

## **UTAH COUNTIES INDEMNITY POOL PERSONNEL—STANDARDS OF CONDUCT POLICY**

### **SECTION A EFFECTIVE DATE AND FREQUENCY OF REVIEW**

1. The effective date of this policy is May 1, 2022.
2. This policy should be reviewed annually, but not less than every three years by the Board of Directors.
3. This policy should also be reviewed at any time that changes to laws or rules governing employee standard of conduct are amended or recommendations are made by the UCIP CEO, which would require review and update to this policy.
4. Failure to review this policy in the frequency stated shall not nullify, void, limit or waive this policy or any action taken under this policy.
5. This policy is considered to be amended at the time any new federal or state law becomes effective which conflicts with this policy, but only to the extent necessary to come into compliance with new law.

### **SECTION B PURPOSE**

1. The purpose of this policy is to assure non-discrimination for applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religion, age or disability and with proper regard for their privacy and constitutional rights and to assure that UCIP provides a safe, productive, professional workplace to all employees.

### **SECTION C AUTHORITY**

1. The Board has authority to adopt this policy under the UCIP Interlocal Agreement.

### **SECTION D APPLICABILITY AND SCOPE**

1. This policy is applicable to all UCIP employees. No individual Director, officer or employee has the authority to waive, alter or make exception to any of these policies unless expressly provided for herein.

### **SECTION E DEFINITIONS**

1. Board: the Board of Directors of the Utah Counties Indemnity Pool.
2. Business Credit Card: A line of credit approved by the Board under the Internal Accounting Controls Policy.

3. CEO: the Chief Executive Officer of the Utah Counties Indemnity Pool.
4. Pool: the Utah Counties Indemnity Pool.
5. UCIP: the Utah Counties Indemnity Pool.

## **SECTION F POLICY STATEMENTS**

1. UCIP expects its employees to conduct themselves diligently, professionally and honorably in their assignments on behalf of the public. Employees should:
  - a. Work diligently on their assigned duties during their assigned work schedules;
  - b. Make prudent use of UCIP funds, equipment, buildings, supplies, and time;
  - c. Work courteously with coworkers and the public;
  - d. Observe workplace rules of conduct and safety;
  - e. Meet the standards of their individual job descriptions; and
  - f. Report and correct circumstances that prevent employees from performing their jobs effectively or completing their assigned tasks.

## **SECTION G PROCEDURES AND RESPONSIBILITIES**

### **1. Absence Without Leave**

No employee may be absent from duty without permission. All employees should notify their supervisor, or the CEO prior to an absence. In emergency situations where prior notification is not possible, the employee should provide notification as soon as possible.

If a pattern (two or more) of unexplained or unexcused absences develops, employees may be subject to a discipline, up to and including termination.

### **2. Drug Free Workplace**

The purpose of this section is to implement policy providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of controlled substances, medication, and/or alcohol. This Policy establishes procedures for controlling drug or alcohol use or abuse in the workplace and applies to all employees.

- a. Responsibility of Employees
  - (i) No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.

- (ii) Any employee convicted under a State or Federal law regulating controlled substances shall notify his or her supervisor within five (5) days after the conviction.
- (iii) No employee shall consume alcohol immediately before work, during work hours while at work, during breaks, or during lunch. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours. No employee shall represent UCIP in an official capacity while impaired by alcohol, illegal drugs, or medication.
- (iv) If an employee is using medication that may impair performance of duties, the employee shall report that fact to his or her supervisor. No employee using medication that may impair performance shall operate a motor vehicle on behalf of UCIP.

b. Reasonable Suspicion Testing

- (i) Any employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, or medication shall notify the impaired employee's supervisor. If at any time a supervisor concludes that there is reasonable suspicion that an employee is impaired by alcohol, illegal drugs or medication, the supervisor shall require the employee suspected of being under the influence of alcohol and/or drugs to submit to a chemical test of their bodily fluids. Refusal to submit to a test shall be deemed a violation of this Policy subject to disciplinary action, up to and including termination. The cost of the test shall be paid by UCIP.

c. Corrective Action

- (i) The CEO or the supervisor of an employee, whose performance is impaired by alcohol, illegal drugs, or medication, shall take corrective action, which may include discipline.
- (ii) Upon taking corrective action, the CEO shall prepare a written report stating the reasons for the action.
- (iii) An employee impaired by illegal drugs or alcohol during work hours shall be relieved from duty and shall be charged earned or accrued Vacation leave for the absence.
- (iv) An employee impaired by medication during work hours may be relieved from duty and shall be charged earned or accrued Sick leave for the absence.
- (v) The CEO may change an employee's assignment while the employee is using medication if the employee is impaired by the medication.

