

## I. ADMINISTRATION

- A. **Applicability.** These rules apply to all departments and employees holding Career Service positions in Utah 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 Rules and Regulations are not applicable to exempt employees, who may be terminated at any time for any reason.
- B. **Role of Office of Personnel Management.** As staff support to the County Commission in the management of human resources, the Director of Personnel and the Office of Personnel Management are responsible for the following:
1. Establishment of, and monitoring compliance with, policies, rules, standards, and procedures governing employment with Utah County.
  2. Comprehensive personnel support of all departments of Utah County.
  3. Duties as outlined in the County Personnel Management Act (Chapter 33 of Title 17, UCA 1953).
- C. **Role of Career Service Council.**
1. There shall be in Utah County a three-member bipartisan Career Service Council appointed by the governing body. The members of the council shall be persons in sympathy with the application of merit principles to public employment. The council shall hear appeals not resolved at lower levels in the cases of employees suspended, transferred, demoted, or dismissed as well as the cases of other grievances not resolved by the grievance procedure at the departmental or other levels; it shall review written appeals in cases of applicants rejected for examination; and shall report final binding appeals decisions, in writing, to the governing body. However, a right of appeal to the district court under the provisions of the Utah Rules of Civil Procedure shall not be abridged.
  2. For the purpose of these rules and regulations, a grievance is defined as a dispute filed by a Career Service tenure employee pursuant to Section VII of these Rules and Regulations concerning his/her suspension, transfer, demotion, dismissal (termination), or the application of express term(s) of these rules and regulations which deprive a Career Service tenure employee

of his/her accrued and/or existing pay and/or benefits. A grievance does not include a dispute for which other appeal processes are provided for in these rules or a dispute specifically excluded from Career Service Council review by these rules. A grievance does not include matters for which the Utah Division of Antidiscrimination and Labor has jurisdiction.

3. Each council member shall serve a term of three years, one member for a term expiring on June 30, 1982; one member for a term expiring June 30, 1983; and one member for a term expiring June 30, 1984. Successors of original council members shall be chosen for three-year terms. An appointment to fill a vacancy on the council shall be for only the unexpired term of the appointee's predecessor. Each member of the board shall hold office until his/her successor is appointed and confirmed. A member of the council may be removed by the governing body for cause, after having been given a copy of the charges against him or her and an opportunity to be heard publicly on the charges before the governing body. Adequate annual budget appropriations and clerical assistance from the Office of Personnel Management shall be made available to enable the council to effectively carry out its duties under these Rules and Regulations.
4. Members of the council shall be United States citizens and be actual bona fide residents of the State of Utah and Utah County for a period of not less than one year preceding the date of appointment, and a member may not hold another government office or be employed by the County.
5. The council shall elect one of its members as chairperson, and two or more members of the council shall constitute a quorum necessary for carrying on the business and activity of the council.
6. The council shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in justice courts.
7. Council members shall receive compensation at the rate of \$50 per diem, or at a higher rate established by the governing body, for each day or part thereof they are in session; except that the compensation rate may be adjusted periodically for inflation by the governing body.
8. Career Service Council proceedings will be informal and shall be patterned after guidelines prepared by the County which are consistent with the requirements of formal adjudicative proceedings contained in the Utah Administrative Procedures Act, U.C.A. 63-46B-1, et. seq. 1953 as amended. The Administrative Procedures Act is a guide only and will not be strictly followed or applied.

D. County Department Compliance Responsibility. Individuals are employed by Utah County but directed in their assignments by departments, which have the responsibility to manage their own human resources in compliance with these rules.

1. The Director may authorize special exceptions to provisions of these rules when permitted by law and when justified by unique and compelling circumstances in a department.
2. Department personnel records, practices, policies and procedures are subject to audit by the Office of Personnel Management.
3. In cases of serious noncompliance, the County Commission may find the responsible department head ineligible for salary payment until such noncompliance has been corrected.
- 4.(a) Department policies and procedures manuals may be adopted to address internal department operations. For departments supervised by an appointed or merit employee department head, departmental policies and procedures and subsequent modifications will have effect after approval by the Director of Personnel Management and the County commission after legal review by the County Attorney.

