

## **EMPLOYEE HANDBOOK**

*Updated October 2021*

### **I. GENERAL**

The Cache Mosquito Abatement District (CMAD, "the District") will provide fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion or creed, sex, national origin, age, physical or mental disability, veteran status, genetic information, and with proper regard for their privacy and constitutional rights as citizens. No class of jobs will be closed, and there will be no reduced compensation to any individual because of the above-referenced criteria. An employee will receive at least minimum wage as a gross wage, minus the legally required deductions. This policy complies with Title VII of the Civil Rights Act of 1964 and the Fair Labor Standards Act.

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

### **II. EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

CMAD shall follow the spirit and intent of all federal, state and local employment laws and is committed to equal employment opportunity. To that end, the Board of Trustees will not discriminate against any employee or applicant in a manner that violates the law. All employees are expected to cooperate fully in implementing this policy. In particular, any employee who believes that any other employee of CMAD may have violated the Equal Employment Opportunity Policy should report the possible violation to one of the Managers. If CMAD determines that a violation of this policy has occurred, it will take appropriate disciplinary action against the offending party, which can include counseling, warnings, suspensions, and termination. Employees who report, in good faith, violations of this policy and employees who cooperate with investigations into alleged violations of this policy will not be subject to retaliation. Upon completion of the investigation, CMAD will inform the employee who made the complaint the results of the investigation.

CMAD is also committed to complying fully with applicable disability discrimination laws, and ensuring that equal opportunity in employment exists at CMAD for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Reasonable accommodations will be available to all qualified disabled employees, upon request, so long as the potential accommodation does not create an undue hardship on CMAD. Employees who believe that they may require an accommodation should discuss these needs with the Managers.

If you have questions regarding this policy, please contact the Managers or the Chair of the Board of Trustees.

### **III. POLICY AGAINST WORKPLACE HARASSMENT**

CMAD is committed to providing a work environment for all employees that is free from sexual harassment and other types of discriminatory harassment. Employees are expected to conduct themselves in a professional manner and to show respect for their co-workers.

CMAD's commitment begins with the recognition and acknowledgment that sexual harassment and other types of discriminatory harassment are, of course, unlawful. To reinforce this commitment, CMAD has developed a policy against harassment and a reporting procedure for employees who have been subjected to or witnessed harassment. This policy applies to all work-related settings and activities, whether inside or outside the workplace, and includes business trips and business-related social events. CMAD's property (e.g. telephones, copy machines, facsimile machines, computers, and computer applications such as e-mail and Internet access) may not be used to engage in conduct that violates this policy. CMAD's policy against harassment covers employees and other individuals who have a relationship with CMAD which enables CMAD to exercise some control over the individual's conduct in places and activities that relate to CMAD's work (e.g. trustees, officers, contractors, vendors, volunteers, etc.).

**Prohibition of Sexual Harassment:** CMAD's policy against sexual harassment prohibits sexual advances or requests for sexual favors or other physical or verbal conduct of a sexual nature, when: (1) submission to such conduct is made an express or implicit condition of employment; (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual who submits to or rejects such conduct; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, humiliating, or offensive working environment.

While it is not possible to list all of the circumstances which would constitute sexual harassment, the following are some examples: (1) unwelcome sexual advances—whether they involve physical touching or not; (2) requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment; or (3) coerced sexual acts.

Depending on the circumstances, the following conduct may also constitute sexual harassment: (1) use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; (2) sexually oriented comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess; (3) displaying sexually suggestive objects, pictures, cartoons; (4) unwelcome leering, whistling, deliberate brushing against the body in a suggestive manner; (5) sexual gestures or sexually suggestive comments; (6) inquiries into one's sexual experiences; or (7) discussion of one's sexual activities.

While such behavior, depending on the circumstances, may not be severe or pervasive enough to create a sexually hostile work environment, it can nonetheless make co-workers uncomfortable. Accordingly, such behavior is inappropriate and may result in disciplinary action regardless of whether it is unlawful.

It is also unlawful and expressly against CMAD policy to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of a complaint of sexual harassment.

**Prohibition of Other Types of Discriminatory Harassment:** It is also against CMAD's policy to engage in verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category (or that of the individual's relatives, friends, or associates) that: (1) has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Depending on the circumstances, the following conduct may constitute discriminatory harassment: (1) epithets, slurs, negative stereotyping, jokes, or threatening, intimidating, or hostile acts that relate to race, color, gender, religion, sexual orientation, age, national origin, or disability; and (2) written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, sexual orientation, age, national origin, or disability and that is circulated in the workplace, or placed anywhere in CMAD's premises such as on an employee's desk or workspace or on CMAD's equipment or bulletin boards. Other conduct may also constitute discriminatory harassment if it falls within the definition of discriminatory harassment set forth above.

