

## **8-0 EMPLOYEE CONDUCT**

### **8.a. Purpose**

Any organization must be guided by rules of ethical and professional conduct. The direction, standards, and expectations of UCA for the persons who comprise the organization are formalized herein. This section sets forth regulations and rules of conduct.

### **8.b. Scope**

This policy establishes standards of conduct expected of employees. It addresses the general performance of duties, abuse of position, political activity, indebtedness to the Authority, confidentiality, conflicts of interest, outside interests, and secondary employment. It specifically prohibits discrimination or harassment in the workplace. However, no listing of standards of conduct can cover every circumstance and the items below are simply illustrative examples but do not constitute an exhaustive list. The Authority reserves the right to impose discipline on a case-by-case basis at its sole discretion.

### **8.c. Standards of Conduct**

#### **8.c.(1) General**

8.c.(1)(a) It is the policy of UCA that employees follow the rules and regulations set forth herein. These regulations are intended to supplement other instructions, rules, regulations, policy statements, and orders which are part of this manual.

8.c.(1)(b) Consistent with Utah law, the standards and procedures identified herein, are designed to give notice to and define the rights and responsibilities of employees with regard to conduct; to assist in assuring consistent application of standards and procedures; to provide for an objective definition of unacceptable conduct; to assure compliance with public law; and to assist in the effective and efficient management of UCA.

8.c.(1)(c) It is the responsibility of each employee to be knowledgeable about, and comply with, all standards, practices, policies, and procedures with respect to the administration and management of UCA. Employees are responsible for reading the information contained in this Manual and accompanying Authority Policy Statements.

8.c.(1)(d) Violations of any ordinances, laws, rules, or regulations may subject the offending employee to disciplinary action, including termination. The action taken will depend on the seriousness of the offense, its relationship to the employment

relationship, the employee's past record, and the consequences of the violation. Any employee who is or becomes the principal party of any criminal investigation must report such to the Director immediately. In the event an employee is convicted of a criminal offense, he or she should report such to the Director within three (3) days of the conviction. Employees convicted of a criminal offense may be subject to discipline as may an employee who fails to properly report a conviction or investigation as required above.

8.c.(1)(e) Employees may be disciplined for their conduct when such conduct adversely affects the efficiency, harmony, or good order of UCA or the employees conduct could reasonably cause the public to lose confidence in UCA, as determined on the sole discretion of Authority Executive Management.

8.c.(1)(f) Employees will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of UCA which may be asked of them by Authority Executive Management. Employees who fail to answer questions or who answer questions dishonestly may be subject to discipline.

8.c.(1)(g) Authority Management will make reasonable efforts to ensure that employees subject to their direction and control observe the ethical standards set out in these policies. It is the responsibility of the all of the Authority's employees to actively support, enforce, and adhere to the requirements of UCA and its policies and procedures. Training, testing, and other measures may be used to increase and ensure staff understanding of these requirements.

8.c.(1)(h) Authority Management will diligently discharge administrative responsibilities, maintain professional competence in the administration, and assist other employees in the performance of their duties. Authority Management will take action regarding any unethical conduct of which they may become aware, initiating appropriate disciplinary measures against an employee for any such conduct and reporting to appropriate authorities. The Authority shall provide professional development training to promote ethical conduct and organizational leadership practices based in principles of equity.

8.c.(2) **Performance of Duties**

8.c.(2)(a) Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.

