

RESOLUTION 2012-11

A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL INTRODUCTION/DISCLAIMER AND THE FOLLOWING SECTIONS: (1) SECTION 3, POLICIES AND PROCEDURES ADMINISTRATION, (2) SECTION 7, HIRING, (3) SUBSECTION 17.E, POLITICAL ACTIVITIES OF EMPLOYEES – ETHICS, AND (4) SECTION 24, DISCIPLINE; REPEALING SECTION 25, GRIEVANCE; AND ENACTING (1) SECTION 25A, PROCEDURES FOR EMPLOYEE COMPLAINTS, (2) SECTION 25B, PROCEDURES FOR CAREER SERVICE EMPLOYEE GRIEVANCES, AND (3) SECTION 25C, PROCEDURES FOR CAREER SERVICE EMPLOYEE APPEALS

WHEREAS, the Tooele County Commission finds it necessary to amend several sections

of Tooele County's Personnel Policies and Procedures Manual. The language in the Introduction needs to be clarified and the section renamed to better describe the purpose of the section. Section 3 needs to be amended to clarify that the section applies to career service employees and to detail the procedures related to the personnel files of those employees. Amendments to Section 7 are necessary to clarify who the hiring authority is and to update the rules regarding employee transfers. Amendments to Section 17 need to be made to conform with State law. And updates to Sections 24 and 25 are needed to comply with current legal standards for employee discipline as well as employee grievances and appeals.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that the following sections of the Personnel Policies and Procedures Manual are amended to read as attached hereto, which attachments are, by this reference, made a part hereof:

- (1) The "Introduction" is amended and renamed "Tooele County Human Resource Department Policies and Procedures Disclaimer" (Attachment 1);
- (2) Section 3, "Policies and Procedures Administration," is amended (Attachment 2);
- (3) Section 7, "Hiring," is amended (Attachment 3);
- (4) Subsection 17.E.7 of "Political Activities of Employees" in Section 17, "Ethics" is repealed;

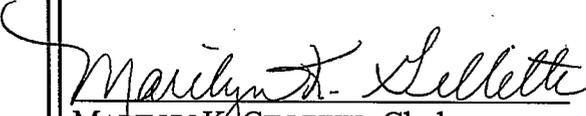
- (5) Section 24, "Discipline," is amended (Attachment 4);
- (6) Section 25, "Grievance," is repealed;
- (7) Section 25A, "Procedures for Employee Complaints," is enacted (Attachment 5);
- (8) Section 25B, "Procedures for Career Service Employee Grievances," is enacted (Attachment 6); and
- (9) Section 25C, "Procedures for Career Service Employee Appeals," is enacted (Attachment 7).

EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

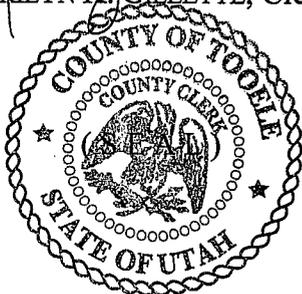
DATED this 18th day of September 2012.

ATTEST:

TOOELE COUNTY COMMISSION:


Marilyn K. Gillette, Clerk


Colleen S. Johnson, Chairman



Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

**TOOELE COUNTY HUMAN RESOURCE DEPARTMENT
POLICIES AND PROCEDURES DISCLAIMER**

The policies and procedures contained in this manual in its present form, or as amended, do not create a binding contract between Tooele County and its employees or any third parties. Nor are any other obligations or liabilities created by this manual for Tooele County. Tooele County reserves the right to change the policies and procedures contained in this manual and any or all other terms or conditions of employment with Tooele County at any time for any reason.

If any policies and procedures contained in department policies and procedures manuals, other department materials, directives, policies, or job descriptions, whether written or verbal, are in conflict with or are inconsistent with this manual, materials, or directives, they are superceded by this manual, Tooele County, and Tooele County Human Resource Department policies, procedures, materials, directives, and job descriptions, to the extent of said conflict or inconsistency.

SECTION 3
POLICIES AND PROCEDURES ADMINISTRATION

- A. APPLICABILITY:** These rules apply to all departments and employees holding career service positions with Tooele County. Additionally, county employees holding positions designated as exempt from career service are covered by the provisions expressly applicable and policies regarding: discrimination; standards of conduct; drug-free workplace; incompatible outside activities; political activity; sexual harassment; employment of relatives; and usage of electronic communication devices and services. Notwithstanding the foregoing, rights of appeal and procedural protections contained in these policies and procedures are not applicable to exempt career service employees, who may be terminated at any time for any reason.
- B. THE COUNTY COMMISSION:** The County Commission shall exercise control over personnel through the adoption of the county budget, the pay plan, personnel policies and procedures, and related ordinances or resolutions.
- C. DEPARTMENT HEADS AND ELECTED OFFICIALS:** Department heads and elected officials may establish rules for the efficient and orderly administration of their departments. Such rules shall be consistent with and serve as a supplement to the county's personnel policies and procedures. Department heads and elected officials have the responsibility to direct and manage their own employees in compliance with these rules.
- D. HUMAN RESOURCES DIRECTOR:** The Human Resources Director is responsible for directing and coordinating the personnel activities of the county to assure compliance with applicable federal, state, and county personnel management laws, regulations, and ordinances. In addition, the Human Resources Director shall have the authority to hire, subject to the approval of the County Commission, such staff as shall be necessary to perform the duties and responsibilities of the office. The Human Resources Director shall maintain such records as are necessary for the proper administration of the county's policies, procedures, and personnel programs.
- E. PERSONNEL RECORDS:** The official personnel record of each employee shall be kept in the Human Resource Department.
1. An individual personnel record may be kept in the department to contain copies of items recorded in the official record and other materials as required by the department management. Any such individual record shall be subject to the rules governing personnel records.
 2. An employee has the right to review the contents of his or her personnel record in the Human Resource Department or their own department and may challenge any information in the official personnel record. Additionally, an employee may provide rebuttal comments to be attached to original documents where the employee believes appropriate. Such rebuttal comments must be restricted to the document in question.
 3. Personnel records shall be private data and available for review only to the employee and users authorized by law or as determined by the Human Resources Director to have a

legitimate “need to know.” A record of those reviewing personnel records and information, other than Human Resource Department staff, shall be maintained together with the reason for the access to the records.

4. Request for confirmation of current or terminated employees shall be directed to the Human Resource Department.

SECTION 7 HIRING

A. REGULAR HIRING PROCEDURE:

1. When a position opens or a need arises to create a new position, the hiring authority shall notify the Human Resource Department. The hiring authority shall identify the position title, a description of the duties, responsibilities and required knowledge and skills, minimum qualifications, the essential job functions, and any required examinations and tests. The hiring authority is the department head or elected official for positions within their respective departments. The hiring authority is the County Commission for department heads and all other positions, except where otherwise provided in the Utah State Code.
2. Authorization to hire must be approved in advance by the County Commission, and the Human Resources Director must be notified.
3. The Human Resource Department shall prepare a job announcement. The job announcement shall specify the title and salary range of the position, the nature of the work to be performed, the experience and training required, the time, place and manner to make application, and other pertinent information. The announcement shall be distributed to every county department and posted on the Human Resource Department bulletin board to inform interested and qualified persons of the opportunity to apply.
4. Vacancies may be filled from in-house recruitment on the basis of performance, knowledge, skills and qualifications. Only employees who have been initially hired through the regular hiring procedure may be considered for the vacancy.
5. After or concurrent with in-house recruitment, the community and labor market shall become the object of a recruiting effort utilizing appropriate methods to notify the general public. Outside applications will be accepted for a minimum of three working days.
6. All applications shall be submitted to the Human Resource Department. Applications will be received only when there is a job opening. The hiring authority and the Human Resource Department will review the applications to determine who meets the minimum qualifications. The Human Resource Department may coordinate appointments for interviews, tests, and examinations. All applicants who meet the minimum qualifications shall then be rated in order of preference. Preference shall be determined by a consistent method of rating the applicants' education, experience, knowledge, skills, abilities, and preliminary background screening. Upon making a selection, the hiring authority shall apprise the County Commission of the selection before an offer is made.
7. Each applicant selected for hiring shall be given a drug test prior to hiring. Any prospective employee who is found to be a user of an illegal drug or controlled substance, who uses a prescription drug without an authorized prescription, or who refuses to take the drug screening test shall be disqualified.

8. Prior to hiring, the county will conduct a background investigation which will require that the applicant be photographed, fingerprinted, and provide a criminal history or rap sheet from the Bureau of Criminal Investigations. Refusal to submit to the background investigation shall be grounds for rejection of the applicant for employment. In determining an individual's suitability for employment where the individual has criminal convictions on his/her record, the hiring authority, Human Resource Department, and County Attorney will consider the nature and seriousness of the crime(s); the relationship of the conviction to the requirements of the job; all circumstances relative to the crime(s), including mitigating circumstances; and all other competent evidence. The County Commission makes the final determination regarding approval to hire or reject the applicant. If hired, the county will reimburse the applicant for the cost of obtaining the criminal history.
9. As a condition of hiring into a position requiring driving of either a county or personal motor vehicle, the candidate shall have had a valid driver license for at least two years and shall, at his own expense, provide the county an official copy of his driving record. Unless approved by the County Commission, any hiring offer made for such a position shall be contingent upon the candidate having an "acceptable" driving record as set forth in Section 30.
10. Each newly hired employee shall report to the Human Resource Department to fill out forms for employment. A general orientation concerning personnel policies and procedures will be provided by the Human Resource Department.

B. RESIDENCY: Preference in employment may be given to local residents.

C. VETERANS: Pursuant to Utah Code 71-10-2, Tooele County shall grant a veteran's preference upon initial hiring to each preference eligible veteran or preference eligible spouse according to the procedures and requirements of this subsection.

1. The county shall add to the score of a preference eligible who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any career service position with the county:
 - a. five percent of the total possible score, if he/she is a veteran;
 - b. ten percent of the total possible score, if he/she is a disabled veteran or a purple heart recipient; or
 - c. in the case of a preference eligible spouse, widow, or widower, the same percentage the qualifying veteran is, or would have been, entitled to.
2. A preference eligible who applies for a position that does not require an examination, or where examination results are other than a numeric score, shall be given preference in interviewing and hiring for the position.