It is also against CMAD's policy to retaliate against an employee for filing a complaint of discriminatory harassment or for cooperating in an investigation of a complaint of discriminatory harassment.

**Reporting of Harassment:** If you believe that you have experienced or witnessed sexual harassment or other discriminatory harassment by any employee of CMAD, you should report the incident immediately to your supervisor or to the Chair of the Board of Trustees. Possible harassment by others with whom CMAD has a business relationship, including customers and vendors, should also be reported as soon as possible so that appropriate action can be taken.

CMAD will promptly and thoroughly investigate all reports of harassment as discreetly and confidentially as practicable. The investigation would generally include a private interview with the person making a report of harassment. It would also generally be necessary to discuss allegations of harassment with the accused individual and others who may have information relevant to the investigation. CMAD's goal is to conduct a

thorough investigation, to determine whether harassment occurred, and to determine what action to take if it is determined that improper behavior occurred.

If CMAD determines that a violation of this policy has occurred, it will take appropriate disciplinary action against the offending party, which can include counseling, warnings, suspensions, and termination. Employees who report violations of this policy and employees who cooperate with investigations into alleged violations of this policy will not be subject to retaliation. Upon completion of the investigation, CMAD will inform the employee who made the complaint the results of the investigation.

Compliance with this policy is a condition of each employee's employment. Employees are encouraged to raise any questions or concerns about this policy or about possible discriminatory harassment with the Managers. In the case where the allegation of harassment is against one of the Managers, please notify the Chair of the Board of Trustees.

#### **IV. SOLICITATION**

Employees are prohibited from soliciting (personally or via electronic mail) for membership, pledges, subscriptions, the collection of money, or for any other unauthorized purpose anywhere on CMAD property during work time, especially those of a partisan or political nature. "Work time" includes time spent in actual performance of job duties but does not include lunch periods or breaks. Non-working employees may not solicit or distribute to working employees. Persons who are not employed by CMAD may not solicit or distribute literature on CMAD's premises at any time for any reason.

Employees are prohibited from distributing, circulating, or posting (on bulletin boards, refrigerators, walls, etc.) literature, petitions, or other materials at any time for any purpose without the prior approval of the Manager.

#### **V. HOURS OF WORK, ATTENDANCE AND PUNCTUALITY**

The regular work week is forty (40) hours. For field and surveillance workers, individual work hours should be discussed and approved by the Manager. Absenteeism or tardiness that is unexcused or excessive in the judgment of the Manager and/or District is grounds for disciplinary action, including dismissal. If you are absent for any reason or plan to arrive late or leave early, you must notify your supervisor or the Administrative Manager as far in advance as possible and no later than one hour before the start of your scheduled work day. In the event of an emergency, you must notify your supervisor as soon as possible.

For all absences extending longer than one day, you must telephone your immediate supervisor prior to the start of each scheduled workday. When reporting an absence, you should indicate the nature of the problem causing your absence and your expected return-to-work date. A physician's statement may be required as proof of the need for any illness-related absence regardless of the length of the absence.

Except as provided in other policies, an employee who is absent from work for three consecutive days without notification to his or her supervisor or the Administrative Manager will be considered to have voluntarily terminated his or her employment. The employee's final paycheck will be mailed to the last mailing address on file with CMAD.

Excessive absences, tardiness, or leaving early will be grounds for discipline up to and including termination. Depending on the circumstances, including the employee's length of employment, CMAD may counsel employees prior to termination for excessive absences, tardiness or leaving early.

Overtime, defined as work in excess of forty hours per week, shall be compensated at the rate of 1½ times base pay. All overtime must be pre-approved by the Manager if so authorized by the District Board of Trustees. Payment of overtime will be provided in the pay period following the period in which it is earned.

