

**POLICIES AND PROCEDURES FOR THE FIVE
COUNTY ASSOCIATION OF GOVERNMENTS
ADOPTED JUNE 12, 2019**

TITLE I INTRODUCTION

A. HISTORY AND ORGANIZATIONAL STRUCTURE

Five County Association of Governments is an interlocal entity organized under the Utah Interlocal Cooperation Act of 1965. An interlocal entity is separate from the public agencies that create it; a body politic and corporate; and a political subdivision of the state (Utah Code 11-13-203).

The agency emerged from a voluntary, cooperative group of county commissioners from Washington, Iron, Beaver, Kane, Garfield, and Iron counties. This organization was known as the Five County Organization and first met on April 5, 1956. Their goal was to form “an organization of the County Commissioners of the Five Counties mentioned for the purpose of working collectively and unitedly for the development of the resources of the five counties especially and for progress and development of the entire Southern Utah Area” (Minutes of April 5, 1956 meeting).

Articles of Association and Bylaws were executed on August 3rd, 1973 by elected officials from the five counties. The purpose of the interlocal entity is “to facilitate intergovernmental cooperation and to insure the orderly and harmonious coordination of federal, state, and local programs for the solution of mutual problems of the region” (Articles of Association, August 1973).

The policy body of the organization is known as the Steering Committee, consisting 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 approvals.

An Executive Director is appointed by the Steering Committee and acts as the principal administrative officer of the organization. The Director performs a wide range of executive functions including the direction of staff and consultant services, implementation of employment policies, development of work programs and budgets, and other duties as assigned by the Steering Committee. They are the budget officer of the AOG, having supervisory authority over all financial and administrative affairs.

The Executive Director employs a central staff and may organize this staff into such departments or groupings as he/she may consider necessary to efficiently perform the activities of the Association (Bylaws, August 1973).

B. VISION AND MISSION STATEMENTS

Vision Statement: The Five County Association of Governments staff shall excel in facilitating the development and delivery of programs assigned by local officials to assure southwestern Utah remains a premier region in which to live, work and recreate (May 2007).

Mission Statement: The Mission of the Five County Association of Governments is to Plan, Prepare and Partner with federal, state and local governments to strengthen the role of Southwestern Utah local officials in the execution of state and federal programs at the local level (May 2007).

C. PURPOSE OF AOG POLICIES AND PROCEDURES

It is the duty of the AOG to establish reasonable rules and guidelines for employee conduct and to ensure compliance with these rules. The policies and procedures relative to the personnel working for the AOG are set forth in this document and accomplish a dual mission:

1. Giving employees clear, concise information as to their rights, privileges, obligations, and responsibilities.
2. Providing supervisors, administrative officials, and officers direction in dealing fairly and consistently with all employees.

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

D. APPLICABILITY OF POLICIES AND PROCEDURES

The policies and procedures of this document shall apply to all employees of the Five County AOG, except where specifically excluded. These policies and procedures do not apply to members of boards, committees, persons engaged under contract to supply professional or technical services, and volunteer personnel who receive no or nominal compensation from the AOG.

These policies and procedures are not, and shall not be construed as, an explicit or implied contract, shall not modify any existing at-will status of any Five County AOG employee, and shall not create any due process requirement more than 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 AOG's Steering Committee Chair.

E. ADMINISTRATION OF POLICIES AND PROCEDURES

The Five County AOG Executive Director and Program Directors are responsible for the effective administration of all policies and procedures. Under the policy direction of the Steering Committee, the Executive Director shall coordinate and manage all aspects of the personnel management system and enforce all policies and procedures which shall include but not be limited to:

1. The administration of the employee classification and compensation plans.
2. The administration of a system of employee performance management.
3. Notification of vacancies, recruitment, and selection processes.
4. Procedures involving the training and disciplining of employees.
5. Maintenance of all personnel records and actions.
6. Promotions, demotions, suspensions, and separations.
7. Reassignments, reclassifications, and reorganizations.
8. Making reasonable and practical interpretations in the absence of precedent regarding the meaning and intent of policies, procedures, etc.

F. AMENDING POLICIES AND PROCEDURES

Because of ever-changing laws and policies, the Executive Director shall review the AOG policies and procedures, at a minimum, on an annual basis and coordinate with the Program Directors, the Chief Financial Officer, and the Human Resources Director to make any necessary updates. Other staff members are welcome to make suggested changes as well and should do so by giving them to the Executive Director in writing. The policy manual may be reviewed, updated, or changed more than once a year if it is deemed necessary to do so.

Any proposed updates or changes to this policy manual will be brought to the Steering Committee for approval. If the changes are approved by a majority vote of the committee, the Executive Director shall incorporate them into an updated policy manual and ensure employees have access to it. The new policy manual, as approved by the Steering Committee, shall supersede any previous policy adapted by the AOG.

G. ACKNOWLEDGING RECEIPT AND REVIEW OF MANUAL

It is imperative employees know the rules and regulations of their employer, the Five County AOG. Therefore, each employee of the AOG will be provided with a link to a digital version of the current Five County Association of Governments' Personnel Policies and Procedures Manual. It is the responsibility of the employee to read said manual and submit a signed acknowledgment to the Human Resources Director 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.

TITLE II EQUAL EMPLOYMENT OPPORTUNITY

A. LEGAL COMPLIANCE

It is the policy of the Five County AOG to comply with all Federal and State laws as well as Equal Employment Opportunity guidelines.

B. FAIR EMPLOYMENT PRACTICE

It is the policy of the Five County AOG to provide equal employment opportunity for all individuals.

1. All employment actions, including hiring, promotion, discharge, demotion, or termination, matters of compensation or terms, privileges, and conditions of employment, shall be based on the performance of the essential duties, functions, and responsibilities assigned to each position and outlined in its specific job description which shall be kept on file in the Human Resource office.
2. All employment decisions will be made lawfully. The AOG will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, veteran status, or other protected status and will ensure that everyone is treated fairly and with dignity.
3. No person shall be subjected to harassment by a Five County AOG employee.
4. Any employee who feels they are being harassed or unlawfully discriminated against may submit a claim to the Program Director, the Human Resources Director, or the Executive Director for proper investigation and resolution in accordance with the Five County AOG grievance policy (Title IX). Nothing in this policy shall preclude any employee from timely filing of a discrimination complaint in accordance with state and/or federal requirements.

Although the Five County Association of Governments strives for increased employee advancement and opportunity, no contract exists between the AOG and its employees with respect to salary ranges, movement within salary ranges, employee benefits, or any other aspects of employment administration. The Executive Director may recommend changes to the Steering Committee as a result of salary surveys, job analysis, availability of funds, job performance, or necessary changes to the Personnel Policies and Procedures Manual.

TITLE III RECORD KEEPING

A. PURPOSE

It is the policy of the Five County AOG to maintain personnel and payroll records for applicants, employees, and past employees to comply with State and Federal record keeping laws and reporting requirements.

Employees are responsible for ensuring the following information is kept current and should notify the Human Resources Director as soon as any changes become necessary:

- a. Name
- b. Contact information such as physical and mailing address, personal telephone number, and personal email address
- c. Marital status (for benefits and tax withholding purposes only)
- d. Number of dependents and their contact information (to include spouses and former spouses if applicable; for insurance purposes only)
- e. Beneficiary designations for any of Five County's insurance, disability, and retirement plans
- f. Persons to be notified in case of emergency
- g. Receipt of any awards, letters of recommendation, or certifications for completion of any workshop, conference, seminar, training, or academic program relevant to their job performance.

