

CODE OF PERSONAL CONDUCT

PURPOSE

Public employment within the Uintah County organization is a public trust justified by the confidence that the citizenry reposes in the integrity of officers and employees of the County. County employees should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct in order to preserve the integrity and independence of the County. This policy should be construed and applied to further that objective.

SCOPE

This policy establishes standards of conduct expected of county employees. It addresses the general performance of duties, abuse of position, confidentiality, conflict of interest, outside interests and secondary employment. It specifically prohibits discrimination or harassment in the workplace and establishes a career guidance council to assist officers and department heads in resolving complaints.

CROSS REFERENCE

Utah Code Ann. 67-16-1 et. seq.
42 United States Code 2000 (e) (1982)
Grievance and Appeal, Policy 620
Discipline, Policy 610
Fairness in Recruiting and Hiring, Policy 130

POLICY AND PROCEDURE

1. General
 - A. Employees shall comply with the provisions of Utah Code Annotated 67-16-1 et.seq., “The Utah Public Officers’ and Employees’ Ethics Act”.
 - B. Employees whose conduct is governed by more than one set of ethical regulations shall conform their conduct to the more stringent standard.
2. Management
 - A. Those who are in management positions within Uintah County shall make reasonable efforts to ensure that employees subject to their direction and control observe the ethical standards set out in these policies.

- B. Those in management positions shall diligently discharge administrative responsibilities, maintain professional competence in county administration and assist other employees in the performance of their duties.
- C. Those in management positions shall take action regarding any unethical conduct of which they may become aware, initiating appropriate disciplinary measures against an employee for any such conduct and reporting to appropriate authorities evidence of any unethical conduct.
- D. Department heads may belong to an employee organization but shall not be eligible to be a representative or officer of an employee organization that assists employees in filing grievances or civil actions.

3. Performance of Duties

- A. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
- B. No employee shall conceal, alter, falsify, destroy, mutilate, or fail to make required entries on any records for which that employee is responsible.
- C. No employee shall discriminate or manifest by words or actions, bias or prejudice against any person in the conduct of service.
- D. An employee shall respond to appropriate inquiries and provide information regarding county policy and procedures.
- E. No employee shall refuse to enforce or otherwise carry out any properly issued rule or regulation of the County, nor shall a county employee exceed that authority.
- F. No employee shall be required to perform any duty not related to the official business of the County.
- G. Department heads shall provide information and instruction to employees regarding the security and procedures for their work location.

4. Abuse of Position

- A. An employee shall use the public resources, property, and funds under the employee's control, and any influence, power, authority or information derived therefrom, judiciously and solely in accordance with established procedures.

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- B. An employee shall not use or attempt to use a county position to secure privileges or exemptions.
- C. An employee shall not discriminate by dispensing special favors to anyone, whether or not for remuneration.
- D. An employee shall not assist any person in securing a contract with the County in a manner not available to any other interested person.
- E. An employee shall not be influenced in the performance of the employee's duties by kinship, rank, or position.
- F. An employee shall not request or accept a fee or compensation beyond that received by the employee in an official capacity for advice, information, or services that is otherwise available from the County.
- G. An employee shall not solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality, or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the county employee in the performance of official duties. This subsection does not apply to the following:
 - 1) An award presented in recognition of public services;
 - 2) Any bonafide loan made in the ordinary course of business by any institution authorized by the laws of this state or any other state to make such loans;
 - 3) Political campaign contributions if used in a political campaign of the recipient public officer or public employee;
 - 4) An occasional non-pecuniary gift having a value not to excess of \$50.
- H. An employee shall not receive outside compensation for performance of the employee's county duties except in cases of:
 - 1) An award of meritorious public contribution publicly awarded;
 - 2) The receipt of honoraria or expenses paid for papers, transcripts, talks, demonstrations, or appearances made by an employee during work hours with the approval of the Commission; or on the employee's own time for which the employee is not compensated by the County and which is not prohibited by these rules;

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- 3) The receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts.

5. Discrimination/Harassment Prohibited

A. It is the goal of the County to create a positive work environment where employees are treated with respect and where they can work free of discrimination or harassment. To that end, the County shall not fail or refuse to hire or to discharge any individual or otherwise to discriminate against or harass any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, age, handicap, or national origin.

