborn child.
2. Paid sick leave or Family & Medical Leave without pay, which is available to cover the time for physical examinations and periods of incapacitation, will be available to the pregnant employee for the same purpose.
3. Leave granted for maternity purposes shall be allowed on the same basis for which sick leave or Family & Medical Leave without pay is granted. Such leave shall also be eligible for short-term disability compensation according to County insurance program guidelines.
4. Employees who have exhausted all accumulated sick leave shall be granted Family & Medical Leave without pay for maternity purposes, except that Short Term Disability

benefits shall be provided according to policy. Family & Medical Leave with-out-pay shall run concurrently during short-term disability but shall begin the first day the employee is not able to work. Employees desiring extended leave due to "pregnancy disability" shall receive it on the same basis as any other disability.

L. Parental Leave

December 28, 2018

Parental leave is leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with an adoption. The amount of leave under this policy is four (4) weeks. This leave does not supersede other laws that apply to the birth or adoption of a child.

1. Eligible employees may receive up to four (4) weeks of paid, job protected, leave during the first twelve (12) weeks following birth or adoption.
 - a. Employees working more than 30 hours per week are eligible for Parental Leave. Employees working less than 40 hours per week, but more than 30, shall have their Parental Leave pro-rated.
 - b. Notice & Verification: The employee must:
 1. Provide to their department head and the Personnel Department thirty (30) days' written notice of the requested leave (or as much notice as practicable if the leave is not foreseeable),
 2. Complete the necessary forms at the time of the leave, and
 3. File the documents with the Personnel Department.
2. Parental Leave is a benefit of employment and its use will not be considered as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions under attendance policies.
3. Upon receiving notice of an employee's need for Parental Leave, the County shall provide the employee with a detailed notice specifying the employee's rights under County policy and explain any consequences of a failure to meet these obligations. The County notice shall include:
 - a. Any requirements for the employee to make or participate in the payment of insurance premiums, and the methods for doing so. The employee's potential liability for health insurance premiums paid by the County during the leave if the employee does not return to work;
 - b. The employee's reinstatement rights to the same or equivalent job, unless the employee is defined a key employee under FMLA;
4. Method of Leave Usage:
 - a. Birth of the parent's own child:
 1. Birthing parent
 - A. After short-term disability has been exhausted, Parental Leave will commence.

B. Non-birthing parent; Parental Leave, if taken, shall be used anytime during the first twelve (12) weeks after the birth of the child. Parental Leave shall not extend beyond the end of the twelve (12) week date from the birth of the child.

b. Adoption of a child:

1. The parents of an adopted child shall receive Parental Leave after the child(ren) has been placed in their home.

2. Parental Leave, if taken, shall be used anytime during the first twelve (12) weeks after the placement of the child(ren). Parental Leave shall not extend beyond the end of the twelve (12) week date from the placement of the child(ren).

3. To qualify for Parental Leave the adopted child(ren) shall be under eighteen (18) years of age.

c. All leave shall be used in one block of time.

d. Parental Leave shall run concurrently with FMLA.

5. Parental Leave will be paid at 100 percent of an Eligible Employee's straight-time, regular pay for the specified amount of time outlined in this policy.

a. Sick leave and vacation accrual shall be allowed in accordance with the County's FMLA policy.

6. The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of Parental Leave granted for that event.

7. If both parents are employed by the County, each parent shall receive up to four (4) weeks Parental Leave.

M. Military Leave

Leave shall be granted for a period of active military service. Extended military leave is six (6) months or more, not to exceed five (5) years unless approved by the County. Short-term military leave is any leave of less than six (6) months in duration, normally not longer than 120 hours.

1. Short-term Military Leave is authorized for employees pursuant to the following conditions:

a. Employees are entitled to one hundred and twenty (120) hours of military leave per year without loss of regular pay or other fringe benefits. The employee shall

take military leave when activated. After the employee has exhausted their one hundred and twenty hours of military leave they may take unpaid leave.

- b. Whenever possible, employees who are members of reserve units of the military shall notify their Department Head within one week of receipt of an activation notice, and shall indicate in writing their intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the individual employee's personnel file.
- c. Employees requesting short term military leave may go on leave without pay status prior to using accrued vacation and comp-time.
- d. While on short term military leave, none of the employee's benefits shall accrue, except that health, dental and life insurance benefits will remain in force as long as they continue to pay their portion of the premiums.

2. Extended Military Leave Without Pay shall be granted to employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the provision of the Universal Military Training and Service Act. Former employees shall be permitted to return to County employment without loss of benefits pursuant to the provisions of the Utah Code, (1953) 39:3:1. The following conditions shall apply:

- a. USERRA provides that an individual may serve up to 5 years in the uniformed services, in a single period of service or in cumulative periods totaling 5 years and retain the right to re-employment by their pre-service employer. 38 USC 4312(c).
- b. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
- c. Summit County shall follow USERRA regulations regarding the reinstatement of an employee returning from active military duty. If the employee declines an offer for position vacancy, reinstatement rights may be canceled by the Department Head.
- d. If, due to a service connected disability or for some other reason, an employee is not qualified to perform all the duties of their former position, they will be placed in the closest comparable position for which they are qualified or the employee will be placed on a list of eligible persons for consideration for future openings. Under the American's With Disabilities Act, reasonable accommodation shall be provided unless to do so would prove to be an undue hardship.

N. Administrative Leave October 24, 2002
In cases of training, special educational pursuits, hardships, or other cases not provided for in these policies, upon recommendation of the Department Head, the County Manager may grant short-term leaves at full pay, partial pay, or without pay. The approval or denial of such requests is at the discretion of the County Manager and is not subject to appeal.

O. Family & Medical Leave Without Pay Revised 2-8-2021

The County will comply with all applicable requirements of the Family & Medical Leave Act of 1993 (FMLA).

1. Eligibility: All employees who have worked for the County for at least 12 months (which need not be a consecutive 12-month period) and have worked for the County at least 1250 hours in the previous consecutive 12 month period qualify for family & medical leave without pay.
2. Eligible employees may receive up to 12 weeks of unpaid, job protected, leave in any 12-month period for the following reasons:
 - a. To care for a child upon birth or upon placement for adoption or foster care;
 - a. To care for a parent, spouse, or child with a serious health condition, or,
 - b. When an employee is unable to work because of a serious health condition. A serious health condition is defined as "any illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider (i.e. doctors, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives, and Christian Scientist practitioners). In addition, a single event or occasion, which results in a regimen of continuing treatment under the supervision of the health care provider, such as a regimen of medication or physical therapy, qualifies. Excluded from coverage are voluntary or cosmetic treatments, which are not medically necessary and preventive physical examinations. An employee returning to work after FMLA leave for their own serious health conditions shall provide a return to work release from their physician listing accommodations, if any. The County may restrict the employee's return to work if the accommodations preclude the employee from fully participating in their job responsibilities.
 - d. When a family member is called on active military duty or called to active military duty
3. Eligible employees may receive up to 26 weeks of unpaid, job protected, leave in any 12-month period to care for a family member who sustained an injury or illness in the line of active military duty.
4. Notice & Verification: Employees who want to take FMLA leave ordinarily must provide the County with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If the need is not foreseeable, the employee should give as much notice as is practicable. The employee notice shall contain the reason for the leave, the anticipated timing of the leave and the expected duration of the leave. In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification of the serious health condition within 15 days after the request or as soon thereafter as is seasonably possible. The County may also require a second or third opinion (at the County's expense), periodic recertification of the serious health condition (as frequently as every 30 days), and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The County may deny leave to employees who do not provide proper advance leave notice or medical certification within established time frame.

5. County Communication Requirements: Upon receiving notice of an employee need for FMLA leave the County must provide the employee with a detailed notice specifying the employee's rights and obligations in connection with the law and County policy and explain any consequences of a failure to meet these obligations. The County notice shall include:
 - a. A statement that the leave will be counted against the employee's annual FMLA leave entitlement;
 - b. Requirements for the employee to furnish medical certification of a serious health condition and the consequences for failing to do so;
 - c. The requirement for the employee to use accrued paid leave,
 - d. Any requirements for the employee to make or participate in the payment of insurance premiums, and the methods for doing so;
 - e. Any requirement of the employee to present a fitness for duty certificate in order to return to work;
 - f. The employee reinstatement rights to the same or equivalent job;
 - g. The employee's status as a "key employee" and the conditions under which reinstatement may be denied, and
 - h. The employee's potential liability for health insurance premiums paid by the County during the leave if the employee does not return to work.
6. Method of Leave Usage: The leave may be taken intermittently or on a reduced leave schedule without the County's approval when medically necessary;, HR should be notified in these instances especially in the case of emergencies and short notice situations. FMLA leave may be taken in half-hour, hourly, daily or weekly blocks of time.
7. Employee Entitlements: Employees taking qualified FMLA leave are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. In addition, the County shall reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms as previously provided. The County's obligation under FMLA to reinstate an employee returning from leave ceases once the employee has used up their 12/26-week entitlement and continues on another form of leave, paid or unpaid. Also, the County may deny reinstatement if it can be demonstrated that the employee would not otherwise have been employed at the time the reinstatement request is made, such as when an employee's position is eliminated due to a layoff.
8. Accrued Benefit Impact: Employees use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, compensatory time, and sick leave during a FMLA leave for the employee's own serious health condition or for a seriously ill family member. In addition, the employee must first use any accrued paid vacation or compensatory time, but not sick leave, during FMLA leave to care for a newborn or newly placed child, and no more than 5 paid sick days may be included in FMLA leave

taken to care for a seriously ill family member (see sick leave policy). In calculating the number of leave days used as part of the 12/26 week FMLA limit, all paid leave shall be included.

9. Defining 12 month period: The County shall use one of four methods as defined by FMLA, and may change methods when determined to be in the best interest of the County in terms of administration. However, 60 days' notice must be given to employees of intent to change and employees must retain the full benefit of 12/26 weeks of leave. The County shall use a rolling 12-month period measured backward from the last date an employee uses any FMLA leave.

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

11. Record Keeping Requirements: Records retention for FMLA purposes must be maintained in accord with record keeping requirements of the Fair Labor Standards Act (FLSA). Records must be kept for a minimum of three years, which includes the following information:
 - a. Basic payroll records;
 - b. Dates that FMLA leave is taken;
 - c. Hours of FMLA leave;
 - d. Copies of employee notification given to employer;
 - e. Copies of employer notices regarding employee rights and obligations;
 - f. Copies of County policies and procedures describing benefits and leave provisions;
 - g. Premium payments of employee benefits;
 - h. Documents pertaining to disputes regarding designation of FMLA leave. All records relating to medical information must be kept in separate, confidential medical files.

P. Retirement

Revised 10-1-2023

The County is a participant in the public safety and public employee retirement programs of the Utah Retirement Systems (URS). The County endorses the concept that performance, not age should be the standard for retaining qualified employees. There shall be no set retirement age from County employment

1. Employees, at their discretion, may choose to retire any time after they are eligible under provisions of the Retirement Act.

2. Employees over retirement age, as defined by the Social Security Administration, can be retained or hired as long as they are physically and mentally able to satisfactorily discharge the duties of the position.
3. The retirement system provides a number of benefits to the employee, including retirement benefits, death benefits, and survivor's allowances.
4. Employees in Benefit Eligible positions have the option of participating in the following retirement programs:
 - a. Merit Status employees will be enrolled in the URS retirement plans based on URS eligibility.
 - b. Elected and Appointed Positions have the following retirement contribution options:
 - i. Participate in the URS retirement plan based on URS eligibility: or
 - ii. Opt out of participation in the URS retirement plan and instead receive a 401(k) contribution at the same contribution rate the employee would have received into a URS retirement plan.
 - iii. Tier 2 Elected and Appointed positions working full-time are eligible for URS benefits.
 - iv. Tier 2 Elected and Appointed positions working part-time are ineligible for URS benefits.
 - c. Seasonal, Temps, Interns, Reserve Officers, Reserve Dispatchers, and part-time non-benefitted employees are not eligible for URS benefits.
5. In the Utah Retirement System separate divisions exist for Public Safety and Public Employees.
 - a. Public Safety employees must be employed for 40 or more hours a week to be eligible for the program.
 - b. Part-time employees hired prior to January 1, 2017, working more than 1040 hours annually may participate in retirement benefits.
 - c. Tier 1 Employees: Employees initially enrolled in the Utah Retirement System prior to July 1, 2011 are classified as Tier 1 employees. The county pays the full URS rate for Tier 1 employees.

- d. Tier 2 Employees: Employees initially enrolled in the Utah Retirement System on or after July 1, 2011 are classified as Tier 2 employees. The county currently pays the full URS rate for Tier 2 elected and appointed positions working full-time, and regular and part-time benefit eligible public employees and law enforcement officers.
- e. Tier 2 employees must choose between a defined contribution or a hybrid plan which are described below. Employees have one year after employment begins to make this irrevocable choice of plans.
- f. Defined Contribution Plan: The county contribution of 10% for Public employees and 12% for Public Safety will be put into a 401(k) account administered by the URS. Employees in this plan become vested after four years of service. (Elected and appointed officials may opt out of the vesting period).
- g. Hybrid Plan: This plan is a combination defined benefit (pension) and defined contribution.
 - i. As long as the defined benefit rate remains below 10 percent for public employees or 12 percent for law enforcement officers employees will receive the difference between the 10 percent or 12 percent and the required contribution rate into a 401(k) account administered by the URS.
 - ii. If the defined benefit rate reaches or exceeds 10 percent or 12 percent, employees will no longer receive any of this excess amount into a 401(k) account. In addition, if the defined benefit rate exceeds 10 percent or 12 percent employees will be required to pay the portion of the contribution above these rates.

6. Benefits Paid:

- a. The amount of benefit paid is determined by your
 - i. hire date,
 - ii. age,
 - iii. years of service credit,
 - iv. final average salary, and
 - v. a benefit formula designed by the Utah Retirement System.
7. In an effort to encourage retirement savings by employee's, the County has implemented an employer match on benefit employee contributions into the Summit County 401(k) Plan and/or URS 401(k) Plan.
- a. The employer match is 50% of the employee's first 2% contribution.
 - b. Benefit eligible employees that choose to defer earnings to the Summit County 401(k) Plan and/or the URS 401(k) Plan will receive an employer match contribution deposited to their URS 401(k) Plan only.
 - c. All deferrals and employer matching contributions are vested immediately and may only be withdrawn according to plan provisions.