B. OFFICIAL EMPLOYEE RECORDS

At the direction of the Executive Director, the Human Resource Director shall keep the following records:

1. Payroll records containing how much an employee was paid as well as information that has a bearing on the employee's salary. This includes time allocation sheets, documents detailing reimbursement for approved activities such as business-related travel, and forms reflecting the use and accrual of employee's leave and compensatory time as well as benefit and tax withholding records. These items should be kept for three years.
2. Personnel records containing record of application of employment, onboarding documents, certification of any required professional designation or license, performance evaluations, and documentation of corrective actions. Any formal records, actions, or commendations which may affect the employee's status, salary, or standing should also be included as well as information on the employee's retirement and insurance benefits (if applicable). Employee files shall be kept up to date

and shall only contain information that is relevant to some aspect of employment or work history.

Employee files should be kept for seven years after termination of employment. They will be kept in a secure location and disposed of in a safe and secure manner at the appointed time. This is to protect the privacy of these individuals and any sensitive information pertaining to them. The Human Resource director shall keep a list of all past employees, the dates their employment with the AOG began and ended, and the date their employee file was destroyed.

3. Employment Eligibility Certification records, Form I-9, and other documents required by the Immigration and Naturalization Service (INS) shall be kept separate from other employee files as stated in INS guidelines. The maintenance and retention of these files will be scheduled and performed according to INS guidelines for efficiency, safety, and to perform well in the event of an INS audit.

4. Medical Records, including those pertaining to Worker's Compensation Claims and health-related employment accommodations should be kept in compliance with OSHA and Workers Compensation requirements.

5. Records relating to the AOG's talent acquisition initiatives including job postings, applications and resumes of persons interviewed for employment opportunities, as well as interview notes. These documents should be kept for one year.

C. RIGHT TO PRIVACY

The Five County AOG recognizes that its employees have a right to privacy. The collection of employee information will be limited to that needed for legal purposes, to comply with Federal and State laws and to properly administer employment under this policy. The confidentiality of all personal information will be protected. Records will be classified and managed in accordance with the Utah Government Records Access and Management Act (GRAMA). However, employees should understand that their employee file is the property of the Five County AOG and as a public agency, some employment records are public records, including salary and benefits information.

Internal access to employee records will be limited to those authorized. Those authorized are the Executive Director and the Human Resources Director as well as others the Executive Director deems to have a legitimate "need to know". 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 to the extent permitted under GRAMA. They may request correction of inaccurate information or submit written comments in disagreement with any material contained in their personnel file. Files will remain in the AOG offices and in the custody of the Human Resources Director. Any copies requested will be made by Human Resources staff.

TITLE IV POSITION MANAGEMENT

All positions must have a justification as to the need for the position, a current job description, the proper classification of the position and assignment to an established pay grade and range. Documentation reflecting this information shall be retained by the Human Resources Director. Requests for filling a vacant position or the creation of a new position are subject to available funds. Requests must be submitted by program directors and approved by the relevant Deputy-Executive Director, Executive Director, and CFO.

A. PERSONNEL MANAGEMENT PROGRAM

The Executive Director is responsible 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 on a continual basis to assure high quality performance.
4. The Executive Director, in close cooperation with Program Directors, the Human Resources Director, and the CFO 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.
5. Personnel actions for most employees will be authorized by the Executive Director by signing a Notice of Personnel Action that will be inserted into the employee's personnel file. Personnel actions for the Executive Director shall be administered by the Steering Committee Chair.

B. EMPLOYEE CLASSIFICATION

The Executive Director is responsible for the preparation, maintenance, and revision of a position classification plan for all eligible Five County AOG positions. The plan shall be administered in accordance with all federal and state laws. Classes for employees are defined as follows:

1. Introductory

All new or rehired employees are required to work under an introductory period during the first six-months of employment commencing at the hire or rehire date. The hire or re-hire date is defined as the first date the employee performs work in exchange for compensation.

Supervisors may extend the introductory period for an employee beyond the initial six months with the approval of the Executive Director and in consultation with the Human Resources Director. The extension must be limited in scope, time, and purpose. The employee must be notified in writing that their introductory period is being extended prior to the original introductory period end date lapsing, given the reasons for the extension, and given specific benchmarks to meet to be able to progress to Regular Employee status.

During an introductory period, employees are entitled to the same benefits as regular full or part time employees respectively. However, in the event of termination of employment, introductory employees, unless they feel they have been unlawfully discriminated against, do not have access to the progressive discipline or grievance procedures outlined in Title IX.

2. Regular Full-Time Employees

Regular Full-Time employees are individuals who have been employed continuously by the organization for at least six months, working 40 hours per week. These employees have performed well and have been graded satisfactorily in their three-month and six-month performance reviews by their supervisor as discussed in these policies.

They are entitled to the full AOG Fringe Benefits package to include participation in the Utah Retirement System, paid vacation and sick leave, paid holidays, and health insurance coverage for them, their dependents, and their spouse.

3. Time-Limited

Temporary employees who serve for a short period of time, six months or less, for a specific task or assignment. They are generally not eligible for employee benefits.

4. Part-Time Benefitted

Employees who are regularly scheduled to work less than forty (40) hours per week, but meet certain requirements to qualify for some benefits. They are not time-limited employees and are expected to work for longer than six months.

Part-time employees, to include those in an introductory status, who work 20 hours or more per week qualify for retirement contributions under the Utah Retirement System and in accordance with their guidelines.

Part-Time employees, to include those in an introductory status, who work 30 hours or more per week and their dependents qualify for the AOG's insurance benefits package in accordance with the Affordable Care Act (ACA). Coverage for spouses is not required under the ACA and will be subject to budgetary limitations for employees working 30-39 hours per week.

Part-Time benefited employees generally qualify for other benefits of the AOG's Fringe Benefits package, such as paid vacation, sick leave, and holidays.

5. Part-Time Non-Benefited

Employees who are regularly scheduled to work 19 hours or less on a weekly basis. Employees who work less than 19 hours per week are generally not eligible for employee benefits.

6. Contractors

Individuals who are not employees, but are working under a written contract with the AOG who may work full-time or part-time but do not qualify for regular benefits. They may qualify for unemployment insurance.

7. Volunteer

Voluntary, uncompensated individuals providing service to the Five County Association of Governments who have been properly authorized in accordance with the Utah Volunteer Government Workers Act, Utah Code Annotated 67-20-1 et. seq. Volunteers will be provided Workers Compensation medical benefits and protection from liability as required by the Act. Volunteers shall not qualify for regular benefits. Volunteers are not compensated but may receive reimbursement of reasonable expenses incurred while serving their volunteer duties.

C. POSITION GRADES AND WAGE STEPS

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

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 or position may be appointed at the same salary received at the time of separation.

The Executive Director may, from time-to-time or if a position's duties have significantly changed, conduct a review of the position grade and wage step classifications if they, the Program Director, the CFO, the Human Resources Director, or the Steering Committee deem it necessary to preserve the integrity of the system.

D. POSITION DESCRIPTIONS

Each position shall have a written description which will be drafted by the Program Director and approved by the Executive Director. The position description shall include: position title; department; general duties; examples of typical duties; and knowledge, skill and abilities required for the position. The job description shall be the basis of classification between exempt and nonexempt employees under the Fair Labor Standards Act.

The Human Resources Director shall maintain a record of each job description. These job descriptions shall be kept up-to-date and may be edited as responsibilities are changed or added. Employees shall be provided with current copies of their job descriptions, so they are aware of their duties and can refer to it for guidance.