## **VI. EMPLOYMENT POLICIES AND PRACTICES: DEFINITION OF TERMS**

- Employer. CMAD is the employer of all full-time, part-time and temporary employees. An employee is hired, provided compensation, and has his or her work directed and evaluated by CMAD.
- Full-Time Employee. A full-time employee regularly works at least 40 hours per week.
- Part-Time Employee. A part-time employee regularly works less than 40 hours per week.
- Exempt Employee. An Exempt Employee is paid on a salary basis and meets the qualifications for exemption from the overtime requirements of the Fair Labor Standards Act. However, an accurate record of hours worked should still be reported in order to track the work load from year to year.
- Non-Exempt Employee. A Non-Exempt Employee is paid an hourly rate and does not meet the qualifications for exemption from the overtime requirements of the Fair Labor Standards Act. An accurate record of hours worked must be maintained. CMAD will compensate non-exempt employees in accordance with applicable federal and state law and regulations.
- Temporary Employee. An individual employed, either on a full-time or part-time basis, for a specific period of time less than six months. Temporary employees are entitled only to those benefits required by statute or as otherwise stated in the *CMAD Employee Handbook*.

All employees are classified as Exempt or Non-Exempt in accordance with federal and state law and regulations. Each employee is notified at the time of hire of the compensation category, and exempt or non-exempt status.

## **VII. WAGE AND SALARY ADMINISTRATION**

Paychecks are distributed semimonthly for seasonal employees, with two pay periods consisting of calendar days 1 to 15, and calendar days 16 to the last day of the month. The Manager, Administrative Manager, and Website Manager are paid on a monthly basis. Timesheets are due to the Administrative Manager within two days of each pay period. All salary deductions are itemized and presented to employees with their paycheck. Approved salary deductions may include federal and state income taxes, social security, and Medicare. Paychecks will be available by the 7<sup>th</sup> and the 22<sup>nd</sup> of each month.

## **VIII. ECONOMIC BENEFITS AND INSURANCE**

At the current time, CMAD does not provide health/life insurance, a retirement plan, or tax deferred annuity plan. CMAD participates in the provisions of the Social Security, Medicare and Medicaid programs. Employee contributions are deducted from each paycheck and CMAD contributes at the applicable wage base as established by federal law.

Employees are covered for benefits under the Workers Compensation Law. Absences for which worker compensation benefits are provided are not charged against the employee. To assure proper protection for employees and CMAD, any accident that occurs on the job must be reported, even if there are no injuries apparent at the time. Forms for this purpose are available from CMAD.

## **IX. LEAVE BENEFITS AND OTHER WORK POLICIES**

Due to the seasonal aspect of CMAD, there are no holidays, vacation, or sick leave. Employees may be excused from their regular work hours for bereavement, parental, military, extended personal leave, or for civic duties.

## **X. REIMBURSEMENT OF EXPENSES**

Reimbursement is authorized for reasonable and necessary expenses incurred in carrying out job responsibilities. Mileage or transportation, parking fees, business telephone calls, and meal costs when required to attend a luncheon or banquet, are all illustrative of reasonable and necessary expenses.

Employees serving in an official capacity for CMAD at conferences and meetings are reimbursed for actual and necessary expenses incurred, such as travel expenses, meal costs, lodging, tips and registration fees. When attending meetings that have been approved by the Board of Trustees, employees are reimbursed for travel expenses, course fees, and costs of meals and lodging at the current rates. Employees may also request a travel

advance to cover anticipated expenses for approved travel. Employees also may be granted leave to attend a conference or professional meeting related to their professional development and/or CMAD's current and anticipated work. Expenses for these purposes can be paid by CMAD if funds are available and the employee obtains prior approval of such expenses.

Employees are responsible for transportation costs between the office and home during normal work hours. Transportation costs are paid by CMAD for work outside normal work hours if the employee is on official business for CMAD. Employees authorized to use their personal cars for CMAD business are reimbursed at the U.S. Internal Revenue Service approved rate. Forms are provided to request reimbursement for actual expenses and advance payment for travel. Receipts must be provided for all expenditures made in order to claim reimbursement.

## **XI. SEPARATION**

Either CMAD or the employee may initiate separation. CMAD encourages employees to provide at least two weeks (10 days) written notice prior to intended separation. After receiving such notice, an exit interview will be scheduled by the Manager or his or her designee. The Board of Trustees has authority to employ or separate all employees.

Circumstances under which separation may occur include:

- Resignation. Employees are encouraged to give at least 10 business days of written notice. Since a longer period is desired, the intention to resign should be made known as far in advance as possible.
- Termination or Lay-off. Under certain circumstances, the termination or lay-off of an employee may be necessary.

The Board of Trustees or the Manager has authority to discharge an employee from CMAD. As stated above, all employment at CMAD is "at-will." This means that employees may be terminated from employment with CMAD with or without cause, and employees are free to leave the employment of CMAD with or without cause.

