

# **KANE COUNTY EMPLOYEE HANDBOOK**

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## INTRODUCTORY STATEMENT

This handbook contains all general county policies regarding and effecting county employment. All employees, department heads, and elected officials must read, understand, and comply with all provisions of this handbook. This Handbook does not contain additional employment policies that affect certain employees or groups of employees under a specific elected official or department head. One of Kane County's objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about where a policy is needed or where specific interpretation or implementation of policy may be needed. As Kane County continues to grow, the need may arise and Kane County reserves the right to revise, supplement, or rescind any portion of this handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur. This handbook does not modify "at will" employment. Any Kane County employee may be terminated from employment with or without cause so long as it is not for a discriminatory or otherwise illegal purpose. **All employees are put on notice that any policies in place prior to May 8<sup>th</sup> 2017 that may have been construed as to effect, alter, or change an employee's "at-will" status are hereby rescinded. Notwithstanding any policy herein that establishes a procedure for an employee to address any grievance, adverse action, or termination, all employees continue to maintain their "at-will" status and may be terminated for any reason or no reason, so long as it is not for a discriminatory or otherwise illegal purpose.**

## 101 NATURE OF EMPLOYMENT

Employment with Kane County is voluntarily entered into and "at-will." The employee is also free to resign at any time. If an employee anticipates retirement or voluntary termination of employment a minimum of two weeks advance notice is appreciated. Kane County may terminate employment with or without cause, at any time.

This provision supersedes all previous and existing policies and practices and may not be amended or added to without the express written approval of the Kane County Commission. Any policies implemented for specific groups of employees by a Department Head or Elected Official that may be interpreted to amend or alter this section are null and void.

## 102 EMPLOYEE RELATIONS

If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that Kane County amply demonstrates its concern for its employees by responding effectively to employee concerns.

**103 EQUAL EMPLOYMENT OPPORTUNITY**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Kane County will be based on merit, qualifications, and abilities. Kane County does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

Kane County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Director. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

**104 HIRING OF RELATIVES**

The employment of relatives is governed by Utah's anti-nepotism statute, Utah Code §52-3-1 through 4, as amended.

Specifically, no employee, Elected Official or Department Head may employ, appoint, or vote for or recommend the appointment of a relative in or to any position or employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative unless an exception exists under Utah Law. Under this section a relative is defined as a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

**105 EMPLOYEE MEDICAL EXAMINATIONS**

After an offer has been made to an applicant entering a designated job category, a medical examination may be required of the applicant at Kane County's expense by a health professional of Kane County's choice. The assignment to duties is contingent upon satisfactory completion of the exam. Pre-employment testing follows the guidelines of ADA.

Information on an employee's medical condition or history will be kept by the Human Resources Director separately from other employee information and maintained confidentially. Access to this information will be limited pursuant to law.

## **106 IMMIGRATION LAW COMPLIANCE**

Kane County is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Kane County within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Director. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **107 CONFLICTS OF INTEREST**

Employees have an obligation to conduct county business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Human Resources Director for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of Kane County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to a member of the Kane County Commission or their supervising Elected Official if employed by another Elected Official as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. This disclosure shall be made verbally and by updating the Conflict of Interest Form as discussed below.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Kane County does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Kane County.

At the time of entering employment, at least annually thereafter, and as necessary when there are changes to conflicts or potential conflicts of interests, all employees and Elected Officials shall fill

out a Kane County Conflicts of Interest Form (Attached as Addendum A) and submit it to the Human Resource Director.

Employees and Elected Officials must also comply with the disclosure provisions and other requirements of the County Officers and Employees Disclosure Act (Utah Code 17-16a sections 1 through 12, March 2017 and as amended thereafter).

## **108 OUTSIDE EMPLOYMENT**

Employees may hold outside employment as long as they meet the performance standards of their employment with Kane County. All employees will be judged by the same performance standards and will be subject to Kane County's scheduling demands, regardless of any existing outside work requirements.

If Kane County determines that an employee's outside employment interferes with performance or the ability to meet the requirements of Kane County as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Kane County.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals or entities for materials produced or services rendered while performing their Kane County employment.

Employees if authorized by their supervisor and appropriate Elected Official, may conduct activities related to outside employment at their regular work location and may use public property in accordance with Section 514 so long as it does not significantly interfere with the performance of the employee's official duties. If any activities related to outside employment occur during normal work hours the employee may not be compensated for that time and the Elected Official shall work with the Human Resource Director to establish an appropriate procedure for the employee to document the non-compensated time. The privileges extended under this section may be revoked at any time.

## **109 DISABILITY ACCOMMODATIONS**

Kane County is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre- employment inquiries are made only regarding an applicant's ability to perform the duties of the position.



Post-offer medical examinations are required only for those positions in which there is a bona fide job-related physical requirement. They are given to all persons entering the position and after conditional job offers.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

Kane County is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. Kane County will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. Kane County is committed to taking other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws so long as they are reasonable and do not impose an undue hardship to the County.

## **110 LIFE-THREATENING ILLNESSES IN THE WORKPLACE**

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. Kane County supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, Kane County will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. Kane County will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Human Resources Director for information and referral to appropriate services and resources.

## **201 EMPLOYMENT CATEGORIES**

It is the intent of Kane County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay or compensatory time under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. An employee's exempt or non-exempt classification may be changed only upon written notification by the Kane County Commission and shall be designated as exempt or non-exempt on the positions job description. For questions concerning exempt status contact the Human Resource Director.

In addition to non-exempt or exempt, each employee will belong to one other employment category:

**ELECTED OFFICIALS** are those individuals who are elected to public office as set forth in Utah Code Title 17. They are eligible for Kane County's benefit package, subject to the terms, conditions, and limitations of each benefit program, and any other provisions applicable under state law.

**REGULAR FULL-TIME** employees are those who are not in a temporary status and who are regularly scheduled to work Kane County's full-time schedule (can be as low as 30 hours a week but generally 40 hours each week is required). They are eligible for Kane County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**REGULAR PART-TIME** employees are those who are not assigned to a temporary status and who are regularly scheduled to work less than a full-time work schedule (29 hours per week or less). While part time employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of Kane County's other benefit programs.

**TEMPORARY** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration and may be assigned to work a full-time or a part-time schedule. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of Kane County's other benefit programs. Full-time Temporary employees are eligible to receive holiday pay subject to the terms, conditions, and limitations of that benefit. Unless approved by the Human Resources Director and the Kane County Commission, a temporary employee may not be employed for a period of time in excess of twelve weeks.

## **202 ACCESS TO PERSONNEL FILES**

Kane County maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of Kane County, and access to the information they contain is restricted. Generally, only supervisors and management personnel of Kane County who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Human Resources Director. With reasonable advance notice, employees may review their own personnel files in the office of, and in the presence of, the Human Resources Director.

## **203 EMPLOYMENT REFERENCE CHECKS**

To ensure that individuals who join Kane County are well qualified and have a strong potential to be productive and successful, it is the policy of Kane County to check the employment references of all applicants.

When Kane County receives a reference inquiry from another employer the Human Resources Director will respond only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, position(s) held, and whether the employee would be eligible for rehire. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

## **204 PERSONNEL DATA CHANGES**

It is the responsibility of each employee to promptly notify Kane County of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed notify the Human Resources Director.

## **205 HIRING PROCESS**

Kane County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in Kane County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

The Elected Official, or department head with prior approval of the Elected Official, will do hiring. No vacancy may be filled and no new position may be created unless there is a job description for the position that includes the position title, a description of duties, responsibilities, and required knowledge and skills, an outline of the minimum qualifications of education and experience for the position, and a recommended pay grade. Before establishing the pay grade, the Elected Official and the Human Resource Director shall evaluate the job description using the employee pay scale

matrix for a recommended pay grade. Additionally, no vacancy may be filled and no new position may be created unless there has been a budget appropriated by the County Commission for that specific purpose.

In reference to an appointment of a Deputy or employee position under an Elected Official, the County Commission consents to the appointment of each Deputy and employee under another Elected Official by adopting the annual budget which establishes the allocation of a certain number of positions. (See Utah Code Sec. 17-46-7). Deputy and Employee positions not approved in the annual budget must be approved in a subsequent budget opening before they may be advertised.

After an Elected Official or Department Head is prepared and authorized to begin hiring for a vacancy or new position, the Human Resources Director shall post the opening where all county employees will be made aware of the position opening. The position may then be advertised in as wide or narrow area as may be deemed necessary. The position will remain open for a minimum of seven (7) days but may be open for a longer period. The announcement for the position may also allow for applications to be submitted until the position is filled. All applicants must submit an official Kane County Employment Application and any other document described in the announcement for the position. The Elected Official or Department Head retains the right to transfer or promote within a department when a position becomes available. An inter-office/inter-department transfer or promotion does not need to be posted.