E. REORGANIZATION

Reorganization may occur due to changing departmental needs, budgets, directions from advisory committees, changes in grantee requirements and other conditions. Reorganization may result in changes to specific task assignments in one or more positions, reclassification of one or more positions, or may result in the abolition of one or more positions. Abolition of a position shall be treated as a Reduction-in-force.

F. REASSIGNMENT

Reduction-in-force or reorganization of either departmental structure of job tasks, shall also be enough cause for reassignment. Employees may be transferred or assigned to another position, either within the same classification or within another classification, depending on the employee's qualifications and available position vacancy. Reassignment may be used as a method to fill position vacancies by

distribution of tasks to existing personnel or to otherwise meet organizational needs. Employees may also be reassigned in accordance with other provisions of these policies.

G. PROMOTION

A promotion is defined as an upward change in classification and is awarded in recognition of significant accomplishments of the employee that directly benefit the employee's work capacity and professional standing, which may include, but is not limited to, completion of a graduate degree in a job-related field, attainment of professional certification or designation, or substantially increasing ongoing job responsibilities through own initiative. Consideration for promotion will also take job responsibilities into account. Personnel promoted may receive a pay increase at the time of promotion.

TITLE V RECRUITMENT AND HIRING

A. ANNOUNCEMENT OF POSITION PROCEDURES

Selection of candidates for allocated positions in the Five County AOG employment system shall comply with EEO requirements. Selecting new employees and advancing current employees shall be based on their ability, knowledge, and skill levels as specified in the minimum qualifications of the position applied for. If a Program Director wishes to fill a position through an internal promotion or duty status change, they may do so without advertising the opportunity. All vacant positions that cannot be filled through reassignment or promotion shall follow the following policy.

For all vacant or newly created positions that cannot be filled through reassignment or promotion (see Section IV paragraphs F-G), the individual Program Director shall submit notification of the position vacancy to the Human Resources Director, the CFO, and the Executive Director. The notification shall be accompanied by the job description and draft of the initial employee performance plan for that position. It will also provide information on how the Program Director plans to find the new employee i.e. where it will be advertised, if it will be advertised internally/externally, how long the advertisement will run, what the hiring procedures and timeline will be (within the bounds of this policy), etc.

Upon approval of the request, the Human Resources Director shall put together a job posting and advertise the position with the appropriate entities based on the guidance provided by the Program Director and in accordance with all relevant laws. The Human Resources Director shall keep all applications organized and make a master list of all applicants before giving the applications to the Program Director. The

Program Director and Human Resources Director shall work together to create a fair and consistent rating scale based on job requirements for all applications.

All hiring managers are encouraged to advertise their vacant positions internally to afford employees opportunities for upward mobility. If the position is to be advertised internally, the HR Director shall email the information to all Five County employees. If the position is to be advertised externally, the Human Resources director shall submit the job posting to the Department of Workforce Services, the AOG website, and other private recruitment companies as desired. The relevant Program Director must pay for advertising out of their program's budget. All job openings must be posted for a minimum of seven days.

B. SELECTION PROCESS

The Human Resources Director and the appropriate Program Director will review the applications to determine who does or does not meet the 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 Program Director and Human Resources Director shall collaborate to schedule interviews with the most qualified applicants. The Program Director will determine who will sit on their hiring committee with them. Upon conclusion of the interviews, if the Program Director wishes to extend the job offer to a candidate, the Program Director shall refer that candidate's application and interview information to the Executive Director for final authorization.

Directors requesting a new employee must be prepared to participate in the selection process. They should not initiate the hiring process unless they are fully prepared to dedicate the time and effort to making prompt decisions on whether or not to hire an individual. All applicants who apply for a position with Five County will be notified if the assembled hiring committee would like to interview them or not within two weeks of applying for the position. All individuals who advance to the interview stage shall be notified within two weeks of their interview if they were selected for the position.

C. REHIRE

A former employee who left the Five County AOG in good standing may apply for vacant positions during the hiring process.

1. There will be no formal process to notify former employees of recruitment requirements or deadlines for available positions.

2. A rehired employee may be appointed as an introductory employee and required to complete a new orientation period.
3. For record-keeping, compensation, and other purposes, the hire date for any employee who is rehired will be the effective date of their most recent employment.

If a former employee is rehired into a position possessing the same classification as their previous position, the salary will be set at the minimum grade and step. The Executive Director may, however, based on the former employee's experience, approve a step increase of the minimum grade and step plus one additional step.

If a former employee is rehired into a position possessing a classification different from the classification of their previous position with the AOG, said salary may be adjusted in accordance with the pertinent provisions of these procedures pertaining to promotions, demotions, reassignments, or reclassifications. However, returning employees should know that they may not receive the same amount of compensation they were earning when they left the AOG. Compensation is based on the job description and many other factors. Former employees are not entitled to any specific amount of compensation based solely on their status as a former employee.

D. ONBOARDING AND TRAINING

On the employee's start date, the Human Resources Director will fill out all personnel action and onboarding forms with the new employee. These forms will contain all necessary information to effectuate and finalize hiring procedures and shall be included in the personnel file for the new employee.

The Program Director will also meet with the new employee to review the expectations of the position and go over the employee's performance management plan. The Program Director will be primarily responsible for training the new employee.

All new employees must undergo a background check through the State of Utah's Bureau of Criminal Identification within the first week of work. A more extensive background check may be required depending on the position.

E. INTRODUCTORY 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. However, the Five County Association of Governments understands that any new employee will need some training and guidance. An introductory period is provided to allow supervisors the opportunity to teach and coach new employees in the basics of the job. This period also permits the immediate 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 introductory 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 immediate supervisor shall observe the employee's ability to perform the various duties and requirements of the position. They shall make reasonable efforts to teach the new employee the specific intricacies of their program or position and will conduct informal, verbal performance reviews with the new employee on a continual basis. They will conduct formal written performance reviews with the employee at their three-month and six-month work anniversary date.

During the introductory period either the employee or the AOG may elect to discontinue the employee's employment with the AOG without cause. During the introductory period, employees will not have access to the progressive discipline and grievance procedures found in Title IX, except in cases where the employee feels they have been unlawfully discriminated against.

TITLE V COMPENSATION

A. SALARY ADMINISTRATION

The Five County Association of Governments has developed a uniform and equitable salary pay plan designed to compensate each position for that incumbent's services. This plan includes a minimum and maximum rate of pay for each grade and a percent of pay increase/decrease. The Executive Director shall be responsible for the maintenance of the salary administration plan.

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 maintenance of the salary administration plan.

The Executive Director, in coordination with the CFO, 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 affect uniform and equitable salary administration. They may additionally perform a salary survey of significant samples of comparable positions in the surrounding area and other AOG's. This survey will consider prevailing rates of pay for similar employment in both public and private organizations.

The Executive Director and CFO may then develop a preliminary salary recommendation for each grade. These recommendations will be presented to the Finance Committee. The recommendation to the Finance Committee may include: 1) a recommended salary adjustment for cost of living consideration; 2) a recommended salary adjustment for pay for performance increases; 3) a recommended benefits program, and 4) an indirect cost allocation formula.

The Finance Committee will review the proposals, make amendments, and vote. If changes are agreed upon, Program Directors will use these directives in preparing the departmental budgets for the next year. The Executive Director shall submit their budgets to the Steering Committee for approval prior to June 30th of each year.

1. Cost of Living Increases/Decreases

Should the Finance Committee approve any cost of living salary adjustments, the CFO shall update the Association's salary scale and submit to the Executive Director for verification. All steps within grades shall be adjusted by the same increase/decrease percentage which was adopted by the Finance Committee. The Human Resources Director will then adjust all employee salaries based on the changes at the beginning of the next fiscal year.