Reasons for discharge may include, but are not limited to:

- Falsifying or withholding information on the employment application that did or would have affected CMAD's decision to hire. (This conduct will result in immediate termination.)
- Falsifying or withholding information in other personnel records including personnel questionnaires, performance evaluations, or any other records.
- Performance at work below a level acceptable to CMAD or the failure to perform assigned duties.
- Failure to complete required time records or falsification of such time records.
- Insubordination.
- Negligence in the performance of duties likely to cause or actually causing personal injury or property damage.
- Fighting, arguing, or attempting to injure another.
- Destroying or willfully damaging the personal property of another, including CMAD's property.
- Breach of confidentiality (such as purchase negotiations for land).
- Using or appearing to use for personal gain any information obtained on the job which is not readily available to the general public, or disclosing such information that damages the interests of CMAD or its customers or vendors.
- Placing oneself in a position in which personal interests and those of CMAD are or appear to be in conflict or might interfere with the ability of the employee to perform the job as well as possible.
- Using CMAD property or services for personal gain or taking, removing, or disposing of CMAD material, supplies, or equipment without proper authority.
- Gambling in any form on CMAD property.
- Dishonesty.
- Theft.

- The possession, use, sale or being under the influence of drugs or other controlled substances or alcoholic beverages during working hours or on the CMAD premises at any time in violation of CMAD's policies.
- Carrying or possessing firearms or weapons on CMAD property.
- Excessive tardiness or absenteeism, whether excused or unexcused.
- Unauthorized absence from work without proper notice.
- Engaging in discriminatory or abusive behavior, including sexual harassment.

At the sole discretion of the Board of Trustees or Manager, the employee may be asked to leave immediately or be given a period of notice.

## **XII. RETURN OF PROPERTY**

Employees are responsible for CMAD equipment, property, and work products that may be issued to them and/or are in their possession or control, including but not limited to:

- Telephones
- Credit cards
- Identification badges
- Office/building keys
- Office/building security passes
- Computers, computerized diskettes, electronic/voice mail codes
- Intellectual property (e.g., written materials, work products)

In the event of separation from employment, or immediately upon request by the Manager or his or her designee, employees must return all CMAD property that is in their possession or control. Where permitted by applicable law(s), CMAD may withhold from the employee's final paycheck the cost of any property, including intellectual property, which is not returned when required. CMAD also may take any action deemed appropriate to recover or protect its property.

## **XIII. REVIEW OF PERSONNEL ACTIONS**

Employees may request a review of a personnel action or an unsatisfactory performance review. Employees are expected first to discuss their concern with their immediate supervisor (Manager). If desired, the employee may then discuss the situation with the Administrative Manager and/or may choose to go through the grievance process as outlined in section XVI.

## **XIV. PERSONNEL RECORDS**

Personnel records are the property of CMAD, and access to the information they contain is restricted and confidential. A personnel file shall be kept for each employee. It is the responsibility of each employee to promptly notify his or her supervisor in writing of any changes in personal data including mailing addresses, telephone numbers, and individuals to be contacted in the event of an emergency.

All employees must complete, within two days of the end of each pay period, their time and attendance record for review and approval by the Manager and/or Financial Officer. Accurately recording time worked is the responsibility of every employee. Tampering, altering, or falsifying time records, or recording time on another employee's time record may result in disciplinary action including separation from employment with CMAD.

## **XV. COMPUTER AND INFORMATION SECURITY**

Electronic media and services provided by the Cache Mosquito Abatement District include but are not limited to computers, email, cell phones, voicemail, online services, and the internet. With the rapidly changing nature of these media and services, this policy is a guide and cannot cover every situation.

It is the policy of the CMAD Board to maintain the right of access to retrieve, monitor, and/or read employee communications, and disclose any and all messages communicated through electronic means when District-

owned equipment is used. Regardless of the intent of the message (business or personal), any employee involved has no right to privacy, or to the expectation of privacy, concerning the content of any message or the intended destination of any message when communicated through equipment owned by the District.

Employees must not knowingly transmit, receive, or store any communications that could be interpreted as unlawfully discriminatory, harassing, defamatory, threatening, obscene, sexually explicit, illegal, or against any policy of the District. Employees may not send e-mail, text, or other electronic communications that try to hide the identity of the sender or that represent the sender as a different person, nor shall employees disclose confidential or privileged information through electronic communications.

The occasional use for personal, non-business purposes is understandable and acceptable, within the guidelines set forth above. Violation of this policy, like all District policies, subjects an employee to disciplinary action up to and including termination, as appropriate.

