



# PERSONNEL

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### Revision Table

Version	Effective Date	Revision Author	Summary of Revisions
1.1	May 5, 2022	Amy Brown Coffin	Updated to new policy template
2.0	February 27, 2023	Amy Brown Coffin	Updated owner to Benn Buys and Document Number to BP-11; Added Juneteenth to holidays list
3.0	July 17, 2023	Benn Buys	Updated Leave & Benefits and Salary & Benefit adjustments sections to clarify UIPA accruals and differentiate between UIPA and State of Utah employment; Added various leave types that will follow DHRM rules, work schedule, working remotely, and severance.
4.0	April 29, 2024	Benn Buys	Updated references to human resources officer throughout; Moved Quality Customer Service, Dress Code, Abusive Conduct Prevention, Substance Abuse, Workplace Harassment from Code of Conduct to this policy; Revised language in Application Process, Disciplinary Action, Termination and Separation, and Working Remotely; Added Legal Review input

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## **BP-11 PERSONNEL**

### **I. Purpose Statement**

The policy and the procedures adopted by the organization and in other personnel statements or materials issued by UIPA reflect current policies and procedures.

### **II. Regulatory / Legislative Requirements**

- Hatch Act of 1939
- UCA 63a-17-10 Controlled Substances and Alcohol Use
- UCA 63g-2-6 Government Records Access and Management Act

### **III. Scope**

This policy provides employees of the Utah Inland Port Authority (UIPA) an understanding of the responsibilities and obligations of employment with the UIPA.

### **IV. References**

- DHRM R477-6-8 Employee Benefits
- DHRM R477-6-11 Severance Benefits
- DHRM R477-7 - Leave
- DHRM R447-7-7 Administrative Leave
- DHRM R447-7-8 Witness and Jury Leave
- DHRM R477-7-10 Military Leave
- DHRM R477-7-13 Leave Without Pay
- DHRM R477-7-14 Furlough
- DHRM R477-7-15 Family and Medical Leave
- DHRM R477-7-16 Workers' Compensation Leave
- DHRM R477-7-20 Parental and Postpartum Recovery Leave
- DHRM R477-9 - Employee Conduct
- DHRM R477-14 - Substance Abuse
- DHRM R477-15 - Workplace Harassment
- DHRM R477-16 - Abusive Conduct Prevention
- UIPA PO-06 Acceptable Use of Information Technology

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### V. Definitions

Term	Definition
Employee	Anyone who receives salary/wage from the organization, including full or part-time staff, and interns.
Overtime	Hours worked in excess of 40 hours a week by non-exempt employees.
Telecommuting	Working while commuting to or from the UIPA office
Teleworking	Working from a remote site that is not at the UIPA office.
Work Schedule	A plan approved by the employee’s supervisor establishing the employee’s work hours and location from which the employee will work.
Working Remotely	Telecommuting or teleworking

### VI. Roles & Responsibilities

Role	Responsibility
Chief Financial Officer (CFO)	Act as human resources officer
Executive Director	Administer policy and adopt procedures

### VII. Policy

The executive director has the authority to administer policy and adopt procedures and/or guidelines that implement policy that further define the rules governing UIPAs employees. These procedures include establishing leave policies; including sick leave and vacation; setting up performance reviews; establishing employee benefits and giving merit increases. Any procedures established by the executive director that create a cost to UIPA must be within the budget approved by the board.

The chief financial officer or designee shall act as the human resource officer. The primary responsibility is to ensure that UIPA policies and procedures and treatment of all

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employees is fair, equitable and consistent with applicable state and federal guidelines. The human resource officer will work promptly and equitably to resolve employee complaints relating to work, compensation policies, performance, and benefits. The Department of Human Resource Management (DHRM) may be consulted if needed.

### VIII. Hiring

UIPA is an “Equal Opportunity Employer” and shall comply with the Equal Employment Opportunity Act.

UIPA complies with state laws prohibiting nepotism or the employment of relatives. Except as allowed by state law, UIPA prohibits UIPA employees from employing, appointing, voting for the appointment of, directly supervising, or being directly supervised by the employee’s relative. Relative is defined as any of the following relationships:

- Father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

New positions must be approved by the executive director with budget authorization from the CFO.