- 8.c.(2)(b) Employees are required to meet standards established in their job descriptions and individual performance objectives and to report conditions and circumstances that would prevent them from performing their job effectively or completing their assigned tasks. Also, employees should bring to their supervisor's attention unclear instructions or procedures.
- 8.c.(2)(c) Employees are expected to make prudent and frugal use of Authority funds, equipment, buildings, and supplies.
- 8.c.(2)(d) Employees shall observe work place rules.
- 8.c.(2)(e) Employees shall comply with this Manual, Authority Administrative Policy Statements and any other Authority worksite policies.
- 8.c.(2)(f) Employees in the performance of Authority business shall not operate any vehicle while under the influence of alcohol, illegal drugs, or legal prescription drugs which could impair driving.
- 8.c.(2)(f)(i) Employees who, while on Authority business, are operating an Authority vehicle and are arrested and/or involved in an accident as a result of alcohol or drug consumption proscribed in 8.c.(2)(f) above shall be subject to discipline.
- 8.c.(2)(f)(ii) Employees who are subject to a lawsuit resulting from an act as described in 8.c.(2)(f)(i) above may not be indemnified under the Governmental Immunity Act.
- 8.c.(2)(g) All employees will be punctual in reporting for duty and/or other assignments. Any employee who fails to appear for duty at the date, time, and place specified without the consent of Authority Management is "Absent without Official Leave." Such absences will be reported in writing to Authority Executive Management by the employee's supervisor.
- 8.c.(2)(h) No employee will conceal, alter, falsify, destroy, mutilate, or fail to make required entries on any Authority record. This provision does not prohibit the alteration or expungement of records or documents pursuant to a court order, as directed by the Director, or in accordance with the Authority's Document Retention Policies.
- 8.c.(2)(i) No employee will discriminate or harass, by words or actions, any person. Supervisors who know or should know of

incidents of discrimination/harassment and fail to take appropriate action in accordance with this Manual will be subject to discipline.

8.c.(2)(j) No employee will refuse to carry out any properly issued rule or order of the Authority or Authority Executive Management, nor will employees exceed their authority.

8.c.(2)(k) No employee will sleep on duty and such will be considered a dereliction of duty.

8.c.(2)(l) Employees will comply with the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. § 67-17-1, *et seq.* including, but not limited to:

8.c.(2)(l)(i) An employee will not use or attempt to use their position to secure privileges or exemptions in which they are not entitled under law;

8.c.(2)(l)(ii) An employee will not discriminate by dispensing special favors to anyone, whether or not for remuneration.

8.c.(2)(l)(iii) An employee will not improperly assist any person in securing a contract with the Authority.

8.c.(2)(m) An employee will not disclose to any unauthorized person any information acquired in the course of employment other than public data as defined in this Manual or Authority Policy Statements.

8.c.(2)(n) An employee will abstain from public comment about the Authority, its policies, processes, or business without prior approval from Authority Executive Management.

8.c.(2)(o) All equipment will be maintained in good working order and be kept clean.

8.c.(2)(p) All computer, telephone, and radio equipment are configured and installed to provide a specific planned function. Any alterations or use of the equipment outside of its intended purpose must be pre-approved in writing by Authority Executive Management. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

8.c.(2)(q) Except as otherwise permitted herein, employees will not appropriate Authority property for their own use. Employees are required to surrender all Authority property issued to them upon separation from the Authority.

8.c.(2)(r) Employees will not use Authority letterhead, or the Authority's logo, without the express permission of the Authority Executive Management. The letterhead and logo are to be used for legitimate business purposes and not for personal use.

8.c.(2)(s) No employee will incur liability chargeable against the Authority without proper authorization from Authority Executive Management.

8.d. **Incompatible Outside Activities**

8.d.(1) An employee may engage in outside employment, receive honoraria, or paid expenses per section 9.b.(3)(b), subject to the following conditions. However, Authority employment shall be the principal vocation of full-time employees governed by these rules.

8.d.(1)(a) The outside employment must not interfere with efficient performance of the employee's Authority position.

8.d.(1)(b) The outside employment must not conflict with the interests of the Authority.

8.d.(1)(c) The outside employment must not be the type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.

8.d.(1)(d) Authority Executive Management may ask, from time to time, employees to represent in writing as to certain outside employment or conflict of interest matters.

8.d.(1)(e) Employees must promptly notify the Authority Executive Management of any outside employment, honoraria, or outside payments received for work performed in an engagement not otherwise disclosed to Authority Executive Management.

8.d.(1)(f) If the Director determines that either the outside employment or payment could reasonably present a real or potential conflict of interest, the Director may deny permission for the employee to engage in the activity or receive payment.