## **XVI. DISCIPLINE AND GRIEVANCE PROCESS**

**Personal Conduct:** Employees should be at their best when representing the District. The impression that an outside individual has of the District may greatly be determined by the actions of its personnel. Individuals should take pride in their personal appearance. Punctuality, willingness to be of service, and courtesy should be observed at all times. Personnel shall keep District business out of social conversation. The confidential affairs of the District are not proper subjects for public discussion. Employees may be disciplined for any conduct that discredits the District in the eyes of the public or adversely affects the efficiency, effectiveness, or harmony of District functions.

**Grievance:** In the event of demotion or dismissal, the employee may appeal to the governing body of the District. An appeal is taken by filing a written grievance with the Administrative Manager within ten days after the action on which the grievance is based. The Board will then set a date for a hearing, during which evidence may be taken. The decision of the Board must be made within fifteen days of the hearing and notice mailed to the affected employee. The Board's decision is final.

## **XVII. WHISTLEBLOWER PROTECTIONS**

The Cache Mosquito Abatement District encourages the reporting of improper governmental actions by any District trustees or employees and will protect employees against retaliatory employment actions for reporting improper governmental actions when the reports are made in compliance with this policy and related procedure.

The District Board of Trustees and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and related procedure.

"Improper governmental action" means any action by a trustee or employee undertaken in the performance of their official duties (whether or not the action is within the scope of the trustee's or employee's job) which is deemed any of the following:

- A violation of any federal, state, or local law or rule
- An abuse of authority
- A substantial and specific danger to public health or safety
- A gross waste of public funds

"Improper governmental action" does not include personnel actions. "Retaliatory action" means any adverse action against an employee taken as a result of the employee reporting an improper governmental action.

**Reporting:** Employees who become aware of actions that they believe constitute improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor or designee, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involves his or her supervisor (the Manager), the employee may raise the issue directly with the Administrative Manager. In case of emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee shall report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

District employees who fail to make a good faith attempt to follow this policy and procedure in reporting improper governmental conduct shall not be eligible for the protections outlined.

**Response:** The employee's supervisor or the administrative manager shall take prompt action to see that the report of improper governmental action is properly investigated. Persons involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employees authorize the disclosure of their identities in writing.

After an investigation has been completed, the reporting employee shall receive a summary of the investigation results, except to the extent that resulting personnel actions must be kept confidential. If a reporting employee reasonably believes that an adequate investigation was not done by the District, that insufficient action has been taken, or that the improper governmental action is likely to reoccur, the employee may report information about the improper governmental action directly to the appropriate government agency.

**Retaliation:** Employees who believe that they have been retaliated against for reporting an improper governmental action should advise the District managers. Appropriate action to investigate and address complaints of retaliation shall be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the Board of Trustees Chair specifying the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within 30 calendar days of the alleged retaliation. The District will respond to the complaint within 30 calendar days of receiving the written notice.

If the employee alleging retaliation receives no response from the District or objects to the District's response, the employee may request a hearing before a state administrative law judge. The request for a hearing must be delivered in writing to the Board of Trustees Chair either 15 calendar days following the District's response, or 45 calendar days after the complaint was filed if there was no response.

The District will apply for hearing within five (5) working days to the state.

1st District Court – Cache County  
135 North 100 West  
Logan, UT 84321  
Phone: (435) 750-1300  
Fax: (435) 750-1355

The District will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee who reported improper governmental action be suspended with or without pay or dismissed.

## **XVIII. PERSONAL USE OF PUBLIC PROPERTY**

**A. Purpose:** This shall be known as the Cache Mosquito Abatement District Personal Use of Public Property policy, or the "Policy." It has been adopted for the purpose of regulating the use of District-owned, leased, held, operated or managed equipment, vehicles, office supplies, devices, tools, facilities and other District-owned personal and real property (herein "District Property").

**B. Background/Effective Date:** The Utah Legislature adopted, and the Governor signed into law, H.B. 163, with an effective date of July 1, 2019. H.B. 163 deals with the misuse of public funds and, more specifically, public property, inasmuch as public property was not previously included in the criminal statute to

the same extent as public funds. Since the misuse of public property can result in criminal charges, including felony charges, the District desires to adopt this Policy to clarify what may constitute a misuse of District Property and to authorize the personal use of District Property under certain circumstances. Since the law which this Policy is intended to address is not effective until July 1, 2019, this Policy shall become effective upon the later of July 1, 2019 or the date this Policy is approved by the governing body of the District.

C. **Definitions:** For purposes of this Policy the following words will have the following meanings:

1. **“Public Servant”** means an elected official of the District; an appointed official of the District; an employee, consultant, or independent contractor of the District; or a person (including an individual, an entity, or an organization) hired or paid by the District to perform a government function. See Utah Code Ann. § 76-1-601(14). A person becomes a “public servant” upon the person’s election, appointment, contracting or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.