8. Benefit eligible employees hired on or after January 1, 2024 will have 2% of their gross salary automatically deferred into the employee's URS 401(k) plan. Employees shall be notified of this automatic deferral upon hire. An employee may elect to stop, decrease or increase these deferrals at any time, including upon hire. These deferrals and employer matching contributions are vested immediately and may only be withdrawn according to plan provisions.
 - a. However, an employee automatically enrolled in the URS 401(k) plan may elect to opt out of the automatic arrangement, and choose to make an in-service withdrawal of the elective deferral amounts (with related earnings). Such an election must be made no later than 90 days after the date of the employee's first elective deferral contribution. The amount of such withdrawal shall not be subject to the 10% early distribution tax imposed by IRS Code section 72(t). Any related matching contributions from the employer will be forfeited by the employee.
 - b. If an employee has been automatically enrolled in the URS 401(k) plan and has not made an investment election prior to contributions being allocated to their vested account, such amounts shall be invested in the age related Target Date Fund, as outlined in the URS Summary Plan Description (SPD)
 - c. Upon hire or upon opting into the URS 401(k) plan, employees will be required to sign a disclosure that they have received information about how to access, enroll in and change their eligible retirement plans.

Q. Unemployment Insurance Revised 7-30-2015
The County participates in the State Unemployment Insurance Program as a self-insured employer; and each person that terminates will be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State. Employees terminated for cause shall not be eligible for unemployment benefits from the County.

R. Education Assistance Revised 12-17-2015
The intent of tuition reimbursement is to provide employees with valuable knowledge they need to perform their duties proficiently and to improve services to our various communities and constituencies.

If an employee desires to enhance their own job skills through academic pursuits which are viewed by the Department Head/Elected Official as being directly related to the job or a position which the employee holds or wish to become transferred or promoted to, and the employee initiates such a request; the County may give consideration to reimburse tuition expenses. This request must clearly state how this will benefit the employee and the citizens of Summit County.

Tuition reimbursement expenses must be budgeted during the County's regular budget process. Employees requesting tuition reimbursement must be employed by the County for a minimum of 2 years prior to the request. Tuition reimbursement above the annual IRS tax exempt rate for educational expenses will not be allowed. Tuition reimbursement does not include the cost of tools or supplies the employee is allowed to keep at the end of the course. Nor do they include the cost of books, fees, tests, lodging, meals, or transportation.

Approved fulltime employees may receive reimbursement of 50% for tuition expenses up to the tuition reimbursement limit,

To participate in the program the employee must complete the Tuition Reimbursement Request form and submit it to the Personnel Office no sooner than thirty (30) days prior to the commencement of classes.

To complete the reimbursement process the employee must submit a copy of their grades and proof of payment no longer than thirty (30) days after end of the semester/quarter. For reimbursement a 3.0 grade or better (on a 4.0 scale) must be attained. If the Tuition Reimbursement Request form or proof of payment is not submitted in the required 30 day time frame, no reimbursement will be made. The Personnel Director or designee may grant extensions for the completion of course work for medical and military reasons. Employees working on a thesis or dissertation may submit a letter from their professor stating that satisfactory progress is being made towards completion.

Employees with approved tuition reimbursement assistance must enter into a written agreement that upon termination (voluntary or involuntary, except for reduction in force) they will refund to the County monies received for tuition reimbursement based upon the following schedule:

<u>Time Period Between Date of Termination & Conclusion of Educational Course(s)</u>	<u>Portion Of Expenses Refunded To County</u>
Less Than One Year	100%
One Year, But Less than Two Years	75%
Two Years, But Less Than Three Years	50%
Three Years, But Less Than Four Years	25%
Greater Than Four Years	0%

S. Benefit Limitation

The benefits described in this section constitute the total and complete benefit package offered and available to all county employees who qualify for participation according to eligibility requirements established by this policy manual.

SECTION 10 REIMBURSEMENT FOR EXPENSE

A. Travel

Revised 8-1-2022

Travel expenses associated with authorized trips on County business, for attendance at conventions, conferences, field trips, seminars, educational courses or meetings etc., will be paid by the County. It is the County's policy that the most cost effective travel and training shall be pursued to accomplish the training goals of each division and department. Actual costs for materials required for the seminar, training courses, etc., will be paid for or reimbursed by the County.

If the employee expends personal funds required for travel, for reasonable expenses, the employee will provide receipts/ledger of expenses to the County upon completion of the trip, but not later than one week after return to normal duties. For specific policies regarding meal reimbursement please see paragraph 6 of this section.

An employee may be accompanied by a spouse or family member on approved County business trips with the understanding that the County will not pay any of the costs incurred by the spouse or be responsible for any liability associated therewith. A county vehicle shall not be authorized for travel if a family member (non-County employee) accompanies employee on trip.

Department Heads shall have approval authority for all travel when travel coincides with the employee's professional associations and/or training and has been pre-approved by the County Council in the departmental travel budget. All travel and mileage vouchers shall be signed by the Department Head.

To accomplish the County's goals the following guidelines and procedures shall be followed for expenditure and reimbursement of travel associated expenses:

1. Public Transportation or Vehicle Rental: The most economically available means of transportation shall be used, considering travel time, fares, convenience and liability. Receipts will be required in the event reimbursement is necessary.
2. Miscellaneous Transportation: Toll charges, parking fees, nonreceiptable fares for taxi, buses, etc., shall be reimbursed at actual cost. Fuel, emergency repairs, towing charges, storage fees, etc., for County vehicles will be reimbursed with receipts.
3. If more than one employee from the same division is traveling to the same event and/or location by automobile, carpooling in a county vehicle is strongly recommended.
4. Lodging: Receipts will be required in the event reimbursement is necessary. If an employee travels and stays with friends or relatives rather than in a hotel/motel the employee may be reimbursed at the rate of \$40.00 per day without receipts, with prior approval of the Department Head.
5. Personal Transportation: Personal vehicles may be used if County vehicles are not available. For travel out-of-state, county vehicles will not be used, unless authorization is obtained from the County Manager. Reimbursement for personal vehicle use shall be at the rate as published in I.R.S. Publication 463 and adjusted yearly.

- a. When two or more employees travel in the same private vehicle, only one employee will be reimbursed for vehicle costs.
 - b. Damage to a traveler's personal vehicle occurring during the course of conducting official business is the responsibility of the individual.
 - c. Mileage will be computed using either the state mileage chart, or an online mapping program using the most direct route.
 - d. Reimbursement will not be allowed for commuting between the traveler's place of residence and the office considered the principal place of assignment or for miles traveled for purposes other than official business.
 - e. Computation of mileage should commence from the office considered the principal place of assignment to the point of destination unless the distance from the point of origin other than the principal office to the destination is less.
6. Meals: Meals are allowable on a reimbursable basis for department approved travel outside the County. Use of the per diem rates is the preferred method for meal reimbursement. Meals shall be reimbursed either at actual cost, or at the per diem schedule presented in the most recent edition of the IRS publication 463, whichever is less.
- a. A traveler is entitled to meals when not staying overnight when:
 - 1) Breakfast round trip travel is out of County and commences prior to 6:00 a.m.
 - 2) Lunch when the trip meets one of the following conditions: The traveler is on an officially approved trip of such duration as to warrant entitlement to breakfast and dinner. The traveler leaves their "home base" before 11:00 a.m. and returns after 2:00 p.m.
 - 3) Dinner round trip travel is out of County and arrival back home is later than 7:00 p.m. If meals are complimentary of a hotel, motel, and/or association, no reimbursement will be made for that meal.

Money may be advanced for anticipated expenses.

7. Miscellaneous Expense: Registration fees, incidental supplies, publications, etc., shall be purchased in advance through the County if possible. Receipts will be required for reimbursement of authorized expenses.

SECTION 11 - WORK HOURS

A. Normal Work Day

County offices may be open to the public from 7:00 a.m. through 6:00 p.m., but shall be open to the public from 8:00 a.m. through 5:00 p.m. Monday through Friday. The normal work day will consist of 8 hours of work with an unpaid one hour meal period. Employees may work 10 or 12 hour shifts if approved by the Department Head/Elected Official, the County Manager and permitted by law.

B. Attendance

An employee unable to report for duty on a work day shall notify their Division Director or Department Head of the fact no later than one (1) hour after the beginning of work.

C. Show up Pay

An employee who during a normal work day shows up for work and is sent home before any time is earned, will receive a minimum of one (1) hour straight time pay. Any employee who is called to work on a day off and is then sent home before any time is earned will receive a minimum of one (1) hour straight time pay.

D. Meal Periods

The normal work day shall consist of an unpaid one hour meal period. Employees, if they so choose, may take a 1/2 hour unpaid meal period upon approval of the Department Head. No lunch period shall be used to shorten the work day to something less than 8 hours, nor be used to accrue overtime or compensatory time, unless specifically authorized by the Department Head. Positions such as Deputy Sheriff, Dispatcher and Corrections Officer, which do not allow for meal time away from the work location or the normal duties of the position, are compensated for meal time as part of their shift. It is normally expected that employees in such positions remain at their work station during their entire shift, other than for limited rest periods approved by the supervisor. This does not include the administration in departments where employees are required to work a straight shift.

E. Rest Periods

Two ten minute rest periods are allowed to employees daily, usually one in the middle of the first four hour block of the work day and the second in the second four hour block, the last half of the work day. The ten minute rest periods are optional and generally, must be approved by the supervisor. **No unused ten minute, rest period may be used to shorten the work day.**

F. Stand By/On Call

An employee who is required to remain on call on the County's premises or so close thereto that they cannot use the time effectively for their own purposes is working while "on call". An employee who carries a pager or cell phone and is not required to remain on the County's premises but is merely required to leave word at their home, with their Department Head, Division Director or supervisor where they may be reached is not entitled to "on call pay."

G. Call Out

An employee who is called out, will receive a minimum of one (1) hour straight time pay.

Any employee who is called to work on a day off will receive a minimum of one (1) hour straight time pay.

H. Time Card Approvals

The County utilizes a timekeeping system to track employee work and leave hours. This system is electronically based and ties into the County accounting software. As this is an

electronic system, the following policies will ensure proper record keeping and approval audit trails:

1. Employees should c l o c k i n their time with the timekeeping system when work commences and clock out their time when work concludes. There are times that due to special circumstances this is not feasible. In those cases, the Department head/Manager/time keeper shall enter, delete or modify the employee data.
2. No employee shall swipe, or cause to be swiped, any other employee's time card. Infractions of this policy could result in disciplinary action up to and possibly including termination of employment.
3. Employees are not permitted to modify, add or delete any time card entries. All requests for modifications should be made to the Department Head who will authorize and make the changes.
4. Individual time cards shall be approved by each employee at the conclusion of the pay period. This is accomplished via the timekeeping website accessible on County computers or approved mobile devices.
5. Department heads, or their authorized designee, will review and give final approval "sign-off" to each employee time card. The County Manager, or their designee, will approve Department Head time cards with the exception of Elected Officials and those exempted by Executive Order.

I. Telecommuting

Adopted October 8, 2020

Telecommuting is a workplace alternative where a Department Head and employee agree that the employee may perform some or all of their assigned duties at home or at a remote location. The County recognizes that some work may be done through telecommuting and that this option is a benefit to the County to help meet the County strategic plan supporting sustainability, better air quality, reduced traffic, extending the life of capital facilities, and giving employees a more beneficial work/life balance. The option of telecommuting is a prerogative of the County and not an entitlement of the employee. Telecommuting may be initiated by the Department Head, or may be requested by an employee. Department Heads and employees who desire to telecommute shall complete the Telecommute Proposal Form as discussed below and submit the Department Head approved form to the Personnel Department. Approved Telecommuting Plans ("Agreement") are a management tool and do not change the basic terms and conditions of employment. Agreements may be temporary or permanent as agreed to by the parties and shall be part of the employee's personnel file.

Management of telecommuting employees shall conform to the terms of the Agreement and the policies of Summit County. Telecommuting employees shall be managed and treated the same as in-situ employees and shall be afforded the same opportunities for evaluations, training, assignments, job advancement or other growth opportunities. Management should understand that managing telecommuting employees may require additional duties depending on circumstance and managers are expected to perform the terms under the Agreement the same as an employee.

1. Eligibility: To be eligible for telecommuting, the following requirements must be met:
 - a. The employee's job description should indicate whether the essential functions may be performed remotely.
 - b. Where the job description has not yet been modified to indicate eligibility, the employee must not have, as their essential job function, duties which require on-site

- c. activity that cannot be handled remotely or at an alternate worksite as determined by the Department Head and Personnel Department.
 - d. If a telecommuting agreement is requested by an employee, the employee must currently be in good standing and not under any disciplinary action or corrective action plan.
 - e. A determination by the Department Head/Elected Official that allowing the employee to telecommute will not diminish the service to the public and to the County required by law.
2. Review and Approval: The Department Head shall review the telecommuting request taking into consideration the following factors:
- a. Needs of the department or division,
 - b. Needs of the employee,
- c. Ability of the employee to perform the job duties and the supervisor to assess and review the work performed,
- d. Availability and costs of necessary equipment,
 - e. Availability of an OSHA compliant workspace at the remote location,
- f. 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,
- g. Assessment of other employees in the department or division performing similar responsibilities to determine interest,
- h. Effect on the service provided by the County or required by law,
 - i. Effect on the division or department as a whole.
- j. Ability to have measurable objectives and results upon which there is mutual agreement,
- k. Other appropriate factors which may bear on the decision.

Agreements shall be reviewed annually during the employee's evaluation and updated and amended as needed.