D. TRANSFERS:

1. A position may be filled by transferring an employee from another position. Interdepartmental transfers must be approved by both departments affected as well as by the employee being considered for transfer. The Human Resources Director must be notified of such transfers.
2. If an employee voluntarily transfers from one county department to another county department, the employee shall be paid at the pay grade for the new position. The employee may be paid at the same step as the prior position, or a lower step, as determined by the County Commission and the department head or elected official. The employee shall retain all years of service and leave accrued from the prior position.
3. If an employee involuntarily transfers from one county department to another county department for no fault of the employee, the employee shall be paid at the pay grade for the new position, but shall be paid no less than the pay rate from the prior position. An involuntary transfer must be approved by the County Commission and the affected department heads or elected officials. The employee shall retain all years of service and leave accrued from the prior position. This paragraph does not apply to transfers due to a reduction in force or layoff.
4. If an employee transfers to another position in lieu of a layoff and if the pay rate received in the higher range falls within the pay range for the grade to which demoted, the rate of pay shall remain unchanged. If the pay rate received in the higher range is greater than the maximum for the grade to which demoted, the pay rate shall be reduced to the maximum of the lower pay range.
5. If an employee involuntarily transfers from one county department to another county department as a condition of discipline to the employee, the employee shall be paid at the pay grade for the new position. The employee may be paid at the same step as the prior position, or a lower step, as determined by the County Commission and the department head or elected official. The employee shall retain all years of service and leave accrued from the prior position.

E. REHIRING: Persons who leave county employment after having worked at least one full year may be rehired to the same county position without going through the regular hiring procedure, provided the rehiring is accomplished within 12 months after termination. Rehired employees shall not be placed on a salary range higher than when they terminated without approval of the hiring authority and the County Commission. Rehired employees shall be considered new employees for the purpose of health and dental insurance benefits and shall be subject to all waiting periods and preexisting condition requirements specified for new employees in the Tooele County Medical/Dental Plan.

F. WORK AUTHORIZATION: In conformance with the Immigration Reform and Control Act of 1986, the Human Resources Director shall verify that all applicants for vacant positions or persons hired to fill vacant positions are authorized to work within the boundaries of the United

States. The Human Resource Department shall verify employment eligibility and the identity of all new hires by examining documents such as a U.S. passport, birth certificate, social security card, driver license, or alien identification. Employees must also attest in writing that they are authorized to work in the United States. Section 1 of the I-9 Form must be filled out the first day the new employee reports to work. Section 2 of the form must be completed within three business days after new employees begin work. I-9 Forms shall be kept separate from other personnel records and shall be made available to the Immigration and Naturalization Service or the Department of Labor as requested.

- G. EMERGENCY HIRING:** In an emergency, to prevent undue delay or serious interference with the provision of vital county services, a hiring authority may make an emergency hiring for a period not to exceed 90 calendar days. Such hiring can be made without recourse to the regular hiring procedure. Approval of the County Commission is required to make an emergency hiring, and the hiring authority must notify the Human Resources Director. Emergency employees are not entitled to employee benefits.

**SECTION 24
DISCIPLINE**

A. PURPOSE: To provide guidance regarding disciplinary action being taken against career service employees and to outline the procedure that must be followed when imposing discipline.

B. PROCEDURE:

1. Discipline shall be for cause including, but not limited to: violation of the County Personnel Management Act or Tooele County Personnel Policies and Procedures, violation of the statutory ethical and disclosure requirements, malfeasance, nonfeasance, neglect of duty, insubordination, misconduct, inefficiency or inability to satisfactorily perform assigned duties, unprofessional conduct at the workplace or at anytime while performing job duties, or acts inimical to the public service.

2. The usual sequence of discipline shall be verbal warning, written warning, suspension, and termination. A disciplinary evaluation period with interim performance evaluations may be a part of the progressive discipline process. Deviations from the usual sequence of discipline may be justified depending on the severity and circumstances of the action(s) to be disciplined. Reduction in pay and demotions may also be used for disciplinary purposes.

a. Verbal Warnings: Verbal warnings are informal discussions between a supervisor and an employee in an attempt to change behavior. Supervisors need to make clear to the employee that a verbal disciplinary warning is being given.

(1) Verbal warnings shall be recorded in the supervisor's own record. This record should include the date the warning was given; a description of the inappropriate behavior, including the date, time, and location, if applicable; and a brief description of the discussion with the employee. The Employee Disciplinary Notice form can be used for this purpose. A copy of this record shall be given to the employee to ensure it is clear that a verbal warning has been given. The record of the verbal warning is not sent to the Human Resource Department for inclusion in the employee's official personnel file.

(2) In cases of a verbal warning, the employee shall be advised that a copy of Personnel Policies and Procedures Section 25A, Procedures for Employee Complaints, is available on the Tooele County website.

b. Written Warnings: A written warning can be given to an employee who has not appropriately responded to a previous verbal warning or for behavior that the employee should have known was inappropriate.

(1) Documentation for the written warning must follow the guidelines provided in Subsection 24.B.3 below.

- (2) In cases of a written warning, the employee shall be advised that a copy of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, is available on the Tooele County website.
- c. Disciplinary Evaluation Period: When the discipline involves the employee's ability to perform their job, a supervisor may review and evaluate the employee's performance more often than others. The purpose of this closer focus on the employee's performance is to clarify expectations and to provide coaching and feedback in an attempt to help the employee turn his or her performance around to a satisfactory level.
- (1) Documentation for the disciplinary evaluation period must follow the guidelines provided in Subsection 24.B.3 below.
- d. Suspension: When an employee has failed to adequately respond to prior disciplinary measures, a suspension without pay may be appropriate. Suspension may also be the appropriate first step in the disciplinary process depending on the severity of behavior involved.
- (1) No employee may be suspended for more than thirty (30) calendar days for a single disciplinary incident nor for more than sixty (60) calendar days in one (1) calendar year.
 - (a) Employees designated as exempt from the Fair Labor Standards Act (E-FLSA) shall not be suspended for a period of less than one entire work week.
 - (2) Documentation for the suspension must follow the guidelines provided in Subsection 24.B.3 below.
 - (3) In cases of suspension, the supervising department head, elected official, or designee shall notify the employee in writing of the discipline at least seven (7) calendar days before the effective date of such discipline. The employee may waive this requirement in writing. The notice shall be delivered, in person, to the employee or the employee's last known home address by certified mail or personal service. The employee shall be advised that copies of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals, are available on the Tooele County website.
 - (4) If the supervising department head or elected official so determines, he or she may place the employee in a leave-with-pay status between the notice and the proposed effective date of the suspension or any portion thereof.
 - (a) An employee suspended-with-pay under the above circumstances shall remain on-call and available to the suspending division, department, or elected office during normal county working hours throughout the

suspension-with-pay period and provide the division, department, or elected office with a telephone number at which the employee may be reached.

e. Reduction in Pay: Employees can have their pay reduced as a form of discipline.

- (1) Documentation for the reduction in pay must follow the guidelines provided in Subsection 24.B.3 below.
- (2) In cases of reduction in pay, the supervising department head, elected official, or designee shall notify the employee in writing of the discipline at least seven (7) calendar days before the effective date of such discipline. The employee may waive this requirement in writing. The notice shall be delivered, in person, to the employee or the employee's last known home address by certified mail or personal service. The employee shall also be advised that copies of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals, are available on the Tooele County website.

f. Demotion: Employees can be moved to a position with a lower grade as a form of discipline. The salary of the demoted employee shall not exceed the new pay range maximum without express authorization by the County Commission.

- (1) Documentation for the demotion must follow the guidelines provided in Subsection 24.B.3 below.
- (2) In cases of a demotion, the supervising department head, elected official, or designee shall notify the employee in writing of the discipline at least seven (7) calendar days before the effective date of such discipline. The employee may waive this requirement in writing. The notice shall be delivered, in person, to the employee or the employee's last known home address by certified mail or personal service. The employee shall also be advised that copies of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals, are available on the Tooele County website.
- (3) If the supervising department head or elected official so determines, he or she may place the employee in a leave-with-pay status between the notice and the proposed effective date of demotion or any portion thereof.
 - (a) An employee on leave-with-pay under the above circumstances shall remain on-call and available to the demoting division, department, or elected office during normal county working hours throughout the leave-with-pay period and provide the division, department, or elected office with a telephone number at which the employee may be reached.

- g. Termination: When an employee has failed to adequately respond to prior disciplinary measures, termination may be appropriate. Termination may also be the appropriate first step in the disciplinary process depending on the severity of behavior involved.
- (1) Documentation for the termination must follow the guidelines provided in Subsection 24.B.3 below.
 - (2) In cases of potential termination, the supervising department head, elected official, administrator, or designee shall notify the employee in writing of the potential discipline and the date for the pre-termination hearing at least two (2) calendar days before the effective date of such potential discipline. The notice shall be delivered, in person, to the employee or the employee's last known home address by certified mail or personal service. The employee shall also be given copies of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals.
 - (3) If the supervising department head or elected official so determines, he or she may place the employee in a leave-with-pay status between the notice and the proposed effective date of termination.
 - (a) An employee on leave-with-pay under the above circumstances shall remain on-call and available to the terminating division, department, or elected office during normal county working hours throughout the leave-with-pay period and provide the division, department, or elected office with a telephone number at which the employee may be reached.
 - (4) A pre-termination hearing must be scheduled no sooner than two (2) working days nor later than seven (7) calendar days after the termination notice is given.
 - (a) The purpose of the pre-termination hearing is not to definitively and finally resolve the propriety of the termination, but to determine whether there are reasonable grounds to believe that the charges against the employee are factual.
 - (b) The pre-termination hearing is held between the employee and the supervising department head, elected official, or designee. An audio recording of the pre-termination hearing shall be made and kept until all formal post-termination proceedings are completed. The employee shall not be represented by legal counsel. Witness statements may be informally presented by the parties in writing or orally. The employee may have an attorney observe the hearing. If an employee wishes to waive the pre-termination hearing, he or she may do so by notifying the supervising department head or elected official in writing of his or her wish to waive the hearing.

- (c) The supervising department head or elected official shall give his or her decision in writing regarding the termination within two (2) working days after the hearing. The decision by the supervising department head or elected official shall be delivered to the employee, by certified mail or personal service, and to the Human Resources Director for placement in the employee's personnel file.
 - (d) The pre-termination hearing does not eliminate a formal post-termination grievance proceeding, as set forth in Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals.
 - (5) Temporary withholding of payment for accumulated vacation leave may be authorized when an employee is being terminated under circumstances in which the employee may owe money to the county or is holding county property.
 - (6) No employee shall be removed from employment covered under the Career Service System by means of job reclassification or transfer of job function where the job reclassification or transfer of job function is primarily for the purpose of dismissing the employee.
3. Documentation: Notice of any disciplinary action shall be communicated in writing to the employee.
- a. A disciplinary notice may be made by:
 - (1) Completing an "Employee Disciplinary Notice" form, available from the Human Resource Department, signed by the employee's supervisor; OR
 - (2) Preparing a letter addressed to the employee containing the following information:
 - (a) notification that the letter is a disciplinary notice;
 - (b) date of warning;
 - (c) type of violation;
 - (d) date, time, and place of violation;
 - (e) number and types of previous warnings;
 - (f) what is needed to correct the violation;
 - (g) type of disciplinary action being imposed and the date of action, if appropriate; and

(h) probable consequences of not correcting the violation.

