

**PERSONNEL POLICIES  
AND PROCEDURES MANUAL  
FOR THE  
FIVE COUNTY ASSOCIATION OF  
GOVERNMENTS**

**Approved 17 January 2007**

**This document supercedes all personnel policies and procedures previously established or approved by the Five County Association of Governments.**

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## PREFACE

It is the policy of the Five County Association of Governments to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the Association of Governments and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY FIVE COUNTY ASSOCIATION OF GOVERNMENTS EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM "AT-WILL" MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE CHAIRMAN OF THE FIVE COUNTY ASSOCIATION OF GOVERNMENTS.

It is also the policy of the Association of Governments to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. To this end, the Association of Governments will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veterans status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.

Additionally, it is the policy of the Association of Governments to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to the Association of Governments by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

The Five County Association of Governments reserves the right to change any of its policies and/or procedures at any time in the future for any reason. Therefore, if you have suggestions or comments concerning the content of this manual, please submit them, in writing, to the Executive Director for review. Thank you.

## **I. INTRODUCTION**

### **A. PURPOSE**

The following policies and procedures are established by the Five County Association of Governments (AOG) to provide and maintain a system of equity and fairness in all personnel actions. All policies and procedures will be administered as prescribed by law.

As part of a public agency, all AOG employees are responsible to the residents of the Southwest Region of Utah. It is, therefore, appropriate that employees recognize the value of loyalty to the AOG and of courtesy to the public.

All elected officials, the Executive Director and Program Directors, in turn, have a responsibility to treat those under their direction with honesty, fairness and in accordance with policies and procedures of the AOG.

### **B. ORGANIZATION CHART**

Five County Association of Governments is organized under the Inter-local Cooperation Act of 1965 of the state of Utah. The AOG is governed by a Steering Committee comprised of elected officials from Beaver, Garfield, Kane, Iron and Washington counties.

The Steering Committee consists of 15 members: Five (5) mayors, five (5) county commissioners and five (5) school district representatives. Southern Utah University and Dixie State College each have ex-officio representation on the Steering Committee. The Steering Committee is vested with all policy making powers pertaining to operations of the AOG. This includes policy enactment and budgetary administration. .

The Executive Director is appointed by the Steering Committee and serves at their pleasure. The Executive Director is vested with administrative powers. The Executive Director is the budget officer of the AOG, having supervisory authority over the AOG, its staff and affairs. The Executive Director employs all staff and Program Directors with the advice and consent of the Steering Committee.

The organization chart for the AOG follows.

### **C. EMPLOYEE RIGHTS AND PRIVACY**

Five County Association of Governments recognizes the employee's rights to privacy. The collection of employee information will be limited to that needed for

legal purposes. The confidentiality of all personal information will be protected. Internal access to employee files will be limited to those authorized. Those authorized include the Executive Director, Human Resources Coordinator and others authorized by the Executive Director. Access may also be given to third parties, including government agencies, pursuant to court order or subpoena. The AOG will refuse to release personal information to outside sources without the employee's written approval unless legally required to do so. Employees are permitted to see the personal information maintained about them in their personnel files. They may correct inaccurate factual information or submit written comments in disagreement with any material contained in their personnel file.

## **D. AGENCY AFFIRMATIVE ACTION POLICY**

### **1. Policy Statement**

It is the policy of the Five County Association of Governments that no person shall, on the grounds of race, color, national origin, religion, age, sex, disability, marital status, political affiliation, or belief be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity administered by the Five County Association of Governments.

The Five County Association of Governments is committed to the support of positive practices and efforts which will ensure equal opportunity and nondiscriminatory treatment of all persons, regardless of race, color, religious creed, ancestry, national origin, sex or disability.

### **2. Assignment of Responsibilities**

Ultimate responsibility for implementation of the Affirmative Action Program rests with the Five County Association of Governments' Steering Committee. Affirmative action directives issued by the Steering Committee will be carried out under the immediate direction of the Executive Director, by the Equal Employment Opportunity Officer.

### **3. Agency Equal Opportunity Officer and Summary of Duties**

#### **Equal Employment Opportunity Officer**

Ms. Jo Seegmiller  
Five County Association of Governments  
P.O. Box 1550  
St. George, Utah 84771-1550  
Phone: 435-673-3548



Under general direction from the Executive Director, will perform some or all of the following types of duties:<sup>1</sup> Coordinate the development and implementation of the Affirmative Action Plan; identify under-utilization of minorities and females in Association of Government employment through analysis of statistical data; develop corrective measures, and insure publication of employment opportunities to the minority and female community; conduct surveys, research legislation and legal cases in the area of equal employment and report findings to the Executive Director; foster improved relationships between administration, minority groups, women organizations and community resources; distribute updated EEO literature and posters and assure display of instructions as required by the federal and state laws; schedule and conduct informational workshops for personnel regarding minority and women employment and availability; perform liaison duties with affiliated state, federal, and local governmental agencies to ensure effective coordination of effort; promote equal opportunity concept as stipulated in various provider contracts with the department; perform other duties as assigned.

#### **4. Dissemination of Policy**

The Five County Association of Governments will issue policy statements concerning nondiscrimination, equal employment and affirmative action to all employees and subcontractors to give them a knowledge of the laws and basic ideas related to equal employment opportunity. In addition, each employee of the AOG will receive a copy of these Personnel Policies and Procedures which include the Affirmative Action Plan.

The AOG will display conspicuously and continuously a poster indicating that discrimination on the basis of sex, race, color, national origin, disability, age, or religion is prohibited by state and federal laws as well as AOG policy.

Subcontractors will be informed that all information dissemination should affirm the commitment of equal employment and that procedures utilized in the selection of employees should not be discriminatory.

All advertisements for prospective employment with the Five County Association of Governments will include the phrase "Equal Opportunity Employer."

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<sup>1</sup>Performed in addition to regularly assigned duties.

All county and district officials associated with the AOG, along with community groups who would have an interest in furthering equal employment opportunity, will receive a copy of this plan.

**5. Discrimination Complaint Procedure**

A "Discrimination Complaint" shall refer to an alleged violation of the following:

- a. The Age Discrimination Act of 1967, as amended, prohibiting employment discrimination on the basis of age.
- b. The Rehabilitation Act of 1973, as amended, prohibiting employment discrimination on the basis of disability, and
- c. Title VII of the Civil Rights Act of 1964, as amended, prohibiting employment discrimination on the basis of sex, race, color, national origin, or religion.

The initial step in a Discrimination Complaint is informal. Notification shall be made in writing to the Equal Employment Opportunity Officer for the Five County Association of Governments. If the issue is resolved at this level, all parties involved shall sign a statement describing the complaint and its resolution.

If a satisfactory agreement is not reached, the grievant shall file the statement with the Equal Employment Opportunity Officer, requesting a formal investigation. Within ten (10) working days after receipt of the formal discrimination complaint, a Grievance Committee, comprised of the Executive Director, Human Resources Coordinator, and one staff member appointed by the Executive Director, shall complete an investigation and report. The Report of Findings shall contain three sections:

- a. Statistical analysis of the agency's utilization of the affected class, e.g., women, by job category. If salary discrepancies are a salient issue, a salary analysis may be included.
- b. Descriptions of the agency's affirmative action efforts. This would include the development of policy and goals in agency affirmative action plans, and its efforts to meet goals and timetables set forth by EEO policy statements.

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Policies and Procedures Manual

- c. Analysis of complaint and conclusions. Conclusions will be based on an analysis of the facts available to all parties. Two issues are critical in determining whether or not discrimination has occurred:
  - What is the agency's general profile in regard to the treatment of women (or minorities, aged, etc.)?
  - If the complaining party were, for example, male (and/or white) would he/she have received the same treatment?

If a satisfactory agreement is not reached between the Grievant and the Grievance Committee, the Equal Employment Officer shall send the formal discrimination complaint, along with the Report of Findings compiled by the Grievance Committee, to the Executive Committee of the Steering Committee of the Five County Association of Governments for their conclusions and recommendations.

The decision of the Executive Committee will be binding from the Association of Governments' point of view. Conclusions and recommendations shall be final within the Association of Governments.

Each employee has the right to have a complaint reviewed without fear of retaliation, recrimination, or harassment. Likewise, any employee involved as a party of interest in the procedures is to be protected from reprisal or recrimination.

The Report of Findings shall in no way limit any party's right to utilize procedures provided by the State Anti-Discrimination E.E.O.C., or the courts. Likewise, lack of a Report does not limit a grievant's right to utilize other investigatory and enforcement bodies. A copy of the findings shall be given to the complainant, immediate supervisor, Program Director, and the Executive Director.

If the complaint is subsequently filed elsewhere, a copy of the Report of Findings will be made available to the employing agency and to relevant representatives of the investigatory agencies.

If a discrimination complaint is not received by the complaining employee directly, but rather from an investigatory agency, such as the Anti-Discrimination Division of the Utah State Industrial Commission, the Department will comply with any procedures required by the investigatory agency.

## **E. DRUG FREE WORKPLACE**

It is the policy of the Five County Association of Governments that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited while in the employ of the Five County Association of Governments. Furthermore, the Association will make a good faith effort in maintaining a drug free workplace by implementing the following paragraphs.

### **1. Awareness Program**

- a. Danger of Drug Abuse in Workplace.** Employees of the Five County Association of Governments will be informed at the time of employment that drug abuse in the workplace will not be tolerated. Dangers inherent with drug abuse include, but are not limited to: 1) decreased productivity on the job; 2) impaired judgement when dealing with machinery, equipment and the public; 3) increased risk to fellow employees; and 4) loss of trust by local officials and citizens.
- b. Drug Free Workplace will be Maintained.** It is the policy of the Five County Association of Governments that the workplace will remain drug free. No unlawful activities with regard to controlled substances will be tolerated.
- c. Drug Counseling Programs Available.** Employees needing assistance with drug-related problems will be referred to the Southwest Center. The eligible costs covered by the Association's health insurance carrier will be described.
- d. Penalties for Drug Abuse Violations.** Article VII, Section K, of these Personnel Policies and Procedures (Substance Abuse Policy) already states that being under the influence of intoxicants or drugs while on duty is cause for disciplinary action. The following options are available to the Program Director or Executive Director.

Oral Warning  
Written Reprimand  
Suspension  
Demotion

## Dismissal

Employees with questions regarding the specific procedures in disciplinary actions should refer to Article IV, Section B of the Personnel Policies and Procedures or contact their Program Director.

### **2. Compliance with Article a Condition of Employment**

All employees of the Five County Association of Governments are required to abide by the provisions of this Policy as a condition of employment.

Any employee convicted of any criminal drug statute shall notify his or her Program Director of such conviction no later than five (5) days after such conviction.

### **3. Notification of Funding Agency**

After notification of a criminal drug statute violation, the Executive Director shall notify any federal agency which provides funds for the salary of such employee within ten (10) days of such notification.

### **4. Disciplinary Action Required**

Appropriate disciplinary action will be taken against any employee convicted of a criminal drug statute as outlined in Article IV, Section B of the Personnel Policies and Procedures within thirty (30) days of the notification. An additional option available to the Executive Director is the requirement that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, local or other appropriate agency.

## **F. ACKNOWLEDGING RECEIPT AND REVIEW OF MANUAL**

Each employee of the AOG will be given a Five County Association of Governments' Personnel Policies and Procedures Manual. It is the responsibility of the employee to read said manual and submit the attached acknowledgment to the Human Resources Coordinator within the first thirty (30) calendar days of employment or revision of manual. Failure to submit this acknowledgment will be

cause for termination of employment. This document will become a part of the employee's personnel file.

#### **G. DISCLAIMER AND RIGHT TO CHANGE OR DISCONTINUE**

No contract exists between Five County Association of Governments and its employees with respect to salary ranges, movement within salary ranges, or employee benefits or any other aspects of employment. These may change as a result of salary surveys, job analysis, availability of funds, job performance, or changes in the Personnel Policies and Procedures Manual.

Five County Association of Governments' policies and procedures grant certain privileges and require satisfactory responses and performance in return. These policies and procedures do not provide a contractual relationship between Five County Association of Governments and its employees, either explicitly or implied. Five County Association of Governments reserves the right, upon due process, to change and/or discontinue policies and/or procedures.