The Elected Official or Department Head will review the applications to determine who meets the minimum qualifications. One or more round of interviews may be conducted by the Elected Official or Department Head or a hiring committee that is formed by the Elected Official or Department Head. The applicants may also be required to submit to reasonable testing requirements that are relevant to the position. An Elected Official conducting the hiring will then select one of the applicants and offer the position. If a Department Head under the County Commission is conducting the hiring process, the Department Head will then select one of the applicants and submit the name to the County Commissioner assigned to that Department for approval.

Preference in employment should be given to Kane County residents and Kane County employees who are equally qualified as other applicants. Preference should also be given to veterans who have served in the U.S. Military.

Starting salary for all employees will be the beginning of the pay grade for the position being filled. Each position has multiple job descriptions and pay grades and new hires should be placed in the lowest grade. Any exception to this policy must be justified in writing by the Elected Official or Department Head and approved by the Human Resource Director and the County Commission. Justification for this increase must show that the individual has training, experience, or education that is directly applicable to the position being filled.

## 206 PERFORMANCE EVALUATIONS

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

After the employees first six months of employment their immediate supervisor will conduct a performance appraisal. After this first appraisal the employee will receive an annual review during the month of their anniversary with the County. If the employee receives a transfer, promotion, or a salary increase, a performance appraisal must be completed. This system is designed to discuss the employee's job performance, including their goals and achievements. Additionally, this will give the employee and their supervisors the opportunity to discuss any problems and take the necessary steps to clear up any difficult areas.

## 207 COMPENSATION

The goal of our wage administration system is to assure the hiring, retention, and motivation of qualified employees to effectively operate Kane County. It is our intent to pay wages that are fair and competitive, and that are directly related to the performance level of the individual. Elected officials' salaries are governed by Title 17 of the Utah Code, and require a public hearing before they can be adjusted.

Kane County's compensation plan is based on a step grade system with three elements.

- A. COLA: The commission should evaluate the cost of living adjustment (COLA) proposed and approved by the Social Security Administration (SSA) each year and adjust employee compensation and Base Salary/Wage Schedule accordingly. Commissioners may accept, reject, or adjust the recommended COLA from the SSA. COLA will become effective January 1st of each year. This adjustment will include moving all longevity steps and grades accordingly.
- B. Grades: Each employment position must have a clearly defined job description with a wage grade associated with the position job description. To establish a wage grade a Department Head or Elected Official shall work with the Human Resource Director to apply the Job Evaluation Matrix. After reviewing the recommendations from the Job Evaluation Matrix, the Human Resource Director is authorized to approve a wage grade that falls within the recommendations so long as the position remains within parity of other similar job descriptions or job families. The County Commission must approve any wage grade that is above the recommendations of the Job Evaluation Matrix. There may be multiple job descriptions for each position to allow Supervisors the ability to promote employees to a higher wage grade (Ex. Clerk I, Clerk II, and Clerk III). Promotion shall be based on increased responsibility, education and performance and shall meet the clearly established criteria specifications set forth in the job descriptions. A recent performance evaluation

(within 90 days) must accompany any promotion or demotion. The performance evaluation must support the action being proposed.

- C. Steps: Longevity steps have been developed to consider years of service and include automatic increases at regular intervals and percentages. The longevity step increase shall be administered by the Human Resource Director who shall notify the supervisor, during the budget process, when an employee is due a longevity step increase. Longevity step increases occur on the day of the anniversary date of the employee being hired if that day is the first day of the employee's two week pay period. Otherwise the increase occurs on the first day of the two week pay period following the anniversary date of the employee being hired.

Regardless of any provisions of this policy, overall wages cannot exceed department budgets.

The first day of a two week pay period should be used as the effective date of any increase. A payroll change notice should be completed and forwarded to the payroll clerk at least two weeks prior to the effective date to allow sufficient time for processing. The department head must consider commission meeting dates in order to complete evaluations and get commission approval before this deadline.

Retroactive increases are only granted in very unusual circumstances. Any wage increase (promotion) with an effective date prior to the date the action was approved is considered retroactive.

All wage increases (promotion) require two levels of approval. The Elected Official or Department Head or direct supervisor with the authority to recommend promotions will make and approve the recommended increase to the Human Resource Director who will determine if the recommended wage increase complies with the established criteria of an approved job description. The Budget Officer will review to ensure that the increase is within the budget and follows the current policies. Additionally, the Commission will review and approve or deny the increase (promotion) for employees within their departments.

Employees may be voluntarily transferred to a position with a different job description. The grade allowed will be determined at the time of transfer, consistent with the approved job description.

## **301 EMPLOYEE BENEFITS**

Eligible employees at Kane County are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook. Kane County reserves the right to change or modify benefits at any time.

The following benefit programs may be available to eligible employees:

Benefit Conversion at Termination	Membership Dues
Bereavement Leave	Military Leave
Cafeteria	Utah Retirement and 401K
Deferred Compensation Plan	Pharmacy
Dental Insurance	Savings Plan
Drug or Alcohol Rehabilitation Program	Supplemental Short-Term Disability
Employee Health Program	Sick Leave Benefits
Family and Medical Leave	Supplemental Life Insurance
Financial Counseling	Supplemental Medical Coverage
Flextime Scheduling	Tax-Sheltered Annuities
Holidays	Travel Allowances
Jury Duty Leave	Uniform and Uniform Maintenance
Life Insurance	Vacation Benefits
Long-Term Disability	Voting Time Off
Medical Insurance	Witness Duty Leave

Some benefit programs require contributions from the employee, but most are fully paid by Kane County.

### 302 VACATION BENEFITS

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Only regular full time employees are eligible to earn and use vacation time as described in this policy.

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following table. Any increase in accumulation of vacation time shall take effect in the first regular pay period that ends on or after January 1 of the respective year of eligible service.

#### VACATION EARNING SCHEDULE

YEARS OF ELIGIBLE SERVICE	VACATION DAYS EARNED BIWEEKLY	MAXIMUM VACATION DAYS EARNED YEARLY
Upon Initial Eligibility	0.50	13.0
8 Years	0.75	19.5
16 Years	1.00	26.0

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation.

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the above schedule. They can request use of vacation time after it is earned. Newly hired employees, prior to being hired or within the first week of hire may request the use of vacation time prior to earning it by taking a deficit in vacation time. Supervisors may approve this exception only once for up to twenty four consecutive hours.

Paid vacation time can be used in minimum increments of one hour. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Prior to using any vacation time an employee must first use and exhaust any accrued compensation time.

Vacation time off is paid at the employee's base pay rate at the time of vacation.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. If the total amount of unused vacation time reaches a "cap" equal to two times the annual vacation amount, further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

### **303 HOLIDAYS**

Kane County will grant holiday time off to eligible employees on the holidays listed below.

New Year's Day	(January 1)
Martin Luther King, Jr. Day	(Third Monday in January)
Presidents' Day	(Third Monday in February)
Memorial Day	(Last Monday in May)
Independence Day	(July 4)
Pioneer Day	(July 24)
Labor Day	(First Monday in September)
Columbus Day*	(Second Monday in October)
Veterans' Day*	(November 11)
Thanksgiving	(Fourth Thursday in November)
Christmas	(December 25)

\*Kane County Elected Officials and Department Heads may elect to transfer a Holiday from either Columbus Day or Veterans' Day to the day after Thanksgiving. Additionally, any office may elect to close the office on the day after Thanksgiving and require employees to use vacation hours. In either event, the Elected Official or Department Head will inform the Human Resource Director and all employees affected by the decision at least sixty days in advance.



Kane County will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classifications:

Regular Full-Time employees and Temporary Full-Time employees

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday. Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

### **304 WORKERS' COMPENSATION INSURANCE**

Kane County provides worker's compensation insurance as outlined by Utah State Law. Refer to Section 401 Timekeeping and 501 Safety for further instructions regarding Worker's Compensation. Employees who are receiving workers' compensation benefits for lost work hours may not also submit comp time, vacation, or sick leave. Benefits that are dependent on the accrual of time will not accrue during periods of absence while taking workers' compensation benefits.

### **305 SICK LEAVE BENEFITS**

Kane County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Employees in the following employment classifications are eligible to earn and use sick leave benefits as described in this policy:

Regular Full-Time employees

The amount of sick leave employees receive each year is shown in the following table.

#### **SICK LEAVE EARNING SCHEDULE**

<b>CLASSIFICATION</b>	<b>SICK LEAVE DAYS EARNED BIWEEKLY</b>	<b>MAXIMUM SICK LEAVE DAYS EARNED YEARLY</b>
Full-Time Employees	0.500	13

Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins when the employee starts to earn sick leave benefits.

Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of a family member.

Employees who are unable to report to work due to illness or injury are required to notify their direct supervisor at the beginning or before the scheduled start of their workday. The direct supervisor must also be contacted on each additional day of absence. Employees must contact their direct supervisor using a method that is approved by the supervisor. Employees who are using sick leave may not engage in any work activities including answering work calls or answering work emails without prior approval from their direct supervisor.

If an employee is absent for three or more consecutive working days (working days are considered consecutive regardless of breaks due to weekends and holidays, i.e. Friday through Monday is two consecutive working days) due to illness or injury, a physician's statement must be provided, if requested by the supervisor or Human Resource Director, verifying that an illness or injury prevented the Employee from working and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Before returning to work from a sick leave absence of three working days or more, an employee must provide, if requested by a supervisor, a physician's verification that he or she may safely return to work. An employee must always provide a physician's verification that the employee may safely return to work when an initial physician's verification of the illness or injury was requested or provided. This does not need to be a second document if the initial physician's verification clearly states a short timeline that the employee will be safe to return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation.

Sick leave benefits may not be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or other disability insurance program provided by Kane County.

Unused sick leave benefits will be allowed to accumulate indefinitely.

Parents of new born or newly adopted children may use sick leave for Parent Time as set forth below: 1) For mothers of a new born child, or a newly adopted child that is under the age of two years, sick leave may be used for Parent Time for up to a total twelve weeks leave (sixty working days for an employee that works a regular five day work week) during the first twelve months after the birth or adoption. Expectant mothers may begin the 12 week/12 month period in advance of an expected due date. 2) For all other situations, sick leave may be used for Parent Time for up to a total three weeks leave during the first three months after the birth or adoption. If the employee

taking Parent Time under this paragraph exhausts all accrued sick leave they may take an additional five (5) days of leave so long as it does not exceed the limits established above. The employee should give at least two weeks advance notice when using sick leave for Parent Time and when using the additional leave. The Elected Official, Department Head, or Human Resource Director may request that the employee make application under FMLA.

Except for retiring employees as set forth herein, the county does not pay terminating employees for accrued sick leave. Employees retiring pursuant to the provisions of the Utah State Retirement Act, or the Utah Public Safety Retirement Act, may receive credit for 25% of the total cash value of the unused sick leave under one of the following options:

- A. The twenty-five percent may be applied toward the retiring employee's premium for continuation insurance coverage. When the 25% amount is depleted, any remaining premium payments are the responsibility of the employee.
- B. The twenty-five percent may be contributed to the employee's state 401 (K) retirement account up to the maximum allowed by law, with any balance paid to the employee in cash, subject to applicable taxes and withholdings.
- C. The twenty-five percent may be paid to the employee in cash, subject to applicable taxes and withholdings.

### **306 DONATED SICK LEAVE**

Kane County allows employees to donate accrued sick leave to other employees for periods of temporary absence for purposes otherwise eligible under the sick leave policy. Employees in the following employment classifications are eligible to donate and use sick leave benefits as described in this policy:

Regular Full-Time employees

Elected officials may not accrue, donate, or use sick leave benefits as described in this policy.

A Regular full-time employee may donate sick leave they have accrued in excess of 320 hours. Donated sick leave granted to an employee, combined with the sick leave hours that the employee has used, may not exceed an accumulated time of twelve (12) weeks in a twelve-month period, beginning the first day that sick leave was used. Employees using significant amounts of sick leave may be requested to apply for leave under FMLA.

Employees may request and use donated sick leave if they satisfy the following requirements:

- A. The employee does not have a documented history of leave abuse;

- B. The employee has used all accumulated sick, vacation and compensatory leave (employees requesting donated sick leave for Parent Time are not required to exhaust all accumulated vacation hours);
- C. The employee, or the employee's spouse, or a member of the employee's immediate family, suffers from a major illness or serious medical condition as shown by a medical certificate or other evidence acceptable to the Human Resources Director; and
- D. An employee with sufficient hours agrees to donate.

All requests for donated sick leave shall be made to, and arranged through, the Human Resources Director. Employees may not solicit donated sick leave directly from other employees.

### **307 UTAH RETIREMENT AND 401K**

Kane County provides retirement benefits to all eligible employees under two programs. First Kane County participates in the Utah Retirement System program and second Kane County has a 401K contribution program. Employees in the following employment classifications are eligible to earn and use sick leave benefits as described in this policy:

Regular Full-Time Employees  
Elected Officials

Kane County employees hired prior to July 1, 2011 are eligible for the URS tier I program. Employees hired on or after July 1, 2011 are eligible for the URS tier II program. This benefit is subject to the terms, conditions, and exclusions of the Utah Retirement System.

Elected county commissioners are considered part time for retirement purposes. All other elected officials are considered full time for retirement purposes. Elected Officials, part time and full time, are eligible for the URS retirement benefit. Elected Officials, full time and part time, who initially began employment prior to July 1, 2011 are eligible for the URS Tier I program. Elected Officials, part time and full time, who initially began employment on or after July 1, 2011, will be placed in the Tier 2 Hybrid Retirement System or Defined Contribution plan.

Employees are not eligible for the 401K contribution until after six months of full-time employment. Public Safety employees are excluded from the 401K contribution but any employee may participate in payroll deduction to personally fund a 401K account. The Kane County Commission will establish the rate of contribution to the 401K program by resolution.

Retirement benefits will not accrue during periods of disability, workers compensation, leave without pay due to discipline, or other periods where an employee is not working and not being paid.

### **308 TIME OFF TO VOTE**

Kane County encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, Kane County will grant paid time off to vote according to Utah law.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

### **309 BEREAVEMENT LEAVE**

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Employees in the following employment classifications are eligible for paid bereavement leave:

Regular Full-Time employees

Bereavement pay is calculated based on the base pay rate at the time of absence and does not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

Kane County defines "immediate family" under this policy as the employee's spouse, and the employee or the employee's spouse's parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, or the spouse of any of these individuals. This also includes the above listed individuals that are an immediate family member due to adoption.

Bereavement leave will be given in the amount of five days for a spouse or child and three days for all other immediate family members.

### **310 JURY DUTY**

Kane County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

Employees in the following employment classifications are eligible to earn and use jury duty leave as described in this policy:

#### Regular Full-Time employees

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either Kane County or the employee may request an excuse from jury duty if, in Kane County's judgment, the employee's absence would create serious operational difficulties.

Benefits such as health insurance coverage, vacation, sick leave, and holiday benefits, will continue to accrue during jury duty leave.

### **311 WITNESS DUTY**

Kane County encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by Kane County, they will receive paid time off for the entire period of witness duty. Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than Kane County.

Employees are free to use any available paid leave benefit (such as vacation leave) to receive compensation for the period of this absence. The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

In the event that an employee is subpoenaed by Kane County and takes paid time off, any compensation such as a witness fee or other compensation must be signed over to the County through the Human Resources Director.

### **312 MEDICAL, DENTAL, AND VISION INSURANCE**

Kane County provides medical, dental and vision insurance to eligible employees and their dependents. These programs may or may not require an employee to contribute some of or the entire premium for the program. These requirements and the benefits under the programs are subject to change annually. The Human Resource Director shall make reasonable efforts to educate eligible employees about the programs and anticipated changes.

Employees in the following employment classifications are eligible for Medical, Dental and Vision Insurance as described in this policy:

Regular Full-Time employees  
Elected Officials

For a complete description of these programs along with any exclusion or other terms and conditions please see the Human Resource Director.

### **313 BENEFITS CONTINUATION (COBRA and HIPAA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Kane County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at Kane County's group rates plus an administration fee. Kane County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Kane County's health insurance plan. The notice contains important information about the employee's rights and obligations.

In the event that a fulltime employee dies, their covered dependents may apply for COBRA. If the death was work related, Kane County will pay the applicable COBRA premiums for a period of eighteen (18) months unless the employee's dependents have or obtain similar coverage.

Kane County also adheres to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). HIPAA limits the circumstances under which health insurance coverage may be excluded for medical conditions present at the time the employee enrolls in Kane County's health insurance program. Employees are encouraged to meet with the Human Resources Director to discuss HIPAA coverage concerns, both when accepting employment with Kane County, and when terminating employment with Kane County

### **401 TIMEKEEPING**

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require Kane County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Those who work outside their assigned office and/or regular office hours and who do not have an immediate supervisor must keep a log of their activities and submit with their time record.