- b. A copy of the "Employee Disciplinary Notice" form or written disciplinary notice letter shall be given to the employee and, in cases other than a verbal warning, a copy forwarded to the Human Resource Department for placement in the employee's personnel file, and a copy retained by the supervisor. Supervisors shall discuss the contents of the disciplinary notice form or letter with the subordinate.

C. STANDARDS OF CONDUCT:

1. Types of behavior Tooele County considers to be in violation of county policies or inappropriate include, but are not limited to, the following:
- a. falsifying any documents to be received or used by county government including, but not limited to, employment applications and related documents, work related records, time cards, etc.;
 - b. accepting gratuities or compensation from customers, clients, or vendors in violation of Personnel Policies and Procedures Section 17, Ethics;
 - c. excessive absenteeism, tardiness, or violation of county leave policies;
 - d. use of county property for personal purposes unless otherwise permitted by a written, established department or county policy;
 - e. reporting to regularly scheduled work intoxicated or otherwise in violation of Personnel Policies and Procedures Section 18, Alcohol and Drug Use Screening, Testing, and Treatment, and Section 18A, Alcohol and Drug Use Screening, Testing, and Treatment for Commercial Driver License Holders;
 - f. the illegal use, sale, possession, distribution, or transportation of drugs;
 - g. bringing or using alcoholic beverages on county property while on-duty, in violation of Personnel Policies and Procedures Section 18, Alcohol and Drug Use Screening, Testing, and Treatment, or Section 18A, Alcohol and Drug Use Screening, Testing, and Treatment for Commercial Driver License Holders;
 - h. engaging in violence or behavior that carries the potential for violence including, but not limited to, fighting or using obscene, foul, abusive, or threatening language or gestures towards county staff and others;
 - i. possession of firearms or other weapons on county property or while on county business, except as permitted by state law;
 - j. disregarding safety regulations or policies;

- k. insubordination by either refusing to follow a reasonable order or by engaging in rude or disrespectful behavior toward any supervisor in the employee's chain of command, as defined as follows: disrespectful behavior includes, but is not limited to, using obscene, foul, or abusive language or showing anger through physical gestures such as slamming doors or throwing office documents or supplies;
- l. theft of county property or theft from co-workers, customers, or other persons;
- m. destroying, damaging, vandalizing, or threatening to damage or destroy county property;
- n. destroying, damaging, or threatening to damage or destroy work-related documents, work stations, personal belongings, or personal property of others while on county premises;
- o. soliciting political support or contributions in violation of Personnel Policies and Procedures Section 17, Ethics;
- p. failure to comply with the uniform, dress, or grooming policy of a county agency or division;
- q. failure to comply with the non-smoking regulations of county government and State laws;
- r. engaging in behavior of a sexual nature in violation of Personnel Policies and Procedures Section 20, Sexual Harassment;
- s. engaging in behavior or using language or terminology in the workplace that reflects a discriminatory perception based on gender, sexual orientation, marital status, race, color, age, religion, national origin, or disability in violation of applicable county ordinances and State and Federal laws;
- t. bringing to work, disseminating, or displaying any materials that are offensive and which could give rise to or form the basis for the following types of employee or citizen complaints: a sexual harassment complaint, an allegation of hostile work environment, a discrimination claim, or a violation of county policy;
- u. using e-mail, voice mail, fax, or the internet to harass or discriminate on the basis of sex, race, religion, color, national origin, age, disability, sexual orientation, or marital status;
- v. failure to follow established parking rules;
- w. engaging in rude or discourteous behavior towards co-workers or members of the public;

- x. a violation of any criminal law, whether on or off-duty, which adversely reflects on the employee's ability to perform the county's job duties;
 - y. neglect of duty including failure to complete all scheduled work hours, inefficiency, or inability to perform assigned duties;
 - z. violating the County Personnel Management Act, Tooele County Code, Personnel Policies and Procedures, or department internal policies;
 - aa. malfeasance, nonfeasance, or acts inimical to the public service;
 - bb. refusal to respond to an official request for factual information or willfully impeding an internal formal investigation after notification and warning that such response is required in the investigation;
 - cc. refusal to appear for a Fitness for Duty Evaluation or follow through with the testing and evaluation process;
 - dd. filing a malicious, fraudulent, or frivolous complaint with the intent to cause harm, disrupt county services, or with reckless disregard or intent to harass;
 - ee. violating the Government Records Access Management Act or the Health Insurance Portability and Accountability Act, (45 CFR Parts 160 and 164), including the unauthorized or unlawful disclosure, issuance, abuse, intentional release of, or gaining unauthorized access to any private, controlled, or protected information, whether or not classified by the county, in records in the possession of any county agency; or
 - ff. bringing to work or intentionally disseminating, forwarding, or displaying pornographic materials, including intentional viewing or downloading of pornography from the internet.
2. The progressive discipline steps outlined in this policy will not be followed in cases where the violation justifies more severe disciplinary action.
 - a. Any case of misconduct involving violence, theft, or violation of criminal laws will justify termination of employment without progressive discipline.
 3. Employees who encounter threatening or violent behavior in the workplace, as described in Subparagraph C.1.h above, shall immediately notify any supervisor in the chain of command.
 - a. Employees may also notify security or law enforcement dependent upon the severity of the situation.
 4. A supervisor's immediate response to threatening or violent behavior will depend on the extent and severity of the behavior and how it compromises the safety of persons or

property. Supervisors who confront threatening or violent behavior in the workplace should follow the following steps in handling the situation.

- a. Immediately notify your supervising department head, elected official, or designee and, if applicable, security or law enforcement.
 - b. Document receipt of the threat, the behavior that was exhibited, and the supervisor's immediate response or handling of the situation.
 - (1) Supervisors may immediately remove from the work environment an employee whose behavior has the potential for violence against county property, employees, or other persons.
 - (2) Employees who are removed from the workplace shall be placed on administrative leave with pay pending further action.
 - c. Before further action is taken, the supervising department head, elected official, or designee shall complete a threat assessment in consultation with the Human Resources Director and a representative of the County Attorney's Office.
 - (1) If applicable, threatened personnel shall be notified.
 - d. Options available to the supervising department head or elected official may include taking legal action, placing the employee on leave, initiating a Fitness for Duty Evaluation, conducting an administrative investigation, etc.
 - (1) If applicable, a situation-specific security plan must be developed in coordination with security and law enforcement.
 - e. Confidentiality shall be maintained to the extent possible under the law.
5. Employees whose job performance, conduct, or demeanor becomes unsatisfactory based on violations of any of the above or of any other county, department, or elected office policy will be subjected to disciplinary action which may include termination.
- a. Certain violations may subject an employee to criminal prosecution.
6. In order to reduce the incidences of workplace violence, the county encourages any employee who applies for or obtains a protective order or restraining order, which lists county work locations as being protected areas, to provide as soon as possible to their supervising department head or elected official a copy of any temporary or permanent protective or restraining order which is granted.

*** S A M P L E ***

EMPLOYEE DISCIPLINARY NOTICE

EMPLOYEE'S NAME: _____ DATE OF NOTICE: _____

DEPARTMENT/DIVISION: _____

TYPE OF DISCIPLINARY ACTION BEING IMPOSED AND DATE, IF APPROPRIATE:

SUPERVISOR'S EXPLANATION OF VIOLATION:

DATE OF VIOLATION: _____ TIME OF VIOLATION: _____

PLACE VIOLATION OCCURRED: _____

LIST ALL PREVIOUS DISCIPLINARY ACTIONS REGARDING THE SAME VIOLATION:

CORRECTIVE ACTION REQUIRED:

Failure to correct violations could result in further disciplinary action including suspension, demotion, or termination.

I have read this notice and understand a copy will be placed in my official personnel file.

Employee's Signature Date Supervisor's Signature Date

Copy Distribution: Employee Supervisor Personnel File (Official)

**SECTION 25A
PROCEDURES FOR EMPLOYEE COMPLAINTS**

A. PURPOSE: To provide an equitable method of administering and resolving employee concerns, both of career service and non-career service employees, without coercion, restraint, or reprisal. To establish a uniform method of filing a complaint within Tooele County Personnel Policies and Procedures.

B. PROCEDURES:

1. Complaint Rights and Restrictions

a. Employees may appeal decisions of supervisors regarding matters such as work assignment, location, work space, work schedule, working conditions, verbal warnings, violation of policy, or other decisions involving supervisory and administrative discretion by following the procedure outlined in this policy.

b. Appeals not covered in this section:

(1) All claims listed in Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, Subsection B.1.a, and Personnel Policies and Section 25C, Procedures for Career Service Employee Appeals, Subsection B.1.a.

(2) Any county employee (career service, probationary, or non-career service) may file a grievance relative to a claim of discrimination or reprisal if the claim meets the definition provided in Personnel Policies and Procedures Section 20, Sexual Harassment, by following the procedure outlined in that policy. They may also file using the procedure outlined in Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances.

(3) Appeals by career service employees regarding classification shall be made pursuant to Personnel Policies and Procedures Section 4, Classification of Positions.

(4) The County Human Resources Director may hear disputes regarding a career service employee's entitlement to benefits or leave. These disputes can be brought to the attention of the Human Resources Director by writing to the Human Resource Department. The Director's decision may be appealed to the County Commission.

c. Employees shall have the right at their own expense to assistance by a representative of their choice. Such representatives may act as the employee's advocate at any level of the complaint procedure.

d. Supervisors, department heads, and elected officials are prohibited from harassing or retaliating against an employee due to his or her filing of a complaint or appeal.

- e. Upon written request, the department will supply the complaining employee with requested non-confidential information necessary for the processing of the complaint, providing that extraordinary or inordinate expenses required to furnish such information shall be borne by the employee.