#### **H. SUGGESTIONS FOR IMPROVEMENT**

Five County Association of Governments encourages employees to submit ideas and suggestions to improve operations and reduce costs. Such ideas and suggestions will be reviewed with Program Directors by the Executive Director. The Five County Association of Governments also encourages employee input on policies and procedures. Suggestions should be in written form and addressed to the Executive Director and/or the Steering Committee.

## **II. RECRUITMENT AND HIRING**

### **A. ANNOUNCEMENT OF POSITION PROCEDURES**

When a position opens in a department or a need arises to create a new position, the individual Program Director shall submit notification of the position vacancy to the Executive Director. (Notification shall be accompanied by the position title and a description of the duties, responsibilities, required knowledge, and skills, outlining minimum qualifications of education and experience for new positions.)

The Executive Director shall post the opening where all employees will be made aware of the opportunity for promotion. The appointing authority shall provide, in all cases where practicable, that vacancies be filled by promotion on the basis of ascertained merit and qualification, thus enhancing the organization's career services by providing upward mobility.

The community and labor market shall become the object of a recruitment effort utilizing newspaper ads, schools, colleges, Utah Department of Workforce Services, etc., after or concurrently with in-house recruitment. Outside applications will be accepted for a minimum of seven (7) days.

### **B. RECRUITING**

The Executive Director shall act as the principal administrative officer of the central staff. From time to time, the Steering Committee may authorize the Executive Director to hire such additional staff, subject to approval, as the Committee shall deem necessary to carry on the activities of the Association. The Executive Director may organize the central staff into such departments or groupings as he may consider necessary to efficiently perform the activities of the Association.

Furthermore, it will be policy to recruit, select, and advance employees on the basis of the Five County Affirmative Action Plan and relative ability, knowledge, and skills including open consideration of qualified applicants for initial appointment. Program Directors may be invited to participate as subject matter experts and together with the Executive Director shall make final selection and appointments from ranked list of applicants.

### **C. SELECTION PROCESS**

The Executive Director and the appropriate Program Director will review the applications to determine who does or does not meet the minimum qualifications.

Examination results from Workforce Services or other government agencies may be recognized by the Five County Association of Governments. All applicants who are eligible for further consideration shall then be rated in order of preference. Preference shall be determined by a consistent method of rating education, experience, knowledge, skills and abilities of applicants. The method of examination should be developed with input from the Program Director. The top three (3) of the preference list shall be referred to the Executive Director to select one for final hiring.

#### **D. HIRING**

Hiring will be done by the Executive Director with the approval of the Steering Committee.

The Executive Director shall have the prime responsibility for operating a positive personnel management program. This program shall include the following elements:

1. Establishment and maintenance of a salary schedule.
2. Examination and approval of all requests for personnel, the authorization of all new positions, and the filling of all vacancies.
3. Training employees, as needed, to assure high quality performance.
4. The Executive Director, in close cooperation with individual Program Director, will analyze the need for each existing position, conduct wage studies, review appointments, propose new positions in compliance with established personnel policies, develop a standard code for disciplinary actions, and establish grade allocations. All classifications within the organization will be reviewed by the Executive Director at least once every three (3) years.
5. The Executive Director, in close cooperation with individual Program Director, shall have prime responsibility for developing job classification standards, recruiting qualified personnel, preparing and validating examinations, scoring and determining the reliability of examinations, and certifying names therefrom, and maintaining central personnel files.

#### **E. REHIRE**



When an employee is rehired in the classification of a position previously held, the salary shall be set at the minimum for the classification, except that the Chairman of the Steering Committee may approve the entrance salary for such employee at the minimum for the classification plus one or more of the Compensation Plan steps. However, in case of a rehire which is in effect a promotion, demotion, reassignment, or reclassification from the classification of position in which the employee was formerly employed, said salary may be adjusted in accordance with the pertinent provisions of these procedures pertaining to promotions, demotions, reassignments, or reclassifications.

#### **F. ORIENTATION**

The Human Resources Coordinator will fill out all personnel action forms after receiving necessary approval of the new employee. These forms should contain all necessary information to effectuate and finalize hiring procedures and shall be included in the personnel file for the new employee.

#### **G. PROBATIONARY PERIOD**

All employees are assumed, at the time of hire, to have the education and/or skills necessary to satisfactorily fulfill the duties for which they are hired. A probationary period is provided to permit the supervisor time to make judgements concerning the employee's likelihood of meeting the expectations of his/her respective roles in the actual work setting.

The probationary period is considered an integral part of the selection process. It is intended as a working test period. It shall be utilized for the purpose of closely observing an employee's work as a final determination of their suitability and qualifications for the position. During this 6-month period of time, the supervisor shall observe the employee's ability to perform the various duties and requirements of the position.

During the probationary period either the employee or the AOG may elect to discontinue the employee's employment with the AOG without cause. During the probationary period employees will not have access to the grievance procedures except when the alleged grievance involves possible discrimination.

#### **H. TRAINING**

Training employees, as needed, to assure high quality performance (See Article V, Section F) is allowed with the approval of the Program Director and Executive Director.

### **III. EMPLOYEE STATUS CLASSIFICATION**

#### **A. JOB GRADES**

Each job is classified by grade based on various factors such as knowledge or education required, abilities required, skills required, freedom to act, working conditions, internal equity and external comparison. Classifications are determined from information contained in the job descriptions (see Appendix A, Salary Schedule).

#### **B. WAGE STEPS**

Each job classification is assigned to a pay range with a starting rate and step increases within the job grade. (See Appendix A, Salary Schedule)

#### **C. JOB DESCRIPTIONS**

Each job shall have a written job description which will be drafted by the Program Director for approval by the Executive Director. The job description shall include: job title; department; general duties; examples of typical duties; and knowledge, skill and abilities required for the job.

#### **D. ANNIVERSARY DATE**

An employee's anniversary date is defined as the first payroll period following his/her first day on the job (i.e., the 1<sup>st</sup> or the 16<sup>th</sup>). It is not the date an employment offer is accepted or the date the necessary employment documents are signed. This date is used to determine eligibility for benefits. Employees who are transferred between departments retain their original anniversary date in determining eligibility for benefits.

#### **E. ENTRANCE SALARY**

The entrance salary for any employee is usually set at the minimum rate for the grade to which the employee is appointed, except as otherwise recommended by the Program Director and approved by the Executive Director. Any former employee who is reinstated to their former grade of position may be appointed at the same salary received at the time of separation.

**F. EMPLOYEE CLASSIFICATION**

**1. Regular**

If an employee has satisfactorily met the requirements for employment, has been employed continuously for at least six months by the organization, and receives a satisfactory or higher employee appraisal said employee then becomes a regular employee and is eligible for all the benefits of permanent employment.

**2. Probationary**

All employees are required to serve at least a six-month probationary period commencing at the hire date.

**3. Temporary**

Temporary employees do not qualify for regular benefits. These employees serve a short period of time, six months or less, for a specific task or assignment.

**4. Time-Limited**

Time-Limited employees do not qualify for regular benefits. These employees serve a short period of time, not to exceed one year, for a specific task or assignment.

**5. Full-Time**

Employees who work at least forty (40) hours per week.

**6. Part-Time**

Employees who work less than twenty (20) hours per week shall not qualify for all regular benefits.

**7. Contract**

Employees who may work full-time or part-time but do not qualify for regular benefits.

## **IV. PERSONNEL EVALUATIONS**

### **A. PERFORMANCE REVIEWS**

An effective employee review system should be used primarily to improve the employee's work performance. It should also be used as an important factor in other matters affecting employees, such as promotions, transfers, rehires, reinstatements, and disciplinary actions.

The Program Director is responsible to conduct a performance review. Employee performance shall be reviewed and evaluated after three-months of employment, six-months of employment, and at least annually thereafter.

Standard advancements and merit advancements are not automatic, but must be earned. Personnel performance reviews will be used to determine and defend salary adjustments made through the merit system. The review process, in conjunction with the merit increase, is an objective method for recognizing an employee's contribution by rewarding good performance and correcting poor performance.

All requests for salary increases and notices of regular appointments must be accompanied by an Employee Performance Review showing satisfactory or above average in order to justify the recommended action. Narrative comment on each factor for ratings of improvement needed and unsatisfactory are required. These ratings will be reviewed by the Program Director and Executive Director. Only those employees who are shown to fully meet the requirements of this Article will be given the respective salary increases, promotions, or regular status.

Performance Reviews must be discussed with and signed by the employee. The employee has the opportunity to agree or disagree with the rating and submit comments which will be included in his/her personnel file.

### **B. DISCIPLINE AND PERFORMANCE IMPROVEMENT POLICY**

This policy establishes a consistent program of progressive actions to help employees and Program Director discuss and resolve performance deficiencies or employee misconduct.

If an employee's performance or conduct does not meet the Association's standards, he/she should be given adequate time and guidance to improve performance or conduct. It is essential that all disciplinary action be adequately and appropriately supported by written documentation to protect both the rights of the Association and the rights of the employee.

Employees of the Association are required to abide by certain rules and regulations which are established herein, to protect the employees and the Association and to promote a harmonious and efficient working environment.

The Program Director should help the employee identify problems and improve performance or behavior. The specific disciplinary action will be based on the nature of the offense or circumstances and any prior record of other offenses.

The steps in performance improvement are as follows, although the Program Director may skip one or more of these steps under appropriate circumstances with concurrence of the Executive Director.

**1. Counseling.**

Counseling may be initiated when a Program Director believes that an employee's performance problem(s) can and will be resolved through adequate counseling. Counseling is completely at the discretion of the Association.

The Program Director will determine the course of action best suited to the circumstances.

**Step (1)**

As the first step in correcting unacceptable performance or behavior, the Program Director should review pertinent job requirements with the employee to ensure his/her understanding of them. The Program Director should consider the severity of the problem, the employee's previous performance appraisals and evaluations, and the circumstances surrounding the particular case.

Initial verbal counseling between the Program Director and the employee does not require documentation.

**Step (2)**

If the problem continues, the Program Director should define the problem in more specific terms and work with the employee to identify the requirements for performance improvements or change of conduct needed for a solution to the problem.

The seriousness of the performance or misconduct should be indicated by stating that a written warning, probation, or possible termination could result if the problem is not resolved.

The employee should be asked to review what has been discussed to ensure his/her understanding of the seriousness of the problem and the corrective action necessary.

Immediately after the second step in verbal counseling, the Program Director shall document the verbal counseling for future reference. Two copies of the documentation shall be provided to the employee. The employee shall acknowledge receipt of such by signing and returning one copy to the Program Director.

### **Step (3)**

If the unacceptable performance or behavior continues, the next step should be a written warning. Circumstances such as violation of widely known policy or safety requirements may justify a written warning without first using Steps 1 and 2.

The written warning defines the problem and how it may be corrected. The seriousness of the problem is again emphasized, and the written warning shall indicate that probation or termination or both may result if improvement is not observed.

Two copies of the written warning are issued to the employee by the Program Director. The employee shall acknowledge receipt of such by signing and returning one copy to the Program Director. The written warning becomes part of the employee's personnel file.

### **Step (4a)**

#### **2. Conditional Status**

If the problem has not been resolved through counseling, and/or the circumstances warrant it, the employee should be placed on "Conditional Status."

Conditional status is a serious action in which the employee is advised that termination will occur if improvement in performance or conduct is not achieved within a probationary period.

The Program Director, after a review of the employee's counseling documentation, will determine the length of conditional status. Typically, the conditional status period should be at least two (2) weeks and no longer than ninety (90) days, depending on the circumstances.

A written conditional status notice to the employee will be prepared by the Program Director. The letter should include a statement of the following: (1) The specific unsatisfactory situation; (2) A review of oral and written warnings; (3) The length of the conditional status period; (4) The specific behavior modification or acceptable level of performance; (5) Suggestions for improvements; (6) A scheduled review session(s) during the conditional status period; and (7) A statement that further action, including termination, may result if defined improvement or behavior modification does not result during conditional status.