Job descriptions are prepared according to duties and qualifications required for successful job performance. The job description, as approved by the CFO, shall identify essential job functions, required education, experience, skills and abilities, competence, and character.

### IX. Application Process

UIPA may choose to transfer or promote an employee from within the organization or seek external candidates to fill new or vacant positions at any time.

- For professional or executive positions which require extensive experience and/or higher education and are deemed critical to the organization, UIPA may recruit applicants without advertising for the position. UIPA retains the discretion to solicit candidates for positions by any means possible ensuring that applicants

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recruited meet the minimum qualifications for the positions and complete all pre-hire testing and background checks.

- UIPA may choose to post job openings. If posted, qualifications and length of opening will be publicly available.
- UIPA may choose to post openings and independently recruit concurrently.
- UIPA conducts a background check of applicants being considered for employment, which may include, but is not limited to, an evaluation of the applicant's personal and professional background, educational experience, and criminal history check. If an employee or applicant has falsified any item of information on the personnel application or has engaged in conduct inconsistent with standards of conduct outlined in these policies, UIPA may terminate the employee or remove the applicant from consideration for employment.

### Application Evaluation and Interviews

The evaluation of an applicant for employment will generally include one or more of the following processes; however, other evaluation methods may be used with the approval of the executive director or human resource officer.

- Review of applicants resume or application
- Performance test
- One-on-one or panel interview
- Assessment of other job-related qualifications identified by a job analysis

### Qualifications for Employment

Employees of UIPA must be of good character. In verifying character, UIPA may fingerprint candidates and, before hire, conduct a criminal history check. Potential employees may also be subject to a drug test prior to or subsequent to an offer of employment.

Employees of UIPA must be citizens of the United States or legal aliens permitted to work in the US. Applicants are required to submit all documents relating to citizenship or status necessary for compliance with state or federal laws at the time of offer.

Employees must meet the minimum qualifications including education, experience and skills and be able to perform the essential job duties outlined in the job description with or without accommodations.

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All aspects of employment within UIPA will be governed on the basis of merit, competence, and qualifications, and will not be influenced in any manner by race, religion, national origin, color, sex/gender, age, protected activity or disability.

All decisions made with respect to recruiting, hiring, and promotions for all job classifications will be made solely on the basis of individual qualifications related to the requirements of the position. Likewise, the administration of all other personnel matters such as compensation, benefits, transfers, reductions in force, training, and education will be free from any illegal discriminatory practices.

### X. Quality Customer Service

Employees will provide quality customer service to the public. Employees will treat co-workers and management with respect. Employees may not cause unnecessary disruption to their co-workers or to the workplace.

Employees may not be insubordinate, disloyal, or disrespectful to the orders of a supervisor or manager unless such order is reasonably believed to be in violation of this policy or other established policy, rule, or statute.

Quality customer service and respect to co-worker and management means:

- Communicating appropriately through:
  - Body language
  - The sound and tone of voice (it's often more important than the words used)
  - E-mail exchanges (sarcasm and arrogance, intended or not, may be perceived by the way words are used)
- Identifying, understanding, and anticipating the needs of others by:
  - Being sensitive to cultural differences
  - Knowing time requirements
  - Being attentive
- Instilling trust and confidence by:
  - Treating customers, co-workers, vendors, and community partners with respect and courtesy
  - Making them feel welcome and important
  - Providing a comfortable environment
  - Staying energized and projecting a positive attitude (you never get a second chance to create a positive first impression)

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- Listening
- Obtaining feedback
- Sending clear messages - concise communication
- Refrain from offensive language and conversation

### XI. Dress Code

Employees will be appropriately groomed and dressed for their position. Staff will wear clean and well-maintained attire appropriate to the type of work they do. Shoes are required and must also be well-maintained. In compliance with this policy, the following are examples of unacceptable attire:

- Clothing with obscene, foul language, or references to illegal substances
- Halter tops
- Muscle shirts
- Shorts
- Skirts shorter than mid-thigh
- Torn, patched/faded clothing
- Tube tops

### XII. Abusive Conduct Prevention

This policy, in reference to DHRM rule R477-16, Abusive Conduct Prevention, is intended to provide a work environment free from abusive conduct to include physical, verbal, or nonverbal conduct, such as derogatory remarks or insults intended to cause intimidation, humiliation, or unwanted distress. Employees may not intimidate, use physical harm or threats of physical harm against co-workers, management, or the public at any time.