2. Time Limits and Waivers

- a. Employees shall have six (6) calendar days from the day of imposition of the objectionable action or six (6) calendar days from the date the employee could reasonably be presumed to have had knowledge of the action which they are complaining about to begin the complaint process.
- b. Unless otherwise specified, the time limit between each level of review in the complaint process shall be seven (7) calendar days.
- c. Failure by management to reply in writing to the employee's complaint, by at least setting a hearing date, within the established time limits automatically permits the employee to move his or her complaint to the next level of review.
- d. Any level of review or any time limits established in this procedure may be waived or amended by mutual written agreement of the parties.
- e. If an employee fails to initiate the complaint procedure or fails to appeal in writing from one level to the next level within the time limits established by this policy, the complaint shall be considered finally settled on the basis of the most recent decision and shall not be subject to further appeal or consideration.

3. Levels of Review

- a. Informal Level of Review: An employee who has a complaint should attempt to settle the issue through discussion with his or her immediate supervisor within six (6) calendar days of the imposition of the objectionable action or six (6) calendar days from the date the employee could reasonably be presumed to have had knowledge of the action which the employee is complaining about. If the issue is not resolved through discussion with the supervisor, the employee may attempt informal resolution through the appropriate chain of command within the department. Each level of this informal review can take up to seven (7) calendar days and shall be documented through letters, memos, or other written records.
- b. Department/Elected Office Level of Review: If the employee does not agree with the written decision of the supervisor:
 - (1) The employee may present his or her written complaint to the department head or elected official for Department/Elected Office Review within six (6) calendar days.

- (2) The department head or elected official may elect to hear the complaint or have a designee within their department or elected office hear it.
- (3) Hearings before the department head, elected official, or designee shall be initially convened within seven (7) calendar days after receiving the written complaint.
 - (a) Hearings may not be postponed after agreement by both sides of the hearing date except in cases where written justification is submitted twenty-four (24) hours in advance of the hearing.
 - (b) Hearings may only be postponed twice, and continuances shall be limited to fifteen (15) calendar days.
- (4) Notice: At least seven (7) calendar days in advance of the hearing, the department head, elected official, or designated representative will notify the employee and appropriate supervisor of the time and place of the hearing. This notification will be delivered to the employee in person or mailed by certified mail to the employee's last known home address.
- (5) Procedure at the Hearing: The hearing held before a department head, elected official, or designated representative is not a formal adversarial hearing but shall consist of an inquiry into the complainant's position and an attempt to resolve the differences between the complainant and supervisor or administrator. The employee may present his or her case personally. An audio recording of the proceedings may be kept by either party at their discretion. Witnesses may be called and heard and/or witness statements may be presented by the parties in writing or orally. Written documentary evidence may be presented and considered.
 - (a) The hearing shall not be bound either by the Utah Rules of Civil Procedures or by the Utah Rules of Evidence.
 - (b) All relevant information must be made available at the time of the hearing in order to facilitate a thorough review of the complaint.
- (6) The department head, elected official, or designee shall prepare and deliver to the employee a written decision within seven (7) calendar days after the date of the hearing.
 - (a) The decision by the department head or elected official shall be delivered to the employee. The decision by the department head or elected official is not appealable.
 - (b) If the decision by the department head or elected official rescinds an action that was documented in the employee's personnel file (official), then notification shall be sent to the Human Resource Department to remove the action from the employee's official personnel file.

SECTION 25B
PROCEDURES FOR CAREER SERVICE EMPLOYEE GRIEVANCES

A. **PURPOSE:** To provide an equitable method of administering and resolving career service employee grievances without coercion, restraint, or reprisal. To establish a uniform method of filing a grievance within Tooele County Personnel Policies and Procedures.

B. **PROCEDURES:**

1. **Grievance Rights and Restrictions**

- a. Career service employees may appeal an overall “did not meet job expectations” performance evaluation ratings and decisions in discipline cases involving dismissal, demotion, reduction-in-pay, suspension, written warning, or transfer by following the procedures outlined in this policy. Career service-probation employees may also file a grievance if they feel their probation has been unduly extended. Employees who are dissatisfied with the results of their appeal may further appeal to the Career Service Council by following the procedures outlined in this policy.
- b. Any county employee (career service, career service probation, or non-career service) may file a grievance relative to a claim of discrimination or reprisal if the claim meets the definition provided in Personnel Policies and Procedures Section 20, Sexual Harassment.
- c. Appeals not covered in this section:
 - (1) All claims listed in Personnel Policies and Procedures Section 25A, Procedures for Employee Complaints, Subsection B.1.a.
 - (2) Appeals by career service employees regarding classification shall be made pursuant to Personnel Policies and Procedures Section 4, Classification of Positions.
 - (3) The County Human Resources Director may hear disputes regarding a career service employee’s entitlement to benefits or leave. These disputes can be brought to the attention of the Human Resources Director by writing to the Human Resource Department. The Director’s decision may be appealed to the County Commission.
- d. Employees shall have the right at their own expense to assistance by a representative of their choice. Such representatives may act as the employee’s advocate at any level of the grievance procedure.
- e. Supervisors, department heads, and elected officials are prohibited from harassing or retaliating against an employee due to his or her filing of a grievance or appeal.

- f. Upon written request, the department will supply the grieving employee with requested non-confidential information necessary for the processing of the grievance, providing that extraordinary or inordinate expenses required to furnish such information shall be borne by the employee.

2. Time Limits and Waivers

- a. Employees shall have six (6) calendar days from the day of imposition of the grievable action or six (6) calendar days from the date the employee could reasonably be presumed to have had knowledge of the grievable action to begin the grievance process.
- b. Unless otherwise specified, the time limit between each level of review in the grievance process shall be seven (7) calendar days.
- c. Failure by management to reply in writing to the employee's grievance, by at least setting a hearing date, within the established time limits automatically permits the employee to move his or her grievance to the next level of review.
- d. Any level of review or any time limits established in this procedure may be waived or amended by mutual written agreement of the parties.
- e. If an employee fails to initiate the grievance procedure or fails to appeal in writing from one level to the next level within the time limits established by this policy, the grievance shall be considered finally settled on the basis of the most recent decision and the grievance shall not be subject to further appeal or consideration by the department, elected office, or the County Commission.

3. Levels of Review

- a. Informal Level of Review: An employee who has a grievance should attempt to settle the issue through discussion with his or her immediate supervisor within six (6) calendar days of the imposition of the grievable action or six (6) calendar days from the date the employee could reasonably be presumed to have had knowledge of the grievable action. If the issue is not resolved through discussion with the supervisor, the employee may attempt informal resolution through the appropriate chain of command within the department. Each level of this informal review can take up to seven (7) calendar days and shall be documented through letters, memos, or other written records.
- b. Department/Elected Office Level of Review: If the employee does not agree with the written decision of the supervisor:
 - (1) The employee may present his or her written grievance to the department head or elected official for Department/Elected Office Review within six (6) calendar days. If the supervisor for the informal level of review is the department head or elected official, then the supervising Commissioner shall conduct this level of review.

- (2) The department head or elected official may elect to hear the grievance or have a designee hear it. The department head or elected official may forward the grievance to the Career Service Council in discipline cases involving dismissal, demotion, reduction in pay, or suspension.
 - (a) In cases where the department head or elected official has had direct involvement in the facts at issue, the Department/Elected Office Review hearing shall be waived and the matter forwarded to the supervising Commissioner.
- (3) Hearings before the department head, elected official, or designee shall be initially convened within seven (7) calendar days after receiving the written grievance.
 - (a) Hearings may not be postponed after agreement by both sides of the hearing date except in cases where written justification is submitted twenty-four (24) hours in advance of the hearing.
 - (b) Hearings may only be postponed twice, and continuances shall be limited to fifteen (15) calendar days.
 - (c) Hearings not held after two continuances will be forwarded to the Career Service Council unless agreed otherwise by both parties.
- (4) Notice: At least seven (7) calendar days in advance of the hearing, the department head, elected official, or designated representative will notify the employee and appropriate supervisor of the time and place of the hearing. This notification will be delivered to the employee in person or mailed by certified mail to the employee's last known home address.
- (5) Procedure at the Hearing: The hearing held before a department head, elected official, or designated representative is not a formal adversarial hearing but shall consist of an inquiry into the grievant's position and an attempt to resolve the differences between the grievant and supervisor or administrator. The employee may present his or her case personally. An audio recording shall be kept of the proceedings. Witnesses may be called and heard and/or witness statements may be presented by the parties in writing or orally. Written documentary evidence may be presented and considered.
 - (a) The hearing shall not be bound either by the Utah Rules of Civil Procedures or by the Utah Rules of Evidence.
 - (b) All relevant information must be made available at the time of the hearing in order to facilitate a thorough review of the grievance.
 - (c) If an employee withholds evidence at the time of the hearing, he or she shall be precluded from presenting said evidence to the Career Service Council.

- (6) The department head, elected official, or designee shall prepare and deliver to the employee a written decision within seven (7) calendar days after the date of the hearing.
 - (a) The decision by the department head or elected official shall be delivered to the employee. Should the decision by the department head or elected official be adverse to the employee, the notification shall include the right of the employee to appeal to the Career Service Council.
 - (b) If the decision by the department head or elected official rescinds an action that was documented in the employee's personnel file (official), then notification shall be sent to the Human Resource Department to remove the action from the employee's official personnel file.
- c. Career Service Council Review: If subsequent to an appeal, the disciplinary action taken against an employee is not sustained, the Administrator shall submit to the Human Resource Department, with seven (7) calendar days of the decision, a letter rescinding the action taken.

SECTION 25C
PROCEDURES FOR CAREER SERVICE EMPLOYEE APPEALS

A. PURPOSE: To establish a uniform method of appealing decisions to the Career Service Council within Tooele County government.

B. PROCEDURES:

1. Hearings by the Career Service Council

- a. The Career Service Council shall hear appeals not resolved at lower levels regarding concerns by merit employees regarding matters relating to dismissal, demotion, reduction in pay, or suspension. The Career Service Council has no jurisdiction to hear or decide any other personnel matters. However, a right of appeal to the District Court under the provisions of the Utah Rules of Civil Procedure shall not be abridged.
- b. Employees shall have the right to appeal to the Career Service Council following a department hearing as detailed in this policy. Such appeals shall be filed in writing with the Human Resource Department not later than six (6) calendar days after the employee has received the Administrator's decision or after the decision was due. The Career Service Council shall arrange a formal hearing not more than thirty (30) calendar days after receipt of such appeal.
 - (1) Upon receipt of an appeal, the Career Service Council shall make a determination as to its jurisdiction over the appeal as provided in Subsection B.1.a above.
- c. Upon receipt of a notice of appeal from an employee, the Career Service Council shall notify the interested department or elected office of the notice no later than four (4) calendar days after receipt of the notice.
- d. The Career Service Council will notify the Appellant and the department or elected office of the date, time, and place of the scheduled appeal pre-hearing and the procedures to be followed at the hearing. The Career Service Council shall require the Appellant to submit a statement (brief) or a pre-hearing outline, which should include statements of denial of charges, mitigating and/or extenuating circumstances or other information, and statements or claims that may lend support to the appeal. This statement (brief) or pre-hearing outline must be received by the Career Service Council and the department or elected office within nine (9) calendar days following the notification to the Appellant of the date of the hearing.
 - (1) The appellant shall advise the Career Service Council and the department of any witnesses whom he or she expects to introduce at the hearing in support of the appeal and whether he or she intends to present the case personally or through a representative. The Appellant shall be responsible for notifying such witnesses of the date, time, and place of the hearing.

