

## BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

<b>24.</b>	<b>Personal Use of County Property</b>
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### 24.1.1 Effective Date

This policy shall take effect immediately upon adoption by the Box Elder County Commission.

### 24.1.2 Purpose

- A. This policy is meant to assure responsible use of Public Property and control excessive or unlawful use of Public Property by Public Servants.
- B. This policy provides Public Servants serving Box Elder County guidance as to authorized personal use of Public Property to avoid unintentional violations of U.C.A. §76-8-402 and U.C.A. §67-16-4(1)(c).

### 24.1.3 Applicability and Scope

- A. This policy applies to all use of all Public Property as defined herein.

#### 24.1.3.1 Definitions

The following definitions shall apply to this policy:

- A. "Auditor" means the Box Elder County Auditor.
- B. "County" means Box Elder County.
- C. "County Commission" means the Box Elder County Commission.
- D. "De minimis" means a nominal value of less than \$50.00, but does not include value of damage to the Public Property when used by the Public Servant for personal use when the Public Servant timely reimburses the County for such damage.
- E. "Incidental" has the meaning defined in the Policy Statements section of this policy. Any use identified as incidental under this policy which is not considered incidental under U.C.A. §76-8-402 or U.C.A. §67-16-4(1)(c) is an authorized use under this policy.
- F. "Public Property" means any real or personal property owned, leased or rented by the County, until such time as the property has been surplus. For purposes of this policy, Public Property does not include funds, money, credit and accounts owned or controlled by the County. Public Property does not include real or personal property owned,

leased or rented by a Public Servant used in whole or in part by the Public Servant to perform their duties as a County Public Servant, regardless of any reimbursement, allowance, stipend, per diem or payment made by the County in recognition of use of the Public Servant's property benefiting the County.

- G. "Public Servant" means all Directors, Officers, employees, volunteers, board members, consultants and contractors of Box Elder County.

### **24.1.3.2 Policy Statements**

- A. The County means for this policy to constitute a "written policy of the public servant's entity" for purposes of U.C.A. §76-8-402(1)(b)(iii).
- B. The County means to restrict unreasonable personal use of Public Property by Public Servants.
- C. The County considers that the penalty under U.C.A. §76-8-402 of a felony for any level of unauthorized personal use of Public Property is extreme and therefore the County means to protect its Public Servants from unintentionally violating U.C.A. §76-8-402 and/or U.C.A. §67-16-4(1)(c).
- D. The County recognizes as an employer competing for competent employees in the marketplace, that it must consider, in part, property provided to employees by employers in the competing marketplace and the limitations that other employers place on personal use of such property.
- E. The County means to broadly authorize all personal use of Public Property by Public Servants with a procedure to limit personal use only after providing written notice or implementing new written policies approved by the County Commission.
- F. Because this policy supersedes and replaces all other policies related to personal use of Public Property, the County intends that any new policies must be implemented by the County Commission or proposed by County department heads and approved by the County Commission.
- G. The only personal use of Public Property considered to be unauthorized or prohibited is:
  - 1. Personal use which occurs after the Public Servant has received a written notice that the use is unauthorized or prohibited under this policy if the Public Servant does not appeal the written notice, or which occurs after the Public Servant appeals and receives a written decision from the County Commission finding that the personal use will be considered unauthorized or prohibited under this policy;
  - 2. Personal use which is in violation of any policies implemented by the County Commission or proposed by County department heads and approved by the County Commission subsequent to the adoption of this policy.