3. **Non-Discrimination**

UCIP is an equal opportunity employer. UCIP will comply with Federal and State non-discrimination laws with respect to employment on the basis of race, color, national origin, sex, age, disability, religion or other protected status under State or Federal law. UCIP will comply with Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act and other applicable laws relating to non-discrimination in employment.

Employment at UCIP will be based upon the applicant or employee's relative ability, knowledge, and skill levels, and ability to perform the essential functions of the job.

#### **4. Discrimination/Harassment Based on Protected Status**

UCIP believes that a workplace free from hostile, intimidating, or offensive behavior is the most productive workplace. Employees should use courtesy and professionalism when interacting with coworkers, member representatives and others they come in contact with as part of their UCIP duties. Employees who discriminate or harass others based upon their race, color, religion, gender, national origin, age, disability or other protected status create liability for UCIP and are subject to discipline, up to and including termination. All employees should work together in a professional manner with courteous, mutual respect.

Discrimination or Harassment based on race, color, religion, gender, national origin, age, disability or other protected status encompasses a wide range of behaviors, including racially based derogatory comments, taunting, or treatment. Examples of protected status harassment may include, but are not limited to, the following:

- a. Slurs or put-downs based on race, color, religion, gender, national origin, age or disability.
- b. Materials such as cartoons or e-mails making fun based on race, color, religion, gender, national origin, age or disability.

Liability related to gender based discrimination often referred to as sexual harassment is a significant concern for UCIP. Sexual harassment has been defined by the courts as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature and constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment".

All employees are responsible for ensuring that the workplace is free from all forms of sexual harassment. Sexual harassment encompasses a wide range of behaviors, including sexual attention, sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. Examples of sexual harassment may include, but are not limited to the following:

- a. Implying or threatening adverse employment action if sexual favors are not granted;
- b. Promising preferential treatment in return for sexual favors;
- c. Subtle pressure for sexual activity;

- d. Inappropriate touching of any individual, including but not limited to petting, pinching, hugging, or repeated brushing against another individual's body;
- e. Offensive remarks, including unwelcome comments about appearance, obscene jokes, or other inappropriate use of sexually explicit or offensive language;
- f. The display of sexually suggestive objects or pictures;
- g. Disparaging remarks about a person's gender;
- h. Spreading stories about a person's sexual conduct;
- i. Asking questions about a person's sexual activity;
- j. Physical aggression such as pinching or patting;
- k. Verbal sexual abuse disguised as humor;
- l. Obscene gestures;
- m. Horseplay or bantering of a sexual or off-color nature;
- n. Other actions of a sexual nature that affect the terms and conditions of a person's employment; and
- o. Conduct or comments consistently targeted at only one gender, even if the content is not sexual.

As with other forms of discrimination and harassment, UCIP considers prompt reporting of sexual harassment to be a condition of employment. If an employee believes they have experienced or witnessed sexual harassment, they must immediately report their concern in the same manner as reporting any other form of discrimination or harassment.

UCIP considers prompt reporting of discrimination or harassment to be a condition of employment. If an employee believes they have experienced or witnessed discrimination or harassment based on race, color, religion, national origin, age, disability or other protected status, they must immediately report their concern to the CEO. If the CEO is the subject of a report of discrimination or harassment, the employee may report to the CEO, who shall immediately forward the report to the Board Director serving as the Chair of the UCIP Personnel Committee.

UCIP will investigate allegations of protected status discrimination or harassment and will take appropriate action against any person found to have violated this Policy. Individuals who engage in protected status discrimination or harassment are subject to discipline, up to and including termination.

UCIP will not retaliate against any person who reports discrimination or harassment. Employees who retaliate against any person who reports discrimination or harassment shall be subject to discipline, up to and including termination.

If the investigation of a report of discrimination or harassment finds the report to be false and made maliciously, the person making such claim may be subject to discipline, up to and including termination.

## **5. Inappropriate and Unprofessional Behavior**

UCIP employees will fulfill their job duties, act appropriately and professionally, and comply with UCIP policies and procedures. Inappropriate and unprofessional behavior includes but is not limited to the following:

- a. Insubordination or refusal to comply with written or verbal instruction from the UCIP CEO, except in cases where the instruction is believed to be unethical or illegal in nature, in which case the employee should immediately notify a member of the Board in writing.
- b. Conviction of a felony while an employee of UCIP.
- c. Conduct that endangers the safety of employees, officials or the public.
- d. Inducing, or attempting to induce, any UCIP employee to commit an act in violation of UCIP policies and procedures.
- e. Incompetency or inefficiency in the performance of job duties.
- f. Carelessness, abuse, or negligence with UCIP funds or property.
- g. Stealing UCIP or UCIP employee's funds or property.
- h. Falsification of personnel records, time reports, or other UCIP records.
- i. Physical attack on a UCIP employee, a member official or employee or the public.
- j. Using threats, or attempting to use personal influence in an effort to secure special favors or consideration as a UCIP employee.
- k. Using or being under the influence of intoxicants or drugs or having them in your system while on duty.
- l. Unlawful carrying of a weapon while on duty.
- m. Making direct, indirect, implied, or conditional threats against another UCIP employee.
- n. Using a UCIP computer systems for self-employment or outside employment.