- e. Following receipt of the Appellant's statement (brief) or pre-hearing outline, the department or elected office shall, in no less than two (2) working days before the hearing, submit to the Career Service Council and the Appellant a rebuttal (brief). The statement should be concise but in sufficient detail as to present all of the pertinent facts. Within this period, the department or elected office shall also advise the Career Service Council and the Appellant of any witnesses it expects to introduce at the hearing in support of its action. The department or elected office shall be responsible for notifying such witnesses of the date, time, and place of the hearing.
- f. The scheduling of hearings and continuances is at the discretion of the Career Service Council.
 - (1) Continuances of hearing dates or filing of pleadings shall be for good and justifiable cause outside the control of the requesting party.
 - (2) Rescheduled hearing dates must be set and the hearing convened no later than thirty (30) calendar days following the initial set date.
- 2. **Procedure at the Career Service Council Hearings:** Appellants, departments, and elected offices shall follow the Career Service Council's guidelines in presentation of the appeal and any rebuttals.
- 3. **Decision of the Career Service Council:** The Career Service Council shall, within fifteen (15) calendar days after the date of the hearing, make its decision in writing and provide copies of the decision to the interested parties.

INTRODUCTION
TOOELE COUNTY HUMAN RESOURCE DEPARTMENT
POLICIES AND PROCEDURES DISCLAIMER

The following policies and procedures do not constitute a contract between Tooele County and its employees and should not be construed as such. These policies and procedures, any working conditions, any compensation plan, wages and benefits, may be changed or amended at any time by the county commission without having to consult employees and without employee agreement. Employment by Tooele County is subject to and shall be governed by these policies and procedures and by all subsequent amendments hereto. The county commission may authorize exceptions to these policies when determined to be in the best interests of the county.

The policies and procedures contained in this manual in its present form, or as amended, do not create a binding contract between Tooele County and its employees or any third parties. Nor are any other obligations or liabilities created by this manual for Tooele County. Tooele County reserves the right to change the policies and procedures contained in this manual and any or all other terms or conditions of employment with Tooele County at any time for any reason.

If any policies and procedures contained in department policies and procedures manuals, other department materials, directives, policies, or job descriptions, whether written or verbal, are in conflict with or are inconsistent with this manual, materials, or directives, they are superceded by this manual, Tooele County, and Tooele County Human Resource Department policies, procedures, materials, directives, and job descriptions, to the extent of said conflict or inconsistency.

SECTION 3
POLICIES AND PROCEDURES ADMINISTRATION

- A. **APPLICABILITY:** ~~The Tooele County Personnel Policies and Procedures are applicable to all county personnel. They shall be administered uniformly by the county commission, department heads, and the director of personnel management.~~ These rules apply to all departments and employees holding career service positions with Tooele County. Additionally, county employees holding positions designated as exempt from career service are covered by the provisions expressly applicable and policies regarding: discrimination; standards of conduct; drug-free workplace; incompatible outside activities; political activity; sexual harassment; employment of relatives; and usage of electronic communication devices and services. Notwithstanding the foregoing, rights of appeal and procedural protections contained in these policies and procedures are not applicable to exempt career service employees, who may be terminated at any time for any reason.
- B. **THE COUNTY COMMISSION:** ~~The eCounty eCommission shall exercise control over personnel through the adoption of the county budget, the pay plan, personnel policies and procedures, and related ordinances or resolutions.~~
- C. **DEPARTMENT HEADS AND ELECTED OFFICIALS:** ~~Department heads and elected officials may establish rules for the efficient and orderly administration of their departments. Such rules shall be consistent with and serve as a supplement to the county's personnel policies and procedures. Department heads and elected officials have the responsibility to direct and manage their own employees in compliance with these rules.~~
- D. **DIRECTOR OF PERSONNEL MANAGEMENT HUMAN RESOURCES DIRECTOR:** ~~The Human Resources Director director of personnel management is responsible for directing and coordinating the personnel activities of the county to assure compliance with applicable federal, state, and county personnel management laws, regulations, and ordinances. In addition, the Human Resources Director director of personnel management shall have the authority to hire, subject to the approval of the eCounty eCommission, such staff as shall be necessary to perform the duties and responsibilities of the office. The Human Resources Director director of personnel management shall maintain such records as are necessary for the proper administration of the county's policies, procedures, and personnel programs.~~
- E. **PERSONNEL RECORDS:** ~~The official personnel record of each employee shall be kept in the Human Resource Department.~~
1. An individual personnel record may be kept in the department to contain copies of items recorded in the official record and other materials as required by the department management. Any such individual record shall be subject to the rules governing personnel records.
 2. An employee has the right to review the contents of his or her personnel record in the Human Resource Department or their own department and may challenge any information in the

official personnel record. Additionally, an employee may provide rebuttal comments to be attached to original documents where the employee believes appropriate. Such rebuttal comments must be restricted to the document in question.

3. Personnel records shall be private data and available for review only to the employee and users authorized by law or as determined by the Human Resources Director to have a legitimate "need to know." A record of those reviewing personnel records and information, other than Human Resource Department staff, shall be maintained together with the reason for the access to the records.
4. Request for confirmation of current or terminated employees shall be directed to the Human Resource Department.

SECTION 7 HIRING

A. REGULAR HIRING PROCEDURE:

1. When a position opens or a need arises to create a new position, the hiring authority shall notify the Human Resource Department director of personnel management. The hiring authority shall identify the position title, a description of the duties, responsibilities and required knowledge and skills, minimum qualifications, the essential job functions, and any required examinations and tests. The hiring authority is the department head or elected official for positions within their respective departments. The hiring authority is the County Commission for department heads and all other positions, except where otherwise provided in the Utah State Code.
2. Authorization to hire individuals into nonallocated positions must be approved in advance by the County Commission, and the Human Resources Director must be notified.
3. ~~From the information supplied, t~~The Human Resource Department director of personnel management shall prepare a job announcement. The job announcement shall specify the title and salary range of the position, the nature of the work to be performed, the experience and training required, the time, place and manner to make application, and other pertinent information. The announcement shall be distributed to every county department and posted on the Human Resource Department office of personnel management bulletin board to inform interested and qualified persons of the opportunity to apply.
4. Vacancies may be filled from in-house recruitment on the basis of performance, knowledge, skills and qualifications. Only employees who have been initially hired through the regular hiring procedure may be considered for the vacancy.
5. After or concurrent with in-house recruitment, the community and labor market shall become the object of a recruiting effort utilizing appropriate methods to notify the general public. ~~The county will utilize Job Service in most efforts.~~ Outside applications will be accepted for a minimum of three working days.
6. All applications shall be submitted to the Human Resource Department director of personnel management. Applications will be received only when there is a job opening. The hiring authority and the Human Resource Department director of personnel management will review the applications to determine who meets the minimum qualifications. The Human Resource Department director of personnel management may coordinate appointments for interviews, tests, and examinations. All applicants who meet the minimum qualifications shall then be rated in order of preference. Preference shall be determined by a consistent method of rating the applicants' education, experience, knowledge, skills, ~~and abilities, and preliminary background screening.~~ After interviewing, the hiring authority may then select

one applicant for hiring. Upon making a selection, the hiring authority director of personnel management shall apprise the County Commission of the selection before an offer is made.

7. Each applicant selected for hiring shall be given a drug test prior to hiring. Any prospective employee who is found to be a user of an illegal drug or controlled substance, who uses a prescription drug without an authorized prescription, or who refuses to take the drug screening test shall be disqualified.

8. Prior to hiring, the county will conduct a background investigation which may will require that the applicant be photographed, and fingerprinted, and provide a criminal history or rap sheet from the Bureau of Criminal Investigations. Refusal to submit to the background investigation shall be grounds for rejection of the applicant for employment. Each applicant selected for hiring in positions which deal with care, custody or control of children, fiduciary trust over money, or health care to children or vulnerable adults, shall provide a criminal history or rap sheet from the Bureau of Criminal Investigations prior to hiring. In determining an individual's suitability for employment where the individual has criminal convictions on his/her record, the hiring authority, Human Resource Department, and County Attorney will consider the nature and seriousness of the crime(s); the relationship of the conviction to the requirements of the job; all circumstances relative to the crime(s), including mitigating circumstances; and all other competent evidence. The County Commission makes the final determination regarding approval to hire or reject the applicant. If hired, the county will reimburse the applicant for the cost of obtaining such the criminal history.

9. a. As a condition of hiring into a position requiring driving of either a County or personal motor vehicle, the candidate shall have had a valid driver license for at least two years and shall, at his own expense, provide the County an official copy of his driving record. Unless approved by the County Commission, Any hiring offer made for such a position shall be contingent upon the candidate having an "acceptable" driving record as set forth in Subsection 9:b Section 30.

b. Driving Record Grading Criteria (most recent two years):

Number of Violations	Number of At-Fault Accidents			
	0	1	2	3
0	Acceptable	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Poor	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor
Any major violation	Poor	Poor	Poor	Poor

c. ~~Major violations include:~~

- ~~(1) driving under the influence of alcohol or drugs;~~
- ~~(2) failure to stop or report an accident;~~
- ~~(3) reckless driving or engaging in a speed contest;~~
- ~~(4) making a false accident report;~~
- ~~(5) homicide, manslaughter or assault arising out of the use of a vehicle;~~
- ~~(6) driving while license is denied, suspended or revoked; and~~
- ~~(7) evading a police officer.~~

10. Each newly hired employee shall report to the Human Resource Department ~~director of personnel management~~ to fill out forms for employment. ~~The director of personnel management will give the employee a~~ A general orientation concerning personnel policies and procedures will be provided by the Human Resource Department at that time.