Further action may include, but is not limited to reassignment, reduction in pay, reduction in grade or demotion.

The Program Director shall meet with the employee to discuss the conditional status letter and answer any questions. The employee shall acknowledge receipt by signing the letter. If the employee should refuse to sign, the Program Director will sign attesting that it was delivered to the employee and identifying the date of delivery. The conditional status letter becomes part of the employee's personnel file.

On the defined conditional status counseling date or dates, the employee and Program Director will meet to review the employee's progress in correcting the problem which led to the conditional status. Brief written summaries of these meetings should be prepared by the Program Director with copies provided to the employee and the Human Resources Coordinator.

At the completion of the conditional status period, the Program Director will meet with the supervisor and employee to determine whether the employee has achieved the required level of performance and to consider removing the employee from conditional status, extending the period of conditional status, or taking further action.

The employee is to be advised in writing of the decision. Should conditional status be completed successfully, the employee should be commended, though cautioned that any future recurrence may result in further disciplinary action.

#### **Step (4b)**

### **3. Suspension**

A one to three day suspension may be justified when circumstances reasonably require an investigation of a serious incident in which the employee was allegedly involved. A suspension may also be warranted when employee safety, welfare, or morale may be adversely affected if a suspension is not imposed.

In addition, and with prior approval of the Executive Director, suspension without-pay for up to three consecutive working days may be imposed for such proven misconduct as intentional violation of safety rules, intentional destruction of property, etc. These examples do not limit the Association's use of suspension with or without-pay in other appropriate circumstances, such as the need to investigate a serious incident.

In implementing a suspension, a written report should set forth the circumstances justifying the suspension. The report becomes part of the employee's personnel file.

#### **Step (5)**

#### **4. Involuntary Termination**

Involuntary termination is reserved for those cases that cannot be resolved by counseling, and/or probation, and/or suspension, or in those cases where a major violation has occurred which cannot be tolerated.

The involuntary termination notice is prepared by the Program Director and approved by the Executive Director. The employee is notified of the termination by the Program Director and directed to report to the Human Resources Coordinator for completion of the termination documents.

### **C. DEFINITION AND CLASSIFICATION OF VIOLATIONS**

The following definitions and classification of violations, for which counseling or other disciplinary action may be taken, are merely illustrative and are not limited to the examples. A particular violation may be major or minor depending on the surrounding facts or circumstances.

#### **1. Minor Violations**

Less serious violations that have some effect on the efficiency of work, safety, and harmony within the Five County Association of



Governments are considered minor. They typically lead to counseling unless repeated or when unrelated incidents occur in rapid succession.

Some examples of minor violations are as follows: (1) Excessive tardiness; (2) Unsatisfactory job performance; (3) Excessive absenteeism; (4) Failure to observe working hours such as the schedule or starting time, quitting time, and meal periods; (5) Performing unauthorized personal work during working hours; (6) Failure to notify supervisor of intended absence; and (7) Use of the Association's telephone or equipment for personal business.

## **2. Major Violations**

More serious violations that include any deliberate or willful infraction of the Association's policies and procedures are considered major. A major violation by an employee may be cause for termination of employment.

Some examples of major violations are as follows: (1) Willfully disregarding Five County policies or procedures; (2) Disclosure of confidential Five County information to unauthorized persons; (3) Repeated occurrences of related or unrelated minor violations depending upon the severity of the violation and the circumstances; (4) Any act which might endanger the safety or lives of others; (5) Stealing, destroying, abusing, or deliberately damaging Five County property, tools, or equipment, or the property of another employee or visitor; (6) Willfully falsifying any Five County records; and (7) Failing to report to work without excuse or approval of Program Director for three consecutive days.

## **D. PROMOTIONS**

It is the policy of the Five County Association of Governments to fill job openings with people from within the organization whenever it is practical and possible. The Five County AOG will make the fullest use of its human resources without discrimination when promotional or transfer opportunities occur. Refer to Article II, Recruitment and Hiring, for the procedure to apply for open positions. The following guidelines will be applied when an existing AOG employee is selected to fill a new position.

1. A one (1) step increase within the current grade of classification may be granted. Promotion of one (1) or more grades within a classification may also be granted.

2. After said increase, if the rate of pay is below the minimum rate of pay for the new classification, it shall be increased to the first step of proper grade following proper compensation according to the new classification.

#### **E. TRANSFERS**

The Notice of Personnel Action form shall show in the remarks section the number of annual leave and sick leave days assumed by the department to which such employee is being transferred.

An employee being rehired after a year or more absence will not receive any previously accumulated leave upon reinstatement.

Transfers between programs must be cleared with the Executive Director before transfers may be made. A department accepting a transferred employee must accept all accrued sick and annual leave approved by the Executive Director.

An employee may be transferred or rehired only at the beginning of a payroll period, if necessary, to avoid having a name appear on two program's payrolls.

The movement of an employee within the same program or unit is not a transfer and does not need to be cleared with the Executive Director. However, any change in title or pay will be checked and approved by the Executive Director for the employee's eligibility.

#### **F. DEMOTIONS**

An employee who is demoted shall have his/her salary reduced at least to the maximum rate of the new classification. If the salary before demotion falls within the range for the lower classification but does not coincide with one of the steps in that range, the salary shall be reduced at least to the next lower step in the new grade.

#### **G. RECLASSIFICATION/REASSIGNMENT**

An employee who is reclassified or reassigned shall be paid the same salary that he/she received prior to reclassification or reassignment if such salary coincides with a step within the range of the classification to which he/she is reclassified or reassigned. If such salary does not coincide with a step within the range of the classification to which he/she is reclassified or reassigned, his/her salary shall not be lowered and he/she shall be paid at the next higher step in the range for the classification to which he/she is reclassified or reassigned.

## **H. TERMINATION**

When an employee discontinues working or reporting to work without proper leave notice, employment with Five County Association of Governments is considered terminated. Employment with Five County is terminated by one of the following methods.

### **1. Resignation**

Five County accepts resignation, without penalty, if the employee provides advanced notification of his/her intent to resign. A notice of resignation should be written and delivered to the Program Director or the Executive Director. A notice of one month (30 calendar days) is requested from Program Director. A minimum of two weeks (14 calendar days) notice is requested from all other employees.

An employee missing three consecutive working days without appropriate notification to the Program Director or Executive Director will be considered to have resigned. A letter indicating acceptance of the resignation will be sent to the most recent address in the employee's personnel file and the same shall become a part of the employee's personnel record.

### **2. Suspension**

If an employee is suspended in accordance with the discipline and performance improvement policy, the employee should be reinstated within the time limit determined with the suspension. If the time limit passes without reinstatement the employee will be terminated for cause.

An employee who is on suspension may resign and is not required to provide the minimum notice requirements. Written notice of intent to resign must still be provided to the Program Director.

### **3. Involuntary**

Involuntary termination for cause may be implemented when: (1) an employee becomes physically, mentally, or emotionally unable to perform his/her duties and responsibilities; (2) a major violation of Five County rules and regulations has occurred; or (3) unsatisfactory performance continues and cannot be resolved through the discipline and performance improvement policy.

If an employee becomes unable to perform his/her duties and responsibilities, the Program Director will attempt to determine if the situation is reversible or if reasonable accommodations are possible.

If the disability is found to be of such a nature that reasonable accommodations cannot be made, the Program Director will request that the employee resign. If the employee does not resign within a reasonable time frame, the employee will be terminated for cause. The time frame will be subject to the nature of the disability and professional opinions concerning recovery time. The employee has all rights to the grievance procedure.

An employee may be terminated immediately or following a series of steps when a major violation of Five County rules and regulations has occurred. The time frame for such an involuntary termination will depend on: (1) the severity of the violation(s) and/or (2) the number of minor or major violations.

If an employee's performance continues to be unsatisfactory following the performance appraisal and evaluation, or during the performance improvement process and the employee does not demonstrate significant improvement, the employee will be terminated for cause.

It is the responsibility of the Program Director to initiate any involuntary termination for cause action. The Department Head shall recommend such action to the Executive Director, who will review the facts and reasons for such action. The Executive Director must approve any final action on involuntary termination.

### **3. Reduction in Force**

Reduction in force is the termination of an employee because of: inadequate funds; a change of work load; a lack of work; or the position occupied by the employee being discontinued.

Where two equal positions exist, reduction in force is not based on length of service but upon individual performance as determined by the Program Director and past performance appraisal and evaluation forms.

An employee designated for reduction in force shall receive at least thirty (30) days notice.

## **I. EXIT INTERVIEWS**

Exit interviews are to be conducted with all employees who terminate employment with Five County. The exit interview is a process to accomplish several objectives which are both important to the employee and to the AOG.

Each employee should be interviewed by the Program Director and/or the Executive Director. The interview with the Program Director and/or the Executive Director may take place any time after notice of termination has been given.

The Human Resources Coordinator should meet with the employee just before the employee departs work and obtain keys, materials, etc. which need to be returned and review a close-out check list. For proper payroll administration the employee must turn in all keys, credit cards, etc. and complete close-out procedures with the Human Resources Coordinator prior to completion of payroll information release to accountant for processing of last payroll check.

The Human Resources Coordinator should meet with the employee and gather all information needed to prepare the final pay check. The Human Resources Coordinator should also review accrued annual leave to make certain that the employee's and Five County's records agree. During this meeting the Human Resources Coordinator will inform the employee of any conversion rights on medical and life insurance policies. The Human Resources Coordinator will inform the employee of the various options on retirement benefits in order for the employee to make a selection of one of the options within the time frame allowed.

If an employee resigns without notice, the Program Director should make every effort to conduct an exit interview. In some cases, the interviews may need to be conducted via telephone.

## **J. GRIEVANCE POLICY AND PROCEDURES**

A grievance is defined as any dispute or complaint arising between an employee and the AOG. It is Five County's policy to address employee's grievances promptly and fairly and to treat all employees fairly.

There may be circumstances where an employee believes he/she has been treated unfairly. A grievance may also exist when an employee feels dissatisfied with some aspect of his/her employment over which he/she has no control and for which he/she desires action. Employees who have grievances created by work situations have the right to submit such grievances for orderly disposition.

In coordination with the discipline and performance improvement policy, an employee may express a grievance to their Program Director and shall be assured

freedom from discrimination, coercion, restraint or reprisal. The steps for resolving grievances are outlined below:

### **Step (1)**

#### **1. Verbal to Program Director**

The employee with a complaint or grievance should verbally communicate such grievance to his/her Program Director. The employee should clearly identify the problem and suggest possible solutions to the Program Director.

All grievances shall be communicated within five working days after they occur or after the most recent incident concerning the grievance, in order for the grievance to be considered. The Program Director has five working days to report back to the employee with a solution or answer. The employee, after having received a solution or an answer back from their Program Director, has five working days to appeal if they are not satisfied with the results.

### **Step (2)**

#### **2. Written to Program Director**

If the grievance is not resolved with the verbal communication to the Program Director within the time allowed for in Step (1), a written grievance will be submitted to the Program Director with a copy to the Human Resources Coordinator for personnel action documentation. The solution or answer to the employee from the Program Director and/or Executive Director should be in written form.

The Program Director and the Executive Director have five working days to review the appeal. The employee, after having received a solution or an answer back from the Program Director and/or the Executive Director, has five working days to appeal if they are not satisfied with the results.

### **Step (3)**

#### **3. Appeal to Grievance Committee**

If still unsatisfied and the grievance is not resolved with the written communication to the Program Director and the Executive Director within the

time allowed for in Step (2), an appeal to the Grievance Committee may be submitted by the employee.

The Grievance Committee shall consist of four members appointed by the Executive Director and confirmed by the Steering Committee. The committee shall consist of: one (1) elected official within Five County, who shall serve as chair; one (1) appointed Program Director; and two (2) other Five County employees. Employees of the Association may recommend fellow employees to the Executive Director for appointment to the Grievance Committee. The Executive Director and Program Director against which the grievance has been filed cannot participate on the Grievance Committee.

If any member of the Grievance Committee has a direct conflict of interest with the appeal, that member may so state at the beginning of the appeal process and request that he/she be replaced. If the employee believes that a conflict of interest exists with a member of the Grievance Committee, the employee may request that that member of the Grievance Committee be replaced by another Committee Member.