Every UIPA employee is required to take Abusive Conduct training every two years.

Employees who feel they are being subjected to abusive conduct should do the following:

- Document the occurrence
- Continue to report to work
- Identify a witness or witnesses, if applicable
- Report to management or HR

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An employee shall file a written complaint of abusive conduct with their immediate supervisor or any other supervisor in their direct chain of command, or the DHRM. Any supervisor who has knowledge of abusive conduct shall take immediate, appropriate action in consultation with DHRM and UIPA management to document the action. If an investigation reveals evidence of criminal conduct in an abusive conduct allegation, the Executive Director or designee and DHRM, may refer the matter to the appropriate law enforcement agency.

### XIII. Substance Abuse

This policy, in reference to DHRM rule R477-14, Substance Abuse and Drug-free Workplace, is intended to provide a safe and productive work environment for employees and the public by prohibiting employees from unlawfully manufacturing, dispensing, distributing, or using any controlled substance or alcohol during work hours, on state property or while operating a state vehicle while on duty.

Employees shall report to work fit for duty and will not be under the influence of alcohol or illegal drugs, or otherwise impaired due to use or abuse of prescribed drugs.

Employees in highly sensitive positions are subject to random drug or alcohol testing without justification, reasonable suspicion, or critical incident. All drug testing shall be conducted in compliance with DHRM rule.

Managers who suspect an employee is impaired in the workplace shall contact the DHRM Field Office immediately. Management may take disciplinary action to include dismissal from employment if:

- There is a positive confirmation test for controlled substances.
- Results of a confirmation test for alcohol meet or exceed the established alcohol concentration cutoff level.
- Management determines an employee is unable to perform assigned job tasks, even when the results of a confirmation test for alcohol shows less than the established alcohol concentration cutoff level.
- An employee refuses to submit to a drug or alcohol test.
- An employee substitutes, adulterates, or otherwise tampers with a drug or alcohol testing sample, or attempts to do so.

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- An employee manufactures, dispenses, possesses, uses, sells, or distributes a controlled substance.
- An employee fails to complete a prescribed treatment without a valid reason.

Employees must notify their supervisor within five (5) calendar days when convicted under federal or state criminal statute regulating the manufacture, distribution, dispensation, possession, or use of a controlled substance.

Employees with issues related to drugs and/or alcohol use or abuse are encouraged to seek assistance through private services or Agency’s employee assistance programs. Employees who wait to seek assistance until they have been reported to be impaired while at work and/or who test positive through a drug/alcohol test are subject to disciplinary action to include termination of their employment with the UIPA.

## XIV. Workplace Harassment

This policy, in reference to DHRM rule R477-15, Workplace Harassment Prevention, is intended to provide employees and customers with a safe and productive work environment free from unlawful harassment based on race, religion, national origin, color, sex, age, protected activity or disability.

Workplace harassment is defined in policy as discriminatory treatment based on race, religion, national origin, color, sex, age, protected activity or disability that is unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive, and results in a hostile, offensive, or intimidating work environment; or discriminatory treatment based on race, religion, national origin, color, sex, age, protected activity, or disability that results in a tangible employment action against the harassed employee.

Tangible employment action is any action by the UIPA leadership that results in a significant change in employment status such as hiring, firing, failure to promote, demotion, and undesirable assignments; or, a decision that causes a significant change in benefits, compensation decisions or work assignment. Tangible employment action does not include insignificant changes in employment status such as a change of job title without a change in salary, benefits, or duties.

All UIPA employees are to display professionalism in their interactions with co-workers and customers and conduct themselves in such a way that would provide an environment

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free from unlawful harassment and comply with State and Federal antidiscrimination laws.

Management shall permit employees who allege workplace harassment, retaliation, or both to file an oral or written complaint with their immediate supervisor, any other supervisor within their direct chain of command, or the DHRM Field Office.