B. RESIDENCY: Preference in employment may be given to local residents.

C. VETERANS: Pursuant to Utah Code 71-10-2, Tooele County shall grant a veteran's preference upon initial hiring to each preference eligible veteran or preference eligible spouse according to the procedures and requirements of this subsection.

1. The county shall add to the score of a preference eligible who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any career service position with the county:
 - a. five percent of the total possible score, if he/she is a veteran;
 - b. ten percent of the total possible score, if he/she is a disabled veteran or a purple heart recipient; or
 - c. in the case of a preference eligible spouse, widow, or widower, the same percentage the qualifying veteran is, or would have been, entitled to.
2. A preference eligible who applies for a position that does not require an examination, or where examination results are other than a numeric score, shall be given preference in interviewing and hiring for the position.

D. TRANSFERS:

1. A position may be filled by transferring an employee from another position. Interdepartmental transfers must be approved by both departments affected as well as by the employee being considered for transfer. The Human Resources Director ~~director of personnel management~~ must be notified of such transfers.
2. If an employee voluntarily transfers from one county department to another county department, the employee shall be paid at the pay grade for the new position. The employee may be paid at the same step as the prior position, or a lower step, as determined by the County Commission and the department head or elected official. The employee shall retain all years of service and leave accrued from the prior position.
3. If an employee involuntarily transfers from one county department to another county department for no fault of the employee, the employee shall be paid at the pay grade for the new position, but shall be paid no less than the pay rate from the prior position. An involuntary transfer must be approved by the County Commission and the affected department heads or elected officials. The employee shall retain all years of service and leave accrued from the prior position. This paragraph does not apply to transfers due to a reduction in force or layoff.
4. If an employee transfers to another position in lieu of a layoff and if the pay rate received in the higher range falls within the pay range for the grade to which demoted, the rate of pay shall remain unchanged. If the pay rate received in the higher range is greater than the maximum for the grade to which demoted, the pay rate shall be reduced to the maximum of the lower pay range.
5. If an employee involuntarily transfers from one county department to another county department as a condition of discipline to the employee, the employee shall be paid at the pay grade for the new position. The employee may be paid at the same step as the prior position, or a lower step, as determined by the County Commission and the department head or elected official. The employee shall retain all years of service and leave accrued from the prior position.

E. REHIRING: Persons who leave county employment after having worked at least one full year may be rehired to the same county position without going through the regular hiring procedure, provided the rehiring is accomplished within 12 months after termination. Rehired employees shall not be placed on a salary range higher than when they terminated without approval of the hiring authority and the County Commission. Rehired employees shall be considered new employees for the purpose of health and dental insurance benefits and shall be subject to all waiting periods and preexisting condition requirements specified for new employees in the Tooele County Medical/Dental Plan.

F. WORK AUTHORIZATION: In conformance with the Immigration Reform and Control Act of 1986, the Human Resources Director ~~director of personnel management~~ shall verify that all

applicants for vacant positions or persons hired to fill vacant positions are authorized to work within the boundaries of the United States. The Human Resource Department ~~director of personnel management~~ shall verify employment eligibility and the identity of all new hires by examining documents such as a U.S. Ppassport, birth certificate, social security card, driver license, or alien identification. Employees must also attest in writing that they are authorized to work in the United States. Section 1 of the I-9 Form must be filled out the first day the new employee reports to work. Section 2 of the form must be completed within three business days after new employees begin work. I-9 Forms shall be kept separate from other personnel records and shall be made available to the Immigration and Naturalization Service or the Department of Labor as requested.

- G. **EMERGENCY HIRING:** In an emergency, to prevent undue delay or serious interference with the provision of vital county services, a hiring authority may make an emergency hiring for a period not to exceed 90 calendar days. Such hiring can be made without recourse to the regular hiring procedure. Approval of the ~~County Commission~~ is required to make an emergency hiring, and the hiring authority must notify the Human Resources Director ~~director of personnel management~~. Emergency employees are not entitled to employee benefits.

SECTION 24 DISCIPLINE

- A. **PURPOSE:** To provide guidance regarding disciplinary action being taken against career service employees and to outline the procedure that must be followed when imposing discipline. The primary purpose of disciplinary action is to change negative employee behavior. When discipline can be handled in a positive manner, an employee is less likely to feel hostile or defensive and far more likely to make a serious commitment to change behavior. The “constructive” approach to employee discipline is fair and supportive, treats the employee as a responsible adult, and allows the employee to maintain self respect through the process.
- B. **DUE PROCESS PROCEDURE:** Over the years, a set of generally accepted standards for due process has developed as a result of judicial and arbitral decision making. The supervisor who observes both the “constructive discipline” steps and the standards that follow can feel fairly certain that disciplinary action, including termination, has been objective and fair and that the employee has been granted adequate “due process.”
1. A supervisor must be able to establish that the employee had a clear understanding of job duties, performance measures, and expectations related to behavior. This understanding can be documented through the use of written job descriptions, accurate performance evaluations, orientation sessions, and familiarity with this section. Prior to any disciplinary action, the supervisor must be able to establish that a fair and objective investigation was conducted and that the employee did in fact, commit an infraction.
 2. Unless an employee’s misconduct is serious enough to warrant immediate suspension, the supervisor should be able to provide documentation of counseling or training efforts directed toward helping the employee improve behavior or performance. When considering whether or not an employee was allowed due process, judges and arbitrators look for answers to the following questions:
 - a. Did the employee have a clear and precise understanding of the problem?
 - b. Did the employee have a clear and precise understanding of the consequences the employee faced if the problem wasn’t resolved?
 - c. Was the employee given sufficient time and opportunity to correct the behavior, and did the organization make a reasonable effort to assist the employee in correcting the problem?
 3. The supervisor must be able to provide documentation that in spite of warnings and counseling the problem behavior continued.

- ~~4. Disciplinary action, including termination, must take place as quickly as possible after the problem occurs. If a supervisor fails to discipline in a timely manner, it may later be determined that the employee was justified in assuming the behavior was condoned.~~
- ~~5. The supervisor must be able to show that the employee's problem was job-related and that the action taken by the supervisor was nondiscriminatory and had been uniformly applied in the past.~~
- ~~6. The degree of discipline administered must be reasonably related to the seriousness of the employee's proven offense and the employee's service record.~~
- ~~7. Documentation must be specific, accurate and timely. Failure to document properly can leave disciplinary actions, including terminations, susceptible to challenge and possible reversal.~~
- ~~8. No documents of an evaluative or disciplinary nature should ever be placed in an employee's personnel file without the employee's knowledge. The employee's signature or initials on documents can signify employee's awareness without implying agreement. If an employee refuses to sign, it would indicate an unwillingness to accept responsibility to try and change what is at least perceived by the supervisor to be a problem. This matter should be immediately referred to the department head for solution. If agreement cannot be reached by the department head the matter should be immediately referred to the director of personnel management for mediation. Without acknowledgment of a problem, it cannot be solved. The director of personnel management, in consultation with the department head and at least one member of the county commission can, at that point, mandate a solution.~~
- ~~9. The employee must have an opportunity to tell his or her side of the story and to enter it into the official record of a disciplinary action. Employee statements will be considered by the department head and director of personnel management when reviewing disciplinary actions.~~
- ~~10. If an employee is facing a disciplinary hearing or action, that employee has the right to request the assistance of another individual of his or her own choosing.~~
1. Discipline shall be for cause including, but not limited to: violation of the County Personnel Management Act or Tooele County Personnel Policies and Procedures, violation of the statutory ethical and disclosure requirements, malfeasance, nonfeasance, neglect of duty, insubordination, misconduct, inefficiency or inability to satisfactorily perform assigned duties, unprofessional conduct at the workplace or at anytime while performing job duties, or acts inimical to the public service.
2. The usual sequence of discipline shall be verbal warning, written warning, suspension, and termination. A disciplinary evaluation period with interim performance evaluations may be a part of the progressive discipline process. Deviations from the usual sequence of

discipline may be justified depending on the severity and circumstances of the action(s) to be disciplined. Reduction in pay and demotions may also be used for disciplinary purposes.

- a. Verbal Warnings: Verbal warnings are informal discussions between a supervisor and an employee in an attempt to change behavior. Supervisors need to make clear to the employee that a verbal disciplinary warning is being given.
 - (1) Verbal warnings shall be recorded in the supervisor's own record. This record should include the date the warning was given; a description of the inappropriate behavior, including the date, time, and location, if applicable; and a brief description of the discussion with the employee. The Employee Disciplinary Notice form can be used for this purpose. A copy of this record shall be given to the employee to ensure it is clear that a verbal warning has been given. The record of the verbal warning is not sent to the Human Resource Department for inclusion in the employee's official personnel file.
 - (2) In cases of a verbal warning, the employee shall be advised that a copy of Personnel Policies and Procedures Section 25A, Procedures for Employee Complaints, is available on the Tooele County website.
- b. Written Warnings: A written warning can be given to an employee who has not appropriately responded to a previous verbal warning or for behavior that the employee should have known was inappropriate.
 - (1) Documentation for the written warning must follow the guidelines provided in Subsection 24.B.3 below.
 - (2) In cases of a written warning, the employee shall be advised that a copy of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, is available on the Tooele County website.
- c. Disciplinary Evaluation Period: When the discipline involves the employee's ability to perform their job, a supervisor may review and evaluate the employee's performance more often than others. The purpose of this closer focus on the employee's performance is to clarify expectations and to provide coaching and feedback in an attempt to help the employee turn his or her performance around to a satisfactory level.
 - (1) Documentation for the disciplinary evaluation period must follow the guidelines provided in Subsection 24.B.3 below.
- d. Suspension: When an employee has failed to adequately respond to prior disciplinary measures, a suspension without pay may be appropriate. Suspension may also be the appropriate first step in the disciplinary process depending on the severity of behavior involved.