2. Pay for Performance Increase

Each job is classified by a grade (1-34) and each grade has 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 process.

This performance appraisal and evaluation process shall be conducted at least annually between the Program Director and the employee using the AOG's official performance review document. Introductory employees shall receive official performance reviews after 3 months and 6 months of employment. Performance Reviews must be discussed with and signed by the employee. The employee can agree or disagree with the rating and submit comments which will be included in his/her personnel file.

Although certain explicit times are outlined for formal performance review meetings between employees and their supervisors, informal consultation and communication between the immediate supervisor and employee is always encouraged and expected on a continual basis.

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

Employees, unless otherwise authorized by the Executive Director, will start at the first step within a salary grade. They are eligible to move to the next step after one year of full-time employment and upon receipt of a satisfactory performance evaluation. Time served with the AOG during the introductory period counts towards this one-year requirement. Employees are then eligible to move additional steps each year should they continue to perform well. Employees who receive a poor or unsatisfactory performance review will not be considered eligible for a Pay for Performance increase.

Program Directors who wish to give their eligible staff a Pay for Performance increase shall submit their names and performance reviews to the Executive Director. The Executive Director shall consult with the CFO and approve or disapprove the increase within two weeks of receipt. All Pay for Performance increases must be earned and are subject to the approval of the Program Director and Executive Director as well as the availability of funds.

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.

B. RECLASSIFICATION

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

When the assignments and duties of an employee have changed substantially as to the type 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, Human Resources Director, and the Program Director (if applicable) and accompanied by an updated job description.

All reclassifications are subject to budgetary limitations and must be justified based on a definite change in duties and new responsibilities.

C. COMPENSATORY TIME

It is the policy of Five County to comply with the Fair Labor Standards Act. Each Program Director is primarily responsible for ensuring compliance with the act in their department. The Human Resources Director, Program Directors, and Executive Director will collectively assign employees into exempt and non-exempt categories as specified under the Fair Labor Standards Act. The categorizations shall be based on the employee's job description and role within the organization.

1. Overtime

Any time worked in excess of the regularly appointed hours for a position in any one work week will be considered overtime. The work week is considered to begin on Sunday and end on Saturday. It is AOG policy to discourage the use of overtime and to keep overtime to a minimum. Program Directors shall organize their program workloads to minimize overtime.

Only hours actually worked in any one 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 by a non-exempt employee shall be considered compensatory time and must be specifically assigned by an employee's Program Director and approved by the use of the Five County Approval of Overtime and Application for Leave Form.

Overtime worked by exempt employees, although not encouraged, does not need to be approved in advance and is not considered compensatory time.

Complete accurate records of all overtime worked must be kept by each individual employee and Program Director. The use and accrual of overtime by an employee, exempt or non-exempt, will be tracked on their AOG Time Allocation Sheet and submitted to the Human Resources Director with signed approval form if applicable. Overtime records are subject to review by the Human Resources Director, Program Director and the Executive Director.

Although exempt employees do not earn compensatory time, they should still track the *true* number of hours they are working for insurance and administrative purposes. With the permission of their supervisor, exempt employees are permitted to flex their schedules to account for overtime worked.

2. Compensation of Overtime Hours

For non-exempt employees covered under the overtime provisions of the Fair Labor Standards Act and paid by the hour, overtime shall be paid at the rate of one-and-one-half the number of hours worked times the normal hourly rate.

For salaried, full-time, non-exempt employees, overtime will be accrued as compensatory time at one and one half the number of hours worked. For salaried, part-time, non-exempt employees' overtime will be accrued as compensatory time at a rate of one multiplied by the number of hours worked. The hourly rate for a salaried employee is calculated by taking their annual salary, dividing it by 52 (52 weeks in a year), and dividing that number by 40 (40 hours worked per week).

Upon termination of employment with the Five County AOG, a non-exempt employee shall be compensated monetarily for any compensatory time balance they have accrued. This compensation shall be processed and direct deposited to the employee's bank account as part of the payroll following their termination.

It is recommended that accrued compensatory time for all employees be used within a reasonable period to be determined by the Program Director. To accomplish this recommended practice, the Program Director may require an employee to use accrued compensatory overtime hours prior to use of any other leave hours or may schedule time when the employee must use the accrued overtime hours.

If compensatory time hours are not used in a reasonable period as determined by the Program Manager, the Human Resource Director and or the Executive Director, those accrued compensatory time hours may be paid out in wages to the employee.

D. PAYROLL ADMINISTRATION

1. Payroll Advances

An advance on wages earned is not allowed.

2. Payroll Period

The payroll period goes from the first day of the month through the 15th and the 16th 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 decide 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

The Human Resource Director will comply with valid garnishment requests after notifying the Executive Director of such garnishment requests.

5. Change of Status

An employee is responsible for ensuring that his/her personnel and payroll records are current and accurate. The following individual information should be submitted to the Human Resources Director within thirty (30) days of the change so as not to disrupt the payroll process: (1) Number and status of dependents; (2) Marital status; (3) Address change; d (4) Marriage of children under age 26.

6. Payroll Change Deadline

All actions or changes which affect the payroll for an employee must be completed and submitted to the Human Resources Director prior to the beginning of the pay period. If such forms are not received prior to the cut off deadline for alterations determined by the payroll company and Human Resources Director, they will become effective the following pay period.

7. Pay Day and Pay Checks/Direct Deposits

Employees will be paid on the fifth (5th) and twentieth (20th) of each month. If the pay day falls on a Saturday, paychecks will be issued on the previous Friday. If the pay day falls on Sunday, paychecks will be issued on the following Monday. If the pay day falls on a Holiday, paychecks will be issued on the last working day prior to the Holiday.

8. Time Allocation Sheets

Time Allocation Sheets must be prepared and signed by each individual employee. The employee then gives them to the Program Director for review and approval.

Program Director Time Allocation Sheets must be approved by the Executive Director. The Executive Director shall submit a time record to the Chair of the Steering Committee. Elected officials are not required to keep a time record.

Completed, signed Time Allocation Sheets for hourly employees must be submitted to the Human Resources Director on the last day of each pay period, unless otherwise directed by the Human Resources Director. All other employees are required to submit a Time Allocation Sheet for each month. They are due to the Human Resources Director by the fifth (5th) day of the following month.

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

TITLE VI BENEFITS AND COMPENSATION

Five County Association of Governments' policies and procedures grant certain privileges and require satisfactory responses and performance in return. Five County Association of Governments reserves the right, upon due process, to change and/or discontinue policies and/or procedures.

A. INSURANCE

1. Health Insurance

It is the policy of the AOG to pay all or a portion of the cost of health, dental and vision insurance as approved by the Steering Committee during the annual budgeting process. Full-time employees working forty (40) hours per week are eligible for family insurance benefits. Part-time benefited employees working thirty (30) or more hours per week are eligible for individual and dependent insurance benefits. Part-time employees working less than thirty (30) hours per week and temporary employees are not eligible for insurance benefits.

2. 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 authorized AOG insurance programs.

Employees have the right to continue to participate in a COBRA program, through the AOG 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 AOG 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 dependent under the terms of the plan, subject to current state and federal laws.

3. 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 approved by the Steering Committee during the annual budgeting process.

4. Death Benefit

In the event of an employee's death, salary and accrued annual leave compensation shall be issued in his/her name but 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.

6. Unemployment Insurance Benefit

The AOG, 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.