3. Work hour expectations: At a minimum, employees are expected to work the full schedule for which they were hired, whether full-time or part-time. Telecommuting Agreements shall set forth the specific work schedule expected of the employee which may not result in fewer hours than those normally expected. This work schedule may allow for periodic or routine teleworking days with varying hours in the office as mutually agreed upon by the Department Head/Elected Officials and the employee. The working of overtime, accrual of compensatory time, or taking paid leave shall be subject to the same rules and conditions set forth in Sections 8 and 9 of these Personnel Policies.
- a. To enhance and ensure performance of duties, Department Heads/Elected Officials may impose measurable performance standard or benchmarks to meet as part of the Telecommuting Agreement.

- b. Notwithstanding flexible working hours, Agreements shall also indicate the supervisor and employees' agreement with respect to daily communications. Employees are generally expected to be available to their supervisors and others by phone, text, email, etc. during the regular work hours set forth in subsection 1 of this Section.
4. Equipment & cyber security: Summit County is committed to a safe and secure workplace for all employees. The workplace whether on site or at home must meet OSHA standards as set forth in Section 16 of these Policies.
- a. Computers & 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. An employee wishing to telecommute may be required to provide all necessary equipment at their own costs. The County is under no obligation to purchase additional equipment for the sole purpose of allowing an employee to telecommute. The County shall not purchase WiFi/internet or upgrades to existing home internet for the purpose of telecommuting. The Agreement shall require the parties to establish which equipment is being used and whether it is owned by the County or the employee.
 - i. County provided: Any county owned equipment shall remain at all times, the property of Summit County and the use of Summit County equipment in a telecommuting environment shall not absolve or eliminate the employee's need to follow all Utah state laws and County policies regarding the personal use of County owned equipment. 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 IT department and it will be the employee's responsibility to bring the equipment to IT.
 - ii. Employee provided: In the event the employee elects to use their personal equipment and not County owned equipment, the equipment shall be reviewed by IT to ensure it is compliant with County policies and sufficient for the needs of the employee and department. The employee shall acknowledge that all County work product produced on their privately owned equipment shall still be subject to subsection 4(b) below. Maintenance and repair of employee owned equipment shall be the sole responsibility of the employee.
 - b. All work product produced as part of employment shall be subject to Section 18 of these Personnel Policies and is considered the property of the County and shall be subject to 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.
 - c. Internet: The employee shall acknowledge the regulations set forth in Section 18 of these Policies and shall acknowledge and confirm, if required, that they have access to an acceptable Internet provider with sufficient speed as identified by the IT department to allow the employee to perform their necessary job functions.
 - d. Office Supplies: The Agreement shall set forth any agreement between the employee and the Department Head regarding the use and costs of general office supplies, including but not limited to paper, pens, software, ink, staplers, paperclips, etc.
 - i. Reimbursement by the County for costs of general office supplies will only occur if it is part of the Agreement and it is within budgeted limits for those supplies.
 - e. Termination: In the event an Agreement is terminated, or the employee leaves the employ of Summit 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.

5. Communication methods: The Summit County IT Department and the employee's Department Head shall determine which meeting and communication systems authorized by IT and the Department Head is required for the employee to telecommute. The selection shall be part of the Agreement and the costs may be the responsibility of the employee wishing to telecommute.
6. Abuse: Employees who intentionally violate the Agreement may be subject to disciplinary action up to and including termination. Telecommuting is not a substitute for dependent care and should not be used for such. Employees who are telecommuting will not be available for dependent care during the agreed work schedule.
7. Liability: The employee's home workspace will be considered an extension of the County's on-site workspace. As such the employee must adhere to all county policies, as well as state and federal laws. Summit County will be liable for on the job injuries in the home workspace during agreed working hours which are compensable by worker's compensation.
8. Taxes: It will be the employee's responsibility to determine any personal income tax implications of maintaining a home office area.
9. Termination of Agreement: The Agreement shall terminate fifteen (15) calendar days from the date of written notice by either party that the Agreement is no longer desired or effective. Employees wishing to terminate the Agreement, must work with their supervisors to establish an end date and the transition to on-site employment. Department Heads must grant employees sufficient time to transition back to on-site employment.

SECTION 12 - PRODUCTIVE WORK ENVIRONMENT

A. General Conduct

Revised 10-24-2002

The very nature of governmental service makes public relations one of the most important aspects of the job. The quality of our interactions impacts all employees of the County and the public perception of the County as a whole. Employees are to take every opportunity through the course of performing their job to create "good will" with the public. Employees are required to be courteous and show understanding in spite of the difficulty of situations which may arise. Reports of a negative nature will be investigated by supervisors, and disciplinary actions could result.

1. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
2. Employees are expected to make prudent and frugal use of County funds, equipment, building and supplies.
3. Employees are expected to observe work place rules.
4. Employees are to report conditions or circumstances that would prevent them from performing their job effectively or completing assigned tasks.
5. Employees are expected to practice dress and grooming habits which are consistent with the business environment and beneficial in promoting a favorable public image. Department heads are responsible for determining what creates a professional business environment in their department.

B. Outside Employment

Revised 8-1-2022

County employment shall be the principal vocation of full time employees. An employee may engage in outside employment, receive honoraria, or paid expenses, subject to the following conditions.

1. The outside employment must not interfere with efficient performance of the employee's County position. In the event the department head determines that the outside employment is interfering with the employee's county position, the department head shall notify the employee in writing that the outside employment must cease.
2. The outside employment must not conflict with the interests of the employee's department or Summit County.
3. The outside employment must not be the type that would reasonably give rise to conflicting interests or duties.
4. The employee is required to sign a statement concerning outside employment, notify the department head, and gain approval from the department head for acceptable outside employment.
5. If the department head determines that either the employment or payment could reasonably present a real or potential conflict of interest, the department head shall deny permission. The department head's decision may be grieved. Failure to notify the employer and to

gain approval is grounds for disciplinary action. Employees may jeopardize their employment with the County through unsatisfactory performance reviews affected by outside employment.

C. Conflict Of Interest Revised 10-24-2002
Employees shall not use their County position or any influence, power, authority, confidential information derived there from, or County time, equipment, property, or supplies for private gain. Employees shall not receive outside compensation for their performance of County duties except in cases of:

1. Awards for meritorious public contribution publicly awarded.
2. Receipt of honoraria or expenses paid for papers, speeches, or appearances made by employees with the approval of the department head, or on their own time for which they are not compensated by the County, nor prohibited by these rules.
3. Receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts as established by state law (See Section 17, Paragraph B). When an employee's responsibilities require an action or a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict. The department head may then determine and notify the employee of the status of the potential conflict, either approving of the activity or listing the objections of the County.

D. Non-competition Revised 7-30-2015
Summit County has an interest in preserving the integrity of information created, received or kept as part of its governmental business and processes. As a result, any employee who is separated from the County shall be prohibited from using non-public information and gained during their employment, in any manner which may be contrary to law or adverse to the County when representing their private interests after separation. Further, in order to protect the integrity of the processes and to ensure equitable treatment to all persons dealing with the County, former employees who, as part of their County duties, worked with or assisted any group, individual or entity in achieving benefits from the County, shall not privately represent or assist those same groups, individuals or entities, in county matters, for a period of at least six (6) months after separation from the County.

E. Political Activity
Except as otherwise provided by law or by rules and regulations promulgated by the State of Utah or the federal government for federally aided programs, County employees may voluntarily participate in political activity subject to the following provisions:

1. No person shall be denied the opportunity to become an applicant for a position by virtue of political opinion or affiliation.
2. No person employed by the County may be dismissed from service as a result of political opinion or affiliation.
3. An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and to allow employees to serve as county party officers and as state or county delegates.

4. No employee, whether elected or appointed department head, may directly or indirectly coerce, command, advise or solicit any officer or employee covered under the personnel system to pay, lend, or contribute part of their salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No supervisor, manager, division director, department head or employee, whether elected or appointed, may attempt to make any officer's or employee's employment status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.

5. No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from County employees during hours of employment. Nothing in this section shall preclude voluntary contributions by a County employee to the party or candidate of the employee's choice.

6. Nothing contained in this section shall be construed to permit partisan political activity by any County employee who is prevented or restricted from engaging in such political activity by the provisions of the Federal Hatch Act.

F. Discrimination Based on Protected Categories

Revised 7-30-2015

1. Discrimination in any form is a serious offense which will not be tolerated.
2. Employees may use the County hotline at 435-336-3050 for any complaints. If this method is used, the caller must be specific as to who is involved, and the date and time of the occurrence(s). Please see paragraph 5 below.
3. Discrimination based on a protected class is defined as discrimination of any person because of race, color, religious, creed, sex, national origin, age, military status, disability, sexual orientation, gender identification or any other factor protected by law.
 - a. Examples of discrimination may include but is not limited to:
 - 1) Using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics,
 - 2) Recruiting or hiring practices,
 - 3) Promotion opportunities, and
 - 4) Adverse employee actions
4. Discrimination may result in disciplinary action up to and including termination of employment.
 - a. Employees or officials who willfully report a false claim may be subject to disciplinary action.
5. Reporting and Investigating Claims:
 - a. If an employee believes they have been subjected to discrimination they should:

- 1) Make a written record of the date, time and nature of the incident, and the names of any witnesses,
 - 2) Report the incident immediately to any of the following: A supervisor in the employee's chain of command, the Director of Personnel, or the County Attorney's Office, Civil Division.
 - 3) All incidents must be reported regardless of their seriousness. There shall be no retaliation against an employee who in good faith reports an incident of discrimination or against anyone who provides information about violations. Complaints may be submitted by any individual irrespective of whether the complainant was personally subjected to the offending behavior.
- b. Supervisors who knowingly allow or tolerate any discrimination are in violation of this policy and are subject to disciplinary action up to and including termination of employment. Supervisors must deal quickly and fairly with allegations of discrimination whether or not there has been a formal complaint. They are responsible for the following:
- 1) Ensuring the County's policy is communicated to employees; and
 - 2) Ensuring that all complaints are immediately reported to the Director of Personnel so that the matter can be investigated.
- c. The Personnel Department, or their designee, will conduct a fair and impartial review of the discrimination complaint. All such complaints will be handled with as much confidentiality as possible in order to encourage reporting and to protect the privacy of the parties.
- d. An employee accused of discrimination and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before disciplinary action may be taken.
6. Resolution.
- a. The complainant shall be notified if any disciplinary action has been taken or not taken as a result of the official complaint.
 - b. If either party to the complaint is not satisfied with the disciplinary taken or not taken they may file a written appeal with the Career Service Council through the Director of Personnel within ten (10) business days of receiving official notification of the case resolution from the Department of Personnel.
 - c. If the complainant is not satisfied with the Career Service Council's decision they have a statutory right to request an investigation by the Utah Division of Antidiscrimination and Labor.

G. Sexual Harassment

Revised 8-1-2022

The giving or withholding of job benefits based on the granting of sexual favors and any behavior or conduct of a sexual or gender based nature which is demeaning, ridiculing or derisive and

results in a hostile, abusive, or unwelcome work environment constitutes sexual harassment. (See paragraph 7 below.)

Employees may use the County hotline at 435-336-3050 for any complaints. If this method is used, the caller must be specific as to who is involved and the date and time of the occurrence(s). Please see Paragraph 8, subparagraph b 1.

It is the Policy of Summit County that:

1. Unlawful discrimination/harassment of coworkers of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
2. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigation proceeding or hearing under this policy.
3. False or bad faith claims regarding sexual harassment shall result in disciplinary action against the accuser.
4. An employee accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before disciplinary action may be taken.
5. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.
6. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievances procedures during orientation and thereafter on an annual basis..
7. Prohibited Conduct: Any deliberate, unwanted, or unwelcome behavior of a sex/gender based nature, whether verbal, non-verbal, or physical is prohibited. There are two major categories of sexual/gender harassment:
 - a. Quid Pro Quo the granting or conditioning of tangible job benefits on the grant of sexual favors, and
 - b. Creating a hostile or unwelcome work environment. Creation of a hostile work environment can occur through any or all of the following general means:
 - 1) Level One: Sex Role Stereotyping
 - a) Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.
 - b) Comments or written material reinforcing traditional historic perception regarding gender.

- 2) Level Two: Gender Harassment/Discrimination
 - a) Intentional or unintentional behavior/conduct of a visual, verbal, nature directed at a specific gender which is demeaning, ridiculing or derisive of that gender.
 - b) Creating an environment that demonstrates a demeaning, ridiculing or derisive attitude toward a specific gender.
 - 3) Level Three: Targeted or Individual Harassment
 - a) Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.
 - b) Offensive conduct may be verbal, visual or physical and includes unwanted physical touching.
 - 4) Level Four: Criminal Touching
 - a) The intentional unwanted touching of the breasts, buttocks, or genitals of another.
 - b) Forcible sexual abuse.
8. Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below.
- a. Informal Process: Employees who are experiencing an unwelcome or hostile work environment at levels 1-3 as described above may, if they so desire, choose to address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior that the behavior is objectionable, that the conduct/behavior is unwelcome and that future similar behavior will result in a formal complaint.
 - b. Employees experiencing sexual harassment at this level are not required to use the informal process and may file a formal complaint if they so desire.
 - 1) This notification may be: orally in person; in writing signed or unsigned; through a supervisor either orally or in writing.
 - 2) The complainant may ask the supervisor for assistance in determining what to say and how to approach the offending employee; request the supervisor to accompany the victim when the victim gives the offending employee notice; ask the supervisor to give notice to the offending employee, accompanied by the victim; ask the supervisor alone to provide notice to the offending employee.
 - 3) If circumstances involve the immediate supervisor, the employee shall seek assistance through the department Head, Personnel Department or the County Attorney's Office, Civil Division.