- H. The County Commission means to provide broad discretion to the Auditor and the members of the County Commission in authorizing personal use of Public Property by Public Servants under their supervision and control.
- I. The County Commission recognizes that all Incidental personal use of Public Property by a Public Servant is authorized under U.C.A. §76-8-402 and further authorizes all Incidental personal use under this policy. The County Commission considers Incidental personal use to include, but not be limited to:
  - 1. Use of Public Property for limited use of a personal nature when the individual is using the Public Property to perform their duties of office, employment or service under contract and does not significantly interfere with the Public Servant's duties and/or the conduct of the business and operations of the County;
  - 2. Use of Public Property of a personal nature when such use of the Public Property:
    - a. Is available to the general public;
    - b. Does not create more than a de minimis cost to the County;
    - c. Is provided or required to be provided to the Public Servant as an employee benefit or convenience, such as lunchroom and nursing room facilities;
    - d. Is not clearly prohibited by this policy, and the Public Servant timely reimburses the cost of the personal use to the County;
    - e. Is accidental or unintentional and the Public Servant timely reimburses the cost of the personal use to the County;
    - f. Is property for which the County provides a Public Servant an allowance, stipend or reimbursement, including but not limited to personal vehicles, cell phones, tools and other items of personal property which are privately owned and authorized for personal use;

#### **24.1.4 Procedures and Responsibilities**

- A. If the Auditor believes that a Public Servant is using Public Property in a manner that is not incidental or should not be authorized, they shall give the Public Servant and that Public Servant's department head a written notice that specifically informs the Public Servant that the personal use is not considered incidental and will not be considered authorized as of the date of the written notice, or as of the date of a final written determination by the County Commission of an appeal of the written notice. The written notice shall include an explanation from the Auditor as to why the Auditor believes the personal use is not incidental or authorized.
- B. In determining if personal use should be authorized the Auditor shall consider whether the personal use of Public Property:
  - 1. Substantially interferes with the use of the Public Property to perform duties of office, employment or service under contract;
  - 2. Creates only a de minimis cost to the County;

3. Creates more than a de minimis cost to the County but provides a benefit to the County or its residents as determined by the County Commission;
  4. Creates more than a de minimis cost to the County but the employee reimburses the County for the cost off the personal use of the Public Property at a rate determined by the County Commission;
  5. Provides the Public Servant with training and familiarity with the Public Property which will allow them to be more proficient with its use to perform their public duties;
  6. Provides support of other agencies or community organizations which promotes good will between those agencies or community organizations and the County;
  7. Provides any reasonably arguable benefit to the County.
- C. A Public Servant or the Public Servant's department head may request the Auditor to reconsider a written notice provided under this section, and provide the Auditor with whatever evidence the Public Servant or the Public Servant's department head feels is relevant as to why the Public Servant's personal use of Public Property is incidental or should be authorized. Any request to the Auditor to reconsider a written notice must be made within 5 business days. Upon reconsideration, the Auditor may modify, amend or rescind the written notice.
- D. A Public Servant or the Public Servant's department head may appeal a written notice provided under this section to the County Commission if they believe their personal use of Public Property should be authorized, by providing a written request for appeal of the written notice. This appeal must be in writing and delivered to the County Commission within 5 business days of receipt of the written notice from the Auditor or within 5 business days of the Auditor's response to a request for reconsideration, whichever is later. The County Commission shall hear either in writing or in person the Auditor and the Public Servant and/or the Public Servant's department head, and make a decision whether the personal use of the Public Property will be authorized or prohibited. The County Commission shall inform the Auditor and the Public Servant of their decision within 10 days of making their decision.
- E. The County Auditor shall notify a Public Servant of any cost to be reimbursed to the County for personal use of Public Property, which was not clearly prohibited by this policy, was accidental or unintentional or due to damage to Public Property during personal use of the Public Property by the Public Servant.
- F. The Public Servant shall timely reimburse the County the amounts determined by the Auditor under this section or contest the amount of the reimbursement to the Auditor within 5 business days of notice from the Auditor. The Auditor shall within 5 business days of receipt of such notice to contest the amount of reimbursement provide the Public Servant a decision regarding the amount of reimbursement.
- G. If the Public Servant does not agree with the decision of the Auditor of the amount of reimbursement for personal use of Public Property, the Public Servant shall request an appeal of the Auditor's decision to the County Commission within 5 business days of receipt of the Auditor's decision. The County Commission shall consider the requested

appeal at its next scheduled meeting and provide the Public Servant its final decision on the amount of reimbursement within 10 business days of that meeting.

- H. The Auditor shall investigate any suspected violation of this policy and shall report any prohibited or unauthorized personal use of Public Property to the County Commission within 60 days of a determination of such violation.