Nonexempt employees should accurately record the number of hours they work each day. Overtime work must always be approved by the supervisor before it is performed. For employees under the direct or indirect supervision of the County Commission an individual commissioner

must also approve overtime and may do so for up to ten hours in a work week. For requests for over time over ten hours in a pay period full commission approval is required. For employees in the Volunteer and Event Center the Director may approve overtime so long as the employee is only compensated using compensatory time, not paid overtime, in accordance with relevant sections of this handbook. Employees under other Elected Officials need advance approval from the Elected Official for any overtime.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. Nonexempt employees may report to work early but may not begin working before their scheduled time without expressed, prior authorization from their supervisor. Similarly, employees may not work past their scheduled time without approval.

It is the employees' responsibility to enter their time records into the County software program or sign a paper time sheet to certify the accuracy of all time recorded. The supervisor must review the time record before submitting it for payroll processing. Supervisors are authorized to make necessary corrections to time entry in consultation with the employee.

By signing a timesheet or submitting time electronically employees are also acknowledging that:

- A. They have come to work free of an accident, injury, illness or other condition (work or non-work related) or that they have already reported to their supervisor or the HR Director any accident, injury, illness, or other condition (work or non-work related); and
- B. They have sustained no accident, injury, illness or other condition while working or that they have immediately reported to their supervisor or the HR Director any accident, injury, illness or condition that occurred while working.

## **402 PAYDAYS**

All employees are paid biweekly by direct deposit on every other Friday. Each direct deposit will include earnings for all work performed through the end of the previous pay period. In general the pay period begins on Sunday morning at 12:00 a.m. and ends Saturday evening at 11:59 p.m. Supervisors may work with the Human Resource Director to establish a different pay period that will better fit the needs of the department. No direct deposit will be issued to a nonexempt employee without a time record being submitted by noon on the Monday prior to payday. If Monday is a holiday submit by Tuesday by noon prior to payday. Employees will receive an itemized statement of wages by email when Kane County makes direct deposits.

## **403 PAY ADVANCES**

Kane County does not provide pay advances.



## **404 ADMINISTRATIVE PAY CORRECTIONS**

Kane County takes all reasonable steps to ensure that employees receive the correct amount of pay in each direct deposit and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Human Resources Director so that corrections can be made as quickly as possible.

## **405 PAY DEDUCTIONS AND SETOFFS**

The law requires that Kane County make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. Kane County also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." Kane County matches the amount of Social Security taxes paid by each employee.

Kane County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by Kane County, usually to help pay off a debt or obligation to Kane County or others.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, your supervisor or the Human Resource Director can assist in having your questions answered.

## **406 OVERTIME AND COMPENSATORY TIME**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Employees working under the County commission may receive authorization through the commissioner assigned to their department for up to ten hours of overtime each week. For more than ten hours of overtime in a work week, these employees must receive approval from the full commission. Overtime for employees of the Volunteer and Event Center may be approved by the Director so long as the time will be taken as compensatory time and not paid overtime, within the maximum amounts as set forth below.

Overtime compensation is paid, or compensatory hours are granted, to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay and compensatory time are based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime, and overtime worked without prior authorization from the supervisor, may result in disciplinary action, up to and including possible termination of employment.

Non-exempt employees may not accrue more than 80 hours of compensatory time, and shall be paid overtime pay for overtime hours worked in excess of the 80-hour cap. Volunteer and Event Center Employees may not accrue more than 160 of compensatory time, but they must expend accrued time to less than 40 hours during the “off season” (November 1 – March 1). Supervisors may authorize employees to cash out any or all of their accrued compensatory time at any time, so long as there is an appropriated budget to cover the cost.

## **501 SAFETY**

To assist in providing a safe and healthful work environment for employees and members of the public, Kane County has established a workplace safety program. This program is an important priority for Kane County. The Human Resources Director has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all. The Human Resources Director is authorized to ask for assistance from Elected Officials and Department Heads in developing, implementing, monitoring, and improving the safety program. The safety program may include but is not limited to an accident review board, a risk awareness program (RAP), annual or other period trainings, and incentives for completing or attending the program.

Kane County provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the Human Resources Director. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, fail to remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents/incidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Human Resources Director or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. Employees who fail to immediately report accidents/incidents that result in injury may be subject to disciplinary action, up to and including

termination of employment. Failure to report accidents/incidents may also cause ineligibility for workers' compensation benefits.

## **502 WORK SCHEDULES**

Work schedules for employees vary throughout Kane County. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flextime scheduling is available in some cases to allow employees to vary their starting and ending times each day within established limits. Employees shall consult their supervisor.

Full-time employees are required to submit a minimum number of hours each week according to their normal schedule (typically forty hours), through actual hours worked, compensatory time, sick leave, or vacation. Employees who fail to submit the requisite number of hours may be subject to discipline up to and including termination and may be at risk of losing benefits associated with full time employment.

Part-time employees may not work more than twenty nine (29) hours in any work week without prior authorization.

Failure to comply with this policy may result in discipline up to and including termination.

## **503 USE OF PHONE, MAIL AND EMAIL SYSTEMS**

Personal use of telephones for long-distance and toll calls is not permitted. Personal use of County telephones for local calls is authorized. However employees should use discretion when making personal calls on County telephones so that it does not significantly interfere with the performance of the employee's official duties. If any personal use of a County telephone results in charges to the County the employee will be required to reimburse the County for the additional cost. When an employee receives compensation for the use of a personal cell phone they are expected to use the cell phone for work related phone calls when convenient and available.

The use of Kane County-paid postage for personal correspondence is not permitted.

All employees, when using email to communicate, shall use an official Kane County email address. Personal Use of their official Kane County email address is prohibited. If an employee accidentally uses a personal email account for official business or their official email account for personal use, the employee should take reasonable action to remedy the situation. If the employee takes reasonable action upon discovery of the accidental use it shall not be considered a violation of this policy. All County emails are subject to review and inspection at any time without notice by the employee's supervisor, Department Head or Elected Official.

Failure to comply with this policy may result in discipline up to and including termination.

## **504 TOBACCO-FREE POLICY**

Due to the acknowledged hazards arising from use of tobacco products and exposure to secondhand smoke, Kane County shall be an entirely tobacco-free employer. Employee tobacco use, including, but not limited to, cigars, cigarettes, and smokeless tobacco products, will be strictly prohibited on and within all County property, including County vehicles. Employee tobacco use will also be prohibited within twenty five (25) feet of building entrances, open windows, or air intakes. County employees will not receive paid smoke breaks, unless those breaks are the designated, legally-defined breaks appropriate to employees' work schedules.

Employees exposed to second-hand smoke on the job are 12-19% more likely to get lung cancer and 25-35% more likely to have a heart attack than those not exposed. Smokers themselves are at a higher risk for cancer and heart disease and, on average, miss 6.2 days of work per year due to sickness, compared to 3.9 sick days per year for nonsmokers. Smokeless tobacco products can also lead to mouth and throat cancer. The Centers for Disease Control estimates that smoking costs employers \$3,383 per smoker per year in medical expenditures and lost productivity. In addition, a study conducted in 1998 found 8,700 fires in nonresidential structures and property damage of \$60.5 million resulting from smoking materials.

Because of the harmful physical and economic costs of tobacco products, and the fact that there are no safe tobacco products, Kane County has implemented an Employee Tobacco-Free Policy that prohibits employee use of any and all tobacco products on or within 25 feet of County property, building entrances, open windows, or air intakes.

The purpose of the Employee Tobacco-Free Policy is to promote a healthy working environment for all employees by minimizing employees' exposure to tobacco smoke, as well as protect the County from increased economic costs, liability, and fire hazards. The Policy is also an effort to encourage County employees to implement tobacco-free lifestyles to enjoy increased health benefits associated with ending tobacco use. The Policy will clear up any inconsistencies in break entitlements between smokers and non-smokers.

The Policy applies to all employees and sub-contractors on all Kane County property, both indoors and out, including County vehicles and personal vehicles when transporting persons on designated County business. All County employees will receive a copy of the Policy, and supervisors will discuss the Policy with new employees during job orientation.

Kane County supports any employee's decision to quit smoking and encourages employees to seek support from free cessation support resources, such as the Utah Tobacco Quit Line and Utah QuitNet.

The Utah Tobacco Quit Line is a free, telephone-based counseling program that sets participants up with a trained Quit Coach, a personalized quit plan, and a quit kit, including printed materials and information about local resources and classes. Members can also opt-in to a text message

support service. The Utah Tobacco Quit Line is available Monday through Sunday from 6:00 AM to 11:00 PM in English and Spanish, and translation is available into over 100 other languages.