- c. Formal Process: Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level 4 as described above, or who have been subjected to quid pro quo type sexual harassment, shall address that unwelcome behavior/conduct through the formal remedial process.
 - 1) Complaints shall be in writing and specify the identity of the complainant; the identity of the alleged offender ; the offensive behavior that the offender engaged in; the frequency of the offensive behavior; damage the victim suffered as a result of the offensive behavior;
 - 2) The victim will be allowed a reasonable amount of time during work hours to prepare a formal complaint. The victim should submit formal written complaints to any of the following:
 - a) A supervisor in the employee's chain of command,
 - b) Director of Personnel, or
 - c) County Attorney's Office, Civil Division.
9. Remedies: If allegations of sexual harassment are substantiated against an Employee the employee shall face disciplinary action ranging from a letter of reprimand to termination based on all the circumstances of the case, as well as the offending employee's work history. This file shall be classified as protected.
10. Records: Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in separate and confidential sexual harassment complaint files. This information shall not be placed or maintained in any employee's personnel file.
11. Victim Protection: Individual complaints, either verbal or written, are confidential. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to and including termination. Retaliation is an additional and separate disciplinary offense. Retaliation may consist of, but is not limited to:
 - a. Open hostility;
 - b. Exclusion or ostracism;
 - c. Special or more closely monitored attention to work performance;
 - d. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

H. **Drug Free Work Place**

Revised 1-24-2024

A healthy and productive work force, safe working conditions free from the effects of drugs and alcohol is essential to the maintenance of quality operations and all services provided to the public. It is the policy of the County that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/or alcoholic beverage in the workplace is expressly prohibited.

All processes, procedures, actions, and requirements undertaken or imposed by the County shall be in conformance with Utah Code, 34-41-(101-107), Drug and Alcohol Testing and the Omnibus Transportation Employee Testing Act of 1991, revised as of February 15, 1994. Individuals who are extended a conditional offer of employment with Summit County in safety sensitive positions, or other positions deemed necessary by Department Head, shall be required to participate in controlled substances testing.

1. Testing

- a. When an applicant for one of the positions noted above has been extended a conditional offer of employment but before beginning work;
- b. When there is a reasonable suspicion to believe that an employee is in an impaired state;
- c. When an employee has been involved in an on duty accident and directed by their supervisor and/or the County Risk Manager;
- d. On a random basis for employees in safety sensitive positions;
- e. Return to duty testing;
- f. Follow up testing.

2. Definitions:

- a. Alcohol - Alcohol is defined as an intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.
 - b. Controlled Substance - Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or any other substances which are included in Title 58, Chapter 37, Utah Controlled Substances Act.
 - c. Drug - Any substance recognized as a drug in the United States Pharmacopeia or other drug compendia, including Title 58, Chapter 37 Utah Controlled Substances Act, or supplement to any of those compendia.
 - d. Drug Testing - The scientific analysis for the presence of drugs or their metabolites in the human body in accordance with the definitions and terms of this policy.
 - e. Random Testing - The unannounced drug testing of an employee.
- 1) Employees in a position requiring a Commercial Driver's License or a Public Safety position who was selected for testing by using a method uninfluenced by any personal characteristics other than job category.

- f. Reasonable Suspicion - Knowledge sufficient to induce an ordinarily prudent and cautious individual under the circumstances to believe that a prohibited activity is occurring.
- g. Reasonable Suspicion Testing - An articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of this drug-free workplace policy.
- h. Positive test - Any test result showing a blood alcohol content of 0.02 or greater or the presence of any controlled substance, its metabolites in the test subject or a sample that has been tampered with.
- i. Refusal to Submit to Testing - Failure to provide adequate breath or urine sample without a valid or verified medical explanation, after the employee has received notice they are being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process.
- j. Safety Sensitive Position - Any position which requires a Commercial Driver's License or law enforcement certification.
- k. Return to duty testing - The drug/alcohol testing, with a verified negative test result for controlled substances or their metabolites, of an employee who has been released back to work after seeking help from a rehabilitation program.
- l. Follow-up testing - The drug/alcohol testing of an employee who has sought professional help from a rehabilitation program. The employee shall be tested monthly while under the care of the Substance Abuse Professional and upon release from a rehabilitation program. The employee shall be tested a minimum of six (6) times in the following twelve (12) months following their return to duty. Employees may be subjected to follow up drug/alcohol testing for a period not to exceed sixty (60) months.
 - 1) Follow up testing beyond one year shall be based on a need assessment provided by a substance abuse professional.

3. If the employee seeks help prior to discovery, then confidentiality, job security, and promotional opportunities will be protected. But if the employee does not attempt to seek help and the problem comes to the attention of the County, the employee will be terminated. Discovery begins with the notification when an employee has been notified of a random drug test.

4. The extent of County assistance, if an employee comes forward prior to discovery, shall be limited to referral to a community resource program with financial limitations as provided in the County health and medical insurance plan.

5. If an employee is under treatment with a drug that alters their ability to perform the essential functions of a specific position, the employee shall be reassigned if a current job opening exists for which the employee is qualified.

6. Summit County shall require a final applicant, as noted in paragraph H above, selected for a position with the County to undergo a drug screen test to detect the presence of illegal drugs, controlled substances or their metabolites in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for a controlled substance or its metabolites, as

defined in the definitions of this policy, shall be denied employment with the County.

7. Employees shall not use, be under the influence of or be in possession of alcohol while on duty, on Summit County premises or while in Summit County vehicles. Summit County premises include buildings, parking lots, grounds and vehicles owned by Summit County or personal vehicles while being used for Summit County business. Under the influence is defined as having blood alcohol content in excess of .02%. This provision does not apply to employees attending events on County property during their private (non-working) time where alcohol may be permitted.
8. If an employee in a safety sensitive position is called to work outside the regularly scheduled work period, the employee has the right to refuse to go to work if the employee has used alcohol and feels that they may be impaired. The employee must notify their supervisor if they have consumed any alcohol in the last four hours prior to being called in. Employees exercising this option shall have job security and promotional opportunities protected.
9. Employees trafficking, selling, using, possessing or being at the work place under the influence of alcohol, illegal or illegally obtained controlled substances shall be subject to immediate suspension and such conduct may be grounds for termination of employment.

Peace Officers, who in the line of duty, are engaged to carry, work with or possess illegal or controlled substances shall be exempt from having such substances in their possession.
10. When a supervisor makes a determination that there is a reasonable suspicion to believe that an employee is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.
11. Employees performing in safety sensitive positions are subject to random drug/ alcohol tests.
12. The County maintains the right to conduct unannounced inspections of County owned property, vehicles, work stations, equipment, desks, cabinets, etc.
13. The County maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
14. Failure to cooperate with these detection methods or inspections is grounds for termination of employment.
15. Upon required testing due to an accident or reasonable suspicion, the employee tested shall not engage in the operation of any County equipment or engage in any employment related duties, which their supervisor deems dangerous to themselves or others until the results of the tests are received and the employee is released back to work by Summit County.
16. If any alcohol test result shows a blood alcohol content of 0.04% or greater, the employee shall be terminated.

17. If an employee test result shows a blood alcohol content of greater than 0.02% but less than 0.04%, the employee shall not be permitted to perform in a safety sensitive position for at least twenty-four (24) hours.

18. If a drug test result shows that the employee has tested positive for a controlled substance, the employee shall be terminated.

19. (Conflicts with 16 & 18 above indicating they are to be terminated)

20. Employees may direct any questions regarding this policy to the Personnel Director.

21. Commercial Driver's License Drug and Alcohol Clearinghouse

a. The County is mandated by the Federal Motor Carrier Safety Administration to register with the Commercial Driver's License ("CDL") Drug and Alcohol Clearinghouse ("Clearinghouse") per 49 CFR Part 382 and 49 CFR Part 40. The Clearinghouse is a secure, online database that gives employers and other authorized users real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol violations. It is designed to improve roadway safety by identifying CDL drivers who have committed drug and alcohol violations that render them ineligible to operate a commercial motor vehicle.

b. The County is required to register with the Clearinghouse and do the following:

(1) Report employee drug and alcohol violations (this includes alcohol test results showing a blood alcohol content of 0.04 or greater), refusals to take an alcohol or drug test, as well as actual knowledge of a violation.

(2) Report employee negative return-to-duty test results and the successful completion of a driver's follow-up testing plan.

(3) Conduct queries to check if prospective employees are prohibited from performing safety-sensitive functions, such as operation commercial motor vehicles, due to an unresolved drug and alcohol violation.

(4) Conduct annual queries of all current employees who hold a CDL annually.

c. Annual Consent of Employees with CDLs

(1) Employees who are required to hold a CDL for the performance of their job duties shall be required to sign a consent form as a condition of employment and, if hired, on an annual basis authorizing the County to conduct a query to determine if drug or alcohol violations exist in the Clearinghouse (see also, Section H(1)(d) which allows for random drug testing of employees whose positions require a Commercial Driver's License). An employees' failure to sign the annual consent form may result in disciplinary action and shall prohibit the employee from further performing safety-sensitive function, including driving a commercial motor vehicle.

I. **Nonsmoking Policy**

Revised 8-1-2022

It is the policy of the County to comply with all applicable federal, state, and local regulations regarding smoking and the use of tobacco products (including e-cigarettes or vaporless cigarettes) in the work place and to provide a work environment that promotes productivity and the well-being of its employees.

1. The County recognizes that smoking in the work place can adversely affect employees.
2. Smoking is prohibited inside all County facilities and vehicles. The facilities manager is responsible for implementing and monitoring smoking regulations, and supervisors/department heads are expected to enforce such regulations. The smoking policy applies to employees during working time and to customers and visitors while on County premises.
- 3 Employees who wish to smoke may do so outside of county facilities and vehicles, as long as, they are at least 25' from any entry way, exit, open or closed window or air intake.
- 4 Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. However, smokers have a special obligation not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible, but may be processed through the County's grievance procedure. Employees who violate the policy may be subject to disciplinary action.
- 5 The County does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during non-working time or outside of the County facilities as stated in 3 above..

I. **Serious & Communicable Diseases**

Revised 7-30-2015

It is the policy of the County that employees with infectious, long-term, life threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees or customers of County services.

1. Serious diseases for the purposes of this policy include, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, drug resistant tuberculosis, chronic fatigue syndrome, human immune deficiency virus ("HIV") and acquired immune deficiency syndrome ("AIDS").

2. The County will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.

3. Employees afflicted with a serious disease are to be treated no differently than any other employee. However, if the serious disease affects their ability to perform assigned duties, such employees are to be treated like other employees who have disabilities that limit their job performance and will be provided reasonable accommodation as long as there is no undue hardship on County operations.

4. Employees who are diagnosed as having a serious disease and who want an accommodation shall inform their supervisor or the Personnel Department of their condition as soon as possible. Supervisors and the Personnel Department shall respond with compassion and understanding. In addition, they shall review with the employee County policy on such issues as employee assistance, leaves and disability, infection control, requesting and granting accommodations, the County's continuing expectation regarding the employee's performance and attendance, and available benefits.

5. Employees who have a serious disease and who want an accommodation shall provide the Personnel Department with any pertinent medical records needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The County may also require a doctor's certification of an employee's ability to perform job duties safely. Additionally, the County may request that an employee submit to a medical examination if it believes the employee is a health or safety threat to themselves or others.

6. The County will maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, unless otherwise required by law. Information relating to an employee's serious disease will not be disclosed to other employees unless the information is, in the opinion of the County Health Officer, necessary to protect the health or safety of the employee, coworkers, or others.

7. The County will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, engineering and work practice controls, and personal protective equipment will be utilized to limit the spread of diseases in the work place.

8. Employees concerned about being infected with a communicable disease by a coworker, customer, or other person shall convey this concern to their supervisor or the Personnel Department. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor, may be subject to discipline, up to and including termination. In addition, where there is little or no evidence of risk of infection to the concerned employee, that employee may be assigned to work with or perform services for any other employee or customer as required by the County.

J. Employee Breastfeeding Policy

1. Summit County shall provide a supportive environment to enable breastfeeding employees to express their milk during work hours. This shall continue for the entire time an employee is breastfeeding.

2. Definitions: The purpose of this policy is to provide reasonable accommodations in compliance with the Utah State Department of Human Resource Management (DRHM)

Administrative Rule R477-8-3(5) and the Federal Health Care Reform Act, Sec-on 4207S. The law amends the Fair Labor Standards Act (FLSA) of 1938 (29 U.S. Code 207) to require an employer to provide reasonable break-me for an employee.

3. UCA 34-49-202: Utah Code [Title 34](#) Labor in General [Chapter 49](#) Nursing Mothers in the Workplace [Part 2](#) Breastfeeding in the Workplace Section 202 Reasonable breaks and private room required. (Effective 5/10/2016)
4. Summit County shall provide reasonable accommodations for nursing mothers to include the following:
 - a. Reasonable accommodations: A private room (not a restroom) with a locked door that is shielded from view and free from intrusion by co-workers and the public. For the purposes of this policy, "reasonable accommodations" does not refer to "reasonable accommodations" under the Americans with Disabilities Act.
5. In addition to breaks provided according to DHRM Rule 477-8-3(2), reasonable break periods, and/or leave time, as requested by the employee to their supervisor, shall be granted to allow the employee time to express breast milk or feed their child. Employee shall consult with the supervisor to determine the frequency and duration of the breaks.
6. Summit County shall provide the following in a designated area in each building that Summit County occupies:
 - a. A room, not a restroom, will be designated for breastfeeding or expressing milk. The room will contain:
 - a. A sink in the room or within close proximity to the room
 - b. A comfortable chair with a table close by to hold supplies
 - c. An electrical outlet
 - d. Refrigerator access in the room or in the workplace building where milk can be stored when needed. The employee may store milk in their own cooler. All containers with milk will be labeled with the employee's name and date.
 - e. A locking door and/or a shield to provide privacy for the employee
7. Employees may use their own private office, or other location, that meet the criteria of this policy agreed upon in consultation with their supervisor. The employee will be provided a "Do Not Disturb" sign to use, if they so choose, on their office door during milk expression breaks to ensure their privacy. Locking the door is advised.
8. Summit County may provide prenatal and postpartum breastfeeding information, educational materials, and other resources. These resources are available on <https://summitcountyhealth.org/worksites-wellness/>.