- (1) No employee may be suspended for more than thirty (30) calendar days for a single disciplinary incident nor for more than sixty (60) calendar days in one (1) calendar year.
 - (a) Employees designated as exempt from the Fair Labor Standards Act (E-FLSA) shall not be suspended for a period of less than one entire work week.
 - (2) Documentation for the suspension must follow the guidelines provided in Subsection 24.B.3 below.
 - (3) In cases of suspension, the supervising department head, elected official, or designee shall notify the employee in writing of the discipline at least seven (7) calendar days before the effective date of such discipline. The employee may waive this requirement in writing. The notice shall be delivered, in person, to the employee or the employee's last known home address by certified mail or personal service. The employee shall be advised that copies of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals, are available on the Tooele County website.
 - (4) If the supervising department head or elected official so determines, he or she may place the employee in a leave-with-pay status between the notice and the proposed effective date of the suspension or any portion thereof.
 - (a) An employee suspended-with-pay under the above circumstances shall remain on-call and available to the suspending division, department, or elected office during normal county working hours throughout the suspension-with-pay period and provide the division, department, or elected office with a telephone number at which the employee may be reached.
- e. Reduction in Pay: Employees can have their pay reduced as a form of discipline.
- (1) Documentation for the reduction in pay must follow the guidelines provided in Subsection 24.B.3 below.
 - (2) In cases of reduction in pay, the supervising department head, elected official, or designee shall notify the employee in writing of the discipline at least seven (7) calendar days before the effective date of such discipline. The employee may waive this requirement in writing. The notice shall be delivered, in person, to the employee or the employee's last known home address by certified mail or personal service. The employee shall also be advised that copies of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals, are available on the Tooele County website.

f. Demotion: Employees can be moved to a position with a lower grade as a form of discipline. The salary of the demoted employee shall not exceed the new pay range maximum without express authorization by the County Commission.

(1) Documentation for the demotion must follow the guidelines provided in Subsection 24.B.3 below.

(2) In cases of a demotion, the supervising department head, elected official, or designee shall notify the employee in writing of the discipline at least seven (7) calendar days before the effective date of such discipline. The employee may waive this requirement in writing. The notice shall be delivered, in person, to the employee or the employee's last known home address by certified mail or personal service. The employee shall also be advised that copies of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals, are available on the Tooele County website.

(3) If the supervising department head or elected official so determines, he or she may place the employee in a leave-with-pay status between the notice and the proposed effective date of demotion or any portion thereof.

(a) An employee on leave-with-pay under the above circumstances shall remain on-call and available to the demoting division, department, or elected office during normal county working hours throughout the leave-with-pay period and provide the division, department, or elected office with a telephone number at which the employee may be reached.

g. Termination: When an employee has failed to adequately respond to prior disciplinary measures, termination may be appropriate. Termination may also be the appropriate first step in the disciplinary process depending on the severity of behavior involved.

(1) Documentation for the termination must follow the guidelines provided in Subsection 24.B.3 below.

(2) In cases of potential termination, the supervising department head, elected official, administrator, or designee shall notify the employee in writing of the potential discipline and the date for the pre-termination hearing at least two (2) calendar days before the effective date of such potential discipline. The notice shall be delivered, in person, to the employee or the employee's last known home address by certified mail or personal service. The employee shall also be given copies of Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals.

- (3) If the supervising department head or elected official so determines, he or she may place the employee in a leave-with-pay status between the notice and the proposed effective date of termination.
- (a) An employee on leave-with-pay under the above circumstances shall remain on-call and available to the terminating division, department, or elected office during normal county working hours throughout the leave-with-pay period and provide the division, department, or elected office with a telephone number at which the employee may be reached.
- (4) A pre-termination hearing must be scheduled no sooner than two (2) working days nor later than seven (7) calendar days after the termination notice is given.
- (a) The purpose of the pre-termination hearing is not to definitively and finally resolve the propriety of the termination, but to determine whether there are reasonable grounds to believe that the charges against the employee are factual.
- (b) The pre-termination hearing is held between the employee and the supervising department head, elected official, or designee. An audio recording of the pre-termination hearing shall be made and kept until all formal post-termination proceedings are completed. The employee shall not be represented by legal counsel. Witness statements may be informally presented by the parties in writing or orally. The employee may have an attorney observe the hearing. If an employee wishes to waive the pre-termination hearing, he or she may do so by notifying the supervising department head or elected official in writing of his or her wish to waive the hearing.
- (c) The supervising department head or elected official shall give his or her decision in writing regarding the termination within two (2) working days after the hearing. The decision by the supervising department head or elected official shall be delivered to the employee, by certified mail or personal service, and to the Human Resources Director for placement in the employee's personnel file.
- (d) The pre-termination hearing does not eliminate a formal post-termination grievance proceeding, as set forth in Personnel Policies and Procedures Section 25B, Procedures for Career Service Employee Grievances, and Personnel Policies and Procedures Section 25C, Procedures for Career Service Employee Appeals.
- (5) Temporary withholding of payment for accumulated vacation leave may be authorized when an employee is being terminated under circumstances in which the employee may owe money to the county or is holding county property.

- (6) No employee shall be removed from employment covered under the Career Service System by means of job reclassification or transfer of job function where the job reclassification or transfer of job function is primarily for the purpose of dismissing the employee.
3. Documentation: Notice of any disciplinary action shall be communicated in writing to the employee.
- a. A disciplinary notice may be made by:
- (1) Completing an "Employee Disciplinary Notice" form, available from the Human Resource Department, signed by the employee's supervisor; OR
- (2) Preparing a letter addressed to the employee containing the following information:
- (a) notification that the letter is a disciplinary notice;
- (b) date of warning;
- (c) type of violation;
- (d) date, time, and place of violation;
- (e) number and types of previous warnings;
- (f) what is needed to correct the violation;
- (g) type of disciplinary action being imposed and the date of action, if appropriate; and
- (h) probable consequences of not correcting the violation.
- b. A copy of the "Employee Disciplinary Notice" form or written disciplinary notice letter shall be given to the employee and, in cases other than a verbal warning, a copy forwarded to the Human Resource Department for placement in the employee's personnel file, and a copy retained by the supervisor. Supervisors shall discuss the contents of the disciplinary notice form or letter with the subordinate.
- C. ~~STEPS FOR CONSTRUCTIVE DISCIPLINE~~ STANDARDS OF CONDUCT: The following disciplinary steps are general guidelines for routine disciplinary action. Each situation should ultimately be handled according to the discretion of the supervisor involved after considering all relevant facts, including the employee's prior employment history. Some rule violations may be serious enough to warrant skipping one or more steps and may even call for immediate suspension. In other cases, an employee's effort to improve may warrant a repeat of the warning steps.

- ~~1. Step One: Oral Reminder. When a department head or supervisor becomes aware of an employee performance problem or policy or procedure violation, that supervisor will immediately discuss the problem with the employee, remind the employee of the importance of the policy or procedure, and express confidence that this will be the last time the problem will need to be discussed. The discussion must include the exact nature of the offense, the problems it has created or will create, and the fact that if it happens again, further disciplinary action will be taken.~~
 - ~~a. Dealing with a problem immediately keeps the focus on the problem or behavior and not upon the employee as a person and avoids any misconception that the offense has been condoned.~~
 - ~~b. The discussion should be handled in a positive manner and the overall tone should be supportive, not punitive.~~
 - ~~c. An oral reminder should always be given in privacy and never in front of other employees.~~
 - ~~d. After the reminder has been given, the department head should make an informal notation of the conversation in the event that formal documentation will be required at a later date.~~
- ~~2. Step Two: Written Reminder. If the problem persists, the department head will, on a timely basis, again discuss the problem with the employee. As before, the discussion must include the exact nature of the offense, the problems it has created or will create and the consequences of further violations. The second discussion should still be supportive, but the tone more serious. After the meeting, the department head will write a memo directly to the employee summarizing the conversation and confirming the employee's agreement to improve. One copy of this memo will go to the employee and a second copy to the director of personnel management to be placed in the employee's file.~~
 - ~~a. The written note should be very specific. If the employee was tardy, the note should state when it happened, how many minutes the employee was late and the negative consequences, if any. Generalized comments such as "You've been late too many times," or, "You haven't been getting along with other members of the staff," are not acceptable. Generalization also place the focus on the person and not the problem.~~
 - ~~b. This conversation will also include a reminder of the previous oral discussion of the problem. Documentation of the previous conversation should be included in the letter.~~
 - ~~c. The department head will also have the employee sign the memo, indicating receipt, or follow the procedures outlined in Subsection B.8. for handling an employee's refusal to sign.~~

- ~~3. Step Three: Employee Decision Making. If the problem still continues, the department head again shall speak privately to the employee. The department head will remind the employee of the two previous conversations, of the employee's previous agreement to improve, and of the seriousness of the situation. The department head will then inform the employee that the employee needs to spend some time thinking about whether the employee really wants to continue working. This may be handled in either of the following ways:~~
- ~~a. The employee is told to simply spend the next 24 hours or weekend thinking about whether the employee wants to correct the problem and continue working or resign, or~~
- ~~b. The employee is told to not come to work the next day and that the employee will not be paid for the day. The employee must spend the day deciding whether the employee wants to correct the problem and continue working or resign.~~
- ~~The employee must inform the department head of the employee's decision on the following day. A memo to the employee will then document this discussion, the employee's decision and the conditions of further employment.~~
- ~~4. Step Four: Termination. If the employee decides to continue working for the organization and the problem continues, the employee may be terminated. No decision to terminate an employee will be made without prior consultation with the director of personnel management and a member of the county commission.~~

1. Types of behavior Tooele County considers to be in violation of county policies or inappropriate include, but are not limited to, the following:
- a. falsifying any documents to be received or used by county government including, but not limited to, employment applications and related documents, work related records, time cards, etc.;
- b. accepting gratuities or compensation from customers, clients, or vendors in violation of Personnel Policies and Procedures Section 17, Ethics;
- c. excessive absenteeism, tardiness, or violation of county leave policies;
- d. use of county property for personal purposes unless otherwise permitted by a written, established department or county policy;
- e. reporting to regularly scheduled work intoxicated or otherwise in violation of Personnel Policies and Procedures Section 18, Alcohol and Drug Use Screening, Testing, and Treatment, and Section 18A, Alcohol and Drug Use Screening, Testing, and Treatment for Commercial Driver License Holders;
- f. the illegal use, sale, possession, distribution, or transportation of drugs;