The appeal should include a copy of the written grievance, copies of any supporting documentation, along with the recommendations for a solution.

The Grievance Committee shall meet as needed to discuss and hear appeals from the employee and the Program Director. The committee shall have five working days after having received the appeal to determine if a hearing should be held.

If the committee determines that a hearing is not justified, it will recommend a solution to the employee and the Program Director. The recommendation of the Grievance Committee is final.

At the hearing the employee or the employee's representative shall establish the basis of their grievance. The Program Director will also review their findings with the Grievance Committee. All information to be presented should be in writing and provided to the Grievance Committee before the hearing. The committee shall receive all information and may ask questions and gather information as it deems appropriate.

The Grievance Committee shall render a written decision to the employee and the Program Director within five working days of the conclusion of the hearing. Their decision shall be final.

## **V. EMPLOYEE BENEFITS**

### **A. HOLIDAYS**

The following legal holidays will be observed by Five County employees:

**The 1<sup>st</sup> day of January, New Years Day**  
**The 3<sup>rd</sup> Monday of January, Human Rights Day**  
**The 3<sup>rd</sup> Monday of February, Presidents Day**  
**The last Monday of May, Memorial Day**  
**The 4<sup>th</sup> of July, Independence Day**  
**The 24<sup>th</sup> of July, Pioneer Day**  
**The 1<sup>st</sup> Monday of September, Labor Day**  
**The 2<sup>nd</sup> Monday of October, Columbus Day**  
**The 11<sup>th</sup> day of November, Veterans Day**  
**The 4<sup>th</sup> Thursday of November, Thanksgiving Day**  
**The Friday after Thanksgiving Day (In lieu of Arbor Day)**  
**The 25<sup>th</sup> of December, Christmas Day**

If any of the above holidays fall on Sunday, the following Monday shall be the holiday. If any of the holidays fall on a Saturday, the preceding Friday shall be the holiday. Other holidays shall be observed as declared by the Steering Committee.

All full-time employees and part-time employees working twenty or more hours per week are eligible for holidays. Part-time employees and contractual employees working less than twenty (20) hours are not eligible. Any eligible employee required by the Program Director to work on one of the above holidays will be given another day in lieu of that day.

Should any holiday occur while an employee is on vacation or sick leave, the employee will not be charged with vacation or sick leave on that day of the holiday.

### **B. LEAVE OF ABSENCE**

All leaves of absence (including military, maternity, bereavement and leave of absence) are based on the twelve month calendar year.

#### **1. Bereavement (Funeral)**

It is the policy of Five County to grant up to a maximum of three (3) days bereavement leave to an employee who suffers the loss of a member of the immediate family. "Immediate family" shall mean: wife, husband,



children, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, brothers, and sisters of the employee. Individual circumstances and travel considerations will be taken into consideration by the Program Director and Executive Director in determining the amount of bereavement leave.

Leave with pay shall be granted to full-time employees and part-time employees who work twenty (20) or more hours per week. Part-time employees shall be compensated for bereavement leave based on the number of hours they are normally scheduled to work during the bereavement leave period. Leave without-pay shall be granted to part-time employees working less than twenty (20) hours per week and to seasonal and temporary employees.

Bereavement for any other relative or close friend must be taken as annual leave or leave without pay.

## **2. Jury or Witness Duty**

Every employee shall be entitled to leave of absence whenever, in obedience to a subpoena or direction by a proper authority, he or she appears as a witness or a juror for the Federal, State, or local government. Time required in going to and returning from jury or witness duty is considered to be an approved absence.

During such period of required absence, the employee shall be eligible to receive his/her Five County compensation and will not be entitled to the pay or fee (excluding traveling expense allowance) received from services as a witness or juror while on Five County time. An employee may elect to retain the pay or fee if they take earned annual leave.

Any income earned and received from jury or witness duty while on Five County time shall be turned over to the Executive Director for reimbursement to Five County.

Time absent by reason of subpoena for private litigation or by some party other than Federal, State, or local government, to testify not in an official capacity but as an individual, shall be taken as annual leave or leave-without-pay.

Each employee taking jury or witness leave shall notify the Program Director in advance. Five County will not compensate employees for jury or witness leave unless previous notification is given.

Employees are expected to report to work before and after jury or witness duty in order to give as much attention as possible to their regular duties.

### **3. Injury**

An employee who is injured while on the job shall comply with all regulations of the Workers' Compensation Act as amended in the Utah State Code. Employees who are injured on the job shall not be required to pay any portion of the cost of medical or life insurance premiums provided by Five County while on Worker's Compensation until they return to work. Employees absent from work in excess of thirty (30) calendar days shall not accrue annual or sick leave. In no case shall injury leave be granted for periods greater than six (6) months.

### **4. Maternity**

Pregnancy is to be considered as a temporary disability and is to be treated as such in any decisions pertaining to employee benefits. Once eligible paid leave has been exhausted, leave without pay is an individual matter and should be negotiated by the employee concerned, the physician, and the Program Director.

While on leave required by pregnancy, employees will be placed on sick leave until exhausted, then annual leave until exhausted, and finally leave without pay.

Employees anticipating a leave due to pregnancy should notify their Program Director as far in advance as possible.

If an employee chooses to use accrued annual and sick leave, health insurance will continue as normal. Employees desiring continued health insurance coverage while on leave without-pay status may receive such coverage if they contact the Human Resources Coordinator and make necessary arrangements in advance to participate in the COBRA portion of the insurance program.

An employee who becomes pregnant may continue working until she is no longer able to perform duties in a satisfactory manner or until the employee's health is endangered by working. Five County may require an employee to present medical certification from a doctor to continue or resume work.

An employee who is on maternity leave has reinstatement rights for a position which has comparable status and compensation to the position which she vacated. Such reinstatement is dependant upon a position vacated. An employee wishing reinstatement under this section must notify the Program Director within sixty (60) days of delivery. If such notice is given, she will then be considered for the first compatible position vacancy which occurs in her section provided she meets the minimum qualifications for the position. If the employee declines two offers for position vacancies, her reinstatement rights may be canceled by the Program Director.

## **5. Military**

An employee is entitled to military leave spent on annual encampment or other duties in connection with the reserve training and instruction requirements of the armed forces of the United States without loss of pay or loss of accrued annual leave, not to exceed fifteen (15) regularly scheduled working days per year.

Leave-without-pay shall be granted to employees who are called into active service in any branch of the federal armed services. Employees granted such leave of absence retain re-employment rights and other statutory benefits specified in Federal and State statutes during the period of active military duty and for an additional forty (40) calendar day period of time following termination of military duty, provided employee is honorably discharged and applies for re-employment in writing within the forty (40) day period and provided the absence does not exceed five (5) years, unless involuntarily retained in military service. Employees re-employed within the prescribed period are restored to a position of like seniority, status, and pay. Reinstatement of employment will be made within 20 days after submission of the request to the AOG. Employment benefits do not accrue during long-term military leave of absence. However, the employee shall retain all annual, sick, and other leave to which he/she was entitled immediately prior to the commencement of active military service. If the employee declines two (2) consecutive offers for position vacancies, reinstatement rights may be canceled by the joint decision of the Program Director and the Executive Director.

If, due to a service connected disability an employee is not qualified to perform all the duties of his/her former position, a reasonable effort will be made to place him/her in the closest comparable position for which he/she is qualified.

**6. Sick**

Sick leave should be considered as a privilege rather than as an obligation of Five County to its employees. Paid sick leave is a benefit afforded to all full or part-time employees who regularly work twenty (20) or more hours per week. Part-time employees working less than twenty (20) hours per week are not eligible for sick leave. Sick leave with pay shall not be granted to time-limited, temporary, or contractual employees.

Sick leave may be used under the following circumstances:

- a. When an employee is sick or disabled and cannot perform normal job duties (pregnancy will be treated the same as any other medical condition).
- b. To meet medical or dental appointments when such appointments cannot be scheduled during non-working hours.
- c. To care for a legal dependent (child, spouse or parent) who is ill and living in the same household as the employee.

Sick leave may be used in less than eight (8) hour increments.

Full-time employees shall accrue sick leave at the rate of four (4) hours per pay period for a total of twelve (12) days per year with no limit as to the total number of days which may be accrued. Part-time employees shall accrue sick leave on the same basis as full-time employees for the average number of hours worked per day.

An employee shall be eligible to use sick leave any time after the first full payroll period of employment. In order to qualify for sick leave payment, an employee must notify his or her Program Director within a reasonable time each day of absence, unless circumstances surrounding the absence make such notification impossible.

The Program Director should also be kept advised on the employee's progress and expected date of return to duty.

For sick leave in excess of three (3) consecutive days or if abuse of sick leave is indicated, the Program Director and the Executive Director will require a certificate from the attending physician stating that illness or injury prevented the employee from working. Such notice shall be provided to the Program Director within ten (10) days from the date the employee notified

Program Director of illness or injury. Five County may require an employee to present medical certification from his/her doctor of fitness to continue to resume work, or of physical inability to resume work.

Any absence for illness or injury that extends beyond accrued sick leave will result in the employee being carried on annual leave status until all accrued annual leave has expired, and finally on leave-without-pay status.

An employee separating from AOG service will not be compensated for unused sick leave credit. Sick leave will not be granted to any terminating employee who becomes sick after the last day worked. A holiday occurring during any period in which sick leave is granted shall not be charged as sick leave. Accrued sick leave available to an employee at the time of his separation shall again become available to him upon his reinstatement from a leave of absence without pay, or upon re-employment or rehire within one (1) year after his last day worked.

The Human Resources Coordinator will be responsible for maintaining complete and uniform sick leave records for all employees. Each employee will submit a leave slip showing sick leave used to the Program Director. Time sheets should indicate sick leave used during the month.

## **7. Sick Leave Compensation at Retirement**

- A. An employee must be eligible for retirement benefits to qualify for the program. To be eligible, an employee must be a member of the retirement system and have the following years of service with eligible agencies.
  - 30 years of service at any age
  - 20 years of service at age 60
  - 10 years of service at age 62
- B. A maximum of 500 hours of sick leave may be transferred from another eligible agency to the AOG.
- C. Fifty percent of the employee's accrued sick leave balance at retirement will be eligible for use in the conversion program.
- D. Employees who retire under the age of Medicare eligibility with the years of service (as identified in #1 above) with eligible agencies may qualify for continued medical and life insurance coverage for self and one dependent on the plan at the time of retirement at the rate of 8

hours for each month coverage for the individual and 16 hours for each month coverage for the couple.

- E. The length of the coverage depends on the amount of accrued sick leave at the time of retirement.
- F. When the employee retires, as outlined in #1 above, the employee is eligible to receive up to 50% of the unused sick leave balance either as  $\frac{1}{2}$  the balance as outlined in #7 below with the remaining  $\frac{1}{2}$  as outlined in #8, or a combination of #7 and #8.
- G. When an employee retires, the program shall provide for the employee to be paid for 25% of the employee's unused accumulated sick leave at the employee's pre-retirement rate of pay. This money may be either: (1) in cash to the employee with the necessary deductions; or (2) the employee may elect to have the funds transferred directly to a deferred compensation plan under Section 401(k) of the Internal Revenue code. In lieu of cash payment, the employee may elect to apply the hours for cash benefit to paid insurance benefits as described below.
- H. The remaining 25% of accrued sick leave eligible for the program may be applied to the agency's health and life insurance benefits to continue coverage for the employee and one dependent at a rate of eight hours accrued sick leave for each month of insurance coverage for the individual and 16 hours for each month coverage for the couple.
- I. The retired employee will be responsible for all premium and co-pay amounts required of other employees by the agency and insurance plan. Any premium amounts owed by the employee must be paid to the agency by the 15<sup>th</sup> of the month for which the coverage is provided or coverage may be terminated.

## **8. Annual Leave**

Full-time employees are eligible for annual leave after the first full payroll period.

The Human Resources Coordinator will be responsible for maintaining complete and uniform annual leave records for all employees. Each employee will submit a leave slip to the Program Director showing annual

leave requested. Time sheets should indicate annual leave used during the month.