SECTION 13 DISCIPLINARY PROCEDURES

- A. **Disciplinary Action:** Revised 8-1-2022
- PROGRESSIVE DISCIPLINE IS NOT REQUIRED.** The disciplinary action taken shall be that deemed appropriate by the employee's immediate supervisor, the elected official, division director, department head or the County Manager in consultation with the Personnel Director and the Attorney's office pursuant to Utah Code, Title 17, Chapter 33. It is the responsibility of all employees to observe regulations necessary for the proper operation of County government functions. Administrative procedures have been established for the handling of disciplinary measures such as reprimand, suspension, demotion, and discharge. The division director, department head, Personnel Director or representative of the County, shall be present when the charges are presented to the employee. All such measures which affect employment status or compensation of an employee shall follow the due process required by this section which includes the presentation of charges to the employee and an opportunity for the employee to be heard prior to any disciplinary decision being made. Charges and causes for action shall include, but not be limited to those listed below:
1. Refusal to comply with a lawful instruction unless such instruction is injurious to health or safety.
 2. Insubordination.
 3. Conviction of a felony while an employee of the County.
 4. Indulging in offensive conduct or using offensive language towards the public or in public toward County officers or employees during the performance of their duties.
 5. Deliberate or careless conduct endangering the safety of the employee, other employees, or the general public. Horseplay is explicitly prohibited.
 6. Intentionally inducing or attempting to induce any employee in the service of the County, to commit an unlawful act, violation of County regulations, official policy, or departmental orders.
 7. Using, threatening or attempting to use, personal or political influence in an effort to secure special consideration as a County employee.
 8. Incompetency and inefficiency in the performance of job duties.
 9. Carelessness or negligence with County monies, equipment, or property.
 10. Theft or intentional destruction of County property.
 11. Intentional falsification of personnel records, time reports, or other County records.
 12. Being under the influence of intoxicants or drugs while on duty.
 13. Sleeping on duty except as provided for in official regulations.

14. Improper use of county equipment including the violation of Communication policy. See Section 18.

For violation of any of the preceding rules and regulations, the employee may be subject to immediate suspension without pay or other disciplinary action.

B. Process:

Revised 2-8-2021

All care and consideration to the employee shall be given prior to imposing discipline. When an allegation or observation is made regarding an employee's conduct which may trigger a disciplinary action, the supervisor, division director, department head or elected official shall ensure the employee is given notice of the allegation, an opportunity to respond to the allegation and be heard on the matter prior to any disciplinary decision being made and notice of a final disciplinary decision. To achieve these goals, for discipline other than **Verbal Warnings**, supervisors, division directors, department heads and elected officials shall:

1. Inform the Personnel Director and the County Attorney's Office of the allegations(s) prior to any action or any disciplinary decision being made.
2. Where necessary, suspend the employee with pay pending an investigation.
3. Conduct an internal investigation into the allegations to ascertain any and all evidence in support of or relevant to the allegation.
4. Upon completion of the investigation prepare a written letter addressed to the employee outlining all allegations and the evidence in support of the allegations. The letter shall be approved by the Personnel Director and the County Attorney's Office prior to dissemination.
5. Provide the employee with the written letter and set a date to have the employee meet with the supervisor, division director, department head or elected official to discuss and respond to the allegations. The meeting time shall be set so as to provide the employee sufficient time (no less than 72 hours) to thoroughly review the allegations and consult with representation prior to the meeting.
6. Meet with the employee and allow the employee to respond to all allegations verbally or in writing. Supervisors, division directors, department heads, and elected officials shall take the employee's responses into consideration prior to making any final disciplinary determination.
7. After meeting with the employee, if any follow up investigation is required or necessary to confirm or corroborate information, the supervisor, division director, or department head shall finalize the investigation.
8. Once finalized, the supervisor, division director, or department head shall again contact the Personnel Director and County Attorney's Office notifying them of the contemplated disciplinary decision and shall receive their approval prior to imposing the discipline, if any.
9. The disciplinary decision shall be presented to the employee in person and in written form, with a copy given to the employee and the Personnel Department.

C. **Types of Discipline**

Revised 8-1-2022

1. **Verbal Warning**
Whenever grounds for disciplinary action exist, and the division director or department head determines that more severe action is not immediately necessary, they shall orally communicate to the employee the division director or department head's observations of the deficiency demonstrated at the time of the action and document the event with manager's notes. All such notes shall be maintained in the manager's personal employee file for future reference. If corrective action is utilized, see paragraph "F".
2. **Written Reprimand:**
The County Manager, pursuant to Title 17, Utah Code, division directors, department heads, or a designated supervisor may reprimand an employee in writing when, in the judgment of the supervisor, the employee violates these policies, terms or conditions of employment or reasonable employer expectations. Any supervisor writing a letter of reprimand is strongly encouraged to have the letter reviewed by the Personnel Director and the County Attorney's Office. Signed copies will be provided to the division director, department head, the Personnel Department and to the employee. One copy will become a part of the employee's personnel file. Such reprimands must be communicated person to person, discussed and a remedy agreed upon between the supervisor and employee. If corrective action is required by the supervisor, see Corrective Action, paragraph "F".
3. **Suspensions:**
 - a. **With Pay.** Suspensions with pay shall be imposed only prior to a disciplinary decision being made not as a form of discipline. As stated in paragraph "C" above, employees alleged to have engaged in conduct which warrants discipline may be suspended with pay pending an investigation into the allegations and final disciplinary decision, In the event the suspension is to last for more than 3 days, the employee shall be notified of the suspension in writing and shall immediately cease all work for the County until notified otherwise. Suspension with pay should not exceed 30 calendar days. Extensions beyond 30 days must be specifically approved by the Personnel Director and County Attorney's Office and notice must be issued in writing to the employee with the reason or basis for the extension.
 - b. **Without Pay.** Suspensions without pay may be imposed as a disciplinary measure for employees who engage in wrongful conduct. Suspensions may be up to 30 working days for each disciplinary action. Pursuant to paragraph "C" above, supervisors contemplating such action must first consult with the Personnel Director and the County Attorney's Office and provide the employee an opportunity to be heard. The employee shall be furnished with a written copy of the reasons for and term of the suspension.
4. **Demotion:**
A division director or department head may, after consulting with the Personnel Director and County Attorney's office, demote and/or reduce in grade, with loss of compensation, any employee in their department for the good of the department or as a disciplinary measure for cause.

5. Discharge:

A division director or department head may, after consulting with the Personnel Director and the County Attorney's Office, discharge for cause any regular employee in their department by delivering a written statement of reasons for discharge to the employee concerned with a copy to be placed in the employee's personnel file. No discharge shall be administered without a formal investigation.

Employees who make false or misleading statements, or who are found to have engaged in any type of deception or fraud in the application, recruiting or testing process shall be immediately terminated.

All discipline shall be administered on a case by case basis with the most severe penalty being discharge from County employment. No employee may be discharged from employment as a result of a change in the appointed administration of the County or for the political expediency of an elected officer; except, where specifically provided by statute, contract or terms of formal agreement as a condition of employment. Neither shall any employee be removed from employment by means of job reclassification or transfer of job function when the evident purpose of the action was primarily for the purpose of terminating the employment relationship.

D. Appeal:

Any employee subject to disciplinary action or discharge under the provision of the above policies may appeal through formal grievance procedures as prescribed in these County policies and procedures.

E. Corrective Action:

Revised 8-1-2022

Appropriate corrective action shall be imposed unless conduct is listed in section A of this section taken in accordance with the following rules:

1. The supervisor, division director, or department head shall discuss the substandard performance with the employee in an attempt to discover the reasons for such performance and to plan an appropriate solution.
2. Appropriate corrective actions include but are not limited to: A period of probation during which closer supervision, training, referral for personal counseling, reassignment, transfer, use of appropriate leave, or career counseling may be required.
3. During the implementation of a corrective action plan, the supervisor, division director or department head shall frequently evaluate and document the employee's progress under the imposed plan.
4. At the conclusion of the corrective action or probationary period, the supervisor, division director, department head shall notify the Personnel Director in writing, of the conclusion and the employee's success or failure.

SECTION 14 - GRIEVANCE & APPEAL PROCEDURE

A. **General Statement:**

It shall be the policy of the Summit County Council to comply with §17-33-1 *et. seq.*, Utah Code Ann. as amended, and to address grievances and appeals of employees in a prompt, forthright, and professional manner.

1. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment as allowed in paragraph D of this Section (below). Employees who have grievances created by work situations shall have the right to submit their grievances for orderly disposition according to the procedures as outlined in this section.
2. An appeal is the administrative process by which an employee may challenge an adverse employment action (*see* paragraph D below).
3. The employee having the grievance or appeal shall have responsibility to carry on the process as far as necessary to reach a satisfactory solution. The Personnel Director shall assure that the Department Head and all Supervisors respond affirmatively to this policy and procedure and expedite the resolution or processing of any grievance or appeal which may be received without the presence of discrimination, coercion, restraint or reprisal.

B. **Grievance and Appeal Bodies:**

1. **Personnel Advisory Committee:** The Personnel Advisory Committee (PAC) as set forth in Section 3(B) of these policies shall hear appeals not resolved at lower levels in the case of employees appealing adverse employment actions (written reprimands, un-paid suspensions, demotions, or terminations). The PAC shall also hear grievances not resolved by the initial steps of a grievance procedure.

The PAC shall review only written appeals and grievances, and shall report final decisions, in writing, to the Personnel Director who shall distribute the decision to the parties.

Career Service Council: Pursuant to Utah Code §17-33-4, a three-member bipartisan Career Service Council (“CSC”) shall be appointed by the County Manager. The County Manager may appoint alternate members of the CSC to hear appeals that one or more regular CSC members are unable to hear. The CSC shall hear appeals of the decision of the PAC for both appeals and grievances.

2. All appeals from the PAC shall be submitted in writing to the Personnel Director

and shall be heard by the CSC. The CSC may request the assistance of a hearing officer or an Administrative Law Judge (ALJ) to conduct the hearings before them. The hearing before the CSC shall be recorded and shall be the final hearing of record. The decision of the CSC shall be issued in writing and shall be the final and binding decision of the County.

3. All appeals from the CSC shall be with the District Court. A right of appeal to the District Court under the provisions of the Utah Rules of Civil Procedure shall not be abridged. However, an appeal to the District Court is jurisdictionally barred unless it is filed within 30 calendar days after the CSC issues its written decision. The District Court's review shall be limited to the record provided by the CSC. In reviewing a decision of the CSC, the District Court shall presume that the decision is valid and may determine only whether the decision is arbitrary, capricious, or illegal.
5. Each CSC member shall serve a term of three years to expire on June 30, three years after the date of their appointment, except that the original appointees' terms shall be staggered so that each expires on a different year some of which may not be a full three year term. Successors of original CSC members shall be chosen for three-year terms. An appointment to fill a vacancy on the CSC shall be for only the unexpired term of the appointee's successor. The term for an alternate member of the CSC may not exceed one year. Each member of the board shall hold office until their successor is appointed and confirmed. A member of the CSC may be removed by the County Manager for cause, after having been given a copy of the charges against them and an opportunity to be heard publicly on the charges before the County Manager.
6. Adequate annual appropriations shall be made available to enable the CSC effectively to carry out its duties under this law.
7. Members and alternates of the CSC shall be United States citizens and be actual and bona fide residents of the State of Utah and Summit County for a period of not less than one year preceding the date of appointment and a member may not hold another government office or be employed by Summit County or any of its Special Service Districts.
8. The CSC shall elect one of its members as chairperson and two or more members of the CSC shall constitute a quorum necessary for carrying on the business and activity of the CSC.

9. The CSC shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in Justice Courts.
10. CSC members and alternates shall receive compensation for each day or part thereof they are in session at a rate which shall conform to the statutory rate set Utah Code §11-55-103.

C. Administrative Law Judge

The Career Service Council may refer an appeal to an administrative law judge for a recommendation. Upon the recommendation of the CSC, the County Manager may appoint one or more administrative law judges on an ad hoc basis to hear appeals referred by the CSC.

1. Each administrative law judge shall be a licensed attorney in good standing with the Utah Bar, and trained and experienced in the County Personnel Management Act or public employment matters.
2. If the CSC determines that it is in the County's best interest, it may initially refer an appeal to an administrative law judge.
3. After holding a hearing, the administrative law judge shall make findings of fact and a recommendation to the CSC.
4. After receiving the administrative law judge's recommendation, the CSC may request the administrative law judge to hold a further factual hearing before the CSC's decision.
 - a. The CSC may adopt or reject an administrative law judge's recommendation, whether before or after a further hearing.

D. Grievable & Non-Grievable Issues and Appeals:

All claims not resolved at lower levels, of prohibited employment practices and discrimination may be grieved and appeals of disciplinary or adverse employment actions by merit employees (as defined in Section 6) may be appealed.

1. Claims dealing with verbal reprimands, wages, salaries, benefits, job classification, budget items or other financial matters may not be grieved or appealed except as they relate to a grievable or appealable claim.

2. Only the written grievance or appeal filed originally with the Personnel Director for presentation to the PAC shall be considered as the process progresses. To

*Adopted: July 26, 1994
Revised: February 8, 2021*

ensure this limitation, a copy of the original grievance or appeal and all supporting documentation and evidence shall be filed with the Personnel Director within the specified time period.

E. Multiple Grievances or Appeals:

Similar grievances or appeals may be consolidated and processed together as a single issue. Every effort shall be made by the involved parties to resolve the matter at the lowest possible level.

F. Employee Rights:

An employee is entitled to:

1. Assistance by a representative of the employee's choice to act as advisor at any level of the grievance or appeal process. However, the employee does not have the right to have an attorney present during any pre-disciplinary proceeding. An employee wishing to have a representative present at the PAC or CSC hearing must communicate their intent in writing to the Personnel Director at least three (3) days prior to the hearing and must give the name of the representative in that notification;
2. A reasonable amount of time during work hours to confer with the representative and to prepare the grievance or appeal. The preparations should not interfere with normal business operations nor unduly involve other employees of the county.
3. Freedom from reprisals for use of the procedures; and
4. Call other employees as witnesses at an appeal hearing and such employees shall be allowed to attend and testify at the hearing if reasonable advance notice is given to the witnesses' immediate supervisor.