2. **“Public Property” and “District Property”** are interchangeable and mean and include any real or personal property that is owned, leased, held, operated or managed by the District, including Public Property that has been transferred by the District to an independent contractor for the purpose of providing a program or service for or on behalf of the District. In the event and to the extent the Public Property is consumed or rendered effectively valueless to the District as a program or service is provided to the District by an independent contractor or as the Public Property is utilized by District employees, the property shall cease to be Public Property and may be disposed of as the independent contractor or District management deems fit, unless otherwise directed by the District. See Utah Code Ann. § 76-8-101(5).

3. **“Authorized Personal Use”** means any personal use that is authorized pursuant to this Policy. As provided in Utah Code Ann. § 76-8-402(1), a public servant may use District Property for a personal matter and personal use of District Property is allowed when: (a) (i) the public servant is authorized to use or possess the Public Property to fulfill the public servant’s duties owed to the District; (ii) the primary purpose of the public servant using or possessing the Public Property is to fulfill the public servant’s duties to the District; (iii) the personal use is in accordance with this Policy; and (iv) the public servant uses and possesses the District Property in a lawful manner in accordance with this Policy; or (b) the personal use of District Property is incidental, such as when: (i) the value provided to the District by the public servant’s use or possession of the Public Property for a public purpose substantially outweighs the personal benefit received by the public servant’s personal incidental use; and (ii) the incidental use is not prohibited by an applicable state or federal law. Any lawful personal use of District Property by a public servant that is not prohibited by applicable state or federal law is specifically authorized and allowed by this Policy. The District recognizes that third parties may benefit indirectly or directly from a public servant’s personal use, or official use, of the District’s Public Property, which benefit is specifically condoned and authorized by this Policy so long as and to the extent that the benefit does not otherwise violate an applicable law, rule or ordinance, including but not limited to state statutory law and rules and regulations of the District.

D. **Personal Use:**

1. **Devices:** Communication and other devices, such as mobile phones, landline phones, and computers, that are owned by the District may be used by an employee for occasional, incidental personal activities such as calling home, making other personal calls during a break, accepting occasional incoming personal calls, etc., provided that such personal usage is not excessive. Similarly, District owned computers and smart phones may be used for personal text messaging, e-mails and other personal uses, provided that such use is limited, as much as reasonably possible, to break periods or periods when the employee is not “on the clock”, and is not excessive.

2. **Physical Facilities:** Personal activities by public servants at District- owned, leased, managed and/or maintained facilities, such as meeting family members or friends for short periods of time, are allowed, provided they do not become excessive or disruptive.

3. **Office Supplies/Shop Supplies/etc.:** Office supplies, shop supplies and other District-owned supplies and items of personal property are intended for uses that directly benefit the District. Incidental personal use of the same by public servants is allowed, such as the use of District-owned office supplies including pens, pencils and paper, provided that such incidental personal use is not excessive.

4. **Miscellaneous:** Any District Property that does not fall under any of the above classifications may nevertheless be utilized by a public servant for incidental personal uses.

E. **Subsequent Modifications/Higher Law:**

**Policy Not Exhaustive:** The governing body of the District reserves the right to add to, delete from or change this Policy at any time. The Policy stated above is not necessarily inclusive because, among other reasons, unanticipated circumstances may arise and other rules or regulations of the District may apply. The District may vary from the Policy, subject to the application of applicable state and federal laws, if the circumstances so justify.

**Higher Law to Control:** In the event of any conflict between the Policy and any applicable federal or state law, rule or regulation, the law, rule or regulation, including amendments and modifications thereto, shall control to the extent of such inconsistency.

## XIX. ETHICAL BEHAVIOR POLICY

### Improper Use of Official Position

No trustee or employee shall:

- Engage in any transaction or activity which is, or to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties;
- Have a financial or other private interest, direct or indirect, personally or through his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
- Fail to disqualify him or herself from acting on any transaction which involves CMAD and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
- Have a financial or other private interest, direct or indirect, personally or through his or her immediate family, in any contract or transaction to which CMAD may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract. This paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
- Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of CMAD;
- Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any CMAD funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
- Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with CMAD;
- Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through his or her immediate family, in a business entity doing or seeking to do business with CMAD, and influence or attempt to influence the selection of, or the conduct of business with that business or entity;

### **Accept Gifts or Loans**

No trustee or employee shall:

- Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty. However, unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year are allowed.