7. Workers' Compensation Benefit

Accidental injuries or occupational diseases arising out of or during an employee's employment with the AOG are covered by the Workers Compensation and Occupational Disease laws of the State of Utah.

B. RETIREMENT

There is no mandated retirement age for AOG employees. 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 reassignment of their duties can be made.

1. Social Security

AOG employees automatically participate in the federal Social Security program as administered by the United States Government. This is a system of retirement benefits based on employer and employee contributions to public insurance reserves.

Employees may obtain information on current policies and benefits by contacting the Social Security Administration at www.ssa.gov or calling 800-772-1213.

2. Utah Retirement System

The AOG participates in the Utah Retirement System Public Employees Tier One and Tier Two Noncontributory Retirement Systems. All full-time employees and part-time employees working twenty (20) or more hours per week must be enrolled in one of the systems depending upon their occupation and date of hire. Time-limited or part-time employees working less than twenty (20) hours per week are not eligible to participate in the program.

Chief appointed officials have the option of not belonging to one of the State Retirement Systems. Chief 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 a 401(k) and/or 457 account in their name.

For additional information, contact the Executive Director, the Human Resources Director, or the Utah Retirement System at www.urs.org; the southern Utah URS office located at 65 North 100 East, Suite 9, St. George, Utah 84770, (435) 673-6300 or (800) 950-4877.

C. WORKER'S COMPENSATION

The AOG provides Worker's Compensation benefits to 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 and Occupational Disease Act.

The AOG is responsible to assure a report is made to the Industrial Commission of Utah within seven (7) days of 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. Utah Occupational Safety and Health must also 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. Such reporting requirements may be fulfilled by the AOG's workers compensation insurer, but ultimate responsibility for timely reporting lies with the AOG.

An employee shall report any work-related injury or illness immediately to the Program Director, or immediate supervisor, no matter how slight the injury may seem. The Program Director will notify the Human Resources Director as soon as it is possible and complete the employer's report of injury or illness. The Human Resources Director will forward the report to the carrier providing the AOG workers compensation insurance, and the Industrial Commission of Utah if the AOG's workers compensation insurer does not make such report. The Human Resources Director will also record such on the Employer's OSHA 300 log.

The AOG may require an employee to present medical certification from his/her doctor of fitness to continue or resume work, work restrictions applicable for light duty work, or of physical inability to resume work. The Program Director must notify the Human Resources Director if an employee will miss time from work due to a work related injury, and when an employee returns to work.

The AOG will suspend payment of wages to an employee who is unable to work as a result of an injury compensable under the Workers Compensation or Occupational Disease Acts as of the date the employee is compensated for lost time under the Acts, and until the employee returns to work and lost time benefits are discontinued, to avoid continuation of wages during a period when the employee is receiving lost time benefits under the Acts. With the exception of use of accrued sick or annual leave time for any days of disability not covered by the Acts, such as short term disability of just a few days, employees may not use sick or annual leave time in addition to or to supplement lost time benefits they receive under the Act.

Accrual of sick and annual leave time will be discontinued as of the date the employee's inability to return to work with the AOG is determined to be permanent, or 45 days of disability, whichever is less.

Other benefits such as health, dental and vision benefits will be discontinued as of the date the employee's inability to return to work with the AOG is determined to be permanent, or 45 days of disability, whichever is less. The discontinuance of such benefits is not meant to limit the employee's access to benefit continuation under COBRA.

TITLE VII LEAVE

A. HOLIDAYS

The following legal holidays will be observed by AOG employees:

The 1st day of January, New Year's Day
The 3rd Monday of January, Martin Luther King, Jr. Day
The 3rd Monday of February, Presidents Day
The last Monday of May, Memorial Day
The 4th of July, Independence Day
The 24th of July, Pioneer Day
The 1st Monday of September, Labor Day
The 2nd Monday of October, Columbus Day
The 11th day of November, Veterans Day
The 4th Thursday of November, Thanksgiving Day
The Friday after Thanksgiving Day (In lieu of Arbor Day)
The 25th 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 Executive Director or Steering Committee.

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.

Full-time employees will be allotted 96 hours of holiday leave per year (12 holidays @ 8 hours per day). Employees working under any approved flexible work schedule must arrange to either make up the extra holiday hour(s) or take appropriate leave. To prevent having to use annual leave, employees working any flexible work schedule will be given the opportunity to change their schedule during a week which includes a holiday, with Program Manager's approval. Employees who work less than full time will have the amount of holiday leave they earn adjusted based on their annual hours worked.

B. LEAVES OF ABSENCE

All leaves of absence (including military, bereavement and leave of absence) are based on the twelve-month calendar year. Leave under the FMLA is not necessarily based on a calendar year and will be determined by the AOG for each individual FMLA leave period.

1. Bereavement (Funeral)

It is the policy of the AOG 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.

Bereavement 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 a 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 an approved absence.

During such period of required absence, the employee shall be eligible to receive his/her AOG 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 AOG 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 AOG time, not to include travel reimbursements, 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 to give as much attention as possible to their regular duties.

3. **Military**

Military leave will be provided in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and any other applicable state or federal laws.

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 may be taken after the 15 days of military leave are spent if the employee's military obligations require more time.

Leave-without-pay shall also 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 period of time following termination of military duty, provided employee is honorably discharged and applies for re-employment in writing within the additional period and provided the absence does not exceed the time period prescribed by law, 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. Retirement benefits continue during military leaves of absence, but other employment benefits do not.

Additionally, 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.

6. **Sick**

Sick leave should be considered as a privilege rather than 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. Sick leave with pay shall not be granted to part time non-benefited, time-limited, 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 family member who is ill.

Sick leave may be accrued and accumulated to a maximum of 480 hours. Full-time employees shall accrue sick leave at the rate of four (4) hours per pay period for a total of 96 hours per year. Part-time employees who regularly work twenty (20) or more hours per week shall accrue sick leave on the same basis as full-time employees for the average number of hours worked per day. Sick leave may be used in less than eight (8) hour increments.

Employees with accrued sick leave balances more than 480 hours as of July 1, 2011 will retain all accrued sick leave but will not accrue or accumulate additional sick leave until the accrued sick leave balance drops below 480 hours, at which time the employee may begin to accrue and accumulate sick leave at the rates described above until a maximum of 480 hours is accumulated.

An employee shall be eligible to use sick leave any time after the first full payroll period of employment. 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 more than three (3) consecutive days or if abuse of sick leave is indicated, the Program Director and the Executive Director may 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, or the absence will be charged to the employee's accrued annual leave rather than sick leave. 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 Director 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.

8. Annual Leave

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

The Human Resources Director 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 period.

Annual leave with pay shall not be granted to part time non-benefited, 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 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:

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

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 240 hours will be forfeited. Annual leave will be rounded up to the nearest one-quarter 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 beyond or in advance of time already accrued.

Annual Leave Exempted Days

Saturdays, Sundays, and eligible 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 must be paid to the employee. It should be paid in a lump sum payment at the same time the employee receives their final paycheck. If necessary, other arrangements may be made with the Executive Director.

9. Leave Without Pay

It is AOG policy to grant leave without-pay for certain activities. Such leave shall not be regarded as an acquired right by employees and shall be granted by Program Directors and the Executive Director. Leave Without Pay should only be granted when AOG services will not be adversely affected and if the employee has no other leave available to them.

If an employee's leave without-pay extends beyond an entire pay period, annual leave and sick leave shall not accrue. Retirement benefits will continue, but health insurance coverage will not unless the employee agrees to pay the entire insurance premium for the duration of their leave.

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 from their post and to have forfeited all rights and privileges afforded to Five County AOG employees.