Annual leave with pay shall not be granted to time-limited, contractual, or temporary employees.

Former employees who are rehired with reinstatement rights following military service or who are reinstated from reduction in force status or maternity leave shall assume the same eligibility for annual leave that they had prior to their termination.

### **Annual Leave Accrual**

Each full-time employee of the AOG accrues annual leave according to the following schedule:

<b><u>Years of Service</u></b>	<b><u>Hours Earned</u></b>
<b>0-5</b>	<b>12 days/year or 96 hours</b>
<b>5-10</b>	<b>15 days/year or 120 hours</b>
<b>10+</b>	<b>18 days/year or 144 hours</b>

Annual leave may be accrued and accumulated. For employees continuing in service on January 1 of each year, any unused, accrued annual leave in excess of thirty (30) working days will be forfeited. The AOG encourages that employees use annual leave in eight hour (1 day) increments. Annual leave will be rounded up to the nearest one-half hour.

### **Annual Leave Granting**

Annual leave shall be scheduled with Program Director's approval. No annual leave may be granted with pay for any period of time beyond or in advance of time already accrued.

### **Annual Leave Exempted Days**

Saturdays, Sundays, and legal holidays occurring during a period in which annual leave has been granted shall not be charged against accrued annual leave.

### **Transfer of Leave**

An employee transferring from one program of AOG service to another will be entitled to transfer all accrued annual leave credit to the new program.

### **Annual Leave Compensation Upon Termination**

Upon termination of employment with the AOG, all accrued annual leave of the employee may be paid in a lump sum payment or other arrangements may be made with the Executive Director.

### **9. Leave Without Pay**

It is the policy of Five County to grant leave without-pay for military service (duration of active duty orders plus 40 calendar days) educational pursuits (365 days), medical (365 days), maternity (90 days), and furlough leave (90 days). Such leave shall not be regarded as an acquired right by employees and shall be granted only when Five County services will not be adversely affected.

An official form for "Request for Leave of Absence" must be submitted to the Program Director. The Program Director and Executive Director must approve and sign the request. For periods longer than one year and/or for special circumstances, the Steering Committee must also approve and the Chairman must sign the request. The duration and conditions of leave shall be set forth in writing with the dates leave begins and ends, and the signature of the employee making the request.

During leave without-pay, annual leave and sick leave shall not accrue. An employee on leave without-pay status shall not receive any other employee benefits during such leave. However, employees desiring health insurance coverage during a leave without-pay period may receive such coverage if they contact the Human Resources Coordinator and make the necessary arrangements beforehand. Employees on leave without-pay must pay the entire insurance premium for the duration of their leave without-pay period.

Leave without-pay may be granted by the Program Director or Executive Director to employees, for short periods of time (one or two days), for the purpose of attending funerals of close friends or relatives not covered under bereavement leave when the employee does not have annual leave; or to handle personal matters which require time away from work and the employee does not have annual leave. Leave without-pay of this nature will



not disrupt the accrual of annual or sick leave and does not interrupt other employee benefits.

#### **10. Absence Without Approved Leave**

No employee may be absent from his/her job without the permission of his/her Program Director. An employee absent for three (3) consecutive working days without notice and without sufficient reason shall be considered to have resigned de facto. After the three-consecutive-work-day-absence time period, all privileges and rights beyond said period shall be forfeited.

### **C. INSURANCE**

Employees, spouses, and unmarried children up to age 26 are covered through Public Employees Health Program (PEHP).

#### **1. Health Insurance Benefits**

Full-time employees and part-time employees working twenty (20) or more hours per week are eligible for health insurance benefits. Part-time employees working less than twenty (20) hours per week and temporary employees are not eligible for health insurance benefits.

#### **2. Dental Insurance Benefit**

Dental insurance is provided as a benefit to employees of Five County.

#### **3. Vision Insurance Benefit**

Benefits are provided for eye exams, prescription glasses and contacts at a specified cost.

#### **4. COBRA Insurance Benefit**

Insurance, under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, is available for those employees of Five County who terminate employment or if work hours are reduced which makes the employees no longer eligible to participate in the Health Insurance Program.

Employees have the right to continue to participate in a COBRA program, through the health insurance program, for up to eighteen (18) months at the employee's expense subject to current state and federal laws.

Eligible dependents may also extend coverage, at their expense, for up to thirty-six (36) months in the health insurance programs, in the event of the employee's death, divorce, legal separation, or entitlement to Medicare benefits, or when a child ceases to be eligible for coverage as a dependant under the terms of the plan, subject to current state and federal laws.

**5. Life Insurance Benefit**

Full-time employees and part-time employees working twenty (20) or more hours per week are eligible to participate in life insurance benefits.

**6. Death Benefit**

Salary and accrued annual leave shall upon an employee's death be issued in his/her name but be delivered to such beneficiary as is designated by the employee, or, if not designated, then to the surviving spouse or children equally or parents in that order.

**7. Unemployment Insurance Benefit**

Five County, through the Utah Department of Workforce Services, based on the employment of the employee and in accordance with state and federal law, offers unemployment compensation benefits.

**8. Workers' Compensation Benefit**

Accidental injuries or occupational diseases arising out of or in the course of an employee's employment with Five County are covered by the Utah Local Governments Trust Worker's Compensation insurance plan.

**D. RETIREMENT**

There shall be no normal retirement age for Five County employment. Employees, at their personal discretion, may choose to retire at any time in accordance with the regulations of the Utah Retirement System. Employees anticipating retirement should notify their Program Director in writing as far in advance as possible so that plans for their replacement can be made.

**1. Social Security**

Employees of Five County automatically participate in the federal Social Security program as administered by the United States Government. This is a system of retirement benefits based on equal employer and employee contributions to public insurance reserves. Five County matches the employee's contribution to this plan.

Employees may obtain information on current policies and benefits by contacting the Social Security Administration at 1-800-772-1213 (General Information and Services); 435-674-9226 (St. George Office); 1-800-532-6930 (Southwest Utah).

**2. Utah Retirement Systems**

The Utah Retirement System operates the Non-contributory Retirement System. All full-time employees and part-time employees working twenty (20) or more hours per week in a job expected to last more than twelve (12) months of each year must be enrolled in one of the systems depending upon their occupation and date of hire. Time limited and part-time employees working less than twenty (20) hours per week are not eligible to participate in the program.

Elected and chief appointed officials have the option of not belonging to one of the State Retirement Systems. Elected and appointed officials, exercising the option to be exempt from a retirement system, shall have an amount equal to the contribution rate of the retirement system which they are being exempted from, contributed to the 401(k) and/or 457 account in their name.

For additional information, contact the Executive Director, the Human Resources Coordinator, or the Utah State Retirement Systems Office, located at 165 North 100 East, Suite 9, St. George, Utah 84770, (435) 673-6300 or (800) 950-4877.

**E. WORKER'S COMPENSATION**

Five County provides Worker's Compensation benefits to AOG employees who become injured on the job and cannot perform their normal duties or who contract occupational diseases as covered under The Workers' Compensation Act.

Five County must report to the Industrial Commission of Utah within seven (7) days, any work-related injury or illness which results in death, medical treatment,

loss of consciousness, loss of work, restriction of work, or transfer to another job. An injury or illness must be reported whenever an employee is seen by a physician. Utah Occupational Safety and Health must be notified within twelve (12) HOURS if any work related injury or illness results in death, amputation, fracture of a major bone or hospitalization, for more than observation.

An employee shall report any work-related injury or illness immediately to the Program Director or supervisor, no matter how slight the injury may seem. Failure to report may result in benefits being lost or reduced. The Program Director will notify the Human Resources Coordinator immediately (as soon as it is possible) and complete the employer's report of injury or illness. The Human Resources Coordinator will forward the report to the Industrial Commission of Utah and the State of Utah Worker's Compensation Insurance. The Human Resources Coordinator will also record such on the Employer's 200 OSHA log. Physicians must fill out a medical injury form and submit a copy of it within seven (7) days of the injury to the Five County Human Resources Coordinator. The Program Director will provide the employee with a copy of the report. The Program Director must also notify the Human Resources Coordinator when an employee returns to work.

If the employee does not return when released from the doctor's care, the Program Director shall notify the employee by certified mail that he/she is on unapproved leave and expected to return to work immediately. Any employee who does not report as directed by certified mail, and makes no contact with the Program Director within three (3) days following the receipt of certified mail or signed receipt of delivery, shall be considered to have resigned and will be terminated.

An employee who returns to work from Workers' Compensation and whose performance is subsequently found to be unsatisfactory may be discharged according to the provisions of the Five County Discipline and Performance Improvement Policy under Section IV, Part B.

Five County may require an employee to present medical certification from his/her doctor of fitness to continue or resume work, or of physical inability to resume work.

## **F. TRAINING PROGRAMS**

Five County recognizes the importance of providing training required by the job. Training employees, as needed, to assure high quality performance (See Article II, Section H) is allowed with the approval of the Program Director and Executive Director. When a position is being filled, every effort should be made to fill the position with an individual who already has the training required for the job.

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## **VI. PERSONNEL AND PAYROLL MANAGEMENT**

### **A. SALARY ADMINISTRATION**

The Five County Association of Governments has developed a salary pay plan designed to compensate each position for that incumbent's services.

Each classification of positions shall be assigned to a salary range on the applicable pay plan, except for executive positions for which compensation is established by the Steering Committee.

The Executive Director shall be responsible for the development and maintenance of a uniform and equitable salary administration plan. This will include a minimum and maximum rate of pay for each grade and a percent of pay increase/decrease.

Periodically, the Executive Director shall perform a salary survey of significant samples of comparable positions in the surrounding area and other AOG's. This survey shall consider prevailing rates of pay for similar employment in both public and private organizations. The Executive Director shall then develop a preliminary salary recommendation for each grade. These recommendations will be presented to the Executive Committee.

The Executive Director will annually review cost of living considerations, other benefits received by the employees, the financial and economic conditions of the region, and any other factors which would effect uniform and equitable salary administration. After consideration of all of these factors the Executive Director will annually make a recommendation to the Executive Committee.

The recommendation to the Executive Committee shall include: 1) a recommended salary adjustment for cost of living consideration; 2) a recommended salary adjustment for merit increases; 3) a recommended benefits program, and 4) an indirect cost allocation formula.

The Executive Committee will review and approve the recommendations of the Executive Director. Program Director will use these recommendations in preparing the departmental budgets for the next year. The Executive Director shall submit the budget to the Steering Committee for approval prior to June 30<sup>th</sup> of each year.

**1. Cost of Living Increases/Decreases**

Cost of living salary adjustments shall be made at the beginning of each fiscal year based on the adjustment that was adopted by the Executive Committee.

The Human Resources Coordinator shall adjust all steps within grades and provide these adjustments to the Executive Director for verification. All steps within grades shall be adjusted by the same increase/decrease percentage which was adopted by the Executive Committee. The Executive Director will then adjust all employee's salaries based on the increase/decrease.

Any cost of living adjustment shall not change a grade or step within a classification for any employee.

**2. Merit Increase**

Each job is classified by grade (1-34) and each grade has fourteen (14) wage steps within it.

Advancement within a grade, from step to step, is based upon the employee's performance and time in grade as determined by the Program Director during the performance appraisal and evaluation.

This performance appraisal and evaluation should be conducted annually between the Program Director and the employee. (See Section IV, Item A). The interview should be held near the employee's anniversary date. Performance appraisals should be conducted at 3 month and 6 month intervals for probationary employees.

After the Program Director, the Executive Director, and the employee have completed the Five County Performance Review the form should be returned to the Executive Director with a recommendation from the Program Director as to any merit change in salary.

Employees usually start at a step one (1) within a salary grade. They are eligible to move to the next step after one year of full-time employment (or the equivalent). They are then eligible to move additional steps each year after the evaluation has been completed.

As noted above, advancement from step to step is based on the employee's performance and evaluation. The following is a recommendation

but may be adjusted by the Program Director with the approval of the Executive Director.