- o. Using UCIP computer software in violation of license agreement(s).
- p. Copying software licensed to or developed by UCIP. Bringing software from home computers to run on UCIP computer systems unless authorized in writing by the CEO.
- q. Purchasing, moving, altering, or repairing computer equipment and wiring unless authorized by the CEO.
- r. Violating a safety rule or practice.
- s. Using offensive language toward UCIP employees, member officials or employees or the public.
- t. Inattentiveness to work, failing to start work at the designated time, quitting work early, or leaving the job during working hours without prior authorization from the CEO.
- u. Vending, soliciting, or collecting contributions on UCIP's time or premises without prior authorization from the CEO.
- v. Failure to comply with established UCIP policies and procedures.
- w. Unauthorized use of UCIP property, equipment or materials.
- x. Operating a vehicle without the proper license or insurance.
- y. Excessive absenteeism, tardiness or other violations of the UCIP Employee Leave Policy.
- z. Bringing to work, disseminating, or displaying any materials that are offensive and that could give rise to or form the basis for the following types of UCIP employee, member official or employee or public complaints: a harassment complaint, an allegation of a hostile work environment, a discrimination claim based on protected status or violation of UCIP policies or procedures. However, actions specifically authorized or protected by law are not a violation of policy.
- aa. Using notes, e-mail, voicemail, fax, text messaging, social media or the internet to harass or discriminate on the basis of a protected status under State or Federal discrimination laws. However, actions specifically authorized or protected by law are not a violation of policy.
- bb. Engaging in intentional or unintentional acts contrary to public service, or acts that harm or would reasonably be expected to harm the reputation or image of UCIP.
- cc. Refusing to respond to an official request for factual information or impeding an internal investigation. However, actions specifically authorized or protected by law are not a violation of policy.

- dd. Violating the ethical behavior and conflict of interest provisions of UCIP this policy.
- ee. Giving false or misleading statements, or misrepresenting or omitting material information to the CEO, a member official or employee, or the public.

**6. Ethical Behavior and Conflicts of Interest**

- a. The Public Officials and Employees Ethics Act, Utah Code Ann. §67-16-101 et. seq., establishes certain standards of ethical conduct for UCIP employees, including requiring disclosure of conflicts of interest in certain situations. All UCIP employees are subject to and must comply with this Act.
- b. No employee shall use their position for personal gain or special privilege.
- c. Employees shall make a written request for records they desire to use or disclose for personal purpose in accordance with the Government Records Access Management Act (GRAMA). Disclosure or use of records maintained by UCIP for personal purpose, which were not provided to the employee in response to a valid GRAMA request, is a violation of this policy and may result in disciplinary action including termination.
- d. Employees shall not seek, solicit, accept or take a pecuniary gift that is related to their position with UCIP including but not limited to cash, gift cards or prepaid credit cards that would tend to influence their judgement.
- e. Employees shall not seek, solicit, accept or take a nonpecuniary gift that is related to their position with UCIP that exceeds a value of \$50.00.
- f. Employees involved in the procurement of services, supplies or equipment shall not seek, solicit, accept or take a gift from a vendor or provider of such services, supplies or equipment that exceeds a value of \$10.00.
- g. Employees shall disclose, in writing, to the Board any Conflict of Interest as identified in the Utah Public Officer's and Employees' Ethics Act, when the conflict is created and annually as provided by the Bylaws.
- h. In addition to the written Conflict of Interest Statement, employees who have a Conflict of Interest will also verbally disclose the conflict any time the employee is involved in any discussion related to the conflict occurs.
- i. Employees may not be compensated by another person to assist such person in a transaction with UCIP, whether or not such assistance is disclosed.
- j. Employees may not have a Financial Interest in a business that conducts business with UCIP.



- k. Employees may not have a Financial Interest in a business that creates a Conflict of Interest with the employee's public duties without disclosing such conflict.

## **7. Nepotism**

UCIP will comply with Utah Code Ann. §52-3-1 to §52-3-4, 1953, as amended regarding the employment of relatives.

If because of marriage, promotion, reorganization or other reason, it appears that a conflict with Utah law or this Policy appears to exist, the Chief Executive Officer, and the Board of Directors shall review the matter.

If it is determined that a conflict exists, resignation or reassignment of one of the relatives may be required.

