

## X. MISCELLANEOUS PERSONNEL POLICIES

### A. Employment of Relatives (Nepotism)

1. The hiring of employees in departments supervised by relatives, or in departments where work relationships with a close relative are necessary, provides an environment where favoritism, real or perceived, can result. This can become a disruptive influence in a department and can seriously affect the morale of other employees. It can compromise a supervisor's ability to manage with objectivity and occasionally the relative being supervised is discriminated against in the manager's effort to display impartiality. The purpose of this policy is to define the conditions under which relatives of Utah County employees will be considered for employment.
2. Utah County will consider employment application from relatives of current employees whenever openings exist for which they are qualified. Hiring decisions, however, will be made solely on the basis of merit and relatives will not receive preferential treatment. When the decision is made to hire a relative of a current employee, placement within the organization will be subject to the following provisions in accordance with Utah State Law:
3. For purposes of this section:
  - a. "Appointee" means an employee whose salary, wages, pay or compensation is paid from public funds.
  - b. "Chief administrative officer" means the person who has ultimate responsibility for the operation of the department or agency of the state or a political subdivision.
  - c. "Public officer" means a person who holds a position that is compensated by public funds.
  - d. "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
4. No public officer may employ, appoint, or vote for or recommend the appointment of a relative in or to any position of employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative except as follows:
  - a. the appointee is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of his or her compliance with civil service laws or regulations, or merit system laws or regulations;

- b. the appointee will be compensated from funds designated for vocational training;
  - c. the appointee will be employed for a period of 12 weeks or less;
  - d. the appointee is a volunteer as defined by the employing entity;
  - e. the appointee is the only person available, qualified, or eligible for the position, or
  - f. the chief administrative officer determines that the public officer is the only person available or best qualified to perform supervisory functions for the appointee.
5. No public officer may directly supervise an appointee who is a relative when the salary, wages, pay or compensation of the relative will be paid from public funds, except as follows:
- a. the relative was appointed or employed before the public officer assumed his or her position if the relative's appointment did not violate the provisions of this chapter in effect at the time of his or her appointment;
  - b. the appointee is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of his or her compliance with civil service laws or regulations, or merit system laws or regulations;
  - c. the appointee will be compensated from funds designated for vocational training;
  - d. the appointee will be employed for a period of 12 weeks or less;
  - e. the appointee is the only person available, qualified, or eligible for the position; or
  - f. the chief administrative officer determines that the public officer is the only person available or best qualified to perform supervisory functions for the appointee.
  - g. When a public officer supervises a relative under paragraph 5:
    - (1) The public officer shall make a complete written disclosure of the relationship to the chief administrative officer. A copy of the written disclosure must also be filed with the Personnel Director.
    - (2) The public officer who exercises authority over a relative may not evaluate the relative's job performance or recommend salary increases for the relative.
6. No appointee may accept or retain employment if he or she is paid from public funds, and he or she is under the direct supervision of a relative, except as follows:
- a. the relative was appointed or employed before the public officer

assumed his or her position, if the relative's appointment did not violate the provisions of this chapter in effect at the time of his or her appointment.

- b. the appointee is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of his or her compliance with civil service laws or regulations, or merit system laws or regulations;
- c. the appointee will be compensated from funds designated for vocational training;
- d. the appointee will be employed for a period of 12 weeks or less;
- e. the appointee is a volunteer as defined by the employing entity;
- f. the appointee is the only person available, qualified, or eligible for the position; or
- g. the chief administrative officer determines that the public officer is the only person available or best qualified to perform supervisory functions for the appointee.

- 7. No County employee shall have access to a relative's personnel file or any other confidential information relevant to employment at Utah County unless it is determined by the Director that such employee has a legitimate "need to know".

## B. USAGE OF ELECTRONIC COMMUNICATION DEVICES AND SERVICES

### 1. Purpose.

- a. To define the proper use of Utah County computers and other electronic communication devices by Utah County employees.

### 2. Policy.

- a. Utah County is committed to implementing new technologies for communication and information exchange, when such will make the County's employees more productive and increase the County's capacity to better serve the residents of Utah County. The County encourages the work-related use of electronic communication devices and services as effective and efficient communication tools and as valuable sources of information. Electronic communication devices and services provided by the County are County property, their purpose is to facilitate County business, and their use is subject to County control and policy. It is the intention of this policy to express the County's philosophy and set forth general principles and procedures regarding the use of electronic communication devices and services within the County and by County employees. This

policy applies to all electronic communication devices and services which are accessed on or from County premises, are accessed from remote locations using County computer equipment or via County paid access methods, and/or are used in a manner which associates the individual with the County.