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

B. General Administrative Policy

- 1) No employee shall engage in conduct constituting discrimination/harassment. Those in management positions shall discipline any employee who, after investigation, is determined to have engaged in such conduct.
- 2) Those in management positions who knew or should have known of incidents of discrimination/harassment and failed to take appropriate action in accordance with this policy shall be disciplined.
- 3) Those in management positions shall discipline an employee who takes reprisals against another employee for filing a complaint alleging discrimination/harassment or for appearing as a witness for any party in a discrimination/harassment complaint. An employee shall be disciplined who submits a claim which is determined to be fraudulent or in bad faith.
- 4) Conduct occurring off duty or off county property may constitute discrimination/harassment.

- 5) Any person in a management position, or any employee who has reason to believe that an employee is the victim of discrimination/harassment should encourage the victim to seek resolution of the matter, in accordance with the

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procedures established in this policy. In the alternative, the employee may inform his or her supervisor, or the personnel director, of the existence of a possible complaint.

C. Resolution of a Complaint Against a County Employee

- 1) An employee who is complaining of discrimination/harassment should inform the alleged offender that the behavior is unwelcome. Alternatively, the employee should discuss the matter with the department head or the personnel director.
- 2) Upon request, the director shall provide assistance by advising the employee about how to address the issue with the alleged offender or helping the employee bring the issue to the department head.
 - a) Except as provided in subsection b) below, the director shall inform the department head of the incident, within five days of learning of the incident. If the department head is the alleged offender, then the director, within five days of learning of the incident, shall inform the County Attorney.
 - b) If, after discussion with the director, the employee concludes that discrimination/harassment did not occur, the director shall not report the incident to the department head nor to the attorney.
- 3) Upon request, those in management positions shall provide assistance by advising the employee about how to address the issue with the alleged offender or by discussing the issue with the alleged offender.
- 4) An employee may submit a written complaint to the director if:
 - a) Initial efforts to resolve the matter are unsuccessful; or
 - b) The complaint is a second complaint against the individual after the individual has been informed that the behavior is unwelcome, whether or not submitted by the same complainant; or
 - c) If the department head, in consultation with the director, concludes

that the conduct is egregious.

- 5) Upon receipt by any person in a management position, the written complaint shall be referred to the personnel director. If the director is the alleged offender or otherwise concludes that he or she is unable to determine the matter impartially, the complaint shall be referred to the County Attorney.

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- a) The alleged offender shall be provided a copy of the written complaint.
- 6) The director shall determine whether the conduct complained of occurred and, in consultation with the county attorney, whether the conduct constitutes discrimination/harassment. Within 20 days of receiving the complaint, the director will prepare a written report of the nature of the investigation and the findings and conclusions of the investigation. The director shall provide a copy of the report to the parties, to the County Attorney, to the Career Service Guidance Board, and to the County Commission.
- 7) At the conclusion of the investigation and determination, the management staff responsible shall impose discipline in accordance with the policies and procedures regarding discipline.
- 8) Either party may submit a grievance regarding the findings of the report by submitting the grievance to the Career Service Guidance Board. Only the person disciplined may submit a grievance regarding such discipline.

D. Investigation

- 1) The investigation shall include an interview of the parties, any individuals identified by the parties, and other individuals, at the discretion of the investigator. If a recommendation regarding discipline is made, the County Attorney shall consider discipline imposed in other cases involving similar circumstances.

E. Process for Submitting a Complaint of Discrimination/Harassment Against a Person not Employed by the County

- 1) The process for submitting a complaint against a person who is not an employee of the county is the same as the process for submitting a complaint against an employee.
- 2) The County Attorney shall use all reasonable means to resolve the complaint,

including referring the complaint to the employer of the alleged offender or to the regulatory agency to which the alleged offender is subject.

F. Records

- 1) All complaints, notices, correspondence, reports, and other documents regarding a written complaint shall be maintained by the director separate from any personnel file. If the director is the subject of a written complaint, then the record shall be kept by the County Attorney.