English: 1-888-567-8788

Spanish: 1-877-629-1585

TTY: 1-877-777-6534

[www.tobaccofreeutah.org/quitline.htm](http://www.tobaccofreeutah.org/quitline.htm)

Utah QuitNet is a free, internet-based community that is available 24 hours per day and seven days per week. It has interactive tools and features and allows users to join an online community of people helping each other quit. QuitNet users can take advantage of tips and frequently asked questions, access to nicotine replacement therapy medication guides, and interaction with quitting experts. More information can be found at [www.utahquitnet.com](http://www.utahquitnet.com)

There may be local services dedicated to helping people quit the use of tobacco products. A statewide cessation resource directory is available at:

[www.tobaccofreeutah.org/utah\\_tobacco\\_cessation\\_resource\\_directory-introduction-1.htm](http://www.tobaccofreeutah.org/utah_tobacco_cessation_resource_directory-introduction-1.htm)

Employees who do not comply with the Employee Tobacco-Free Policy may be subject to disciplinary action, as well as fines associated with the corresponding County property tobacco-free ordinance. Disciplinary action may range from a warning to a dismissal. The Policy will be enforced through administrative action by supervisors and managers. Supervisors are responsible for ensuring their departments are in compliance with the Policy.

## **505 REST AND MEAL PERIODS**

Each workday, full-time nonexempt employees are provided with two rest periods of fifteen (15) minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.

All full-time employees are provided with one meal period of sixty (60) minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees are relieved of all active responsibilities and restrictions during meal periods and are not compensated for that time.

## **506 USE OF EQUIPMENT AND VEHICLES**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

The personal use of non-vehicular equipment is authorized as set forth in Section 514. Large motorized equipment such as a bucket truck, skid steer, front-end loader or lawn maintenance equipment is not authorized for personal use unless specifically authorized under Section 514 H.

All other Kane County vehicles are for official Kane County business but are authorized for personal use as set forth in this policy. Only Public Safety employees (Sheriff, Deputy Sheriff, and Road Crew Director) may take County vehicles to their home except as authorized by this policy. Only Kane County employees and Sheriff's Office Search and Rescue Volunteers are allowed to operate a Kane County Vehicle except as otherwise authorized by this policy.

For specific county activities authorized by the Senior or Volunteer and Event Centers that require the use of county vehicles, commission approved volunteers with a current driver license who have also been authorized by the Volunteer and Event Center Director, may drive a county vehicle. The Volunteer and Events Center Director shall maintain a list of approved drivers and shall present it to the County Commission annually for approval. Additions that need to be made during the year may be approved by the Commissioner assigned to Volunteer and Events Center.

While on official travel employees are authorized to take family members with them and a family member with a driver's license and appropriate experience may drive the vehicle. The vehicle may also be used for incidental purposes during the travel such as traveling to restaurants or other retail establishments or traveling for leisure activities so long as the travel is minimal, reasonably within the same area as the official county business, and has so little value that accounting for it would be unreasonable or administratively impracticable. For purposes of this policy traveling less than twenty five miles for personal use shall be considered to fall under the threshold of little value. Personal use of a county vehicle while traveling on official business that is in excess of twenty five miles is authorized so long as the employee reimburses the county for the miles traveled that are solely for personal use. The reimbursement rate to the County shall be the same as the mileage reimbursement rate as set forth in section 508.

If a non-Public Safety employee is using a vehicle for official travel and will be leaving or returning home during hours of darkness or under other conditions where there may be a safety concern, they may receive approval from their supervisor to take the vehicle to their home to mitigate the safety hazard. All employees who are traveling for work should consider weather, road conditions and the type of vehicle that will be used prior to traveling to ensure reasonably safe travel under the circumstances.

If an employee in any Department is working on a project and the location of the project in relation to the employee's home is significantly closer than the normal location for storing the county vehicle, and taking the vehicle to the employee's home instead of back to the normal location for storing the county vehicle at the conclusion of the work day will result in more work time at the project site and a cost savings to the county, specifically in reduced fuel costs, the employee may take the county vehicle to their home while working on that specific project.

In order to enhance the safety of our community by decreasing response times, public safety employees may take an assigned County Vehicle home and use the vehicle to commute to and from work assignments. No other employee may use a county vehicle for purposes of travel to and from work (commuting) unless the following have been complied with: 1. The Elected Official over the department has authorized the use for the entire department after determining that use of county vehicles for commuting would result in either a direct cost savings to the county or a significant increase in productivity, 2. After consultation with the HR Director, the Elected Official

or Department Head has implemented a department wide policy to reasonably restrict other personal use of the county vehicle, and 3. The Elected Official has coordinated with the Human Resource Director to impute the wages of any employee electing to use the County Vehicle for commuting at the rate of at least \$3.00 per day. (Under IRS regulations the employee must either pay for the use of the county vehicle or the County must somehow show the benefit of this personal use as income. The County finds that the benefit given to an employee using a county vehicle for commuting is at least \$1.50 for each direction of travel and elects to use the method of imputing this amount as wages if this policy is utilized.) An employee that elects to use a county vehicle for commuting under the authorization of this section shall be required to comply with any department policy regarding use of the vehicle and will be imputed wages for the use of the vehicle for each day of work during the period that the employee elects to have the use of the county vehicle.

Each Elected Official or Department Head may include additional restrictions in their office or department. Each employee must wear a seat belt, have a current driving license and clean record, and take a defensive driving class every five years.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination of employment.

Cell phone use, including but not limited to phone calls and texting, while operating a vehicle to perform county-related duties is strictly prohibited except for phone calls if the vehicle is equipped with technology that integrates the cell phone into the vehicle and allows the phone to be used hands free.

It is the policy of Kane County to have the Accident Review Board review all accidents committed by a Kane County employee which involve the operation of county-owned vehicle, or which occurred while operating a vehicle in the performance of duties related to their employment at Kane County. The Accident Review Board may make a recommendation concerning the employee, depending on the circumstances and driving history of the employee, which may include the loss of driving privileges, and/or reassignment, or termination.

## **507 EMERGENCY CLOSINGS**

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt operations. In extreme cases, these circumstances may require the closing of a work facility. When the decision to close is made after the workday has begun, employees will receive official notification from their immediate supervisor. In these situations, time off from scheduled work will be paid. When the decision to close is made before the workday has begun, time off from scheduled work will be unpaid and the employee will need to use accrued compensation time or

vacation. When a closure is made during the workday the employee will be compensated for the normal full day of work. Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

## 508 TRAVEL

Kane County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the employee's supervisor.

Employees whose travel plans have been approved are responsible for making their own travel arrangements. When approved, costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives may be advanced or reimbursed. In either case, an itinerary of the travel including brochures or agendas of the meetings must be submitted along with receipts of extra ordinary expenses. Employees should limit expenses to reasonable amounts.

Expenses that generally will be reimbursed include the following:

Airfare or train fare for travel in coach or economy class or the lowest available fare.

Car rental fees, only for compact or mid-sized cars - Larger size vehicles may be rented to accommodate a large group of county employees.

Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.

Taxi fares, only when there is no less expensive alternative.

Mileage costs for use of personal vehicle at the approved rate set by Utah State regulations.

Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings, not to exceed the approved rate set by Utah State regulations. This rate may be increased upon prior approval of the supervisor if there are no accommodations available within the approved rate. Under these circumstances best efforts should be used to secure the most favorable rate at a lodging that is still safe and adequate under the circumstances.

Meals, for travel over fifty miles.

Charges for telephone calls, fax, and similar services required for business purposes.

Mileage costs for use of a personal vehicle may be reimbursed at the rate set by the State of Utah (UAC R25-7). A county credit card may not be used to purchase fuel for personal vehicles. Meal costs may be reimbursed at a flat rate, or if using a county credit card, they may be purchased for up to the rates as set forth herein. If using a county credit card receipts must be retained and submitted after traveling. On the first and last day of travel an employee will be allowed meal reimbursement depending on the times of travel or return as established by the State of Utah (UAC R25-7 see tables 3 and 4 <https://rules.utah.gov/publicat/code/r025/r025-007.htm>). If a hotel or conference that the employee is attending offers a meal (for breakfast it must be a hot meal) the employee may not be reimbursed for that meal. For in state travel the rate per meal is established by the State of Utah (UAC R25-7 see table 1 <https://rules.utah.gov/publicat/code/r025/r025-007.htm>). For out of state travel the rate per meal is established by the State of Utah for non-premium, non-metropolitan locations (UAC R25-7 see table 2



<https://rules.utah.gov/publicat/code/r025/r025-007.htm>) and by the United States General Services Administration for premium locations or medium to large sized metropolitan areas (see <https://www.gsa.gov/travel-resources>). For international travel the rate per meal is established by the United States Department of State Office of Allowances (see [https://aoprals.state.gov/web920/per\\_diem.asp](https://aoprals.state.gov/web920/per_diem.asp)).

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor.

Vehicles owned, leased, or rented by Kane County may not be used for personal use.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.