Employees who feel they are being subjected to workplace harassment, retaliation, or both should do the following:

- Document the occurrence
- Continue to report to work
- Identify a witness or witnesses if applicable
- Report it to their supervisor, another member of management or HR/DHRM

All complaints of workplace harassment, retaliation or both shall be reviewed and if warranted an investigation initiated by Human Resources following receipt of the complaint. Managers, supervisors, and all other employees are required to cooperate fully with the investigation and resolution of all complaints. If the investigation determines that harassment or retaliation has occurred, UIPA will take immediate and appropriate action, up to and including termination. If an investigation reveals evidence of criminal conduct in the workplace harassment allegations, the agency Executive Director or the DHRM Division Director may refer the matter to the appropriate law enforcement agency.

No person may retaliate against any employee who opposes a practice forbidden under this policy, or has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing, or is otherwise engaged in protected activity.

Once a complaint has been filed, the accused shall not communicate with the employee who filed the complaint regarding allegations of harassment.

### Management's Responsibility

If a supervisor knows or suspects that an employee may be or is being subjected to unlawful harassment, on or off duty, and the unlawful harassment may result in a tangible job action or the creation of a hostile work environment, the supervisor shall notify the Human Resources Office immediately for consultation and technical assistance. If the supervisor has a conflict of interest, the supervisor shall not interview the complainant or others about the allegation of harassment. (A conflict of interest may

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arise whenever the supervisor is the alleged harasser or whenever the supervisor has another special status with regard to the complainant or alleged harasser.) The supervisor shall not interview the alleged harasser unless the Human Resource Director or designee has reviewed the allegation and authorized such an interview.

The Human Resource Office shall maintain and store a separate record of all unlawful harassment complaints and investigations in accordance with State of Utah Division of Human Resource Management Rules. Supervisors shall not keep any additional separate files regarding complaints or investigations of unlawful harassment.

Records relating to reporting and investigation of unlawful harassment are classified as protected under the Utah Government Records Access and Management Act (GRAMA), Utah Code Annotated §63-2-101, et seq.

## XV. Disciplinary Action

Supervisors may take formal disciplinary action after consultation with the executive director and human resource officer. The employee must be advised of the type, reason, and effective date of the disciplinary action to be taken.

Types of misconduct include:

- Violations of the laws of the United States or the State of Utah
- Conduct on or off the job that discredits UIPA or affects the employee’s ability to perform effectively (commission of an act or acts offending to public morals or decency)
- Commission of any act, alone or with others, for the purpose of causing any employee to be either unfairly or dishonestly affected
- Violations of the policies of UIPA
- Abuse of alcohol or controlled substances while working in a manner that adversely affects performance
- Poor driving records where driving is a required job duty
- Reprehensible or indecent language bringing discredit upon UIPA
- Dishonest in word or conduct
- Unauthorized use or abuse of the UIPA vehicles, equipment, or property
- Involvement of UIPA with the employee’s creditors due to the employee’s failure to properly arrange personal financial matters

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Employees whose conduct constitutes grounds for disciplinary action are subject to one or more of the following:

- Informal Warning
- Formal Warning
- Suspension
- Demotion
- Termination

## XVI. Termination and Separation

UIPA requests that employees who voluntarily leave employment provide two weeks advance written notice. Whenever possible, an “Exit Interview” will be conducted through the Human Resource office.

Upon termination, employees will receive compensation for accrued eligible excess and annual time. Compensatory time for employees may be paid at the discretion of the executive director. Work Schedule

Full-time employees are expected to work 80 hours per pay period.

The standard workday at UIPA is eight hours, plus uncompensated time taken during lunch, with the offices open to serve the public from 8:00 am to 5:00 pm. Flex schedules are available at the discretion of the supervisor.

Upon approval, an employee may work required hours outside of the normal operating office hours.

Employees may take a 15-minute compensated break period for every four hours worked. Break periods may not be accumulated to accommodate a shorter workday or longer lunch period.

Supervisors shall document and maintain all approved overtime hours and verify that there are sufficient funds in the budget to compensate for overtime.

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### XVII. Working Remotely

Working remotely is an option, not a universal employee benefit or right, which may be incorporated in an employee’s work schedule with approval of an employee’s supervisor. An employee is not required to work remotely, unless a different agreement is established between the employee and the employee’s supervisor, and an employee may return to a full-time office arrangement at any time, except as provided herein.

There are specific positions within the organization that may be mandated to be present in the office on a daily basis. These positions will be designated by the Executive Director and/or their designee.