8.d.(2) Employees shall not use their Authority position or any influence, power, authority, or confidential information derived therefrom or Authority time, equipment, property, or supplies for private gain or for the private gain of any family member, as defined in these rules.

8.d.(3) Employees shall not receive outside compensation for their performance of Authority duties except in cases of:

8.d.(3)(a) Awards for meritorious public contribution publicly awarded.

8.d.(3)(b) Receipt of honoraria or expenses paid for papers, speeches, or appearances made by employees with the approval of the Director, or on their own time for which they are not compensated by the Agency, not prohibited by these rules.

8.d.(3)(c) Receipt of usual social amenities within generally accepted industry practice, ceremonial gifts, or insubstantial advertising gifts.

8.d.(4) When an employee's responsibilities require action to be taken or to make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict to the Director in writing. The employee then may be excused by the Director from so acting.

8.d.(5) Each employee may be asked to sign a conduct disclosure certificate regarding matters of other employment, private gain, additional compensation, and conflict of interest.

8.e. **Political Activity**

Except as otherwise provided by law or by rules promulgated under this section for federally aided programs, the following provisions apply with regard to political activity of employees. Employees may voluntarily participate in political activity subject to the following provisions:

8.e.(1) Any employee elected to any partisan or full-time non-partisan political office shall be granted a leave of absence without pay for times when monetary compensation is received for service in political office. Annual leave will not be granted while serving in a political office.

8.e.(2) No employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions during hours of employment for political purposes; but nothing in this section shall preclude voluntary contributions by an Authority employee to the party or candidate of the officer's or employee's choice.

8.e.(3) Partisan political activity shall not be a basis for decisions regarding employment, promotion, demotion, dismissal, or any other personnel action.

8.e.(4) Violations of any of the provisions of law or these policies governing political activity shall be reported in writing to Authority Executive Management which shall investigate the validity of any such allegation(s) and assess the extent to which any such activity was knowingly and willfully conducted in violation of law or these policies.

8.e.(5) Violations of this section may result in suspension without pay or even termination.

8.f. **Employee Indebtedness to the Authority**

8.f.(1) Employees of the Authority that incur a personal financial obligation to the Authority as a direct result of their action as an employee or in the performance of their official duties, may be required by the Authority to satisfy the obligation through withholding of all or a portion of their pay. All three of the conditions below must be met before withholding can occur:

8.f.(1)(a) The obligation must be a legitimately owed amount which can be validated through physical documentation or other evidence provided;

8.f.(1)(b) The obligation is acknowledged by the employee as being owed in a written authorization to withhold the pay; and

8.f.(1)(c) Employees have been notified of this rule that allows for withholding of pay and understands the right of the Authority to withhold pay.

8.f.(2) Subject to Section 9.f.(1) above, the Authority may withhold all or a portion of an employee's pay to satisfy the following specific obligations:

8.f.(2)(a) Travel advances where the travel and reimbursement for the travel has occurred;

8.f.(2)(b) Loss or damage of Authority property caused by negligence of the employee as evidenced by clear and substantial proof;

8.f.(2)(c) Payroll advance obligations authorized by the Authority Executive Management and supported by agreements signed by the employee;

8.f.(2)(d) Misappropriation of Authority assets for unauthorized personal use or for personal financial gain. This includes obligations created from employee theft of Authority property or use of Authority property for personal financial gain or benefit;

8.f.(2)(e) Overpayment of pay determined by evidence that the employee did not work the hours for which they received pay or was not eligible for the benefits received and paid for by the Authority;

8.f.(2)(f) Other obligations that satisfy the requirements of Section 9.f.(1) above.

8.g. **Acceptable Use Of Information Technology Resources**

The Authority Executive Management shall create an acceptable use of information technology resources guidelines for employees. Employees that do not follow the acceptable use of information technology resources guidelines may be disciplined as outlined in these policies.

~~8.g.~~8.h. **Policy Exceptions**

The Director may authorize special exceptions to the provisions of these policies at his sole discretion when it is not contrary to federal or state law, and when justified by compelling individual and Authority circumstances.