- g. bringing or using alcoholic beverages on county property while on-duty, in violation of Personnel Policies and Procedures Section 18, Alcohol and Drug Use Screening, Testing, and Treatment, or Section 18A, Alcohol and Drug Use Screening, Testing, and Treatment for Commercial Driver License Holders;
- h. engaging in violence or behavior that carries the potential for violence including, but not limited to, fighting or using obscene, foul, abusive, or threatening language or gestures towards county staff and others;
- i. possession of firearms or other weapons on county property or while on county business, except as permitted by state law;
- j. disregarding safety regulations or policies;
- k. insubordination by either refusing to follow a reasonable order or by engaging in rude or disrespectful behavior toward any supervisor in the employee's chain of command, as defined as follows: disrespectful behavior includes, but is not limited to, using obscene, foul, or abusive language or showing anger through physical gestures such as slamming doors or throwing office documents or supplies;
- l. theft of county property or theft from co-workers, customers, or other persons;
- m. destroying, damaging, vandalizing, or threatening to damage or destroy county property;
- n. destroying, damaging, or threatening to damage or destroy work-related documents, work stations, personal belongings, or personal property of others while on county premises;
- o. soliciting political support or contributions in violation of Personnel Policies and Procedures Section 17, Ethics;
- p. failure to comply with the uniform, dress, or grooming policy of a county agency or division;
- q. failure to comply with the non-smoking regulations of county government and State laws;
- r. engaging in behavior of a sexual nature in violation of Personnel Policies and Procedures Section 20, Sexual Harassment;
- s. engaging in behavior or using language or terminology in the workplace that reflects a discriminatory perception based on gender, sexual orientation, marital status, race, color, age, religion, national origin, or disability in violation of applicable county ordinances and State and Federal laws;

- t. bringing to work, disseminating, or displaying any materials that are offensive and which could give rise to or form the basis for the following types of employee or citizen complaints: a sexual harassment complaint, an allegation of hostile work environment, a discrimination claim, or a violation of county policy;
- u. using e-mail, voice mail, fax, or the internet to harass or discriminate on the basis of sex, race, religion, color, national origin, age, disability, sexual orientation, or marital status;
- v. failure to follow established parking rules;
- w. engaging in rude or discourteous behavior towards co-workers or members of the public;
- x. a violation of any criminal law, whether on or off-duty, which adversely reflects on the employee's ability to perform the county's job duties;
- y. neglect of duty including failure to complete all scheduled work hours, inefficiency, or inability to perform assigned duties;
- z. violating the County Personnel Management Act, Tooele County Code, Personnel Policies and Procedures, or department internal policies;
- aa. malfeasance, nonfeasance, or acts inimical to the public service;
- bb. refusal to respond to an official request for factual information or willfully impeding an internal formal investigation after notification and warning that such response is required in the investigation;
- cc. refusal to appear for a Fitness for Duty Evaluation or follow through with the testing and evaluation process;
- dd. filing a malicious, fraudulent, or frivolous complaint with the intent to cause harm, disrupt county services, or with reckless disregard or intent to harass;
- ee. violating the Government Records Access Management Act or the Health Insurance Portability and Accountability Act, (45 CFR Parts 160 and 164), including the unauthorized or unlawful disclosure, issuance, abuse, intentional release of, or gaining unauthorized access to any private, controlled, or protected information, whether or not classified by the county, in records in the possession of any county agency; or
- ff. bringing to work or intentionally disseminating, forwarding, or displaying pornographic materials, including intentional viewing or downloading of pornography from the internet.

2. The progressive discipline steps outlined in this policy will not be followed in cases where the violation justifies more severe disciplinary action.
 - a. Any case of misconduct involving violence, theft, or violation of criminal laws will justify termination of employment without progressive discipline.
3. Employees who encounter threatening or violent behavior in the workplace, as described in Subparagraph C.1.h above, shall immediately notify any supervisor in the chain of command.
 - a. Employees may also notify security or law enforcement dependent upon the severity of the situation.
4. A supervisor's immediate response to threatening or violent behavior will depend on the extent and severity of the behavior and how it compromises the safety of persons or property. Supervisors who confront threatening or violent behavior in the workplace should follow the following steps in handling the situation.
 - a. Immediately notify your supervising department head, elected official, or designee and, if applicable, security or law enforcement.
 - b. Document receipt of the threat, the behavior that was exhibited, and the supervisor's immediate response or handling of the situation.
 - (1) Supervisors may immediately remove from the work environment an employee whose behavior has the potential for violence against county property, employees, or other persons.
 - (2) Employees who are removed from the workplace shall be placed on administrative leave with pay pending further action.
 - c. Before further action is taken, the supervising department head, elected official, or designee shall complete a threat assessment in consultation with the Human Resources Director and a representative of the County Attorney's Office.
 - (1) If applicable, threatened personnel shall be notified.
 - d. Options available to the supervising department head or elected official may include taking legal action, placing the employee on leave, initiating a Fitness for Duty Evaluation, conducting an administrative investigation, etc.
 - (1) If applicable, a situation-specific security plan must be developed in coordination with security and law enforcement.
 - e. Confidentiality shall be maintained to the extent possible under the law.

5. Employees whose job performance, conduct, or demeanor becomes unsatisfactory based on violations of any of the above or of any other county, department, or elected office policy will be subjected to disciplinary action which may include termination.

a. Certain violations may subject an employee to criminal prosecution.

6. In order to reduce the incidences of workplace violence, the county encourages any employee who applies for or obtains a protective order or restraining order, which lists county work locations as being protected areas, to provide as soon as possible to their supervising department head or elected official a copy of any temporary or permanent protective or restraining order which is granted.

D. MINOR BEHAVIOR PROBLEMS:

~~1. Minor behavior problems are normally characterized by the fact that in isolated instances, the impact is relatively small. However, when minor behavior problems become repetitive, they can result in serious negative consequences to the organization. A minor behavior problem can normally be corrected when the intervention is immediate and follows the steps for constructive discipline.~~

~~2. The following list provides examples of behavior problems that are normally considered minor:~~

~~a. excessive tardiness which includes the failure to return from breaks on a timely basis;~~

~~b. stopping work before authorized time or failing to begin work at proper time;~~

~~c. loitering or loafing during working hours;~~

~~d. unauthorized absence from the job, or excessive absenteeism;~~

~~e. inefficiency, incompetence, or negligence in the performance of duties;~~

~~f. smoking in unauthorized areas;~~

~~g. failure to get along with the public or other members of the staff;~~

~~h. uncivil or disorderly conduct; and~~

~~i. posting, removal of, or defacing of, notices, signs, or writing on bulletin boards, or any other county property without authorization.~~

~~3. Notwithstanding the foregoing provisions, it must be recognized that what is a minor problem in one set of circumstances may be far more serious in another. As a general guideline, a~~

supervisor should always consider all of the circumstances surrounding the problem as well as the employee's past employment history and ensure that the punishment fits the offense.

E. SERIOUS BEHAVIOR PROBLEMS:

- ~~1. Serious behavior problems are normally characterized by the fact that even in isolated instances they can have an immediate and serious negative impact upon the organization. Serious behavior problems include any violation of law, a verified positive drug test, or any willful act which threatens health, safety or property or which seriously impacts upon the ability of an organization to conduct its business.~~
- ~~2. Management intervention must always be immediate. Depending upon the seriousness of the employee's act in light of surrounding circumstances, a department head may elect to begin disciplinary action with Step Two-Written Reminder, Step Three-Employee Decision Making, or immediate suspension.~~
- ~~3. Examples of serious behavior problems or rule violations can include, but are not limited to:
 - ~~a. unauthorized altering of time card, or falsification of any company records including falsification of sick time requests or calling in sick for purposes that do not qualify as sick time;~~
 - ~~b. three or more consecutive days of absence without excuse;~~
 - ~~c. release of confidential information without authorization;~~
 - ~~d. any violation of the alcohol and drug use policy;~~
 - ~~e. fighting;~~
 - ~~f. refusal to carry out work instructions, except when there is an immediate and bona fide threat to employee's health, safety, or integrity;~~
 - ~~g. theft or lying to supervisor;~~
 - ~~h. willful destruction of property;~~
 - ~~i. gross misconduct;~~
 - ~~j. conviction of a felony;~~
 - ~~k. conviction of a misdemeanor relevant to the employee's position;~~
 - ~~l. falsification, fraud, or omission of pertinent information when applying for a position;~~~~

- ~~m. any willful act which endangers the safety, health, or well-being of another person;~~
- ~~n. any act which is of sufficient magnitude as to cause disruption of work or gross discredit to the organization;~~
- ~~o. misuse of company property or funds;~~
- ~~p. possession of firearms, fireworks, explosives, or any other weapon on county property without administrative authorization;~~
- ~~q. willful acts of discrimination or sexual harassment; or~~
- ~~r. acts of immoral or indecent conduct adverse to employer's rightful interest.~~

F. IMMEDIATE SUSPENSION:

- ~~1. If an employee commits or appears to commit an act that is serious enough in nature to demand that employee's immediate removal from the premises, the employee may be immediately suspended pending an investigation.~~
- ~~2. At the earliest practical moment both the director of personnel management and the county commission will be advised of the problem and any other available information that is pertinent. If necessary, a formal investigation will be initiated.~~
- ~~3. The department head, in consultation with the director of personnel management, will within three days, provide the employee with a written reason for the suspension, the findings of the investigation, and a recommendation for one of the following steps:

 - ~~a. reinstate the employee with full pay;~~
 - ~~b. reinstate the employee with no pay for the period of suspension;~~
 - ~~c. demote the employee;~~
 - ~~d. transfer the employee; or~~
 - ~~e. terminate the employee for cause.~~~~
- ~~4. Certain infractions may require an investigation period of more than three days due to the investigatory requirements of law enforcement officials or other outside agencies. In these situations, the employee will be notified of the findings as soon as practical.~~

G. WRITTEN NOTICE OF DISCHARGE: ~~If an employee is discharged for cause as the result of disciplinary action, the written notice of the discharge action will include:~~

- ~~— 1. the date of the violation;~~
- ~~— 2. the breach of conduct or other specific details prompting the termination;~~
- ~~— 3. the nature of the action attributable to the employee which prompted the discharge;~~
- ~~— 4. statements of witnesses to the incident or violation, if any; and~~
- ~~— 5. a statement of the impact of the violation upon the department operation, coworkers, or visitors.~~

*** S A M P L E ***

EMPLOYEE DISCIPLINARY NOTICE

EMPLOYEE'S NAME: _____ DATE OF NOTICE: _____

DEPARTMENT/DIVISION: _____

TYPE OF DISCIPLINARY ACTION BEING IMPOSED AND DATE, IF APPROPRIATE:

SUPERVISOR'S EXPLANATION OF VIOLATION:

DATE OF VIOLATION: _____ TIME OF VIOLATION: _____

PLACE VIOLATION OCCURRED: _____

LIST ALL PREVIOUS DISCIPLINARY ACTIONS REGARDING THE SAME VIOLATION:

CORRECTIVE ACTION REQUIRED:

Failure to correct violations could result in further disciplinary action including suspension, demotion, or termination.

I have read this notice and understand a copy will be placed in my official personnel file.

Employee's Signature Date Supervisor's Signature Date

Copy Distribution: Employee Supervisor Personnel File (Official)