G. Automatic Step Processing & Waivers:

Failure to answer an employee's appeal or grievance within the time specified in paragraph I below shall act as a denial of the appeal and automatically grant the aggrieved employee the right to process the appeal or grievance to the next step. Any step, or any time limits specified at any step, may be waived or extended by mutual agreement, in writing, between the aggrieved employee and the person to whom the appeal or grievance is directed. Failure by the aggrieved employee to process an appeal or grievance from one step to the next, within the time specified or time period

mutually agreed to, is deemed a waiver by the employee of any right to process the matter further if the failure to process was due to neglect, inattention, misunderstanding, procrastination, or other act or intent of the employee.

H. Stipulations:

No employee may submit an appeal or grievance after the jurisdictional time period provided in Paragraphs I.1 and I.2 below. Any person who has voluntarily separated from their employment with the County (including de facto resignations) shall not have standing thereafter to submit an appeal or grievance. All appeals with exception of involuntary termination, and grievances regarding prohibited employment practices except discrimination and sexual harassment, shall be handled as set forth in subsection I.1 below. All appeals regarding involuntary termination and grievances regarding discrimination and sexual harassment shall be handled as set forth in subsection I.2 below:

I. Grievance and Appeal Procedure Steps:

1. For all appeals except terminations, and grievances regarding prohibited employment practices except discrimination and sexual harassment, the following procedure shall apply.
 - a. Employees shall first attempt to resolve grievances (not appeals) among themselves through direct communication with affected parties. If this does not resolve the issue, then an employee may proceed to the next step as long as it is within the designated time period.
 - b. The employee with an appeal or grievance shall file the matter in writing with the Personnel Director within 10 calendar days of the disciplinary action (appeal) or event or incident giving rise to the grievance. The written appeal or grievance shall include all claims, documents, and evidence in support of the claims. Upon receipt of any written appeal or grievance, the Personnel Director shall provide a copy to the employee's Department Head and the County Attorney's Office. The Department Head will issue a written response within five (5) working days after the receipt of the matter.

In the event: (i) the Department Head fails to respond within the allowed time period; (ii) the Department Head was part of the underlying decision being challenged; or (iii) the employee wishes to appeal the decision of the Department Head, the employee shall notify the Personnel Director that they wish to proceed to the next step within five business (5) days of the

final decision and file a completed written appeal within the (10) calendar day limit set forth above. The Personnel Director shall notify the PAC who shall convene on the earliest possible date within thirty (30) calendar days of receiving the appeal or grievance unless otherwise mutually agreed or extenuating circumstances prevent the meeting within 30 calendar days. The PAC shall hear the matter referred and shall issue a written response within ten (10) business days after hearing the grievance or appeal. The Personnel Director shall act as the chair of the PAC and shall not vote on any decision unless necessary to break a tie vote. Any member of the PAC shall recuse themselves in the event of a conflict of interest.

- c. If either party is dissatisfied with the decision of the PAC, they may appeal to the CSC through the Personnel Director. The appeal must be filed within five (5) business days of the receipt of the PAC's written decision. The requested appeal must be in writing, must specify which specific provisions of the PAC decision are being appealed, and must be accompanied by the original written grievance or appeal. The CSC may affirm, modify, vacate or set aside the decision of the PAC. Failure to file the appeal within the time period shall act as a jurisdictional bar to proceeding. The decision of the CSC shall be final.
 - d. The employee shall be entitled to appear before the CSC in person and to be represented by legal counsel or a representative of their choice, and to examine the evidence to be considered by the CSC. In the event an employee elects to have a representative present, they must notify the Personnel Director of said fact, in writing, with the name of the representative at least three (3) days prior to the scheduled hearing. Failure to do so may be grounds for a continuance of the hearing.
 - e. The decision of the CSC shall be in writing and shall be transmitted to the Personnel Director within fifteen (15) business days from the date the matter is heard before the CSC.
2. All appeals pertaining to termination of merit employees, and grievances regarding discrimination and/or sexual harassment claims, shall be handled in the following manner:
- a. Appeal and grievance
 - (i) The **appeal** shall be taken by filing written notice of the appeal with all supporting documents and evidence, with the Personnel Director within ten (10) calendar days after the termination. Failure to submit the

written appeal shall act as a jurisdictional bar to further proceedings. Failure to submit supporting documents or evidence may prevent their use at any hearing.

- (ii) The **grievance** shall be taken by filing written notice of the grievance with all supporting documents and evidence, with the Personnel Director within thirty (30) calendar days after the event giving rise to the grievance. Failure to submit the written grievance shall act as a jurisdictional bar to further proceedings. Failure to submit supporting documents or evidence may prevent their use at any hearing.
- b. Upon receipt of the appeal or grievance, the Personnel Director shall provide a copy to the Department Head and County Attorney's Office and shall refer the matter to the Personnel Advisory Committee (PAC). Upon receipt of the referral from the Personnel Director, the PAC shall consider the schedules of all parties and convene as soon as practicable to consider the appeal or grievance and to ensure a full hearing of all relevant evidence related to the claim. Unless otherwise mutually agreed, the PAC shall make every effort to convene no later than thirty (30) calendar days of receiving the appeal or grievance. A member of the PAC shall recuse themselves in the event of a conflict of interest.
- c. The employee shall be entitled to appear before the PAC in person and to be represented by counsel or a representative of their choice, and to examine the evidence to be considered by the PAC. In the event an employee elects to have a representative present, they must notify the Personnel Director of said fact, in writing, with the name of the representative at least three (3) calendar days prior to the scheduled hearing. Failure to do so may be grounds for a continuance of the hearing.
- d. The PAC shall render a decision in writing within ten (10) business days of the hearing before them.
- e. The employee or Department Head may appeal the decision of the PAC within five (5) calendar days of the written decision. The appeal shall be to the CSC and must be filed with the Personnel Director in writing and accompanied by the original written grievance or appeal decision.

- f. The CSC shall make an initial determination whether the appeal or grievance is a matter over which they have jurisdiction, and may affirm, modify, vacate or set aside an order for disciplinary action. The CSC shall make written findings of fact and conclusions of law regarding the claim. The decision of the CSC shall be final. Failure to submit the written appeal to the CSC within the specified timeframe shall act as a jurisdictional bar to further proceedings. Failure to submit supporting documents or evidence may prevent their use at any hearing.
 - g. The decision of the Career Service Council shall be in writing and shall be transmitted to the Personnel Director within fifteen (15) business days from the date the matter is heard before the CSC.
 - h. Appeals from the CSC are to the District Court. In the event that the CSC reverses any involuntary termination, the Personnel Director shall report the decision to the affected employee and the Department Head, who must reinstate the employee unless the matter is appealed to the District Court. Reinstated employees will be placed back at their previous position and grade unless other disciplinary action is assessed as part of a decision, or otherwise directed by the CSC.
- J.** All grievances pertaining to action taken pursuant to Utah Code. §17- 53-106 (Investigation of Elected Officers), shall be directly appealed to the PAC.
- K.** If any employee who has followed the procedures outlined in this Section is denied the opportunity to present a grievance or appeal as prescribed by this Section, or if the employee is threatened or subjected to duress or retaliation when presenting the grievance or appeal, the employee should immediately notify the Personnel Director and the County Attorney’s office in writing. The Director shall promptly take the necessary actions to resolve the matter including authorization of an investigation of such complaints.
- L.** **Discrimination and Sexual Harassment** Complaints shall be considered a grievance and shall be addressed according to the procedures defined and set forth in Section I.2 and this Section of these policies and procedures.
- M.** **Career Service Council Hearing Guidelines:**
The following procedures are intended to serve as a guide to assure orderly hearing processes before the Career Service Council and facilitate the bringing out of all

relevant and material facts. Deviation from these processes may occur upon mutual agreement of all parties concerned.

1. The grievant may present their case personally or through a representative of their choosing. The Personnel Director shall be notified on the intent and name of the representative at least three (3) days prior to the hearing.
2. The hearing shall generally follow but shall not be bound either by the Rules of Civil Procedure or by the Rules of Evidence. Any presented evidence or testimony should be relevant to the issues presented and the CSC may exclude evidence not submitted with the original appeal, evidence not heard by the PAC, evidence deemed irrelevant, or evidence which is extraneous to the issue presented. The Personnel Director may impose deadlines for the submission of evidence, witness lists, briefings or other matters.
3. A recording (audio and/or video) and/or written transcription shall be kept of the proceedings of any hearing before the CSC. At the request of either party, all witnesses shall be excluded from the hearing room until such time as they are called upon to testify.

N. Hearing Procedures For all Appeals and Grievances:

The Career Service Council shall review the appeal or grievance presented. The party filing the appeal of the PAC decision has the burden to show that the decision was in error. As a result, the appealing party (Appellant) shall have the opportunity to present their case first and have a final rebuttal. Hearings therefore shall follow this general procedure:

1. The Appellant or their representative may briefly summarize their cases in an opening statement. The party opposing the appeal (Respondent) shall have the opportunity to also give an opening statement.
2. At the conclusion of the opening statements, witnesses or material evidence may be introduced in support of the Appellant's position.
3. The Respondent and then the hearing officer may ask questions of each witness of the Appellant after said witness has testified.
4. The Respondent may then present material evidence, call witnesses, etc.

following the same processes as previously mentioned.

5. After presentation of the Respondent's case, the Appellant shall be allowed to present rebuttal evidence, if any.
6. Before closing the hearing, the hearing officer(s) shall allow the Appellant and Respondent in turn to make closing statements.

SECTION 15 GARNISHMENTS

The County is opposed to an employee's earnings being garnished. Employees of the County, as public employees, are required to maintain their private life in a manner that will reflect credit upon the County. Failure to pay legal debts in accordance with the terms of indebtedness could result in a legal garnishment of wages. Utah Code (1985 add., 70C7104) states that no employee may be discharged "by reasons of the fact that their earnings have been subjected to garnishment for any one judgment." Multiple garnishments arising from more than one judgment will justify the County in taking disciplinary measures not contrary to Utah Code, Title 70C, Section 7, paragraph 103. The County may charge the employee an administrative fee for processing a garnishment action.

SECTION 16 OCCUPATIONAL LAWS

A. Occupational Health & Safety

Revised 12-17-2008

It is the intent of the County to comply with all applicable rules and regulations pertaining to the Occupation Safety and Health Act as established under Federal Law or Utah State Law. No job is so important and no service so urgent that time cannot be taken to perform work safely. Equipment, materials and operations must be understood before they are utilized. Unsafe conditions and circumstances involving accidents or the potential for accidents shall be reported immediately to the supervisor and the compliance officer.

1. The County Manager shall appoint a compliance officer.
2. The County shall furnish each of its employees a work environment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees and does hereby require that each employee comply with the occupational safety and health standards, orders, rules, and regulations promulgated under the Occupation Safety and Health Act. Compliance with this Act shall be accomplished through the establishment of an occupational safety and health program as outlined herein.
3. All employees are covered under the Worker's Compensation Act (Utah Code Section 34 A-2, UCA, 1953) for any injury sustained during the performance of their job. Compensation will be received for any loss sustained on account of such injury or death, and for medical and hospital services, medicines and funeral expenses. No compensation shall be allowed for the first three days after the injury, except for authorized medical, nurse and hospital services, and for medicines and funeral expenses. However, if the temporary disability lasts more than fourteen days, compensation shall then be payable for the first three days.
4. In accordance with law, the Department Head and the compliance officer shall inspect county facilities semi-annually at a minimum for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. The compliance officer in conjunction with department heads shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and the public. They shall warn all employees of any known dangerous conditions.
5. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not time is lost. These records shall at all reasonable times be available to the Utah State Industrial Commission or its representatives upon request. Other records shall be kept as requested by the Industrial Commission.
6. The compliance officer shall post, in conspicuous places, a listing of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of an emergency.
7. Supervisors and employees shall be required to insure clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time.

8. A report of any on the job injury resulting in disability or lost time shall be submitted to the Personnel Department, who shall notify the Workers Compensation carrier who shall notify the Utah State Industrial Commission and the affected employee within seven (7) calendar days on a "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, fires, etc.) that might affect the safety or health of County employees or tend to increase the hazards thereof, the Personnel Director or other designated authority shall notify the Utah State Industrial Commission at once. Such notification must be made whether or not any actual injuries result from the above occurrences or changes of conditions.
9. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of County employment or interfere with the use of any method or process adopted for the protection of employees. No employees shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees. Willful violation of these rules is grounds for disciplinary action which may include dismissal.
10. Additional information relative to the Occupational Safety and Health Act can be obtained from: The Utah State Industrial Commission.

B. Worker's Compensation

Revised 8-1-2022

The County operates under the provisions of the Utah State Worker's Compensation Act. Section 34A-2-401 , UCA, 1953, as amended, provides that any employee "... who is injured and the dependents of every such employee who is killed, by accident arising out of or in the course of the employee's employment, wherever such injury occurred, if the accident was not purposely self inflicted, shall be paid: (a), compensation for loss sustained on account of the injury or death; (b), the amount provided in this chapter for (i) medical, nurse and hospital services; (ii)medicines; and (iii) in case of death the amount of funeral expenses.""

According to state law, Workers Compensation benefits are provided to all County employees who become injured or contract occupational diseases on the job and cannot perform their normal duties. Under the Americans with Disabilities Act, reasonable accommodation will be made in all return to work situations, if doing so will not produce undue hardship on the County. Eligible workers may receive benefits in various areas which include: hospitalization, medical, disability, permanent loss of body functions, prosthetic devices, and death/burial benefits. The amount and conditions of any such compensation shall be based on applicable provisions of the Worker's Compensation Act. Any injury occurring on the job must be reported to the supervisor and the Personnel Department immediately. Forms prescribed by the Utah State Industrial Commission must be completed by the Personnel Department within seven (7) days of injury. An employee returning to work after a Worker's Compensation leave shall provide a return to work release from their physician listing accommodations, if any. The County may restrict the employee's return to work if the accommodations preclude the employee from fully participating in their job responsibilities.

