



COUNTY PROPERTY

ACCEPTABLE USE POLICY

"Public officer" means:

(a) an elected official of a public entity;

(b) an individual appointed to, or serving an unexpired term of, an elected official of a public entity;

(c) a judge of a court of record or not of record, including justice court judges; or

(d) a member of the Board of Pardons and Parole.

"Public servant" means:

(i) a public officer;

(ii) an appointed official, employee, consultant, or independent contractor of a public entity; or

(iii) a person hired or paid by a public entity to perform a government function.

Public servant includes a person described in Subsection (14)(a) upon the person's election, appointment, contracting, or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.

"Public property" means real or personal property that is owned, held, or managed by a public entity. "Public property" includes real or personal property that is owned, held, or managed by a public entity after the real or personal property is transferred by the public entity to an independent contractor of the public entity. "Public property" remains public property while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity.

This COUNTY PROPERTY ACCEPTABLE USE POLICY constitutes a "written policy of the public servant's entity" for purposes of Utah Code 76-8-402(1)(b)(iii).

Public Servants are authorized to use Public Property of Emery County for personal use.

Public Servants are ENCOURAGED to use Public Property of Emery County in a manner in accordance with these ENCOURAGED GUIDELINES:

- that does not damage the property;
- that does not cost the county more than incidental amounts, which may vary according to historic use, custom, and what is considered normal personal use of employer property in the community;
- that does not interfere with use of the property as intended for the public use; and
- that allows employees who have been authorized to use county equipment for extensive personal use to do so without fear of being prosecuted.

In addition to the foregoing, this County Property Acceptable Use Policy recognizes and acknowledges that the Emery County Commission may authorize certain public officers and public servants to use Public Property of Emery County solely for personal use as part of their compensation -- e.g., a vehicle, electronics (PC's, laptops, tablets, iPad, telephones) etc.

THEREFORE, if the Department Head/Supervisor, Elected Official, or the County Commission believes that a Public Servant is using Public Property in a manner contrary to the Encouraged Guidelines, the Department Head/Supervisor, Elected Official, or the County Commission shall proceed as follows:

1. Give the public servant or public officer a verbal or a written statement that specifically informs the Public Servant that he or she should not use the Public Property in the manner identified and stated in the verbal or written statement.
2. If the alleged unauthorized use continues, after an initial verbal or written statement, the public servant or public officer shall be directed to appear before the Emery County Commission and, in Executive Session, the Emery County Commissioners shall set forth, in writing, the alleged unauthorized use of public property and provide the public officer or public servant with a final warning regarding the unauthorized use of public property.
3. If the public servant or public officer has (a) received an initial verbal or written statement regarding the alleged unauthorized use of public property, (b) appeared before the Emery County Commission and received a second or final warning and (c) continues the unauthorized use of public property, the public servant may be terminated from employment and the public officer, if appointed, may be subjected to disciplinary action, up to and including termination pursuant to the Emery County Personnel Policy; if elected, public officer will be asked to resign his or her public office or be subjected to Utah laws related to misfeasance and/or malfeasance of office.

The public servant or public officer may appeal the verbal or written statement to the County Commission if they believe their use of Public Property is in accordance with Encouraged Guidelines. They must appeal the written statement by giving the appeal to the Personnel Director or the Commission Chair within one week of actual receipt of the written or verbal statement. The County Commission shall with reasonable diligence, hear the person who made

the written or verbal statement, and the public servant or public official, and shall make a decision on whether the use of the Public Property was in conformity with the Encouraged Guidelines, and shall inform those involved.

If, and only if, within one year of receiving a written statement that was either upheld by the County Commission, or was not appealed, the public servant or public officer uses Public Property in the same or in a substantially similar manner, and the unauthorized use is substantiated, there shall be a written finding of this (these) violations of the policy and that person shall be subjected to disciplinary action pursuant to the Emery County Personnel Policy.

If, and only if, the public servant or public officer (a) received an initial verbal or written statement alleging misuse of public property that was not appealed and if appealed, upheld, (b) receives a second statement alleging misuse of public property and appears before the County Commission and the allegation is upheld and (c) is subjected to disciplinary sanctions, up to and including termination, the public servant or public officer may appeal Emery County's action by filing suit in the Seventh Judicial District Court, in and for Emery County, State of Utah.

All county policies are hereby repealed and replaced to the limited extent that they contradict or interfere with this County Property Acceptable Use Policy. Federal contracts or laws, State contracts or laws, or contracts with third parties the County has entered into regarding the use of certain Public Property are not superseded by this COUNTY PROPERTY ACCEPTABLE USE POLICY.