## **8. Computer and E-Mail Usage**

UCIP recognizes that excessive personal use of UCIP owned computer systems during work hours can affect productivity and may be perceived as an inappropriate use of public funds. UCIP reserves the right to monitor computer usage, files stored on UCIP computer systems and Internet usage.

For purposes of this Policy, "files" means all documents, programs, e-mail, and Internet locations that are created, accessed, stored, or temporarily located on a UCIP computer systems.

- a. **Personal Use.** Employees may use assigned UCIP computer systems for limited personal purposes. This approval is similar to the occasional personal use of telephones during breaks. Excessive use of UCIP computer systems for personal reasons is not allowed.
- b. **Inappropriate Usage.** Employees are not allowed to use a UCIP computer system for self-employment, or outside employment purposes. Entering or maintaining information on a UCIP computer system that is in violation of UCIP's policies and procedures, or that violates State or Federal law, is prohibited.
- c. **Privacy.** All files created, accessed, or stored on a UCIP computer system are considered UCIP property. Employees shall be advised that there is no right to privacy when using a UCIP computer system. All usernames, passwords, personal identification numbers or any other security codes or devices restricting access to UCIP computer equipment or software programs must be provided to the CEO, when created or changed, to allow access by UCIP. As a public agency, all data and files created, accessed, or stored on a UCIP computer system may be subject to governmental records access laws, and may become public in compliance with such laws. All employees are required to comply with the UCIP Governmental Records Access and Management Act Policy at all times.
- d. **Licenses.** Employees shall use computer software only in accordance with the license agreement. Copying software licensed to, or developed by UCIP for personal computer

use or any other purpose is prohibited. Bringing software from personal computers to run on UCIP computer systems is also prohibited. Downloading of software onto UCIP computer systems is prohibited unless prior authorization has been provided by the CEO.

- e. Equipment. Only employees authorized by the CEO may purchase, move, alter, or repair UCIP computer equipment and wiring.
- f. Email. Employees may use UCIP's email functions as limited above in Personal Use and Inappropriate Usage. All email received or sent using the UCIP email system are considered UCIP property, and may be accessed, reviewed, copied or disseminated by UCIP as the CEO or Board of Directors deems necessary or prudent. As all email received or sent using the UCIP email system are considered documents in the possession of UCIP, they may be considered public documents subject to the Governmental Records Access Management Act.
- g. Internet Access. Internet usage falls within the above Personal Use and Inappropriate Usage constraints. Employees should use caution when connecting to public Wi-Fi.
- h. Disciplinary Action. Employees using UCIP computer systems, software or systems in an unauthorized or inappropriate manner may be subject to discipline up to and including termination.

#### **9. Seat Belt Use**

Employees must use seatbelts while in vehicles performing UCIP business which includes travel eligible for reimbursement by UCIP.

#### **10. Cell Phone Use**

Cell phones should not be used while in vehicles performing UCIP business, which includes travel eligible for reimbursement by UCIP when it is a distraction to driving. Whenever possible, the employee should use hands free phone equipment or pull over when safe to continue or return the phone call.

#### **11. UCIP Business Credit Cards**

The UCIP Business Credit Cards may only be used for legitimate business expenses. An employee utilizing a UCIP Business Credit Card shall provide the Accounting Specialist a receipt for each purchase. If a receipt is not provided to the employee or the receipt is lost, the employee shall provide a signed written statement of the expense to the Accounting Specialist.

An employee will reimburse UCIP for any expenses not approved by the UCIP Board of Directors as legitimate business expenses. Such expenses that are not reimbursed to UCIP within 30 days of notice to the employee by the Board may be deducted from the employees pay at the discretion of the Audit Committee Chair. An employee will reimburse UCIP 150% of any personal use of the UCIP Business Credit Card.

Employees may not apply for or accept a line of credit or credit card in UCIP's name except as authorized under the Internal Accounting Controls Policy.

## **12. Acceptance of Gifts, Compensation or Loan**

As public agency employees, UCIP employees are required to comply with the Utah Public Officers' and Employees' Ethics Act, Utah Code §67-16-5 as amended. Employees must notify the CEO of all gifts prior to acceptance by individual employees. Gifts offered to the staff as a group must be approved by the CEO prior to acceptance. Failure to comply with this Policy may result in discipline up to and including termination.

## **13. Outside Employment**

No UCIP employees may engage in any outside employment (including self-employment) or activity that, in the opinion of the Chief Executive Officer, might impair the performance of their duties or is detrimental to UCIP member service. Employees must notify the Chief Executive Officer of outside employment prior to engaging in such employment, or at any time that the terms of outside employment changes.

## **SECTION H REVISION HISTORY**

1. Adopted: April 21, 2022
2. Revised: June 16, 2022
3. Revised: October 25, 2023

## **SECTION I APPENDICES**

1. [Public Officials and Employees Ethics Act](#)