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- 2) The director shall keep in a secure file all records of complaints determined to be without merit.
- 3) The director shall place records regarding discipline as a result of a complaint of discrimination/harassment or violation of this policy in the disciplined employee's personnel file. If the director is the subject of a written complaint, then the record shall be kept by the County Attorney.

6. Confidentiality

- A. An employee shall not disclose to any unauthorized person any information acquired in the course of employment other than public data as defined in the county's ordinance covering the Governmental Records Access and Management Act.

7. Conflict of Interest

- A. An employee shall exercise reasonable diligence to become aware of personal conflicts of interests, disclose such conflicts to his or her supervisor, and take appropriate steps to eliminate conflicts when they arise.
- B. When an employee perceives any potential conflict of interest or has a question about the laws, statutes, policies the employee shall discuss them with his or her supervisor.
- C. No employee shall have personal investments in any business entity which will create a substantial conflict between the employee's private interest and public duties. The employee shall disclose any such conflicts to the director. The director and the employee shall take appropriate steps to eliminate the conflict.
- D. When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential to his or her supervisor and may be excused by the

supervisor from such action.

8. Outside Activities

County employees shall not use county-owned property in support of outside interests and activities when such use would compromise the integrity of the county or interfere with the employee's county duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to county business, public office, or service club, shall:

- A. Pursue the outside activity on the employee's own time;
- B. Pursue the outside activity away from county offices;

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- C. Discourage any phone, mail or visitor contact related to the outside interest at county offices;
- D. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours; and
- E. Except as provided in section 9, not use data processing equipment, postage metering machines, copiers, other county-owned equipment or supplies for the outside interest.

9. Personal Use of County Owned-Equipment

A. Computer Equipment

- 1) Personal use of county-owned computer systems is permitted only when all of following criteria are met:
 - a) The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills;
 - b) The employee is not compensated for the work performed, unless the employee has received prior written approval of the County Commission;
 - c) The employee pays for the cost of consumable and other attendant expenses (diskettes, paper, computer on-line and access charges, etc.);
 - d) The employee uses the computer system after hours, or on the employee's personal time;

- e) The employee does not use the computer system for permanent storage of data;
 - f) The use does not conflict with the employee's county responsibilities or normal county business; and
 - g) The use has been approved by the employee's immediate supervisor.
- 2) Software developed on county-owned computer equipment is the property of Uintah County.

B. Postage Meters

- 1) No employee shall be allowed to use county-owned postage metering machines at any time for posting and mailing of any material of a personal nature.

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C. FAX and Copying Machines

- 1) Any employee desiring to use county-owned FAX or copying machines for items of a personal nature may do so after paying for such use at the rate which is in effect at the time of use.

D. Telephone

- 1) Employees are expressly prohibited from making long distance telephone calls of a personal nature from county-owned telephones.
- 2) It is expected that all employees will use County owned telephones for local personal calls judiciously. Local telephone calls are to be limited to necessity and must not disrupt the carrying out of employee responsibilities.

10. Secondary Employment

A. Employment with Uintah County shall be the primary employment of full-time employees.

B. An employee may engage in secondary employment if the employment does not constitute a conflict of interest and conforms to the following provisions:

- 1) The secondary employment shall not interfere with employee's ability to perform job duties with full capacity; and

- 2) The secondary employment shall not be performed during the same hours that the employee is scheduled to work.
- C. An employee who accepts secondary employment shall report the employment to the department head and to the personnel director. The report shall be in writing and shall contain:
- 1) The name of the employer;
 - 2) The working hours;
 - 3) A description of duties and obligations;
 - 4) Any possible conflicts of interest; and
 - 5) The anticipated duration of the employment.

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11. Political Activity

An employee may participate in political activity that does not jeopardize the confidence of the public or of government officials in the impartiality of Uintah County.

- A. An employee shall not participate in political activity which conflicts with or otherwise affects the mission and activities of the county.
- B. An employee shall not engage in political activity during work hours, unless on approved leave.
- C. An employee shall not use county-owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer on-line and access charges, etc.) when engaged in political activity.
- D. An employee shall not discriminate in favor of or against any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.

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