For departments supervised by an elected department head, departmental policies and procedures and subsequent modifications must be approved as follows, after legal review by the County attorney:

- (1) Policies and procedures concerning personnel matters will have effect after approval by the Director of Personnel Management and the County Commission;
- (2) Policies and procedures concerning matters of general county administrative ordinances, rules or policies or the legislative powers, duties or functions of the County will have effect after approval by the County Commission.
- (3) Policies which pertain to the performance of the elected officer's functions, duties, and responsibilities specifically provided for by law may be established by the elected department head consistent with existing law.

Any department policies and procedures which conflict with the Utah County Office of Personnel Management Rules and Regulations, or which concern personnel matters addressed in the Utah County Office of Personnel Management Rules and Regulations, or which are assigned to the Director of Personnel Management of the Office of the Personnel Management by the County Personnel Management Act, 17-33-1 et seq., U.C.A. 1953 as amended are hereby rescinded. The determination as to whether the

departmental policy is in conflict with the Personnel Rules and Regulations shall be made by the Director.

(b) Utah County Departments shall revise Department policies and procedures manuals consistent with paragraph I.D.4.(a) and shall promptly update their policies and procedures manuals consistent with changes in policies and procedures approved by the Director of Personnel Management.

(c) All department policies and procedures manuals shall contain disclaimer language approved by the County Attorney as to form, content and placement in departmental policies and procedures manuals which advise County employees that the terms of the manual are not intended to form the basis of a contractual relationship between the County and the employee and may be revised or changed at any time.

E. Discrimination. Federal law and 34A-5-106, UCA 1953. It is the policy of Utah County to provide equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to a particular position without regard to age, race, creed, ancestry, national origin, religion, color, pregnancy, childbirth, pregnancy-related conditions, disability, gender (sex), marital status, genetic information, or any other factor protected by law.

1. Discrimination, as used in these Rules, is an alleged violation of any applicable State or Federal law governing employment discrimination.
2. Utah County is committed to maintaining a work environment that is free of discrimination and harassment based on a person's age, race, creed, ancestry, national origin, religion, color, pregnancy, childbirth, pregnancy-related conditions, disability, gender (sex), marital status, genetic information, or any other factor protected by law, consistent with applicable laws. All Utah County employees should respect the rights, opinions, and beliefs of others. Harassment of any person because of age, race, creed, ancestry, national origin, religion, color, pregnancy, childbirth, pregnancy-related conditions, disability, gender (sex), marital status, genetic information, or any other factor protected by law, is strictly prohibited, whether directed at an employee, vendor, or customer. Any such harassment is prohibited by this policy whether or not it also violates the equal employment opportunity laws. This policy applies to all employees and officials of Utah County. Examples of conduct prohibited by this policy include using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics.

F. Personnel Records.

1. The official personnel record of each employee shall be kept in the Office of

Personnel Management and shall contain, as appropriate:

- a. record of application for employment;
  - b. transcripts of academic preparation;
  - c. performance appraisal ratings;
  - d. any formal reprimand or other corrective action;
  - e. records of actions affecting employee salary; and
  - f. commendations submitted for placement in a personnel file.
2. 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 department management. Any such individual record shall be subject to the rules governing personnel records.
  3. The department, upon request, will supply the employee with a copy of any document it places in the employee's file.
  4. An employee has the right to review the contents of his or her personnel record in the Office of Personnel Management or the department as governed by law 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.
  5. If a disciplinary action is rescinded or disapproved upon appeal, forms, documents, and records pertaining to the case shall be removed from the personnel records.
  6. Personnel records shall be private data and available for review only to the employee and users authorized by law or as determined by the Director to have a legitimate "need to know". A record of those, other than Office of Personnel Management staff, reviewing personnel records and information shall be maintained together with the reasons for access to the records.
  7. Requests for confirmation of employment, dates of employment, position, salary range (other than withholding information) and County telephone and work address directory information will be treated as public data.