**Satisfactory, Above Average,  
Poor or Unsatisfactory**

**One (1) Step  
None**

Unless a job is reclassified, an employee may not move beyond the last step within a grade. When the duties of a position change, the Program Director should present the changes to the Executive Director who will consider a reclassification.

All merit increases are **SUBJECT** to the approval of funds for such increases by the Executive Director, Steering Committee and to **BUDGETARY LIMITATIONS**.

## **B. RECLASSIFICATION**

All job descriptions and job classifications may be reviewed at least every three (3) years by the Program Director and the Executive Director.

When the assignments and duties of an employee have changed substantially as to the kind and/or level of work, the Program Director or employee may request a change of classification. The request shall be submitted in writing to the Executive Director and the Program Director accompanied by an updated job description.

The reclassification of a position must be justified based on a definite change in duties and new responsibilities.

The reclassification is **SUBJECT** to **BUDGETARY LIMITATIONS** and must be approved by the Program Director and Executive Director.

## **C. PERSONNEL FILES**

The official personnel file containing appropriate information for each AOG employee shall be maintained by the Human Resources Coordinator. Program Director may maintain an individual file of performance appraisals and evaluation on the employees in their respective departments.

An employee's employment application, resume' and any employment testing results will be maintained in the personnel file.



AOG Performance Reviews and Performance Management Plans shall be kept in the personnel files along with any Performance Improvement Records.

The Five County Association of Governments recognizes the employee's rights to privacy. The collection of employee information will be limited to that needed for legal purposes. The confidentiality of all personal information will be protected. Internal access to employee files will be limited to those authorized. Those authorized include the Executive Director, Human Resources Coordinator and others authorized by the Executive Director. Access may also be given to third parties, including government agencies, pursuant to court order or subpoena. The AOG will refuse to release personal information to outside sources without the employee's written approval unless legally required to do so. Employees are permitted to see the personal information maintained about them in their personnel files. They may submit written comments in disagreement with any material contained in their personnel file.

#### **D. FAIR LABOR STANDARDS ACT**

It is the policy of Five County to comply with the Fair Labor Standards Act. Each Program Director is responsible for ensuring compliance with the act in their department.

##### **1. Overtime**

Any time worked in excess of forty (40) hours in any one (1) work week will be considered overtime or as otherwise provided in the Fair Labor Standards Act. It is the AOG's policy to discourage the use of overtime and to keep overtime to the barest minimum. Program Director shall organize their department work loads to minimize overtime.

Only hours actually worked in any one (1) week will be used in determining overtime. Holidays, vacation leave, sick leave and other paid leave such as jury duty, military leave, or bereavement leave shall not be counted as time worked for purposes of overtime.

All overtime worked must be specifically assigned by an employee's Program Director and approved in advance by the use of the Five County leave slip.

Complete accurate records of all overtime worked must be kept by each department and submitted to the Human Resources Coordinator with the AOG Time Sheet. Overtime records are subject to review by the Human Resources Coordinator, Program Director and the Executive Director.

## **2. Compensation**

For non-exempt employees covered under the overtime provisions of the Fair Labor Standards Act, overtime will be paid at the rate of time and one-half and regular rate of pay or accrued at one-and-one-half the number of hours worked. Non-exempt employees will be determined by the Executive Director. All others will be considered exempt.

It is recommended that compensatory time for all employees shall be used within a reasonable period of time to be determined by the Program Director.

Non-exempt employees, covered under the overtime provisions of the Fair Labor Standards Act, who terminate employment with Five County will be compensated for any compensatory time.

Exempt employees who terminate employment with Five County will not be compensated for any unused compensatory time.

Each department is responsible for reporting all compensatory time earned and used on the Five County Time Sheet for non-exempt employees.

## **E. PAYROLL ADMINISTRATION**

### **1. Payroll Advances**

An advance on wages earned is not allowed.

### **2. Payroll Period**

The payroll period goes from the first (1<sup>st</sup>) day of the month through the fifteenth (15<sup>th</sup>) and the sixteenth (16<sup>th</sup>) through the last day of the month. All salary and status changes shall become effective on the first day of the next payroll period following the change.

### **3. Payroll Deductions**

The following items are automatically deducted from wages: (1) Federal withholding taxes; (2) Social security taxes (FICA); and (3) Utah State withholding taxes.

Eligible employees may make arrangements to have any of the following items deducted from their paychecks: (1) Recovery Services; (2) 401K and 457 plan contributions; (3) Credit Union deposits and payments, and (4) Insurance premiums.

**4. Garnishments**

Five County is opposed to employees receiving garnishments on their wages. When an employee receives a garnishment, the Program Director should discuss the matter with the employee and arrange for improvement of the situation.

**5. Change of Status**

An employee is responsible for ensuring that his/her personnel records are current and accurate. The following individual information should be submitted to the Human Resources Coordinator within thirty (30) days of the change: (1) Number and status of dependents; (2) Marital status; and (3) Address change.

**6. Payroll Change Deadline**

All actions or changes which affect the payroll for an employee must be completed and submitted to the Human Resources Coordinator prior to the beginning of the pay period. If such forms are not received they will become effective the following pay period.

**7. Pay Day and Pay Checks/Direct Deposits**

Employees will be paid on the fifth (5<sup>th</sup>) and twentieth (20<sup>th</sup>) of each month.

If the pay day falls on a Saturday, pay checks will be issued on the previous Friday. If the pay day falls on Sunday, pay checks will be issued on the following Monday. If the pay day falls on a Holiday, pay checks will be issued on the last working day prior to the Holiday.

**8. Time Sheets**

All employees are required to submit a AOG Time Sheet for each month. Time sheets are due to the Program Director by the fifth (5<sup>th</sup>) day of the month following. Time sheets for hourly employees are due the last day of each pay period.

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All time sheets must be signed by the employee and the Program Director. Program Director time sheets must be signed by the Executive Director. The Executive Director shall submit a time record and have his/her time record signed by the Chairman of the Steering Committee. Elected officials are not required to keep a time record.

It is the responsibility of each Program Director and the Human Resources Coordinator to keep an official record of annual leave, sick leave, and overtime/compensatory time.

## **VII. RULES AND REGULATIONS**

### **A. ATTENDANCE**

#### **1. Hours of Work**

The normal work day for full-time employees shall be eight (8) hours, and the normal work week shall be forty (40) hours, except in certain circumstances when it is considered to be in the best interest of the public and of the AOG to work shifts of extended hours. Work shall generally begin at 8:00 a.m. and end at 5:00 p.m. with one hour for lunch, Monday through Friday. Hours of work other than the above shall be approved by the Executive Director.

#### **2. Work Week**

The work week will be in compliance with the Federal Fair Labor Standard Act which states “a work week is a regular recurring period of one hundred sixty eight (168) hours in the form of seven (7) consecutive twenty-four (24) hour periods.” For payroll purposes, the work week starts on Sunday and ends on Saturday.

#### **3. Tardiness and Absence Without Leave**

Any unexcused tardiness or unauthorized absence of employee will not be compensated and shall be grounds for disciplinary action.

Employees shall be in attendance at their work in accordance with these policies. Any employee unable to report for duty on a work day shall notify the Program Director of the fact within a reasonable time frame after the beginning of the work day. Failure to do so may result in disciplinary action.

### **B. CONFIDENTIALITY AGREEMENT**

An employee of Five County shall not disclose confidential information acquired by reason of his/her position or employment. AOG employees who are involved with information of significant public interest may not use this privileged information for personal gain nor to benefit friends or acquaintances. Each employee is charged with the responsibility of ensuring that this information is released only to those individuals who are duly authorized to receive it.

All employees responsible for records dealing with payroll, expenditure vouchers, time worked, and employee performance should perform their tasks with honesty and integrity. All records containing personal information (e.g., personnel records, criminal records, and salary information) shall be handled with strict confidentiality.

Employees shall not divulge confidential information to outside sources. Any request to do such shall be directed to the Program Director.

### **C. CONFLICT OF INTEREST/DISCLOSURES**

No employee shall use any AOG vehicles, supplies, instruments, computer equipment or other equipment to assist in outside work projects of any kind. It does not matter whether the use of the above equipment or supplies is outside of office hours. Any such use for non-AOG purposes constitutes the use of one's position to secure special privileges for himself/herself or others.

Five County employees should refrain from performing work for any contractor or subcontractor where the Five County employee or other employees of the AOG are called upon to inspect or approve and pass on the projects. If an employee has an outside financial interest which may be affected by any Five County program or activity, the employee must report this situation immediately to his/her Program Director and the Executive Director.

The Utah Code, County Officers and Employees Disclosure Act, requires county officers and employees to disclose conflicts of interest between their public duties and their personal interests, to be filed annually with the Executive Director. The AOG will observe this policy.

Any personal interest of or investment by any elected or appointed official of Five County which creates a potential or actual conflict between the employee or official's personal interests and his/her public duties shall be disclosed in an open meeting to the Steering Committee. Conflict of interest or potential conflict of interest statements should be written and submitted to the Executive Director, who will present such to the Steering Committee. The conflict of interest statement will become a part of the employee's personnel file.

### **D. EMPLOYMENT OF RELATIVES/NEPOTISM**

It shall be the policy of Five County to comply fully with the anti-nepotism clause as stated in the Utah Code.

## **E. OUTSIDE EMPLOYMENT**

Employees of Five County shall not engage in any outside employment which in any way interferes with the proper performance of their duties or which results in a conflict of interest. Employees shall not engage in outside employment activities while on duty. Any employee who wishes to take outside employment must submit to the Executive Director a written request describing the employment activities and estimated hours of work. This request must be approved by the Executive Director.

If the Executive Director, in consultation with the Program Director, determines that outside employment of an AOG employee is detrimental to his/her performance, the employee may be required to either (1) terminate or modify outside employment to the satisfaction of the Executive Director and the Program Director; or (2) terminate employment with Five County.

Five County shall not be held liable for granting sick leave or injury leave to employees who are injured while engaged in outside employment nor any occupational illness attributable thereto.

## **F. POLITICAL ACTIVITY**

It shall be the policy of the Five County Association of Governments that all officers and employees shall be protected from political exploitation or abuse while allowing individual officers and employees the broadest amount of personal political participation consistent with service to their agency.

## **G. SAFETY POLICY**

It is the policy of Five County to minimize the loss of life and property to the AOG, its employees and the public by taking all practical steps to safeguard the employees and citizens from accidents.

It is the policy of Five County to strive for the highest possible level of safety in all activities and operations, and to carry out our commitment of compliance with all health and safety laws, by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

The AOG will make every effort to provide working conditions that are as healthy and safe as feasible, and employees are expected to be equally conscientious about work place safety, including proper work methods, reporting potential hazards and abating known hazards. Unsafe work conditions in any work

area that might result in an accident should be reported immediately to a Program Director. Five County's safety policy and practices will be strictly enforced, including possible termination of employees found to be willfully negligent in the safe performance of their jobs.

### General Safety Rules

The following general safety rules will apply in all Five County work places. Each department may prepare separate safety rules applicable to the specific nature of the work in their area but not in conflict with these rules.

- A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
- B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, hard toe shoes, and hard hats, if required or appropriate to the work performed.
- C. Employees will avoid wearing loose clothing and jewelry while working on or near equipments and machines.
- D. All accidents, regardless of severity, personal or vehicular, are to be reported to the Program Director immediately.
- E. Defective equipment should be reported immediately to the Program Director.
- F. Employees will not operate equipment or use tools for which licensing and training has not been received.
- G. In all work situations, safeguards as required by State and Federal Safety Orders will be provided.

## H. **SEXUAL HARASSMENT AVOIDANCE POLICY**

### 1. **Purpose**

The purpose of the Five County Association of Governments' (FCAOG) policy on avoiding sexual harassment is designed to assure a working environment which is free from sexual harassment, which is a form of sex discrimination, and is in compliance with legal mandates of state and federal law.