### **Disclose Privileged Information**

No trustee or employee shall:

- Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity;

### **Financial or Beneficial Interest in Transactions**

No trustee or employee shall:

- Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of CMAD. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with CMAD.

### **Nepotism**

No trustee or employee shall:

- Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

### **Misuse of Public Resources or Property**

No trustee or employee shall:

- Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

### **Outside Employment**

No trustee or employee shall:

- Retain secondary employment outside of CMAD employment, which, as determined by the Board of Trustees, and according to Utah Administrative Code R477-9-2, interferes with an employee's performance, conflicts with the interests of CMAD or the State of Utah, or gives reason for criticism or suspicion of conflicting interests or duties.

### **Political Activity**

Except as otherwise provided by law:

- The partisan political activity, political opinion, or political affiliation of an applicant for a position with CMAD may not provide a basis for denying employment to the applicant.
- A CMAD trustee's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
- A CMAD employee may not engage in political campaigning or solicit political contributions during hours of employment.
- A CMAD trustee or employee may not use CMAD equipment while engaged in campaigning or other political activity.

- A CMAD trustee or employee may not directly or indirectly coerce, command, or advise another CMAD trustee or employee to pay, lend, or contribute part of the trustee's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
- A CMAD officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
- A CMAD employee who has filed a declaration of candidacy may:
  - i. be given a leave of absence for the period between the primary election and the general election; and
  - ii. use any vacation or other leave available to engage in campaign activities.
- Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
- Nothing in this chapter shall be construed to:
  - i. prohibit a CMAD trustee or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
  - ii. permit a CMAD trustee or employee partisan political activity that is prohibited under federal law.
- No CMAD trustee or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any CMAD property.
- No CMAD trustee or employee shall promise any appointment to any position with CMAD as a reward for any political activity.
- A CMAD employee who is appointed as a trustee with CMAD shall terminate CMAD employment prior to being sworn into the appointment.

### **Fair and Equal Treatment**

- No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
- No CMAD trustee or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

### **Prohibited Conduct After Leaving CMAD**

No former employee shall, during the period of one (1) year after leaving CMAD office or employment:

- Disclose or use any privileged or proprietary information gained by reason of his/her CMAD employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
- Assist any person in proceedings involving an agency of CMAD with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
- Represent any person as an advocate in any matter in which the former employee was officially involved while a CMAD employee;
- Participate as a competitor in any competitive selection process for a CMAD contract in which he or she assisted CMAD in determining the project or work to be done or the process to be used.

## XX. CONFLICT OF INTEREST POLICY

CMAD trustees and employees individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times. Trustees and employees must avoid even the appearance of impropriety to ensure and maintain public confidence in CMAD.

It is the intent of the CMAD Board of Trustees and employees to meet and exceed those protections against conflicts of interest contained in State law. The following provisions shall serve as a guide with respect to the affairs of CMAD:

- CMAD trustees and employees shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction.
- Trustees and employees are required to submit a report to the Board of Trustees of the actual or estimated value of any gifts or casual entertainment received as a trustee or employee that exceeds \$50.00.
- The complete confidentiality of proprietary business information must be respected at all times. Trustees and employees are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of CMAD, or to individually conduct negotiations or make contacts or inquiries on behalf of the CMAD unless officially designated by the CMAD Board of Trustees.
- If trustees, employees, or members of the immediate family of a trustee or employee have a financial interest in any property that CMAD acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which CMAD does business, such interest shall be fully disclosed to the Board of Trustees, which shall decide if such interest should prevent CMAD from entering into a particular transaction, purchase, or engagement of services. The term "immediate family" means the spouse, parent, dependent children, and other dependent relatives.
- When a conflict of interest exists, the trustee or employee shall publicly declare the nature of the conflict and may recuse him or herself on any official action involving the conflict.
- Trustees and employees may not realize, seek, or acquire a personal interest in a business that does business with CMAD.
- Trustees and employees shall complete a Conflict of Interest Disclosure Form annually. Completed Forms shall be submitted to the Administrative Manager, who shall provide copies of all completed Forms to the CMAD Chair and make copies available to the public upon request.

The CMAD Chair shall review all completed forms and consider the disclosures, and then make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within CMAD.

**Administration:** These policies and procedures will be posted to the District website, [cachemosquito.com](http://cachemosquito.com), under Home > Additional Resources > CMAD Policies > Employee Handbook. Also, an electronic copy of the handbook will be given to all new employees.