C. Coordination of Social Security Benefits

Revised 10-24-2002

All employees of the County contribute to the Social Security program, as administered by the Federal Government. The system is based on employer and employee contributions as determined

by Congress. Benefits include four general areas: Retirement Insurance, Survivors Insurance, Disability Insurance and Hospital and Medical Insurance (Medicare). Employees who are eligible for both workers compensation and social security will receive less social security payments but will not receive reduced workers compensation benefits.

D. Unemployment Insurance

Revised 8-1-2022

The unemployment insurance program at Utah Department of Workforce Services requires a person to make a declaration of physical ability to work and availability to work if physically able. Employees are not eligible for unemployment insurance benefits if they are receiving workers compensation benefits.

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

(1) (a) An employer may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith: (i) the waste or misuse of public funds, property, or manpower; (ii) a violation or suspected violation of a law, rule, or regulation adopted under the law of this state, a political subdivision of this state, or any recognized entity of the United States; or (iii) as it relates to a state government employer: (A) gross mismanagement; (B) abuse of authority; or (C) unethical conduct.

(b) For purposes of Subsection (1)(a), an employee is presumed to have communicated in good faith if the employee gives written notice or otherwise formally communicates the conduct described in Subsection (1)(a) to: (i) a person in authority over the person alleged to have engaged in the conduct described in Subsection (1)(a); (ii) the attorney general's office; (iii) law enforcement, if the conduct is criminal in nature; (iv) if the employee is a public entity employee, public body employee, legislative employee, or a judicial employee: (A) the state auditor's office; (B) the president of the Senate; (C) the speaker of the House of Representatives; (D) the Office of Legislative Auditor General; (E) the governor's office; (F) the state court administrator; or (G) the Division of Finance; (v) if the employee is a public entity employee, but not an employee of a state institution of higher education, the director of the Division of Purchasing and General Services; (vi) if the employee is a political subdivision employee: (A) the legislative body, or a member of the legislative body, of the political subdivision; (B) the governing body, or a member of the governing body, of the political subdivision; (C) the top executive of the political subdivision; or (D) any government official with authority to audit the political subdivision or the applicable part of the political subdivision; or (vii) if the employee is an employee of a state institution of higher education: (A) the Utah Board of Higher Education or a member of the Utah Board of Higher Education; (B) the commissioner of higher education; (C) the president of the state institution of higher education where the employee is employed; or Utah Code Page 3 (D) the entity that conducts audits of the state institution of higher education where the employee is employed.

(c) The presumption described in Subsection (1)(b) may be rebutted by showing that the employee knew or reasonably ought to have known that the report is malicious, false, or frivolous.

(2) An employer may not take adverse action against an employee because an employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review held by the public body.

(3) An employer may not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law of this state, a political subdivision of this state, or the United States, or a rule or regulation adopted under the authority of the laws of this state, a political subdivision of this state, or the United States.

(4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document: (a) the waste or misuse of public funds, property, or manpower; (b) a violation or suspected violation of any law, rule, or regulation; or (c) as it relates to a state government employer: (i) gross mismanagement; (ii) abuse of authority; or (iii) unethical conduct

SECTION 17 - MISCELLANEOUS

A. Uniform & Equipment Allowance:

Revised 10-24-2002

County departments desiring to utilize allowances for uniform purchase and maintenance or for non-issued equipment must do so through the budget process to assure availability of funds. Such allowances shall apply to entire job classifications.

B. Gratuities:

Revised 8-1-2022

Accepting gifts, compensation, or loans -- prohibited.

1. Prohibited actions include:

a. Receiving a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and

b. Receiving compensation for private services rendered at a rate substantially exceeding the fair market value of the services.

2. Employees who knowingly receive, accept, take, seek, or solicit, directly or indirectly for themselves or another, a gift exceeding \$50 in value may be disciplined if:

a. The gift would tend to improperly influence an employee to depart from the faithful and impartial discharge of the employee's public duties;

b. The employee knows or a reasonable person in the employee's position should know under the circumstances that the gift is primarily for the purpose of rewarding the employee for official action taken; or

c. An 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 a disclosure of the gift, compensation, or loan and other relevant information has been made.

3. Subparagraph 2 does not apply to:

a. An award publicly presented in recognition of public services;

b. A bona fide loan made in the ordinary course of business; or

c. A political campaign contribution.

C. Worksite Wellness Physical Activity and Nutrition

Revised Oct 1, 2023

Summit County is committed to the wellbeing of our employees by promoting a healthy work environment. Food choices, lifestyle, and environment affect our health. Easy access to healthy foods and beverages, as well as opportunities for physical activity throughout the workday, encourage healthier lifestyles among employees.

1 Physical Activity

a. The County encourages employee participation in physical activity during the

workday:

- b. Full Time Employees (scheduled to work 40 hour work week) will be allowed two (2) hours per week, not to exceed one (1) hour in duration per day, to engage in physical activity during paid time.
 - i. Employees who do not wish to utilize this physical activity time, are not eligible to use it for other activities.
 - ii. Department Heads/Elected Officials shall use their own discretion to allow employees to use this physical activity time to best fit their individual department staffing needs throughout the week.
 - iii. This time may be combined with the employee's scheduled lunch hour to extend the employee's opportunity for physical activity with the Department Head/Elected's approval.
 - iv. Commute time to and from the physical activity location (if not done on-site) shall **NOT** be counted as paid work time.
 - v. Qualified activities include the following programs but not limited to:
 - 1. aerobics,
 - 2. walking,
 - 3. jogging,
 - 4. biking,
 - 5. swimming,
 - 6. strength training,
 - 7. stretching, and
 - 8. yoga.
 - vi. However, other appropriate exercise programs may be approved by the employee's immediate supervisor.
 - 1. Contact sports (basketball, football, etc.) are not permitted under this policy.
- b) These physical activities are not within the course or scope of any job description or employment standards and are voluntary for the employee to pursue. Thus, workers compensation benefits are not payable for injuries sustained during this physical activity period.
- c. In order to ensure all primary job responsibilities are completed, the time for this activity shall be determined by agreement between the employee, their immediate supervisor and the Department Head/Elected Official. (Employee Request Form is required). Supervisors are encouraged, when possible, to offer a

flexible schedule that will accommodate an employee who wishes to participate in physical activity during the workday.

- d. Employees who abuse this policy may not be allowed to continue participation in on-duty physical activity for a period of time.

1. Activity Suggestions:

- a. Encourage employees to take a “brain break” by getting up and moving around.

A few minutes spent stretching at their desk, walking around the halls, or stepping outside are all appropriate ways to regain focus.

- b. For conferences or extended meetings, include activity breaks in the agenda. Take moments to stand and stretch after sitting for an extended time.

- c. Organize walking meetings for small groups.

- d. Promote alternative commuting such as walking, biking, public transportation, and carpooling.

- e. Provide guidance on activities that can be completed while sitting (desk exercises) or in a small area (walking in place).

2. Nutrition

To provide guidelines while hosting events where employees and the public attend, the policy is written to promote healthy eating at work in an effort to reduce the risk of chronic disease. This applies to purchases made with county funds.

- a. Meals.

- i. Always offer fruit and vegetables when serving meals at county functions.

- b. Snacks.

- i. Always offer fruit as a choice when serving desserts and sweets.

- c. Beverages.

- i. Always offer water for the main beverage choice.

- d. Nutrition Suggestions.

Ideas to incorporate healthy eating at work:

- i. Offer healthy options in meetings and other events in the workplace.

- ii. Provide more fruits, vegetables, and whole grains.

- iii. Offer smaller portions of foods.

- iv. Purchase appropriate amount of food for meetings and events according to the number in attendance.

- v. Consider serving only beverages such as water at mid- morning or afternoon meetings. If food is provided, offer fruit and vegetables.

- vi. Make water the easy choice by placing it in the most convenient place to reduce the number of sugar-sweetened beverages served.
- vii. Discourage the practice of leaving leftovers of less healthy foods, for example Halloween candy or birthday cake, in common areas.

D. Dogs at Work Policy

Adopted October 10, 2023

Summit County appreciates the companionship of a dog at work and the emotional and physical benefits it can provide to employees. In order to maintain a safe, productive and considerate working environment, the County must limit the types of animals and the areas they may access in County buildings.

1. Type of Animals

- a. Only well-behaved dogs may be brought into County buildings by employees, except animals required for disabilities and certified for Americans with Disabilities Act (“ADA”) purposes.

2. Conditions:

- a. Department Heads/Elected Officials will have full discretion and final decision-making authority whether dogs may be brought into their specific office area. Department Heads shall take into consideration all members in their work area when making their decision.
- b. No employee is allowed to bring a dog to work until a “Dog Owner Agreement” provided by the Personnel Department is signed by their Department Head/Elected Official and filed with Personnel.
- c. Employees who are authorized to bring a dog to work agree to indemnify and hold harmless the County against any and all legal and financial liability resulting from the dog’s actions. The employee is financially and legally responsible for any and all damages resulting from the dog’s behavior – to property or to people – and prompt payment to the parties involved is required.
- d. All dogs must be current on rabies, DHPP vaccinations, and other vaccines as required by the County based on outbreaks of certain diseases and licensed with Summit County Animal Control or another appropriate jurisdiction. Documentation may be required.

3. Rules:

- a. The following rules must be followed. Failure to abide by them will result in the loss of the privilege of bringing a dog to work. Notwithstanding the above, no biting or aggression will be tolerated. Any dog that bites a person or is aggressive to persons or other dogs will be banned from County premises.

4. Required conduct inside County buildings:

- a. Dogs shall be leashed or contained in non-public areas at all times, either in a closed individual office or by fencing in shared offices. When leashed or contained, the dog and its leash/fencing must not trip people, block passages or

cause safety problems.

- b. Dogs shall remain unobtrusive. Excessive barking, whining, jumping, destruction of property, playing with other dogs or other repeatedly distracting behavior is not acceptable.
- c. A sign must be posted on the front door of the office indicating a dog is present. The notice shall include the dog breed, size of dog (weight) and whether the dog sheds.
- d. Dogs shall be house-trained and there shall be absolutely no eliminating by dogs in the buildings. The responsible employee shall immediately clean up any messes caused by the dog, whether inside or outside of County facilities. and agrees to arrange and pay for professional carpet cleaning of the area.
- e. Dog food must be stored in sealed containers, and no food shall be left unattended in bowls between 6pm and 6am in order to minimize the attraction of ants, mice, etc.
- f. Dogs must be leashed when taken through public areas.
- g. Dogs are not permitted in break rooms, public conference rooms, rest rooms or other common areas of County buildings except for hallways/entrances in and out of County Buildings.

5. Required conduct on County grounds:

- a. Fecal matter will be picked up IMMEDIATELY and placed in an outside trash bin.
- b. Dogs must not bark, chase or otherwise harass visitors at County facilities while on the grounds.

6. General conditions:

- a. Caring for dogs should be conducted primarily during an employee's regularly scheduled breaks/lunch. All time spent caring for a dog beyond regular scheduled breaks/lunch must be done off the clock and must not be overly time-consuming.
- b. No more than two (2) dogs per employee at any time, including "dog-sitting." Department Heads/Elected's may determine the allowable number of dogs in their specific area.
- c. Dogs are not permitted in County vehicles unless prior written authorization has been approved by the Personnel Director and County Manager.
- d. The responsible employees will be held fully responsible for a dog's behavior.
- e. Department heads have the discretion and authority to bar employees from bringing their dog(s) to the office without prior notice and without cause.

SECTION 18 – COMMUNICATIONS

A. Introduction

1. Summit County is committed to implementing new technologies for communication and information exchange, when such will make the County's employees more productive and increase the County's capacity to better serve the residents of Summit County. Electronic communication access is provided by the County and is considered County property, its purpose is to facilitate County business, and usage is subject to County control. This policy applies to all electronic communication devices and services which are accessed on or from County premises, are accessed from remote locations using County computer equipment or via County paid access methods. Electronic communication usage includes but is not limited to, telephones, cell phones, pagers, the Internet, social media, radio transmissions, fax transmissions, or email.

2. Communication plays an essential role in the conduct of county business. How employees communicate with the public and with co-workers not only reflects on them individually but also on the County as an organization. The County has invested substantially in information technology and communications systems which enable employees to work more efficiently and employees are expected to use them responsibly and in a manner consistent with these policies.

- a. Electronic communications shall not be used for knowingly transmitting, receiving, retrieving, or storing any communications which are derogatory to any individual or group, are pornographic, lewd, indecent, of a sexual nature, or are of a defamatory or threatening nature. Electronic communications shall not be used in a manner which could be construed as discriminatory based on race, color, religion, creed, national origin, sex, age, military status, disability, sexual orientation, or gender identification. Electronic communications shall not be used for communication of chain letters, or for any purpose which is illegal, against County policy, or contrary to the County's lawful interests.

3. Although the detailed discussion is generally directed to use of email and internet facilities, the general principles underlying all parts of this policy also apply to telephone communications, fax machines, copiers and scanners.

B. General Principles

1. Employees must use Summit County's information technology and communications equipment sensibly, professionally, lawfully, and consistently with their assigned duties. Employees must show respect for colleagues and for the public and in accordance with these policies and other departmental rules and procedures.

2. With the exception of GRAMA classified protected and private records all information relating to county operations is generally public and must be maintained as such. All electronic information is also generally considered to be a public record under GRAMA and employees, whether elected, appointed or hired, are on notice that Summit County's electronic systems and information are owned by the County and subject to GRAMA or internal searches under the provisions of paragraph 9 below.

3. Many aspects of communication are protected by intellectual property rights which are infringed by copying. Downloading, uploading, posting, copying, possessing, processing and

distributing material from the internet may be an infringement of copyright or of other intellectual property rights.

4. Particular care must be taken when using county email, social media, blogs or internal message boards as a means of communication because all expressions of fact, intention and opinion in an email may bind the employee, and/or the County and can be produced in court in the same way as other kinds of written statements.

5. The advantage of the internet and email is they are extremely easy and informal ways of accessing and disseminating information, but this means that it is also easy to send out ill-considered statements. All messages sent on email systems or via the internet should demonstrate the same professionalism as that which would be taken when writing a letter. Employees must not use these media to do or say anything which would be subject to disciplinary or legal action in any other context such as sending any discriminatory (as defined by these policies), defamatory, or other unlawful material. If an employee has any question about the appropriateness of any content, they should contact their supervisor for approval.