The employee’s supervisor may approve remote work, when the employee:

- has a satisfactory attendance record;
- meets performance goals and expectations; and
- consistently demonstrates the ability to complete tasks and assignments in alignment with expectations

Newly hired employees may be given time to demonstrate these measures while teleworking.

When considering whether to approve a remote working the employee’s supervisor should consider whether:

- an employee can maintain or increase personal productivity;
- the nature of the employee’s work and responsibilities is conducive to remote work without causing significant disruption to performance or service delivery;
- remote work can be accomplished with no additional cost to UIPA;
- remote work is consistent with the needs of UIPA, customers, and the employee;
- the needs and schedules of co-workers can be balanced with the needs of the requesting employee; and
- approval or denial of the employee’s request is consistent with UIPA’s response to requests from other similarly situated employees.

Human Resources shall review and make a recommendation to the Executive Director on an employee request for a modified remote work plan based on ADA.

An employee is accountable for the work performed while working remotely and may be asked to verify hours and work performed via a work log.

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Working remotely does not affect an employee's salary, job responsibilities, benefits, or the amount of time the employee is expected to work.

An employee working remotely is held to the same performance expectations as an employee who does not work remotely. If an employee is not meeting those expectations:

- the employee may be required to return to traditional working arrangements at the UIPA office; and
- the employee may be subject to a performance improvement plan or other disciplinary action, up to and including, termination.

The Executive Director or their designee may terminate or suspend an arrangement to work remotely at any time and for any reason.

If a supervisor approves a remote work plan where an employee is scheduled to work remotely 100% of the time, the employee will always have access to workspace at the UIPA building.

Any hardware or software purchased by UIPA remains the property of UIPA and shall be returned at the request of management. UIPA-owned software may not be duplicated without formal, written authorization.

### Employee Responsibilities for Remote Working

An employee utilizing a remote work plan has certain responsibilities depending upon the circumstances, including, but not limited to, the following:

2. Maintaining established performance standards;
3. Ensuring that the alternative worksite is appropriate and provides the work environment, connectivity, technology, resource access, safety, and security consistent with the work in which the employee is engaged;
4. Establishing and providing home internet for the purposes of remote work. Internet service must be of sufficient speed to support all work-related applications, systems, and devices. All initial set up costs, or costs associated with a remote worker changing locations are the responsibility of the remote worker. Any service or performance related issues with internet need to be addressed immediately by the remote worker. Failure to immediately address such issues can lead to suspension or termination of the Remote Work Agreement. Remote worker's in-home internet service for personal use during non-work hours is not regulated by this policy unless state equipment is being utilized. State owned

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- equipment is always subject to the UIPA Internal Policy PO-06 Acceptable Use of Information Technology;
5. Providing office equipment (desk/chair) at the work location that is conducive to a safe and comfortable work environment;
  6. Maintaining flexibility and responsiveness to the needs of the supervisor, work team, and agency (communication and collaboration);
  7. Management may require a teleworker to attend in person meetings, conferences, or other activities away from the teleworker’s primary work location. Mileage to and from the required activity will be reimbursed according to UIPA policy. Mileage to and from the office will not be reimbursed.
  8. Documenting all time in accordance with established DHRM time and attendance policies;
  9. Complying with DHRM rules and practices pertaining to requesting and obtaining approval for leave, overtime, or any change to the employee’s agreed-upon work schedule outlined in the Employee’s Acknowledgement and Remote Work Agreement form;
  10. Complying with all applicable federal, state, and municipal laws as well as state and DHRM rules and agency policies, including those dealing with time reporting and overtime;
  11. Maintaining effective communication with supervisors and other employees with whom communication is essential for successfully implementing the arrangement;
  12. Maintaining confidentiality of work-related information in the remote work environment in accordance with federal, state, and municipal laws and DHRM rules and agency policies. Unauthorized disclosure will subject the employee to penalties provided by law, as well as disciplinary action initiated by the UIPA, up to and including termination of employment.
    - a. Security of digital information must comply with DTS standards.
    - b. Printed information must be returned to the UIPA or destroyed based on applicable records retention schedules and practices;
  13. Adhering to UIPA Internal Policy PO-06 Acceptable Use of Information Technology;
  14. Maintaining a high level of customer service at all times;
  15. Maintaining a professional appearance in dress and hygiene while working remotely;