**2. Policy**

It is the policy of FCAOG that:

- a. Discrimination based on sexual harassment, subtle or otherwise, shall not be tolerated; violators shall be subject to Five County Discipline and Performance Improvement Policy including termination and/or referral for criminal prosecution;
- b. Any behavior or conduct of a sexual nature which is pervasive, unwelcome, demeaning, ridiculing, deviant, or coercive and results in a hostile, abusive or intimidating work environment constitutes sexual harassment and shall not be tolerated; violators shall be subject to Five County Discipline and Performance Improvement Policy action including termination.
- c. Any quid pro quo behavior which offers job advancement or enhancement in return for sexual favors shall be prohibited and subject to Five County Discipline and Performance Improvement Policy and termination;
- d. Consideration shall be given to the complainant's requests in the investigation and preliminary review process; however, the Executive Director or Steering Committee Chairman may take appropriate action under this policy where FCAOG's legal liability is at risk;
- e. Sexual harassment complaints may be filed regardless of whether or not the behavior occurred on or off duty if it results in a hostile work environment, and/or inability to perform employees' related duties;
- f. The Executive Director and/or Program Director who knew that offensive sex based behavior was occurring on duty, or have been made aware of such behavior occurring off duty which results in a hostile work environment and do not take timely action to correct the situation shall be subject to corrective or Five County Discipline and Performance Improvement Policy.

- g. Malicious or frivolous complaints of sexual harassment shall result in corrective or appropriate disciplinary action taken against the accuser;
- h. Individuals affected by alleged sexual harassment may, but shall not be required to, confront the accused harasser before filing a complaint;
- i. The accused shall not contact the complainant regarding allegations of harassment once the complaint has been filed. However, contact could be made in a formal hearing process.

### **3. Reprisals**

Any act of reprisal toward the complainant, witnesses or others involved in the investigation shall be subject to Five County Discipline and Performance Improvement Policy. Prohibited reprisal actions shall include but not be limited to:

- a. Open or the creation of hostility to the complainant, participant, or others involved;
- b. Exclusion/ostracism of the complainant, participant or others involved;
- c. Gender based negative comments about the complainant or others involved;
- d. Special attention to or assignment of the complainant or others to demeaning duties not otherwise performed;
- e. Tokenism or patronizing behavior;
- f. Discriminatory behavior;
- g. Subtle harassment; or
- h. Unreasonable supervisory imposed time restrictions on employees in preparing complaints or compiling evidence of sexual harassment activities or behavior.

### **4. Complaint Procedure**

Individuals affected by sexual harassment are afforded avenues for filing complaints which are free from bias, collusion, intimidation or reprisal.

- a. Individuals who feel they are being subjected to sexual harassment should do the following:
  - (1) Continue to report to work;
  - (2) Verbalize disapproval of the action to the perpetrator and demand that it cease;
  - (3) Document the occurrence(s);
  - (4) Identify a witness.
- b. Employees are encouraged to use internal complaint procedures. A complaint of sexual harassment may be submitted in accordance with FCAOG approved complaint procedures.
  - (1) Complaints may be submitted by an individual, witness or other employee.
  - (2) Complaints may be made through either verbal or preferably written notification and shall be handled in compliance with confidentiality guidelines.
  - (3) The Executive Director or Program Director who has knowledge of offensive harassment behavior of a sexual nature shall take immediate, appropriate action and document such actions.
- c. Investigation of any complaint of sexual harassment must be acted upon within fifteen (15) calendar days following receipt of the complaint.
- d. If an immediate investigation by FCAOG is not warranted, a meeting shall be held with the complainant, Program Director, Executive Director or others as appropriate to communicate the findings and managements resolution of the complaint.

**5. Investigative Procedure**

The investigative procedure established by FCAOG shall include the procedural requirements allowing for the complainant to request to file their complaint with an investigator of a specific gender.

- a. FCAOG shall initiate a preliminary review. (In cases involving the Executive Director, the Executive Committee of the Steering Committee shall initiate the review.)
- b. Based upon findings and recommendations of the preliminary review process, complainants, witnesses, or other employees may seek resolution of sexual harassment complaints by utilizing one or more of the following options:
  - ◆◆ Seek to resolve issues with the accused;
  - ◆◆ Consult with the Executive Director (or in cases involving the Executive Director, the Executive Committee of the Steering Committee) to resolve the issue.
- c. Agreements toward resolution of sexual harassment shall be documented in writing with all parties receiving copies.
- d. Any attempt toward resolution must include, as applicable, corrective action which may include a letter of warning to the accused giving notice of FCAOG's sexual harassment policy, specifying the nature of the complaint, penalties for violations of the policy and warnings against reprisals of any nature and degree.
- e. If information is received that any employee refuses to comply with the agreed upon resolutions or if the sex based offensive behavior continues, Five County Discipline and Performance Improvement Policy will result including termination.
- f. If the review reveals the accusations are unfounded, this information shall be documented, the review terminated and all parties involved notified.

**6. Records**

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- a. A separate confidential record of all sexual harassment complaints shall be maintained and stored in the FCAOG Human Resources Coordinator's office. Records shall be kept for:
  - (1) A minimum of one (1) year following successful resolution of a complaint processed through the preliminary review;
  - (2) A minimum of three (3) years following successful resolution of a formal administrative and/or investigative proceeding.
- b. Separate files related to sexual harassment complaints shall not be kept by the Executive Director or Program Director.
- c. All information contained in the complaint file shall be classified as confidential pursuant to requirements of law and shall be treated as such.
- d. Information contained in the sexual harassment confidential file shall only be released by the Executive Committee of the Steering Committee when in compliance with the requirements of law.
- e. Participants in any sexual harassment proceeding shall treat all information as confidential.
- f. Final disposition of sexual harassment cases shall be disseminated in writing to all parties involved.
  - (1) If the final disposition involves corrective action or discipline for the charge of sexual harassment, the reasons for the disciplinary action shall only include references to "discipline for violations of Article IV, Section J".

## **I. SMOKING POLICY**

To promote health and in compliance with the Utah Indoor Clean Air Act, it is the policy of Five County to provide a safe and healthful working environment for employees and the general public. Five County follows the Utah Indoor Clean Air Act by prohibiting smoking indoors, in any public building.

Smoking in AOG vehicles is strictly prohibited.

All employees share in the responsibility for adhering to and enforcing this policy.

#### **J. DRESS CODE**

It is the policy of the Association that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation. All employees of the Association are expected to maintain a professional appearance which reflects a sense of pride in themselves and in their employment at the Association. To assist employees in choosing their attire, the following guidelines are offered:

- (1) Employees are expected at all times to present a professional, businesslike image to clients, public officials, and the general public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the Association. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.
- (2) Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, baseball hats, and similar items of casual attire that do not present a businesslike appearance.
- (3) Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job. An immediate supervisor may allow employees to dress in a more casual fashion than is normally required for a specific activity (e.g. moving or in-home client services). On these rare occasions, employees are still expected to present a neat appearance.

#### **K. SUBSTANCE ABUSE POLICY**

Five County has the following substance abuse rules in order to improve job performance, provide safety and protection to employees and the public, and to comply with various federal and state laws.

1. All employees are prohibited from being under the influence of alcohol or illegal drugs during working hours.
2. The use, sale, or possession of an illegal drug or controlled substance while on duty is cause for termination.

3. The sale, possession, transfer, or purchase of illegal drugs on Five County property or while performing job duties is strictly prohibited and is also cause for termination. Such action must be reported to law enforcement officials.
4. No alcoholic beverage will be brought or consumed on Five County premises.
5. Any employee whose off-duty abuse of alcohol or illegal or prescription drugs results in excessive absenteeism or tardiness or is the cause of accidents or poor work will be subject to discipline, including termination.

#### **L. TRANSPORTATION POLICY**

Five County employees who drive a private vehicle in the normal course of their duties may receive payment for mileage driven. Payment for mileage shall only be made for authorized AOG business and shall not be paid to cover commuting mileage between an employee's residence and his/her customary work sites.

Employees may be reimbursed mileage at the rate specified by the AOG when mileage is incurred in the conduct of authorized AOG business and an AOG vehicle is not available for use. (For mileage rates, see current MILEAGE/PER DIEM MEMO).

Any employee before driving either an AOG vehicle or a private vehicle for Five County business, must complete a "Certificate of License and Insurance Coverage." The certificate shall be signed by the employee certifying that (s)he has a valid Utah Driver License and that it will be kept current while driving a vehicle on AOG business. The employees driving a private vehicle shall also certify to maintain the minimum insurance required by Utah State laws on each vehicle driven while on AOG business. The employee is subject to disciplinary action if either the drivers license or insurance is not kept current. The certificate will become a part of the employee's personnel file.

#### **M. TRAVEL POLICY**

Travel expenses for authorized trips by employees while on AOG business for attendance at conventions, conferences, or meetings will be paid by the AOG. AOG funds shall not be used to pay for expenses incurred by individuals who are

not otherwise authorized. All out-of-state travel requires Steering Committee approval.

**1. Transportation**

The most economical form of transportation should be used when traveling, taking all factors, such as time lost for work, into account. Employees are responsible to arrange for their own transportation.

AOG vehicles should be used if available. If an AOG vehicle is not available, the AOG will reimburse the employee for use of a personal vehicle at the AOG specified rate. (See current MILEAGE/PER DIEM MEMO).

If an airline is used, tourist or economy fare must be requested and used if available. Air transportation must be prearranged, and the cost of the air fare must be specified on the travel request. Receipts must be submitted for all air fare. Frequent user miles accumulated from airlines is the property of the Frequent Flyer.

**2. Meals and Lodging**

Payment for meals will be at the established per diem rate set by the AOG. (See current MILEAGE/PER DIEM MEMO) Any costs over the per diem rate will be paid by the employee.

Lodging should be arranged before travel request is submitted. Standard accommodations should be requested and used whenever available.

**3. Miscellaneous Expenses**

Miscellaneous expenses such as taxi and bus fares, parking fees, or emergency repairs when using AOG vehicles may be reimbursed if receipts are submitted. Receipts are not required for expenses less than \$5.00. Reimbursement for any expenses not provided herein shall require advance approval from the Executive Director.

**N. USE AND CARE OF AOG VEHICLES/EQUIPMENT**

The use of Five County vehicles/equipment or tools for private purposes is strictly prohibited, unless otherwise approved by the Executive Director.



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1. The following guidelines should be followed in the use and care of AOG equipment:
  - ◆◆ Employees must receive the proper training and explanation of job hazards, safety procedures and training on all equipment, tools, etc. necessary for the accomplishment of the employee's job description.
  
2. The following guidelines should be followed for care and use of AOG vehicles:
  - a. General Statement: Agency vehicles are intended for the use of authorized agency personnel in the accomplishment of proper agency functions.
  
  - b. Authorized Agency Drivers: Only duly authorized individuals of the Five County Association of Governments may drive or have use of agency vehicles. However, these individuals only have right-of-use of agency vehicles in the commission of proper agency business functions.
  
  - c. Authorized Passengers: Authorized drivers may, when the occasion arises, take passengers in agency vehicles as follows:
    - ◆◆ Any duly appointed employee of the agency.
  
    - ◆◆ Any elected or other government officials.
  
    - ◆◆ Visitors and/or guests of other agencies, organizations and individuals; as long as car use is for a proper agency function.
  
    - ◆◆ Spouses, significant others and children of authorized drivers may, on occasion be passengers, however, prior authorization from the Program Director or Executive Director must be received.
  
  - d. Illegal Uses of Agency Vehicles: Any personal use of agency vehicles not related to proper job or agency function will be considered an illegal use of agency vehicles. Illegal use of agency vehicles will subject offender to agency disciplinary procedures.

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- e. Gas and Oil Checks; Vehicle Cleanliness: It will be the responsibility of the actual authorized driver to insure that vehicle has sufficient gas and oil prior to vehicle use. Furthermore, it will be the responsibility of the actual driver to, upon return of vehicle to the agency, fill gas tank and add oil, if necessary, prior to leaving vehicle for the next driver. The actual driver will also be responsible to make sure vehicle is clean inside and that windows are clean. NO FOOD OR DRINKS ARE PERMITTED TO BE CONSUMED IN AGENCY VEHICLES.
  