6. Any messages or information sent via electronic communication, including bulletin board and online services, are statements identifiable and attributable to the County. Use of personal disclaimers with electronic communications will not relieve any user under this policy and users shall be held responsible for any communication initiated by them. All communications sent via a network must comply with this and other County policies and shall not disclose any confidential or proprietary County information.

7. No email or other communications shall be sent which attempts to hide the identity of the sender, which may conceal information which is subject to the Government Records Access and Management Act, or misrepresent the sender.

8. Users shall not reveal their passwords or other proprietary information, i.e. IP addresses, server names, etc. without a business necessity.

9. As owner of the electronic systems and information, Summit County reserves the right to review and search all electronic information, records and usage, including those systems not available for search by the general public, as may be appropriate under the procedures listed below.

a. Employees, through the Department Head and/or Supervisor, may request a search of the electronic information and systems including emails, voicemails, computer usage, internet usage, etc. for a legitimate County purpose¹ by using the authorized information request form. Said requests shall be the method used for all searches being conducted under this Section. Requests may also be made by investigators or auditors performing inquiries into possible policy, performance or financial violations.

b. No search shall be conducted without a written request and approval. The authorized request form shall indicate

¹ If the search involves any possible criminal or prosecutorial component, law enforcement personnel including employees of the County Attorney, Criminal Division and Sheriff's Office must comply with the provisions of Utah Code Ann. Title 77, chapter 23c.

- i. the date of the request and name of the requesting party, department and Department Head,
 - ii. the purpose of the request.
 - iii. the parameters of the requested search including dates, terms, parties, etc.
 - iv. the approval of the Personnel Director and the Attorney's Office. (In the event of a conflict with either of those agencies, the County Manager shall be the second approval.)
- c.
- d. The employee or department completing the requested search shall also indicate who conducted the search and sign the request form upon completion of the search indicating the date(s) of the search and where possible, the number and types of documents or information retrieved and provided. Requested searches should be conducted in a timely manner consistent with a GRAMA request (10 days).
- e. The completed request forms shall be maintained by the Attorney's office and shall be classified as a protected record under GRAMA during the pendency of any investigation or audit.
- f. Employees seeking to search archival records of their own assigned email, voice mail or other electronic information assigned to them, are not subject to these procedures.

C. Use of Telephones

All county owned telephones, including cell phones shall be considered electronic communication. Personal Use of the telephones shall be consistent with these policies and Summit County's Personal Use Policies.

D. Social Media

Departments and/or employees that use social media for official County purposes are responsible for complying with applicable federal, state, and local laws, regulations and policies, including these Personnel Policies. Use of social media shall follow the guidelines established by Summit County. No employee shall use personal social media in a manner which implies official County participation, uses documents or images obtained as part of their employment, or in a manner which is illegal, violates County policies or is contrary to the County's lawful interests.

E. Use of Electronic Mail

1. Generally
 - a. Do not amend any messages received and, except where specifically authorized by the other person, do not access any other person's in-box or other email folders nor send any email purporting to come from another person.
 - b. It is good practice to re-read and check an email before sending, including using a spell checking or grammatical checking program.
2. Business use
 - a. Each county email should be sent using the county email system and server and not from any personal account.

- b. If the email message or attachment contains information which is time-critical, bear in mind that an email is not necessarily an instant communication and consider whether it is the most appropriate means of communication.
- c. It may be appropriate to file a hard copy of any email (including any attachments) sent to or received, to a paper file for use and viewing by others. The same applies to all internal email transmissions concerning county matters. Each Department Head may determine the appropriate-ness of this action.
- d. All email shall be retained pursuant to the State of Utah retention schedule found at <http://archives.utah.gov/recordsmanagement/erm/email-guidelines.pdf>

3. Personal Use

- a. Electronic communication has been established for County business use and should not be used for personal, outside business or employment, or non-County related purposes. However, limited, occasional, or incidental use of electronic communications for personal, non-County purposes, is acceptable insofar that the use complies with County policy, does not interfere with the County's business activities, and as long as such use does not involve any of the following:
 - 1) Interference with existing County rules or policies;
 - 2) Disrupt or distract from the conduct of County business;
 - 3) Solicitation;
 - 4) A for profit personal business activity;
 - 5) Potential to harm the County;
 - 6) Illegal activities;
 - 7) The display, storage or recording any kind of nude, obscene, pornographic, sexually explicit or other image or document intended to appeal to a prurient interest in sex.
- a. Personal email sent by employees using county email systems shall be retained in a separate email folder marked "Personal" should the employee wish to retain it after reading. Contact IT if you need guidance on how to set up and use a personal folder. All email contained in your inbox and your sent items box is deemed to be business communications.

Employees must ensure that personal email use:

- 1) Does not interfere with the performance of assigned duties;

- 2) Does not take priority over assigned work responsibilities;
 - 3) Is minimal and limited to taking place substantially outside of normal working hours (i.e. during any breaks which the employee may be entitled to or before or after normal hours of work);
 - 4) Does not cause unwarranted expense or liability to be incurred by Summit County;
 - 5) Does not have a negative impact on Summit County in any way;
 - 6) Is lawful and complies with this policy.
- c. Employees may delete personal email from the email system and are not required to follow any retention schedule. However, employees should know that backups may exist on the server and as such will be retained by the County.
- d. Employees shall be responsible for any charges arising from personal use of electronic communication services. Employees are expected to act responsibly and shall be subject to disciplinary action if this privilege is abused. By making personal use of county email systems, employees agree to abide by the conditions imposed for their use.

F. Use of Internet and Intranet

1. Employees shall not attempt to circumvent any filtering or content control of the internet and acknowledge that when visiting a website, information identifying your PC may be logged.
2. The internet and intranet shall be used for legitimate County purposes. Limited personal use is permitted subject to the same rules as are set out for personal email use in section C of this policy. If personal use requires additional software to be installed onto your PC or other device, employees shall submit a request to IT and receive approval before installing or connecting the device to county networks.
3. Employees should not use their county email address when using public websites for non-county purposes, such as online shopping.
4. Any employee who may require access to websites generally blocked by Summit County as part of their duties (e.g. law enforcement) shall make the request to IT and shall have the express consent of the Department Head.

Employees shall not:

- a. Introduce packet-sniffing or password-detecting software;
- b. Seek to gain access to restricted areas of Summit County's network or access files for which they are not authorized;
- c. Access or try to access data which the employee knows or should know is confidential;
- d. Intentionally or recklessly introduce any form of spyware, computer virus or other potentially malicious software; nor
- e. Carry out any hacking activities;
- f. Participate in any internet chat room or post messages on any external website, including any message board or blog.

G. Misuse of Summit County Equipment and Systems

1. Misuse of Summit County equipment and systems, including its telephone, email and internet systems, in breach of this policy will be treated seriously. In particular, viewing, accessing, transmitting, posting, downloading or uploading any of the following materials in the following ways, or inappropriate use of any of Summit County equipment may subject the offending employee to discipline up to and including termination:

- a. Material which is sexist, racist, homophobic, xenophobic, pornographic, pedophilic or similarly discriminatory and/or offensive;
- b. Offensive, obscene, derogatory or criminal material or material which is liable to cause embarrassment to Summit County or bring the reputation of Summit County and any of its elected officials or staff into disrepute;
- c. Any defamatory material about any person or organization or material which includes statements which are untrue or of a deceptive nature;
- d. Any material which, by intent or otherwise, harasses the recipient;
- e. Any other statement which is designed to cause annoyance, inconvenience or anxiety to anyone;

- f. Any material which violates the privacy of others or unfairly criticizes or misrepresents others;
- g. Confidential information about an employee of Summit County;
- h. Any other intentional statement which is likely to create any liability (whether criminal or civil) for Summit County;
- i. Material in breach of copyright and/or other intellectual property rights;
- j. Any subversive statement or activity which seeks to undermine the authority or purpose of Summit County or any other federal, state or local governmental entity.
- k. Online gambling; or
- l. Unsolicited commercial or advertising material, chain letters or other junk mail of any kind.

H. System Security

1. Security of Summit County systems is of paramount importance. As a governmental entity, the County owes a duty to the public to ensure that all transactions are kept confidential where required and free of outside interference. If at any time the County needs to rely in court on any information which has been stored or processed using county IT systems it is essential to demonstrate the integrity of those systems. Employees using the system take responsibility for the security implications surrounding their acts.

2. County systems or equipment must not be used in any way which may cause damage, or overloading or which may affect its performance or that of the internal or external network.

3. Keep all confidential information secure, use it only for the purposes intended and do not disclose it to any unauthorized third party.
4. Employees should keep system passwords safe. Do not disclose them to anyone. In the event assistance from IT is needed, a password change will be required.
5. Employees should not download or install software from external sources without having first received the necessary authorization from the IT department.
6. Employees should always exercise caution when opening emails from unknown external sources or where, for any reason, an email appears suspicious. The IT department should be informed immediately in such circumstances.

I. Working Remotely

1. This policy applies to the use of County systems, on County owned laptops, tablets or other devices as well as employee owned computer equipment or other computer equipment whenever employees may use them when working on County business away from the regular office environment (working remotely).

Employees who may work remotely must:

- a. Password protect any work which relates to County business so that no other person can access the employee's work;
- b. Position themselves so that work cannot be seen by any other person;
- c. Take reasonable precautions to safeguard the security of County equipment, and keep passwords secret;
- d. Inform law enforcement and the IT department (as appropriate) as soon as possible, but in any event no later than 24 hours after the fact, if any County owned equipment, has been lost or stolen; and

- e. Ensure that any work done remotely is saved on the County system or is transferred to our system as soon as reasonably practicable.

2. Pocket computers, mobile phones and similar hand-held devices, external storage devices, and any internet based storage (cloud) are easily lost, stolen, or compromised, so employees must password-protect access or use hardware or software encryption, to any such devices or services used by the employee.

- a. Employees should not be in the practice of storing information produced as a county employee on a personal device or internet storage without giving access to the employee's supervisor, County Attorney, or the IT Department.

J. Personal Social Media, Blogs and Websites

1. This part of the policy and procedures in it apply to personal non-county content published on the internet even if created, updated, modified or contributed to outside of working hours or when using personal IT systems.

2. Summit County recognizes that employees may wish to publish content on the internet on their private time. Those activities shall remain in the realm of private time and shall not be done during regular working hours.

3. Employees who post any content to the internet, written, vocal or visual, which identifies, or could identify, them as a member of Summit County staff and/or who discusses County work or anything related to Summit County or its business, elected officials or staff shall be expected, at all times, to conduct themselves appropriately and in a manner which is consistent with the County's Personnel Policies and Procedures. It should be noted that simply revealing name or a visual image of the employee could be sufficient to identify them as an individual who works for Summit County.

4. If an internet posting clearly identifies that the employee works for Summit County and expresses any idea or opinion which is not authorized by the County then a disclaimer such as "these are my own personal views and not those of Summit County" must be added.

5. The following matters shall be treated as gross misconduct capable of resulting in immediate termination.

- a. Revealing confidential information obtained through employment with the County that would be considered protected or private as defined by the Government Records Access and Management Act.
 - b. Information which would be considered criminal whether or not formal charges are filed.
 - c. Any information, photos or writing in which Summit County is identified and which is pornographic or obscene in nature.
6. Online publications which do not identify the author as an employee of the County and do not mention Summit County and are purely concerned with personal matters will normally fall outside the scope of this communications policy.

K. Privacy and Monitoring of Communications

1. Electronic information created and/or communicated using e-mail, word processing, utility programs, spreadsheets, voice mail, telephones, fax machines, electronic communication access, etc. is randomly monitored by the County. County personnel are on notice of the following:
- a. The County routinely monitors usage patterns for both voice and data communications for cost analysis and electronic communication management (i.e., number called or site accessed, call length, call frequency, etc.)
 - b. All electronic information on county owned equipment is the property of the County, and users shall not have an expectation of privacy in this regard. This includes but it not limited to data, facsimiles, texts, pictures, e-mail and voice mail files. Employees should not assume electronic communications are private and confidential and should transmit private and sensitive information in other ways.
 - c. The display of any kind of image or document on any County system which is sexually explicit, obscene, and pornographic or which is designed to appeal to the prurient interest in sex is a violation of the County's policy on sexual harassment. In addition, sexually explicit material shall not be archived, stored, distributed, edited or recorded using the County's network or computing resources.
 - d. The County reserves the right, at its discretion, to review any user's electronic files/messages and usage to the extent necessary to ensure that electronic communication devices and services are being used in compliance with the law and County policy and

may disclose the contents of any user's electronic files/messages and usage of electronic media and services for a business or legal purpose.

- e. The County may use independently supplied software and data to identify inappropriate or sexually explicit electronic communication sites. The County may block access from its networks to all such sites that it knows of. If an employee becomes connected accidentally to a site that contains sexually explicit or offensive material, the employee must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. The employee must also report that connection to the I.T. Department who shall keep a list of such reports.
 - 1) Authorized law enforcement and prosecution representatives may, when approved by their department heads, access sexually explicit Internet sites during the course of a law enforcement investigation or prosecution.
- f. The County's electronic communication facilities and computing resources may not be used to knowingly violate the laws and regulations of the United States or the laws and regulations of any state, county, city or other local jurisdiction in any material way. Use of any County resources for illegal activity is grounds for immediate dismissal and the County will cooperate with any legitimate law enforcement agency.
- g. The County may restrict a user's time allotment for using electronic communication devices for business purposes should such use be excessive or extravagant.
- h. Anyone obtaining electronic access to other organizations' or individuals' material must respect all applicable laws and shall not copy, retrieve, modify, or forward copyrighted materials except as expressly permitted by the copyright owner.
- i. Electronic communication access and usage by a County employee will be allowed only upon the approval of the employee's department head.

K. Compliance with this Policy

The provision of electronic communication devices and services are at the discretion of the County and are a revocable privilege. Any County employee found to be abusing the privilege of County facilitated access to electronic communication devices or services may be subject to disciplinary action up to and including dismissal.