11. Administrative Leave

Administrative leave may be granted consistent with agency policy for the following reasons:

- a. General Administrative
 - 1. During management decisions that benefit the organization;
 - 2. When no work is available due to unavoidable conditions or influences
- b. Protected
 - 1. Suspension with pay pending hearing results;

2. Personnel decision making prior to discipline;
3. Removal from adverse or hostile work environment situations;
4. Fitness for duty or employee assistance.

Administrative leave taken shall be documented in the employee's leave record.

12. Requests for Leave

An employee wishing to use accrued sick or vacation leave must make an official request to their respective Program Director using the Five County AOG's Leave Request Form. The Program Director must sign and approve the request. Whenever possible, forms should be signed and submitted to the Human Resources Director prior to the leave being taken. Complete leave forms should be submitted to the Human Resources Director no later than the 5th day of the month following the day(s) leave was taken.

The Executive Director must approve any Leave Without Pay requests. For periods longer than one year and/or for special circumstances, the Steering Committee must also approve, and the Chair 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.

TITLE VIII WORKING CONDITIONS

A. ATTENDANCE

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 in the best interest of the public and of the AOG. 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 must be approved by the Executive Director.

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.

Employees are expected to be on time. Any absence or tardiness must be approved by the relevant supervisor. Employees and supervisors should communicate should exigent circumstances occur.

B. CONFIDENTIALITY AGREEMENT

An AOG employee 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 AOG employees and the AOG itself will comply with GRAMA, but such complicities must be worked through the proper chain of command. Employees shall not divulge confidential information to outside sources. Any request to do such shall be directed to the Program Director and Executive Director. **The AOG reserves the right to charge individuals or organizations for services provided in fulfilling a GRAMA request. These fees shall be the same for all requesting entities but may be waived at the discretion of the Executive Director. The fees shall be:**

**Certified Copies: \$4.00 per document, \$0.50 per page
Photocopies (B&W 8.5x11): \$0.25 per side
Audio Recording: \$10.00 per CD
Staff Time: Charged at the annual hourly rate of salary and benefits of the lowest paid employee qualified to extract the requested records**

Additionally, employees of the AOG are subject to the Utah Public Officers and Employees Ethics Act and are required to maintain compliance with the act at all times during employment. The text and further information on the act can be found at <https://le.utah.gov/xcode/Title67/Chapter16/67-16.html>.

C. CONFLICT OF INTEREST/DISCLOSURES

No employee shall use any AOG vehicles, supplies, instruments, computer equipment or other property of any kind for personal use or to assist in outside work projects, except for incidental or de minimus use. It does not matter whether the use of the above equipment or supplies is outside of office hours. The AOG will determine if a particular use should be considered incidental or de minimus. Any such use for non-AOG purposes constitutes the use of one's position to secure special privileges for himself/herself or others and is prohibited. Under Utah law, such personal use of AOG equipment may be considered a criminal activity up to and including a felony.

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 AOG official 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 Prohibiting Employment of Relatives Act, Utah Code Annotated 52-3-1 et. seq. https://le.utah.gov/xcode/Title52/Chapter3/52-3-S1.html?v=C52-3-S1_2018050820180508

E. OUTSIDE EMPLOYMENT

AOG employees 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 the AOG.

The AOG 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

Five County AOG employees may voluntarily participate in political activities according to the provisions of this section or other federal and state laws. Nothing contained herein shall be construed to interfere with the right of employees to become members of a political organization, to attend political meetings, to express an opinion

on all political subjects and to enjoy freedom from interference in voting or to contribute freely to political causes.

1. No person shall be denied employment solely by virtue of their political activity, opinion, or affiliation.
2. The political activity, opinion, or affiliation of any employee shall not provide the basis for employment, promotion, disciplinary action, demotion, or dismissal.
3. An employee may become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and to allow employees to serve without jeopardizing public programs for which they are responsible. Any employee elected to any partisan or nonpartisan office may be granted a leave of absence without pay while being monetarily compensated for service in political office if it is determined that such leave will not result in undue conflict with ongoing job responsibilities. If an employee desires to be granted said leave of absence for longer than one pay period, the employee must formally make a request to the Steering Committee. The Steering Committee must then decide to grant or not grant their request. If the leave of absence is shorter than one-year, the Executive Director is the approving authority. An employee elected to an office that would or could result in the appointment to the Five County AOG Steering Committee, such as a Mayor, County Commissioner, or a School Board Representative, would be required to terminate employment at the Five County AOG.
4. No employee may engage in any political activity during the hours of employment, including solicitation of political contributions, nor use of any Five County equipment or resources in relation to any political activity. Employee's shall not use their title or position for the enhancement of any individual or group while engaging in political activity.
5. No employee may directly or indirectly coerce, command, advise, or solicit any officer of employee covered under the personnel system to pay, lend, or contribute part of their salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No supervisor, manager, Department Director or employee may attempt to make any officer's or employee's employment status dependent upon the employee's support or lack of support for any political party, affiliation, opinion, committee, organization, agency, or person engaged in a political activity.

G. SAFETY POLICY

It is the policy of the AOG 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 the AOG 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 requiring all employees to ensure that public and work areas are free of hazardous conditions. Departments will develop safety procedures based on the needs of their department and provide employees of that department training on those procedures.

The AOG will make every effort to provide working conditions that are as healthy and safe as possible. Employees are expected to be equally conscientious about workplace 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, the Human Resources Director, or the Executive Director. AOG 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.

1. General Safety Rules

The following general safety rules will apply in all Five County AOG workplaces. Each department may prepare separate safety rules applicable to the specific nature of the work in their area, but they must not contradict these general 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, ear protection, 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 equipment 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 law, regulation or rule will be provided. Employees shall not remove or incapacitate any safeguard or safety feature of any equipment.

2. Accident Reporting Procedures:

All injuries or accidents should be reported to the Program Director and the Human Resources Director immediately. The Human Resources Director shall follow all proper protocol for reporting the accident, including sending any injured employee to WorkMed. All employees who visit WorkMed for a work-related injury will be drug-tested.

3. Cleanliness

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.

H. SMOKING POLICY

To promote health and in compliance with the Utah Indoor Clean Air Act, it is AOG policy to provide a safe and healthy working environment for employees and the general public. The AOG follows the Utah Indoor Clean Air Act by prohibiting smoking indoors, in any public building (this includes all AOG buildings), and within 25 feet of any building entrances, exits, or windows.

Smoking in AOG vehicles is strictly prohibited. Vaping is considered smoking under this policy. All employees share in the responsibility for adhering to and enforcing this policy.

I. DRESS CODE

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

(1) Employees are always expected 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 AOG. 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. Generally, employees should not wear suggestive attire, jeans, athletic clothing, shorts, "flip-flops", 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). While dressing in casual attire for a specific activity, employees are still expected to present a neat appearance.

(4) Department Directors should address any concerns they have regarding this subject in private with the employee.

J. TRAVEL POLICY

1. The AOG will maintain a MILEAGE/PER DIEM MEMO in accordance with the IRS's guidelines for mileage reimbursement and per diem rates. The Executive Director and CFO will monitor the IRS guidelines and propose any necessary changes to the Finance Committee as needed. The Finance Committee will consider the Executive Director and CFO's recommendation and decide whether or not to update the Travel Reimbursement Policy.

2. Program Directors shall include employee travel reimbursement provisions in their annual budgets. These annual budgets must be approved by the Finance Committee.