## **24.1.5 Policy Exceptions**

### **A. Vehicle Use Exceptions:**

1. An employee who is provided a vehicle for use to conduct their job duties is allowed to use that vehicle to respond to a call from dispatch regarding a county emergency organization they volunteer to (such as Search and Rescue, EMS, Fire) as those volunteer services are not considered to be personal use.
2. Sheriff's Office employees who are exempted under section 15-13 "On-Call Employee exception" and "Box Elder Sheriff's Office Take-Home Vehicles."
3. Sheriff's Office employees whose job necessitates operating ATVs and who have obtained explicit permission from the County Sheriff to ride the County ATV's off duty for the purposes of becoming comfortable with operating the units.
4. County employees who are Administrative Public Safety Officials for the county to include: Road Superintendent, Road Department Operations Supervisor, Road Department Staff who are on-call for the week, County Building Official, Building Inspectors and Facilities Maintenance Technician.
5. Road Department Employees working in the mechanic shop, who are paid a tool allowance and who store their tools on the county-owned service vehicle, will have the ability, as needed, to take the assigned county-owned service vehicle to their personal property for the sole purpose of utilizing their personally owned tools with supervisor approval.

### **B. Sheriff's Office Exceptions:**

1. Secondary Employment in Law Enforcement Policy:
  - A. Authorized use of Box Elder County Sheriff's Office firearms, handheld radio, body armor and less lethal options that are already issued and employees are trained on through Box Elder County Sheriff's Office for use for secondary employment. If the secondary employment agency wishes to issue and train with its own firearms and less lethal options, a discussion and review of the program will be done with the Box Elder

County Sheriff's Office instructors before approving. Use is intended at other Law Enforcement agencies and not for private security or similar organizations. (Not approved for personal use: Box Elder County Sheriff's Office uniform, ticket books, BCI logons or issued County vehicle, unless exception is listed in 24.1.5 (A)(2).

2. Authorized but unofficial equipment familiarization and training:
  - A. Ammunition is provided by the Sheriff's Office and employees are encouraged to use it off duty for purposes of practice.
  - B. Use of county issued GPS or night vision equipment in order to become proficient in its use.
  - C. SWAT Team Members are allowed to train and operate SWAT equipment on their personal time for purposes of practice and becoming proficient in the use of equipment.
  - D. Employees who are designated Drone Pilots for Box Elder County Sheriff's Office shall be allowed to operate drones off-duty for the purposes of practice to become proficient in drone operations.
  - E. Other similar uses as allowed by the County Sheriff for Sheriff's Office employees to practice using County issued equipment for the purposes of becoming proficient in the use of equipment that directly corresponds with the essential functions of the job.
3. Authorized use of West Box Elder area and Cabins:
  - A. Authorized personal use of Sheriff's Office Cabins and County issued vehicles by Patrol Division employees during assigned "Out West" shifts.
  - B. Official Sheriff's Office Operations in the Western Box Elder County area including use of the cabins and ATVs involving County employees, multi-agency operations and volunteer organization operations.
  - C. Box Elder County employees' use of the cabins out west as authorized by the County Sheriff as a benefit to the County.
4. Volunteer Organizations:
  - A. Search and Rescue, Horse Posse and Scuba volunteer organizations' use of county-issued equipment for the purposes of training, practice and proficiency in operations as well as for organization sponsored trainings and events.
  - B. Fundraising and Community Events:
    1. All volunteer organizations are allowed to hold fundraisers using county property and/or equipment at the discretion of the County Sheriff for the purposes of raising funding for their organizations.

2. All volunteer organizations are allowed to attend community events using county property and/or equipment at the discretion of the County Sheriff for the purposes of demonstrating skills or raising awareness in the community (i.e. City Safety Fairs, National Night Out Against Crime, etc).

C. Road Department Exceptions:

1. Accessing County Road Shed to remove personal tools:

A. County Road Department Mechanics shall have access to the County Road Sheds for the purposes of removing personal tools from the County Road Department and service vehicles during off-duty hours.