With prior approval from the Elected Official or Department Head, a family member or friend may accompany employees on business travel, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such nonbusiness travel are the responsibility of the employee.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

## **509 IT RESOURCES AND SECURITY**

"IT Resources" and "Information Technology Resources" mean computer hardware and software, electronic mail, voice and/or video communications and equipment, facsimile and facsimile equipment, the Internet, and similar future technologies owned, provided, or operated by Kane County.

"User" of IT Resources means county employees, volunteers, contract providers, and all other persons who use, either in their job duties or incidentally, county owned, provided, or operated IT resources.

General Policy: IT Resources, specifically the use of computers or other electronic devices to access to the internet, comprise thousands of interconnected networks, which provide digital pathways to millions of information sites. The internet provides for file transfer, remote login, electronic mail, news, and other services. Users are encouraged to use the internet to its fullest potential to further the individual Office or Department missions, to provide services of the highest quality, to accomplish job responsibilities more effectively, to discover new ways to enhance service, to promote staff development, and to develop skills and knowledge. While the County recognizes that these services are an effective means for making users more efficient, accessible, and responsive to the public's needs, their availability is open to abuse. Accordingly, the purpose

of this policy is to give users guidance for the appropriate use of the internet and other IT Resources.

IT Resources may be used in conjunction with the user's county-related duties. The following is a non-exhaustive list for authorized official business: locating current and historical data from multiple sources worldwide for use in their decision making processes; conducting the County business within the area served, with other governmental agencies, and with the public; publishing the County's mission, function, structure, goals, authority, address, phone numbers, information required by law, and other information of general interest to the public; communicating with other users, to perform duties of a job more effectively and less expensively, and to provide better service to taxpayers; disseminating information, announcements, or schedules with other employees, government agencies, businesses or the public; and retrieving data files from the internet. Additionally, employees are encouraged to use IT Resources for personal use if the personal use of IT Resources will help enhance the employee's skills that are related to official business.

Incidental, occasional, or de minimus personal use of IT Resources is allowed, so long as it does not significantly interfere with the performance of the user's official duties.

Official use or authorized personal use shall not: create a security risk to IT Resources; reduce productivity; disrupt or distract from county business; conflict with other county or department rules or policies; result in knowingly or recklessly sending or receiving computer viruses; involve illegal activities; involve access to sexually explicit material; or involve sending, receiving, or storing information that may be considered as harassment to others based on race, national origin, sex, sexual orientation, age, disability or religion.

The county IT Director may, with the permission and/or assistance of the affected department's head or elected official, monitor the use of IT Resources to ensure compliance with this policy. Any such monitoring shall be designed to identify and resolve the operation and security of IT Resources, the confidentiality of county records, and the productivity of county employees.

Elected Officials and Department Heads will consult with the IT Director before purchasing IT Resources. Whenever possible, funds will be used from the IT budget to purchase IT Resources.

In order to provide security to County networks, data, and other IT systems, all employees shall comply with the security requirements set forth by the County IT Director and additional security measures set forth by each Department or Office. The IT Director shall create a written IT security policy and annually distribute it to relevant employees. This policy shall contain but is not limited to security measures related to computer and network password requirements and other network access requirements, access to IT restricted, IT secure, or CJIS restricted/secure areas, authentication of and procedures for visitors to these locations, visibility of computer screens, and other policies related to protecting IT infrastructure.

Any violation of the IT Director's Security Policy can be grounds for disciplinary action, up to and including termination of employment.

## **510 OC SPRAY**

No employee may carry or use OC Spray, pepper spray, mace, or any similar airborne substance in conjunction with the employee's employment unless and until the employee has successfully completed a training course approved by the County Sheriff. Employees' use of such substances shall be limited to those situations and uses identified and approved in the training course.

## **511 COUNTY ISSUED CREDIT CARDS**

Use of a Kane County issued credit card (credit card) is a privilege. Credit card misuse by an employee will result in the Kane County Budget Officer and the associated Elected Official and/or Department Head conducting a credit card compliance review. Violations of this policy may result in discipline including cancelling the credit card and the employee may also face termination of employment.

All credit card expenditures and practices must be closely coordinated and monitored by an associated Official and/or Department Head. An employee who has had their County credit card cancelled will be required to use the County's reimbursement processes. All credit cards are to be issued from approved vendors as approved by the Budget Officer, Treasurer and associated Official. All credit cards and statements will be mailed to and distributed by the Budget Officer. Credit cards are to be accessible by the Treasurer and Budget Officer at all times. Expenditure receipts are to be forwarded to the Budget Officer with appropriate bank statements.

Any employee or elected official requesting a credit card shall fill out a credit card request form. The request form must be approved by an associated Official and, where applicable, the Department Head before it is submitted to the Budget Officer.

The following criteria will be used to determine limits on credit cards:

- A. Individual credit card limits will be based on anticipated and appropriate usage for a monthly cycle.
- B. The credit card limits will be recommended by the Department Head and/or Elected Official, and be approved by the Budget Officer in consultation with the Department Head and/or Elected Official.
- C. Credit Card limits will be regularly reviewed and adjusted as needed by the Budget Officer in consultation with the Official and/or Department Head.

No Personal Use will be allowed under an approved credit card.

In as much as all Kane County Employees are human, accidents happen. If and when such an accidental use occurs and is noted by the Employee, he/she must immediately contact their associated Department Head or Elected Official, who will then confer with the Budget Officer in

a timely manner. A written explanation will be provided to detail the error and provide a means for correcting the error. The written explanation and any available backup is to be attached to the transaction credit card receipt along with a check or money order for the inappropriate amount charged, made out to the Bank to become part of the official payment of the credit card statement. At no time is any employee permitted to go directly to the bank and personally deposit money on a Kane County Credit card account.

Cash Advances are rarely necessary and are not allowed on credit cards. Cash advances are only done through the appropriation process with the Budget Office and Treasurer. A purchase order must accompany a request and the Budget Office and Treasurer will obtain the cash advance. The person needing the cash advance will sign a receipt for the cash which will be attached to the purchase order and become part of the backup documentation.

The following uses are approved for use by credit card:

Lodging, airfare, parking, or other related travel expense

Fuel for a county vehicle

Online purchases from vendors if pre-approved by the Department Head or Elected Official

Meals while traveling-for only up to the allowed Per Diem amount for that locale

Meeting expenses for Kane County business

The following uses are specifically prohibited for purchase by credit card:

Fuel for personal vehicles

Cash withdrawals

Intentional personal use

Accidental personal use of a county credit card may be corrected. The employee shall notify their direct supervisor and the Budget Officer of any accidental use and shall comply with the Budget Officer's approved process to reimburse the County for the personal use. At a minimum, this process shall include the requirement to pay back the amount of personal use within fourteen days or when the credit card bill becomes due and before interest begins to accrue, whichever is sooner. Accidental personal use of a county credit card may result in a loss of credit card privileges and discipline up to an including termination. However, for purposes of Utah Code §§ 76-8-402 and 404 any accidental personal use that is appropriately corrected under this sections shall be considered authorized personal use.

All County Credit cards shall be paid in full each month. The employee that has been issued the card is responsible for retaining all required receipts and other documentation and each individual Office is responsible for submitting all appropriate forms and documentation to the Budget Office for requisition purposes. The Budget Officer shall create and supply the various forms necessary to document credit card purchases. All forms shall be approved by the Commission.

## **512 PURCHASING AND PROCUREMENT**

All County Employees shall comply with the Kane County Procurement Code when making any purchase. When submitting requisitions to the Budget Office, requests shall only be approved if the request is made on an official form approved by the Commission, if a form is required.

## **513 BUILDING AND GROUNDS**

In order to prevent damage to county buildings, to ensure safety with relevant fire codes, to ensure a uniform and pleasant appearance, and to otherwise promote the safety of county employees and the public, all employees, department heads and elected officials are encouraged to consult with the Building and Grounds Director and if necessary the County Commission prior to making any major alteration or major repair of any building, fixture, blinds, interior design, or landscaping, and prior to hanging, mounting or otherwise placing any item in a hallway or any item greater than two pounds on a wall.

## **514 AUTHORIZED PERSONAL USE OF PUBLIC PROPERTY**

This policy provides public servants guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

This Section and other Sections of this handbook constitute Kane County's written policy regarding authorized personal use for purposes of Utah Code section 76-8-402(1)(b)(iii). A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property as set forth in this section and other relevant sections of this handbook.

Under Utah Code, "Public servant" means a public officer, an appointed official, employee, consultant, or independent contractor of Kane County, or a person hired or paid by Kane County to perform a government function. "Public property" means real or personal property that is owned, held, or managed by Kane County. For purposes of this policy, "public servants" will be referred to as "employees".