3. Procedures.

- a. Electronic communication devices and services shall not be used for knowingly transmitting, receiving, retrieving, or storing any communications which are derogatory to any individual or group, are pornographic, lewd, indecent, or of a sexual nature, or are of a defamatory or threatening nature. Electronic communication devices and services shall not be used in a manner which could be construed as discriminatory based on race, national origin, sex, age, disability, genetic information, or religious or political beliefs. Electronic communication devices or services shall not be used for communication of chain letters, or for any purpose which is illegal, against County policy, or contrary to the County's interests.
- b. Any messages or information sent via an electronic network (i.e., bulletin board, on-line service, or Internet) are statements identifiable and attributable to the County. Use of personal disclaimers in an electronic communication will not relieve any user under this policy and users shall be held responsible for any communication initiated by them. All communications sent via a network must comply with this and other County policies and shall not disclose any confidential or proprietary County information.
- c. No e-mail or other electronic communications shall be sent which attempts to hide the identity of the sender or misrepresent the sender.
- d. Users shall not reveal their passwords without a business necessity or otherwise breach the security of the County's electronic communication system.
- e. Electronic communication devices and services should not be used in a manner that is likely to cause network congestions or is likely to significantly hamper the ability of other individuals to access and utilize the system.
- f. Personal Use

(1) Electronic communication devices and services have been established for County business use and should not be used for personal, outside business or employment, or non-County related purposes. However, limited, occasional, or incidental use of electronic communication devices and services (sending or receiving) for personal, non-County purposes, is acceptable insofar as that use complies with County policy, does not interfere with the County's business activities, and as long as such use does not involve any of the following:

- (a) Interference with existing County rules or policies;
- (b) Disruption or distraction from the conduct of County business (e.g., due to volume or frequency);
- (c) Solicitation;
- (d) A for-profit personal business activity;
- (e) Potential to harm the County;
- (f) Illegal activities;
- (g) The display, storage or recording of any kind of sexually explicit image or document.

Users shall be responsible for any charges arising from personal use of electronic communication devices or services. Users are expected to act responsibly and shall be subject to disciplinary action if this privilege is abused.

g. Privacy

(1) Electronic information created and/or communicated using e-mail, word processing, utility programs, spreadsheets, voice mail, telephones, fax machines, Internet access, etc. is randomly monitored by the County. County personnel are on notice of the following:

- (a) The County routinely monitors usage patterns for both voice and data communications for cost analysis and Internet management (i.e., number called or site accessed, call length, call frequency, etc.)
- (b) The County has software and systems in place that can

monitor and record all Internet usage. The County's security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, newsgroup, or e-mail message, and each file transfer into and out of the County's internal networks, and the County reserves the right to do so at any time. No county employee should have any expectation of privacy as to his or her Internet usage. The County will review Internet activity and analyze usage patterns, and may choose to disclose this data in any manner the County deems appropriate to assure that the County's Internet resources are devoted to maintaining the highest levels of productivity.

(c) All data, facsimiles, e-mail, and voice mail files are the property of the County, and users shall not have an expectation of privacy in this regard. Users should not assume electronic communications are totally private and confidential and should transmit private and sensitive information in other ways.

(d) The display of any kind of sexually explicit image or document on any County system is a violation of the County's policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using the County's network or computing resources.

(e) The County reserves the right, at its discretion, to review any user's electronic files/messages and usage to the extent necessary to ensure that electronic communication devices and services are being used in compliance with the law and County policy and may disclose the contents of any user's electronic files/messages and usage of electronic media and services for a business or legal purpose.

(f) The County uses independently-supplied software and data to identify inappropriate or sexually-explicit Internet sites. The County may block access from within its networks to all such sites that it knows of. If an employee becomes connected incidentally to a site that contains sexually explicit or offensive material, the employee must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.

(g) The County's Internet facilities and computing

resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, county, city, or other local jurisdiction in any material way. Use of any County resources for illegal activity is grounds for immediate dismissal, and the County will cooperate with any legitimate law enforcement activity.

(h) The County may restrict any users' time allotment for using the Internet or other electronic communication devices for business purposes should such use be excessive or extravagant.

(2) Anyone obtaining electronic access to other organizations' or individuals' materials must respect all applicable laws and shall not copy, retrieve, modify, or forward copyrighted materials except as expressly permitted by the copyright owner.

(3) Internet access and usage by a County employee will be allowed only upon the approval of the employee's department head. All County employees having Internet access and usage shall execute a release and waiver on forms developed and provided by the County, agreeing to the monitoring of his/her Internet usage by the County before obtaining Internet access and usage or before continuing Internet access and usage after the adoption of this Section.

#### 4. Disciplinary Action.

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