3. Employees are encouraged to use an AOG vehicle, rather than a private vehicle, for any business-related travel. Any employee, contractor, or volunteer must complete a "Certificate of License and Insurance Coverage" form before driving either an AOG vehicle or a private vehicle for Five County business. The certificate shall be signed by the employee certifying that they have 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 at least 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 driver's license or insurance is not kept current. The certificate will become a part of the employee's personnel file.

4. If an employee chooses to use a privately-owned vehicle for approved business travel, or if an AOG vehicle is unavailable at the necessary time, they may receive reimbursement for mileage driven. Reimbursement for mileage shall only be provided for authorized AOG business-travel. Mileage reimbursement shall not be paid to cover commuting mileage between an employee's residence and their customary work sites.

5. All travel reimbursements come from the relevant program's account and must be approved by the Program Director. Out of State travel expenses must receive additional approval from the Executive Director.

6. 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.

7. 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.

8. 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 and state government rates should be requested and used whenever available.

9. 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 approval from the Executive Director.

K. USE AND CARE OF AOG VEHICLES/EQUIPMENT

The use of any Five County vehicles, equipment or tools for private purposes is strictly prohibited. The following rules should be followed in the use and care of AOG equipment:

1. 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. Agency vehicles are intended for the use of authorized agency personnel in the accomplishment of proper agency functions only.

3. 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.

4. Illegal Uses of Agency Vehicles: Any personal use of agency vehicles not related to proper job or agency function will be considered an unauthorized use of agency vehicles. Unauthorized use of agency vehicles will be considered use without permission of AOG and will subject offender to agency disciplinary procedures.

5. Gas and Oil Checks; Vehicle Cleanliness: It will be the responsibility of the actual authorized driver to ensure 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.

6. 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 Director. Inappropriate use of the Gascard system and PIN number, including dispensing fuel for private use, is prohibited and subject to disciplinary procedures.

7. Mileage Entries: It will be the actual driver’s responsibility to enter beginning and ending mileage on the mileage log.

8. Servicing of Agency Vehicles: The Executive Director will designate a Fleet Manager. It will be the responsibility of the AOG’s Fleet Manager to schedule and arrange for the servicing of agency vehicles. Vehicle maintenance and servicing will be accomplished at intervals suggested in vehicle owner’s manuals. However, it is the duty of all employees to notify the Fleet Manager of any noted vehicle failure, maintenance or servicing need.

9. 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 bill the AOG 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.

10. Scheduling and Precedence of Use: Use of agency vehicles is scheduled on calendars located in each facility where agency vehicles are based. Drivers should schedule vehicles as far in advance as possible. In most cases, longer distance trips have precedence over shorter distance trips and the longest duration trip has precedence over shorter duration trips. It is the responsibility of an employee who wishes to schedule a longer duration or distance trip to contact any other employee who has already scheduled a trip to arrange an acceptable solution when proposed trips conflict. Calendared trips will not be removed without the consent of the driver who first scheduled a trip.

TITLE IX DISCIPLINE AND PERFORMANCE IMPROVEMENT

This policy establishes a consistent program of progressive actions to help employees and Program Directors 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.

A. DISCIPLINE AND GRIEVANCE PROCEDURES:

The steps in performance improvement are as follows, although the Program Director may skip one or more of these steps under appropriate circumstances if an employee's actions warrant. Skipping any steps in this process must be done with concurrence of the Human Resources Director and the Executive Director.

Step 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, training, and mentoring. Counseling is completely at the discretion of the Program Director. The Program Director will consult with the Human Resources Director to determine the course of action best suited to the circumstances.

Step 2. Verbal Warning

Giving a verbal warning requires a supervisor to review pertinent job requirements and the Five County Association of Government's Policy Manual with the employee to ensure his/her understanding of them. The Program Director should then explain how the employee's actions are not congruent with the expectations of the job. The Program Director should consider the severity of the problem, the employee's previous performance appraisals and evaluations, and the circumstances surrounding the case.

It should be clearly stated to an employee who is receiving a verbal warning that they are receiving a verbal warning and further disciplinary actions may be taken if the

problem is not resolved. The Human Resources director should be notified if an initial verbal counseling between the Program Director and the employee occurs.

Step 3. Verbal with Documentation

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 needed for a solution to the problem. The seriousness of the performance shall be indicated by stating that a written warning, conditional status, 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. If the employee refuses to sign for receipt of the verbal warning the Program Director will sign attesting that it was delivered to the employee and identifying the date of delivery.

Step 4. Written Warning

If the unacceptable performance, the next step should be a written warning.

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 conditional status 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. If the employee refuses to sign for receipt of the written notice the Program Director will sign attesting that it was delivered to the employee and identifying the date of delivery.

Step 5 - 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 is not achieved within a specific 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 performance; (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 Director.

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, including involuntary termination.

Step 6. Involuntary Termination

Involuntary termination is reserved for those cases that cannot be resolved by counseling, and/or conditional status.

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 Director for completion of the termination documents.

B. 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 violation may be major or minor depending on the surrounding facts or circumstances. The Executive Director and Steering Committee Chair will decide the classification of the violation.

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) Unauthorized 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.

C. GRIEVANCE POLICY AND PROCEDURES

A grievance is defined as any dispute or complaint arising between an employee and the AOG. It is AOG policy to address employee 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 policies, an employee may express a grievance in accordance with this policy and shall be assured freedom from retaliation. The steps for resolving grievances are outlined below:

1. Grievances Concerning Executive Director

An employee with a grievance concerning the Executive Director must communicate the grievance in writing to the Human Resources Director within fifteen working days after the grievance arises or after the most recent incident concerning the grievance. The grievance must clearly identify the problem and suggest possible solutions. The Human Resources Director shall forward the grievance to the Chair of the Steering Committee within five working days of receiving it.

The Chair of the Steering Committee will review the grievance, develop a Report of Findings and Conclusions appropriate to the circumstances and communicate it in writing to both parties within 10 working days of receiving the grievance. Either party may appeal from the Report by submitting a written appeal to the Chair within five working days of receiving the Report.

The Chair shall send the appeal, the written grievance and the Report to the other members of the Steering Committee. The Steering Committee may appoint a Grievance Committee consisting of four individuals to provide conclusions and recommendations following the procedures listed in Step (3) below or may choose to address the grievance directly following the procedures listed in Step (4) below.

2. Grievances Concerning All Other Employees

Step (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. If an employee does not feel comfortable talking to the Program Director, or if the problem involves the Program

Director, the employee may communicate their grievance to the Human Resources Director and the same process will be followed.

All grievances shall be communicated within fifteen 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 or Human Resources 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 or Human Resources, has five working days to appeal if they are not satisfied with the results.

Step (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 Director for personnel action documentation.

The Program Director and the Executive Director have ten working days to review the grievance and submit a written response to the employee. The employee then has five working days to submit a written appeal to the Human Resources Director if not satisfied.

Step (3) - Appeal to Grievance Committee

If an appeal is submitted, the Human Resources Director has five working days to forward the appeal to the Grievance Committee.

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 AOG 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, but such replacement is at the sole discretion of the Steering Committee.

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.

If a hearing is held, 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 Report of Findings to the employee and the Program Director within ten working days of the conclusion of the hearing.

Either party may appeal from the recommended solution or the Report by submitting a written appeal to the Human Resources Director within five days of receiving the Report.

Step (4) - Review by Steering Committee

If either party appeals, the Human Resources Director shall, within five days of receiving the appeal, send the written grievance, along with the Report of Findings, to the Steering Committee for their conclusions and recommendations. The Steering Committee shall render their conclusions and recommendations within 30 days of receiving the appeal.