- f. Gascard System: The following guidelines direct the issuance and use of fueling cards and AOG employee Personal Identification Numbers (PIN).
  - ◆◆ The cards are issued to SPECIFIC AOG VEHICLES only.
  - ◆◆ The PIN is issued by the GASCARD system to individual employees for their exclusive use.
  - ◆◆ Usage of the fueling card and PIN are restricted to the fueling of the assigned AOG vehicles only. Any misuse of the card and/or PIN will result in personal and legal liability. The PIN is an electronic “signature” of the person to whom it is issued.
  - ◆◆ Fueling cards and Personal Identification Numbers can only be requested or canceled by the AOG Executive Director or the Human Resources Coordinator.
  - ◆◆ Inappropriate use of the Gascard system and PIN number, including dispensing fuel for private use, is prohibited and subject to disciplinary procedures.
  
- g. Mileage Entries: It will be the actual driver’s responsibility to enter beginning and ending mileage on the mileage log.
  
- h. Servicing of Agency Vehicles: It will be the responsibility of the Human Resources Coordinator to schedule and arrange for servicing of agency vehicles. Vehicle maintenance and servicing will be accomplished at intervals suggested in vehicle

owner's manuals or recommended by the Preventive Maintenance Coupon Program of ARI (state motor pool vehicles). However, it is the duty of all employees to notify the Human Resources Coordinator of any noted vehicle failure, maintenance or servicing need.

- i. Emergency Road Failure and Service: If a driver has a road emergency (s)he is authorized to get the agency vehicle to the nearest repair garage and to use the agency credit card for minor repairs up to an amount not to exceed \$300.00. For any amounts beyond \$300.00, the driver must get authorization from the Executive Director before getting vehicle repaired.

## **O. UTAH OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

It is the intent and purpose of Five County to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act as established under federal and Utah State law.

The AOG shall provide all of its employees with a working environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee. Each program staff is responsible to inspect the work areas for unsafe working conditions and practices, defective equipment, and unsafe materials. Where such conditions are found, the Program Director will take the appropriate action to correct the problems immediately.

Program Director shall be responsible for enforcing regulations and for issuing such rules as may be necessary to safeguard the health and lives of employees. In addition, they shall warn all employees of any dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.

All employees are responsible for ensuring a clean work area. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied.

The Executive Director shall post, in a conspicuous place, a list of telephone numbers and addresses as may be applicable so that AOG employees can access appropriate OSHA contacts.

### **ACCIDENT REPORTING PROCEDURES.**

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- A. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the Executive Director or their supervisor, who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by the Executive Director, or designee, shall be subject to disciplinary action, up to and including termination.
- B. The Executive Director, or designee, will investigate the job related injury to determine the cause of the injury.
- C. The Association of Governments shall contact UOSHA within twelve (12) hours of the occurrence of any job related death, disabling, serious, or significant injury, and/or any occupational disease.
- D. The Association of Governments shall file the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
- E. The Association of Governments shall keep a copy of the UOSHA report in their UOSHA File.
- F. The Association of Governments shall give the employee a copy of the UOSHA report and explain the employee=s rights and responsibilities concerning the work related injury or occupational disease.
- G. If an employee later dies as a result of work related injury, The Association of Governments shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.

**P. DISASTER RESPONSE PLANNING**

- 1. GENERAL POLICY. The Five County Association of Governments has developed the following Disaster Response Plan using, in part, a Disaster Response Planning Guide. All employees will be expected to adhere to this Disaster Response Plan to the maximum extent possible and practicable.
- 2. EMPLOYEE DISASTER NOTIFICATION.

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- A. Supervisors are responsible for notifying all Association of Governments employees of the disaster response action to be taken in the event of a disaster or pending disaster, if possible.
  - B. Notification for employees will be made using a wiring diagram developed by the Executive Director, or designee.
3. NATURAL DISASTER RESPONSE PLAN (WIND, WATER, FIRE, EARTHQUAKE, VOLCANO). Following a Natural Disaster:
- A. Employees already at work will assess the disaster and take whatever evasive action is deemed necessary, within the law, to protect themselves, their fellow employees, and the public in general.
    - (1) Employees will report to the Executive Director, or designee, as soon as practical and await instructions.
    - (2) Use of all Association of Government vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.
    - (3) Employees will be allowed to contact their families as soon as their supervisor can allow this action to be taken.
  - B. Employees not at work will assess the disaster and take whatever evasive action is necessary, within the law, to protect themselves and their families.
  - C. Employees not at work will contact the Executive Director, or designee, as soon as practical for further instructions.
4. MAN MADE DISASTER RESPONSE PLAN (NUCLEAR, TERRORIST, I-15 RECONSTRUCTION). Following a Man Made Disaster:
- A. Employees already at work will assess the disaster and take whatever evasive action is deemed necessary, within the law, to protect themselves, their fellow employees, and the public in general.
    - (1) Employees will report to their immediate supervisor, or their next level supervisor, as soon as practical and await instructions.
    - (2) Use of all Association of Government vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.

- (3) Employees will be allowed to contact their families as soon as their supervisor can allow this action to be taken.
  - B. Employees not at work will assess the disaster and take whatever evasive action is necessary, within the law, to protect themselves and their families.
  - C. Employees not at work will contact the Executive Director, or designee, as soon as practical for further instructions.
- 5. SUSPICIOUS PERSON OR ASSAILANT THREATS.
  - A. Be Prepared. The Association of Governments has developed the following procedures to be followed in the event that a suspicious person or assailant is in the area:
    - (1) Employees will use the “Sir Name” of the Executive Director, or designee, that they are addressing, repeated again, to alert the Executive Director, or designee, of a threatening situation. An example following this procedure would be: “Mr. (Last name of the Executive Director), Mr. (Last name of the Executive Director), could you please come to the front desk”.
    - (2) Employees will physically signal to supervisors or employees that a threatening situation exists. An example following this procedure would be: “An employee would momentarily rub both of their ears with both of their hands at the same time”.
  - B. Be Observant. The Association of Governments has developed a Suspicious Persons or Assailants Identification Checklist for employees to use. Features and physical characteristics that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.
- 6. TELEPHONE BOMB THREATS.
  - A. Be Calm and Courteous to the caller. Employees will notify the Executive Director, or designee, using a prearranged signal while the caller is on the line. An example following this procedure would be: “Throwing a pencil or other small item near the Executive Director, or designee, followed by rapidly waving the arm to get their attention. The employee will communicate with the Executive Director, or designee, by using or passing notes. The

employee will not attempt to talk to the Executive Director, or designee, by putting their hand over the phone and talking or whispering.

- B. Be Attentive. The Association of Governments has developed a Telephone Bomb Threat Checklist for employees to use. Voice characteristics, background noises, and bomb threat details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

7. MAIL LETTER AND PACKAGE BOMB THREATS.

- A. Be Cautious. Visually assess the letter or package and inform the Executive Director, or designee, or anything unusual. It is always better to be safe than sorry!
- B. Be Careful. The Association of Governments has developed a Mail Letters and Packages Bomb Recognition Checklist for employees to use. Unusual weight, shape, or other details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

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**APPENDIX A  
SALARY SCHEDULE**



**SUSPICIOUS PERSONS OR ASSAILANTS IDENTIFICATION CHECKLIST**

**FILL IN ALL OF THE BLANKS**

**(GIVE THIS TO THE FIRST LAW ENFORCEMENT OFFICER ON THE SCENE)**

**VEHICLE: LICENSE, MAKE, COLOR, ECT.**

**DIRECTION OF  
ESCAPE:**

**NUMBER  
OF  
SUSPECTS:**

### TELEPHONE BOMB THREAT CHECKLIST

#### INSTRUCTIONS FOR YOU TO USE:

**Be calm. Be Courteous. Listen. Do not interrupt the caller. Keep the Caller talking. Pretend that you have difficulty hearing the Caller. Notify the Mayor, or designee, by prearranged signals while the Caller is on the line.**

#### ABOUT YOU:

**Name: \_\_\_\_\_; Time: \_\_\_\_\_; Date: \_\_\_\_\_.**

#### ABOUT THE CALLER.

**Male: \_\_\_; Female: \_\_\_; Juvenile: \_\_\_; Adult: \_\_\_; Approximate Age: \_\_\_\_.**

#### ORIGIN OF THE CALL.

**Local Call: \_\_\_; Long Distance Call: \_\_\_; Telephone Booth: \_\_\_; Cellular: \_\_\_\_.**

#### VOICE CHARACTERISTICS.

**Loud: \_\_\_; High \_\_\_; Pitch: \_\_\_; Raspy: \_\_\_; Slurred: \_\_\_; Soft: \_\_\_;  
Deep: \_\_\_; Pleasant: \_\_\_; Other Characteristics: \_\_\_\_\_;**

#### SPEECH.

**Fast: \_\_\_; Distinct: \_\_\_; Stutter: \_\_\_; Slow: \_\_\_; Distorted: \_\_\_;  
Nasal: \_\_\_; Lisp: \_\_\_; Other Characteristics: \_\_\_\_\_;**

#### LANGUAGE.

**Excellent: \_\_\_; Fair: \_\_\_; Foul: \_\_\_; Good: \_\_\_; Poor: \_\_\_;**

#### ACCENT.

**Local: \_\_\_; Not Local: \_\_\_; Foreign: \_\_\_; Other: \_\_\_\_\_;**

#### MANNER.

**Deliberate: \_\_\_; Calm: \_\_\_; Rational: \_\_\_; Coherent: \_\_\_;  
Righteous: \_\_\_; Angry: \_\_\_; Irrational: \_\_\_; Incoherent: \_\_\_;  
Emotional: \_\_\_; Laughing: \_\_\_;**

#### BACKGROUND NOISES.

**Factory Machines: \_\_\_; Bedlem: \_\_\_; Music: \_\_\_; Office Machines: \_\_\_;  
Street Traffic: \_\_\_; Trains: \_\_\_; Animals: \_\_\_; Quiet: \_\_\_; Voices: \_\_\_;  
Airplanes: \_\_\_; Party Atmosphere: \_\_\_; Other: \_\_\_\_\_;**

#### WHAT DID THE CALLER SAY.

**Write down the message in its entirety and any other comments on a separate sheet of paper and attach it to this checklist.**

#### WHAT TO ASK THE CALLER.

**When will the bomb go off? \_\_\_; Where is the bomb located? \_\_\_;  
What kind of bomb is it? \_\_\_; How do you know so much about the bomb? \_\_\_;  
Where are you now? \_\_\_; What is your name and address? \_\_\_;  
What is your phone number? \_\_\_; Why are you doing this? \_\_\_;**

#### ACTION TO TAKE IMMEDIATELY AFTER THE CALL.

**Notify the Mayor, or designee, as instructed. Talk to no one other than as directed.**

**MAIL LETTERS AND PACKAGES BOMB RECOGNITION CHECKLIST**

**BOMB RECOGNITION CHART**

**The following information is useful in detecting the presence of letter or package bombs. While the characteristics listed below are by no means complete or foolproof, letters and packages exhibiting any of these characteristics should be viewed with extreme caution!**

**WEIGHT.**

- A. Unevenly distributed; B. Heavier than usual for its size or postal class.**

**THICKNESS.**

- A. Not uniform or has bulges; B. As thick as a small book or over one (1) inch.**

**ADDRESS.**

- A. No return address; B. Poorly typed or handwritten; D. Title/address incorrect;  
C. Hand-printed; E. Sent to high-ranking recipient by name, title, or department.**

**RIGIDITY.**

- A. Greater than normal, particularly along its center or outer length.**

**STAMPS.**

- A. More than enough postage.**

**POSTMARK.**

- A. Foreign; B. From an unusual City or Town in the United States.**

**WRITING.**

- A. Marked "Air Mail", "Registered Mail", "Certified", or "Special Delivery";  
B. Marked "Personal", "Confidential", "Private", or "For Your Eyes Only";  
C. Foreign writing style; D. Misspelled words.**

**ENVELOP.**

- A. Peculiar odor; B. Inner sealed enclosure; C. Excessive sealing material;  
D. Pinholes in paper; E. Springiness in the sides, bottom, or top; F. Ink Stains;  
G. Wires, String, or foil sticking out or attached; H. Oil or grease stains;  
I. Re-glued, taped, or carelessly wrapped; J. Excessive sealing material.**