## EMPLOYEE RECEIPT AND ACCEPTANCE

**Employee Handbook:** I hereby acknowledge receipt of an electronic copy of the Cache Mosquito Abatement District Employee Handbook. I also understand and agree that the Employee Handbook is not an employment contract for any specific period of employment or for continuing or long-term employment. Therefore, I acknowledge and understand that unless I have a written employment agreement with CMAD that provides otherwise, I have the right to resign from my employment with CMAD at any time with or without notice and with or without cause, and that CMAD has the right to terminate my employment with or without notice and with or without cause.

**Privacy in the Workplace:** All areas of the work place at the Cache Mosquito Abatement District are considered public areas which are subject to search, and employees have no expectation of privacy in any area of the work place, including desks, lockers, etc. Furthermore, company phones, computers, e-mail, and voicemail are provided for business purposes only and are subject to search and monitoring at any time.

**Electronic Media Policy:** Electronic media and services provided by the Cache Mosquito Abatement District include but are not limited to computers, email, cell phones, voicemail, online services, and the internet. With the rapidly changing nature of these media and services, this policy is a guide and cannot cover every situation.

It is the policy of the CMAD Board to maintain the right of access to retrieve, monitor, and/or read employee communications, and disclose any and all messages communicated through electronic means when District-owned equipment is used. Regardless of the intent of the message (business or personal), any employee involved has no right to privacy, or to the expectation of privacy, concerning the content of any message or the intended destination of any message when communicated through equipment owned by the District.

Employees must not knowingly transmit, receive, or store any communications that could be interpreted as unlawfully discriminatory, harassing, defamatory, threatening, obscene, sexually explicit, illegal, or against any policy of the District. Employees may not send e-mail, text, or other electronic communications that try to hide the identity of the sender or that represent the sender as a different person, nor shall employees disclose confidential or privileged information through electronic communications.

The occasional use for personal, non-business purposes is understandable and acceptable, within the guidelines set forth above. Violation of this policy, like all District policies, subjects an employee to disciplinary action up to and including termination, as appropriate.

I acknowledge that I have received an electronic copy of the CMAD Employee Handbook which I have read and understand, and I agree to follow all policies as outlined in that handbook.

I also acknowledge that I have read, understand, and will follow the CMAD Electronic Media and Privacy Policies as outlined above.

I acknowledge that I have read and understand the Conflict of Interest Policy. For any conflicts of interest per that policy, I will complete and turn in a Conflict of Interest Disclosure Form to my supervisor.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

CACHE MOSQUITO ABATEMENT DISTRICT

ETHICAL BEHAVIOR PLEDGE FORM

Annual Ethics Pledge

The following pledge is required to be made annually by all trustees and employees of CMAD:

I pledge to adhere to the Ethical Behavior Policy as approved by the CMAD Board of Trustees. This includes but is not limited to: Improper use of official position, accepting gifts or loans, disclosing privileged information, retaining a financial or beneficial interest in a transaction, nepotism, misuse of public resources or property, outside employment, political activity, fair and equal treatment, and conduct after leaving office or employment.

Additionally, I pledge to disclose all conflicts of interest on the Conflict of Interest Disclosure Form. I understand that CMAD policies provide for penalties for violation of specific unethical behavior.

Signing this document verifies that I have been provided time to read the CMAD Ethical Behavior Policy and the CMAD Conflict of Interest Policy.

I acknowledge that I have read, understand, and will abide by the CMAD Ethical Behavior Policy as well as the CMAD Conflict of Interest Policy. In addition, I acknowledge that I have disclosed any/all conflicts of interest on the proper form.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

CACHE MOSQUITO ABATEMENT DISTRICT

CONFLICT OF INTEREST DISCLOSURE FORM

The following disclosures are required to be made annually by all trustees/employees of CMAD pursuant to Utah Code Annotated 17-16a-6, 7, and 8. If additional space is needed, please use a separate sheet of paper. Per statute, the information provided shall be kept on file with CMAD and may be subject to disclosure to the public.

- 1) I am an officer, director, agent, employee or owner of a substantial interest in the following business entities which do business with or anticipate doing business with CMAD:

Business Entity Name: Position within Business Entity:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Please note that pursuant to U.C.A. §17-16a-7, a trustee must disclose his or her interest or involvement in such an entity immediately prior to any discussion in an open and public meeting pertaining to business that CMAD may do with any such entity, regardless of whether a disclosure of interest or involvement in the business was made in this document.

- 2) The following personal interests or investments of mine create a potential or actual conflict between my personal interest and my public duties:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

I acknowledge that I have read, understand, and will abide by the CMAD Conflict of Interest Policy.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_