Employees are responsible to protect and conserve county owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege and authorization to use public property for personal purposes may be limited or revoked at any time by a direct supervisor or relevant Department Head or Elected Official.

Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time including when they are accessing the internet, using email,

instant messaging, or telephones. Employees who wish for their personal activities to be private should not conduct such activities using public property.

The following personal use of public property is hereby authorized. If another section of the Handbook discusses a more specific authorization or restriction of personal use, that section shall apply to the extent that it is specifically more or less restrictive.

- A. Incidental Personal Use or De Minimus Personal Use: The occasional or infrequent personal use of any county property that results in little or no cost to the County and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical is authorized. In determining whether the use is de minimus, the frequency and the value shall always be considered. Additionally, incidental personal use shall also include the incidental use as set forth in Utah Code section 76-8-402.
- B. Publicly Available Use: The use of any County Property that is available for general public use is authorized, so long as the employee uses the property in accordance with the policy that allows general public use.
- C. Fringe Benefits: Any County Property is authorized for personal use when the property is provided or required to be provided to the employee as a benefit or convenience, such as breakrooms and their associated supplies and equipment, on site fitness rooms and equipment, and/or nursing room facilities. The use of County Property for occasional parties or picnics that fall within IRS guidelines for non-taxable fringe benefits is also authorized.
- D. Inadvertent or Accidental Personal Use: Employees who may inadvertently and unintentionally use Public Property, Public Funds or Public Moneys in a manner not consistent with the authorizations in this Policy shall upon discovery:
  - i. Immediately report the use to the County Budget Officer, their department head, and/or immediate supervisor; and
  - ii. Shall, within 14 days, repay any costs that may have been incurred; and/or
  - iii. Take all necessary steps to insure that Kane County is not injured by the use.
- E. Personal Use for Pay: The personal use of county property such as office supplies and copiers or printers where there is a direct attributable and easily determined cost to the county is authorized for use so long as the employee pays for the use as set forth within a written policy approved by the relevant Elected Official. For example, an Elected Official may approve the personal use of an office printer if an employee pays five cents per copy. If an Elected Official does not authorize personal use under this section, personal use may still be allowed under the authorization of Incidental Personal Use.
- F. Personal Use of Vehicles during official travel as set forth in Section 506.

- G. Personal Use of Equipment for training or skill development: The personal use of county property that has been issued to a county employee is authorized regardless of the amount of personal use when the personal use results in the development of a skill that is related to the employee's official duties. For example, a Sheriff's Deputy has been issued a camera for the purposes of documenting evidence and general investigation. The Sheriff's Deputy is authorized and encouraged to use the camera for personal use in order to develop his or her skills in photography.
- H. Individually Approved Personal Use: A relevant Elected Official is authorized to approve other types of personal use so long as it is not specifically prohibited by this policy. Such personal use shall be authorized in writing and the value to Kane County shall substantially outweigh the personal benefit received by the employee. Prior to authorizing any additional personal use under this subsection the Elected Official shall consult with the County Attorney and the Human Resource Director to determine if the personal use is a taxable benefit under IRS regulations, to mitigate liability for the use, and to ensure that there is a benefit to the County.

Notwithstanding the above authorizations for personal use, personal use does not include any use that: significantly interferes with the mission or operations of the County; significantly interferes with the performance of the employee's or any other employee's official duties; or significantly compromises the integrity of public property.

The personal use of Public Funds or Public Moneys is prohibited and no authorization for personal use of Public Funds or Public Moneys is hereby granted.

This policy does not modify the requirements of Utah Code § 17-16a-1 et. al. The County Officers and Employees Disclosure Act.

Violations of this policy may result in discipline up to and including termination.

## **601 FAMILY AND MEDICAL LEAVE**

Kane County complies with all applicable requirements of the Family and Medical Leave Act of 1993 (FMLA).

When employees apply for and take leave under FMLA they are required to first exhaust all vacation, compensatory time, and sick leave and then take leave without pay. Sick leave and vacation benefits will continue to accrue during periods of leave under FMLA when the employee is receiving compensation.

## **602 MILITARY LEAVE**

A military leave of absence will be granted to employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. armed services.

For two-week training assignments and shorter assignments, Kane County will pay employees the difference between the military pay they receive for fulfilling such assignments and their regular pay for that same period of time. Military leaves of absence in excess of two weeks will be unpaid. However, employees may use any available paid time off for the absence.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by Kane County for the full term of the military leave of absence.

Vacation, sick leave, and holiday benefits will continue to accrue during military leaves of absence.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

## **701 EMPLOYEE CONDUCT AND WORK RULES**

To ensure orderly operations and provide the best possible work environment, Kane County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- A. Theft or inappropriate removal or possession of property
- B. Falsification of time keeping records
- C. Working under the influence of alcohol or illegal drugs
- D. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment, unless the



employee's job duties require the employee to possess, distribute, sell, use or transfer alcohol or illegal drugs

- E. Fighting or threatening violence in the workplace
- F. Boisterous or disruptive activity in the workplace
- G. Negligence or improper conduct leading to damage of employer-owned or public property
- H. Insubordination or other disrespectful conduct
- I. Violation of safety or health rules
- J. Smoking in prohibited areas, including on any Kane County property or in any Kane County vehicle
- K. Sexual or other unlawful or unwelcome harassment
- L. Posting any materials in or on any County Building without appropriate approval. The supervisor may approve the posting of materials generally for their office. For the approval of posting of materials in hallways and on public information boards outside offices or other public areas, the County Clerk is responsible for the Courthouse, the County Sheriff is responsible for the public safety facility, the County Assessor is responsible for the Administrative Building, the Office of Tourism Director is responsible for the Office of Tourism, the Senior Center/Care and Share Director is responsible for the Senior Center and Care and Share buildings, and for any other county building the County Commissioner assigned to buildings and grounds is responsible.
- M. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace, unless the employee's job duties require the employee to possess dangerous materials such as explosives or firearms, or unless the employee has a current and valid concealed weapon permit and has notified both the Human Resources Director and the Kane County Sheriff that he or she carries a concealed weapon
- N. Excessive absenteeism or any absence without notice
- O. Unauthorized absence from work station during the workday
- P. Unauthorized use of telephones, mail system, or other employer-owned equipment
- Q. Unauthorized disclosure of business secrets or confidential information
- R. Unsatisfactory performance or conduct
- S. Violation of federal, state or local law

- T. Violation of personnel policies
- U. Audio and/or Visual recording of employees, supervisors, Department Heads, or Elected Officials that is done in a way that is secretive and without the knowledge of all the individuals being recorded. Employees may conduct secretive recording of other employees, supervisors, Department Heads, or Elected Officials only if it is reasonably necessary to comply with state or federal law regarding whistle blowing or other similar laws.

## **702 SUBSTANCE OF ABUSE POLICY (DRUGS, ALCOHOL, ETC.)**

It is Kane County's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

### Definitions:

- A. Substances of Abuse: Alcohol, any and all tobacco product including but not limited to cigarettes, chewing tobacco and all forms of electronic cigarettes or other devices that deliver nicotine, all controlled substances as scheduled in Utah Code 58-37-4 and 4.2 unless possessed or used under a legal and valid prescription, and marijuana unless possessed and used in accordance with the Utah Medical Cannabis Act and other relevant portions of Utah Law.
- B. County Property or County Owned Property: all real and personal property owned, maintained, controlled, or leased by Kane County or any of its departments or offices.
- C. County Facilities or County Owned Facilities: all buildings or other structures whether or not enclosed that are owned, maintained, controlled, or leased by Kane County or any of its departments or offices.
- D. County Equipment or County Owned Equipment: any item or thing owned, maintained, controlled, or leased by Kane County or any of its departments or offices that is not real property, including but not limited to: vehicles, fuel, tables, chairs, sound equipment, computers, cell phones, other electronic devices, clothing, decorations, office supplies, or internet access.
- E. Kane County funds or County Funds: any money or other item of value owned, maintained, controlled, or managed by Kane County or any money appropriated, received, or disbursed through the County budget process or by using any County fund or County bank account.

This policy covers any and all activities conducted in or on county owned or operated facilities, property, or equipment and shall govern specifically all Kane County employees, all Kane County sponsored activities and any and all advertising conducted by any Kane County Office or Department or paid for by any Kane County funds.

Kane County respects and defends the rights, freedom, and choice of individuals to participate in marketing, dissemination and responsible use of substances of abuse within the limits of the law. Kane County will not seek to intervene in suppressing these activities as long as they remain within the limits of the law and do not effect Kane County operations or employment with Kane County.