The decision of the Steering Committee will be binding and final within the Association of Governments.

**TITLE X
SEPARATIONS**

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 the AOG 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 Directors. 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 as a means of discipline or performance improvement, 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

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 may be involuntarily terminated.

It is the responsibility of the Program Director to initiate any involuntary termination action. The Program Director 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.

4. 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 will receive at least thirty (30) days' notice, if such delay does not create budgetary overruns.

5. Exit Interviews

Exit interviews are to be conducted with all employees who terminate employment with the AOG. 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 Director 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 checklist. For proper payroll administration the employee must turn in all keys, credit cards, etc. and complete close-out procedures with the Human Resources Director prior to completion of payroll information release to accountant for processing of last payroll check.

The Human Resources Director should meet with the employee and gather all information needed to prepare the final paycheck. The Human Resources Director should also review accrued annual leave to make certain that the employee's and AOG records agree. During this meeting the Human Resources Director will inform the employee of any conversion rights on medical and life insurance policies. The Human Resources Director 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.

TITLE XI MEDIA RELATIONS

The Five County Association of Governments proactively seeks positive news media coverage on the variety of programs and initiatives it offers. The Association further encourages its Program Directors and employees to respond favorably to news media inquiries with timely and accurate information. Emerging social media platforms for online collaboration are also viewed as mediums to engage with customers,

colleagues, and the world at large in promoting the organization's top goals and objectives.

The guiding principles listed below are designed to aid the organization and its employees in media interactions and should be followed when communicating with the news media:

A. NEWS MEDIA

Listen First – At the beginning of a news interview, it is fair to ask a reporter what kind of a story they are writing, what deadline they need to meet, and what types of questions they will be asking.

Never Speculate – Stick to your area of expertise. An appropriate answer to the news media is, "I don't know. A better source for that information is _____."

No Surprises – Whenever you talk to the media, immediately tell your supervisor, subordinates, and coworkers so that none of us are surprised by the news story. Follow-up any "I don't know" answers with a call to the "better source" so they aren't surprised by a media call.

Control What You Say – You are always in control of what comes out of your mouth. Your words (including lies, speculations, and presumptions) are direct quotes.

Keep it Simple – News reporters have difficult jobs and relentless deadlines. Help them out by answering every question in 10-seconds or less, repeat the three messages you want them to communicate, and don't speculate.

Deadlines Matter – Reporters need information within 20 minutes.

B. SOCIAL MEDIA

Stick to your area of expertise.

Post meaningful, respectful comments—in other words, no spam and no remarks that are off-topic or offensive.

Always pause and think before posting. That said, reply to comments in a timely manner, when a response is appropriate.

Respect proprietary information and content, and confidentiality.

When disagreeing with others' opinions, keep it **appropriate and polite.**

Correct inaccurate or misleading postings in a timely manner.

Disclose conflicts of interest.

Be mindful of the information you share — any personally identifiable information you share on a blog can be seen by anyone with access to the blog.

**TITLE XII
SUBSTANCE ABUSE AND DRUG FREE WORKPLACE**

A. RULES

Five County AOG has promulgated 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 AOG 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.

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.

B. PROCEDURES

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 involving controlled substances will be tolerated.

c. Drug Counseling Programs Available

Employees needing assistance with drug-related problems will be referred to the Southwest Behavioral Health Center. The eligible costs covered by the Association's health insurance carrier will be described.

d. Penalties for Drug Abuse Violations

These Personnel Policies and Procedures already state 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 the Personnel Policies and Procedures or contact their Program Director.

C. COMPLIANCE WITH POLICY 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.

D. 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.

E. 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. REASONABLE SUSPICION TESTING

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.

TITLE XIII WORKPLACE HARASSMENT PREVENTION POLICY AND PROCEDURES

A. PURPOSE

The purpose of the Five County Association of Governments' policy on avoiding workplace harassment is designed to assure a working environment which is free from all forms of harassment in compliance with legal mandates of state and federal law.

B. POLICY

It is the policy of the AOG that:

1. Discrimination based on sexual harassment, subtle or otherwise, shall be investigated and dealt with appropriately; violators shall be subject to Five County Discipline and Performance Improvement Policy including termination and/or referral for criminal prosecution;
2. 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; violators shall be subject

to Five County Discipline and Performance Improvement Policy action including termination.

3. Any quid pro quo behavior which offers job advancement or enhancement in return for sexual favors, or which threatens adverse employment action for refusal of sexual favors shall be prohibited and subject to Five County Discipline and Performance Improvement Policy and termination;

a. Consideration shall be given to the complainant's requests in the investigation and preliminary review process; however, the Executive Director or Steering Committee Chair may take appropriate action under this policy where AOG legal liability is at risk;

b. Workplace 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;

c. 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 action or Five County Discipline and Performance Improvement Policy.

d. Malicious or bad faith complaints of sexual harassment shall result in corrective or appropriate disciplinary action taken against the accuser;

e. Individuals affected by alleged sexual harassment may, but shall not be required to, confront the accused harasser before filing a complaint;

f. 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.

C. REPRISALS

Any act of reprisal toward the complainant, witnesses or others involved in an 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.

D. Complaint Procedure

Individuals affected by workplace 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 workplace harassment should do the following:

1) Continue to report to work;

2) Verbalize disapproval of the action to the perpetrator and demand that it ceases;

3) Document the occurrence(s);

4) Identify a witness.

Employees are encouraged to use internal complaint procedures. A complaint of workplace harassment may be submitted in accordance with approved complaint procedures.

Complaints may be submitted by an individual, witness or other employee.

Complaints may be made through either verbal or preferably written notification and shall be handled in compliance with confidentiality guidelines.

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.

Investigation of any complaint of workplace harassment must be acted upon within fifteen (15) calendar days following receipt of the complaint.

If an immediate investigation by the AOG 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.

E. INVESTIGATIVE PROCEDURE

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

The Executive Director and Human Resources Director shall initiate a preliminary review. (In cases involving the Executive Director or Human Resources, the Chair of the Steering Committee shall initiate the review.)

Based upon findings and recommendations of the preliminary review process, complainants, witnesses, or other employees may seek resolution of workplace harassment complaints by utilizing one or more of the following options:

1. Seek to resolve issues with the accused;
2. Consult with the Executive Director or Human Resources Director (or in cases involving the Executive Director or Human Resources Director, the Steering Committee Chair) to resolve the issue.
3. Agreements toward resolution of workplace harassment shall be documented in writing with all parties receiving copies.
4. Any attempt toward resolution must include, as applicable, corrective action which may include a letter of warning to the accused giving notice of the AOG's workplace harassment policy, specifying the nature of the complaint, penalties for violations of the policy and warnings against reprisals of any nature and degree.
5. 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.
6. If the review reveals the accusations are unfounded, this information shall be documented, the review terminated, and all parties involved notified.

F. RECORDS

A separate confidential record of all workplace harassment complaints shall be maintained and stored in the AOG Human Resources Director'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.

Separate files related to workplace harassment complaints shall not be kept by the Executive Director or Program Director.

All information contained in the complaint file shall be classified as confidential pursuant to requirements of law and shall be treated as such.

Information contained in the workplace harassment confidential file shall only be released by the Chair of the Steering Committee when in compliance with the requirements of law.

Participants in any workplace harassment proceeding shall treat all information as confidential.

Final disposition of workplace harassment cases shall be disseminated in writing to all parties involved.

If the final disposition involves corrective action or discipline for the charge of workplace harassment, the reasons for the disciplinary action shall only include references to "discipline for violations of Personnel Policies and Procedures".