### Supervisor Responsibilities for Remote Working

A remote worker’s supervisor has certain responsibilities, which include, but are not limited to the following:

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1. Setting forth appropriate measures to protect confidential information;
2. Ensuring that customer service is not adversely affected by the telework arrangement;
3. Clearly defining and setting forth the telework employee's responsibilities;
4. Maintaining frequent and effective communication with remote employees;
5. Ensuring there is not a hardship or burden placed on other employees (additional work, etc.);
6. Maintaining responsibility and accountability for treating all remote and non-remote employees similarly in acts involving managerial discretion, including but not limited to:
  - a. distribution of assignments among employees in the work unit;
  - b. use of appropriate tracking and communication tools;
  - c. performance management with both informal and formal feedback;
  - d. performance coaching;
  - e. learning and development;
  - f. reassignment, promotion, retention, and discipline;
7. Providing advance notice, if practicable, to remote employees regarding requests to report to the regularly assigned office location (notice is not required and does not absolve an employee's responsibility to be physically present upon request);

### Teleworking and Telecommuting

An employee's supervisor may require a teleworker to attend meetings, conferences, or other activities at the UIPA office or another location away from the employee's standard teleworking locale.

An employee who is teleworking is considered to be in an official duty status during designated work hours. Except for situational telework, routinely providing dependent or adult care while in official duty status is prohibited during telework.

A teleworking employee shall maintain a designated workspace at the alternative work location, and worker's compensation liability will be limited to the designated workspace.

On-site visits by the UIPA may be made for the purpose of retrieving equipment and other UIPA property in the event of employee illness or termination. While traveling to and from the UIPA office, an employee may telecommute on public transport and count the employee's active work time as part of the employee's work hours.

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### XVIII. Leave and Benefits

UIPA will follow R477-6-8 Employee Benefits for benefit eligibility. Full-time, benefitted employees receive following leave benefits:

#### Annual

Total annual accrued leave shall not exceed a balance of 320 hours.

Hours per Pay Period	UIPA Years of Service
4	<4
5	5-9
6	10-19
7	>20

Exceptions may be made for annual leave hours per pay period to allow for recognition of other service outside of UIPA.

#### Sick Leave

Employees will accrue four hours per pay period.

#### Bereavement

Employees may use up to 24 work hours of bereavement leave, at the discretion of the Executive Director or designee.

#### Leave Balances for State Employee Transfers

Effective July 1, 2023, UIPA will not carry over leave balances or accrual rates granted during employment for the State of Utah. UIPA will make it clear to any new or prospective hires that this organization is separate and distinct from the State of Utah.

#### Paid Holidays

- Dr. Martin Luther King Day
- Presidents Day
- Memorial Day
- Independence Day
- Juneteenth
- Pioneer Day
- Labor Day
- Columbus Day

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- Veteran’s Day
- Thanksgiving
- Day After Thanksgiving
- Christmas Day
- New Year’s Day

### Leave Without Pay

UIPA will follow R477-7-13 for Leave Without Pay.

### Salary and Benefits Adjustment

Employees may choose from the menu of options provided by the state.

UIPA will strive to provide a matching salary increase for what the state provides as approved by the legislature on an annual basis.

Every three years a market comparability study will be completed with the assistance of the Human Resource Management office to ensure salaries are in line and UIPA has the ability to keep the best employees within the market.

### Severance

UIPA will follow R477-6-11 for Severance Benefits.

## XIX. Other Leave Types

### Administrative Leave

UIPA will follow R447-7-7 for Administrative Leave.

### Witness and Jury Leave

UIPA will follow R447-7-8 for Witness and Jury Leave.

### Military Leave

UIPA will follow R477-7-10 for Military Leave.

### Furlough

UIPA will follow R477-7-14 for Furlough.

### Family and Medical Leave

UIPA will follow R477-7-15 for Family and Medical Leave.

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### Workers' Compensation Leave

UIPA will follow R477-7-16 for Workers' Compensation Leave.

### Parental and Postpartum Leave

UIPA will follow R477-7-20 for Parental and Postpartum Recovery Leave.

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