No County employee shall use or possess any substance of abuse within the scope of their employment. No County employee shall use or possess any substance of abuse while using or operating any county owned equipment or while located in or on any county facilities or property. No County employee shall engage in any activity during the scope of their employment that in any way advertises, promotes, or distributes substances of abuse. This policy shall not apply to Sheriff's Office employees acting within the scope of their duties regarding law enforcement.

No person shall use or possess any substance of abuse on or in any county owned facility, property, or equipment except for County owned public rights-of-way. The only exception is for employees who due to the circumstances of their job duties are not able to access a personal vehicle or other location where they may have a tobacco product stored to be able to use during a break. Under these circumstances the employee may possess the tobacco product but may only use it during a break, off of county property.

No Kane County activity or sponsored activity shall in any way advertise, promote, or distribute substances of abuse. No Kane County funds shall in any way be used to advertise, promote or distribute substances of abuse. No Kane County facility, property or equipment shall be used in any way to advertise, promote, or distribute substances of abuse.

Notwithstanding the provisions of this policy, alcohol may be sold or distributed at the Kanab Center through a county approved state licensed distributor that is licensed for that location.

Nothing in this policy shall be deemed to restrict the lawful possession and use of properly administered prescription drugs, including medical cannabis, that are used and possessed in the manner that they are prescribed. However, any employee that is lawfully using a prescription drug or medical cannabis shall not report to work impaired by the substance and shall be asked to leave work and not return until the employee is no longer impaired. For employees that have additional restrictions on their position due to federal or state law such as peace officers and CDL holders that do not allow the use and/or possession of prescription drugs and/or medical cannabis, the employee may not use or possess those substances in accordance with the specific restrictions placed on their position.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Kane County will seek to work with state and local partners to promote prevention, intervention and treatment activities to prevent individuals from forming dependence and addiction to substances of abuse, to intervene in the inappropriate use of substances of abuse, and to provide adequate treatment to those who are suffering the consequences of dependence and addiction to

substances of abuse. These activities will include but are not limited to individual and community education, youth and adult programming, and a wide range of mental health treatment services. These programs may include activities sponsored through the Southwest Behavioral Health Center, Southwest Utah Public Health Department, The Kane Community Coalition, the Kane County Drug Court, Utah State Vocational Rehabilitation, Kane County School District, 4-H, Utah State University Extension, the Healthy Kane County Coalition, and other State and local agencies and private providers.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify Kane County of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through Kane County's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all Kane County policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause Kane County any undue hardship.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Human Resources Director to receive assistance or referrals to appropriate resources in the community.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Human Resources Director without fear of reprisal.

## **703 SEXUAL AND OTHER UNLAWFUL HARASSMENT**

Kane County is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Human Resources Director or any other member of management.

Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly advise the Human Resources Director or any member of management who will handle the matter in a timely and confidential manner.

Any claim of sexual or other harassment will be treated as a grievance.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

## **704 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, Kane County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Kane County. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

## **705 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Kane County presents to the public.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

In general offices should dress to the standard of “business casual.” This requirement may be varied by office or department. Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

## **706 RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all Kane County property immediately upon request or upon termination of employment. Kane County may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. Kane County may also take all action deemed appropriate to recover or protect its property.

## **707 SECURITY INSPECTIONS**

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of Kane County. Accordingly, any agent or representative of Kane County

can inspect them, as well as any articles found within them, at any time, either with or without prior notice.

## **708 DRUG TESTING**

Kane County is committed to providing a workplace environment, which ensures the safety, and encourages the personal health and productivity, of its employees. Kane County recognizes that substance abuse in the workplace is a threat to the safety, health and job performance of its employees. The goal of this policy is to balance Kane County's respect for the individual with the need to maintain a safe, productive, drug and alcohol-free workplace, and to conform to Department of Transportation (DOT) requirements for employees who hold a Commercial Driver License (CDL). Kane County follows the policy as outline in Utah Code Section 34-38-101 et. al. as amended.

For more information on Drug Testing of employees and use of alcohol and/or illegal drugs please see the Human Resource Director for the complete copy of the KANE COUNTY POLICY ON SUBSTANCE ABUSE: ALCOHOL AND DRUG USE SCREENING, TESTING AND TREATMENT.

## **709 GRIEVANCE PROCEDURES**

Kane County is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from supervisors and management. This section does not alter "at will" and does apply to termination of employment.

Kane County strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with Kane County in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs in which an employee believes that a condition of employment or a decision affecting him or her is unjust or inequitable, he or she is encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

- A. The employee presents the problem along with a proposed resolution or requested relief to his or her immediate supervisor in writing within 10 working days after the incident occurs. If the problem includes a claim of discrimination, harassment or hostile work environment, the employee must include all prior unreported or unresolved incidents even if they occurred more than ten working days prior to submitting the problem. If the supervisor is

unavailable, or if the employee believes it would be inappropriate to contact that person, the employee may present the written problem to the next higher member of management within the employee's chain of command or the Human Resource Director. The employee must include in the written problem all issues that the employee is asking to be addressed.

- B. The supervisor responds to the problem within 10 working days of the issue being reported to them directly by the employee or through the HR Director. The supervisor may consult with appropriate management, when necessary. The supervisor documents the discussion. If the problem includes a claim of discrimination, harassment or hostile work environment the supervisor or HR director shall forward the problem to the Grievance Review Board for review.
- C. If the problem is unresolved, the employee presents the written problem to the Human Resources Director within 10 working days after the supervisor fails to satisfactorily resolve the problem under subsection B. If the supervisor imposed any sanction regarding employment (i.e. suspension without pay, demotion, termination, etc.), the sanction shall remain in place through the grievance procedures unless changed by the supervisor or affected elected official.
- D. The Human Resources Director counsels and advises the employee, assists the employee in clarifying the written problem if necessary, visits with the employee's supervisors and/or managers, if necessary, and directs the employee to submit the written problem to the Grievance Review Board (consisting of the County Attorney or a Deputy, another Elected Official that does not have a conflict, and a county employee that has supervision experience who also does not have a conflict) for further review of the problem.
- E. Within five working days after notice from the Human Resource Director to contact the Grievance Review Board, the employee presents the written problem to the Grievance Review Board.
- F. Within five working days of receiving the written problem, the Grievance Review Board shall review, and consider the problem. The Grievance Review Board shall only address the problems that the employee sets forth in the written problem. If deemed appropriate a full investigation will be conducted and the Grievance Review Board will inform the employee of its recommendation within 10 working days, and forwards a copy of its written recommendation to the Human Resources Director for filing in the employee's file. The Grievance Review Board's recommendation is immediately presented to the affected elected official who has the authority to make any adjustment deemed appropriate to resolve the problem. If the affected elected official is a commissioner then the recommendation is forwarded to the full commission for resolution.
- G. In the event the elected official fails to make adjustments or otherwise act on the recommendations within ten working days thereafter, it will be deemed that said elected official does not intend to make any adjustments.

Not every problem can be resolved to everyone's total satisfaction, but through discussion of mutual problems, employees and management can develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

## **801 EMPLOYMENT SEPARATION**

Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination shall be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Resignation is a voluntary act initiated by the employee to terminate employment with Kane County. Although advance notice is not required, Kane County requests at least two weeks' written resignation notice from all employees.

Prior to an employee's departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.



## Form A Employee Acknowledgement Form

### EMPLOYEE ACKNOWLEDGEMENT FORM

This handbook describes important information about Kane County, and I understand that I should consult the Human Resources Director regarding any questions not answered in this handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to this handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Kane County Commission has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand that my employment with Kane County is “at-will” and nothing in this manual affects that status. I understand that I may be terminated for any or no reason so long as it is not for an unlawful or otherwise discriminatory purpose.

I have received this handbook, and I understand that it is my responsibility to read and comply with the policies contained in it as well as any revisions made to it.

Signed: \_\_\_\_\_

Name:

Date: \_\_\_\_\_

**Form B Conflict of Interest Disclosure Form**

**KANE COUNTY  
CONFLICT OF INTEREST DISCLOSURE**

This Disclosure is provided pursuant to Kane County Employee Policy and the County Officers and Employees Disclosure Act (Utah Code §17-16a-101 et. al.)

Name: \_\_\_\_\_  
Title/Position: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

I, the undersigned, hereby affirm that I have reviewed or been trained on the County Officers and Employees Disclosure Act and declare the following:

- I comply with the Act and Kane County Policy without the need of further disclosure.
- I comply with the Act and Kane County Policy with the following disclosure(s):

Name, address and nature of business(es) or interest(s) involved:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your title with the business or interest: \_\_\_\_\_

Description of the activity or event requiring disclosure including value obtained:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me this day \_\_\_\_ of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary

My Commission Expires: \_\_\_\_\_

Residing at: \_\_\_\_\_