

UTAH DEPARTMENT OF AGRICULTURE
AND FOOD
POLICIES AND PROCEDURES

SEPTEMBER 1, 2020

UTAH DEPARTMENT OF AGRICULTURE AND FOOD
POLICIES AND PROCEDURES
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DEPARTMENT OF AGRICULTURE AND FOOD	
00.01 PREFACE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE PURPOSE OF THIS MANUAL IS TO SET FORTH THE POLICIES AND PROCEDURES OF THE UTAH DEPARTMENT OF AGRICULTURE AND FOOD.	

The policies and procedures in this manual shall be used by Utah Department of Agriculture and Food (UDAF, Agency or the Department) employees in carrying out their assigned responsibilities. This manual does not include all policies and procedures of the State of Utah. Policies may be added, amended, or deleted as the Department determines appropriate.

Statewide rules and policies affecting State employees are incorporated by reference in these Department policies and procedures.

When Departmental policies are determined to be in conflict with other State or Federal laws or rules, the State or Federal laws or rules shall prevail.

For the purposes of this manual, “Commissioner” refers to the Commissioner of the Department or the Commissioner’s designee. “Division Director” refers to the Division Director or the Division Director’s designee. “Executive Office” refers to the Commissioner and Deputy Commissioner collectively. Failure to follow these policies and procedures may result in disciplinary action up to and including termination.

DEPARTMENT OF AGRICULTURE AND FOOD 00.02 MISSION STATEMENT AND CORE VALUES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: DEPARTMENTAL OBJECTIVES AND CORE VALUES.	

MISSION STATEMENT

- Promote the healthy growth of Utah agriculture, conserve our natural resources, and protect our consumers and food supply.

CORE VALUES

We value:

- Employees who maintain high professional and ethical standards and take personal responsibility for their actions.
- Employees who will work towards being a partner with the producers the Department serves.
- Leaders who coach, motivate, and support a work environment where employees can develop and achieve their highest personal and professional potential.
- Teamwork that promotes individual participation from every member.
- An organizational system with clear expectations, supporting employees in accomplishing their objectives and recognizing their unique qualities.
- Technology that is innovative, current, and practical.
- A healthy working relationship with local, State, and Federal government agencies and agricultural industries.
- A safe, wholesome, and sustainable food supply.
- Maintaining our statutory duties as a service-based Agency with regulatory responsibilities.

DEPARTMENT OF AGRICULTURE AND FOOD	
01.01 ACCOUNTS RECEIVABLE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THIS POLICY SETS FORTH THE POLICIES AND PROCEDURES REGARDING ACCOUNTS RECEIVABLE FOR THE DEPARTMENT.	

SUMMARY/DEFINITIONS

- Receivables (RE) are recorded when the State has an enforceable legal claim to an asset that has not been received ([FIACCT 06-00-01](#)).
- When an accounts receivable is initiated, the program technician over such service or goods will create a RE (receivable document) in FINET and provide supporting documentation to the Division of Administrative Services.
- Department policy is compliant with Receivables policies and procedures established by both the Division of Finance and the Office of State Debt Collection (OSDC) [FIACCT 06-00.00](#).

PREPARATION AND DISTRIBUTION

- The Division rendering services will initiate and prepare a Receivable in the State FINET System, utilizing appropriate supporting documentation.
- Division personnel will review and submit these RE transactions. Invoices will be printed on a monthly basis and mailed to customers for payment.

RECEIVING PAYMENT

- The Division of Administrative Services receives payment and ties to RE if information is provided.
- Aging RE transactions are audited by the Division of Administrative Services to ensure that they are still outstanding, and that the payment was not deposited without closing out the RE.

PAST DUE RECEIVABLES

- The Department shall follow all policies in [FIACCT 06-01.13](#).
- Past due payments will have, at minimum, two attempts made to collect the debt. A phone call and an email will be sent out. If no response is received within 30 days, a second phone call and email attempt will be made. If there is no resolution within 60 days, the account will be sent to OSDC or referred to the Attorney General’s Office for further action as described in Policy 1.03 for follow up.

INSUFFICIENT FUND PROCESS

- The Department shall follow all requirements of [FIACCT 06-01.12](#).
- The bank will notify the Division of Administrative Services of any checks or payments that have insufficient funds (NSF). Each check must be run through a financial institution twice before being considered NSF.
- After a payment is considered NSF, the original Cash Receipt (CR) will be modified and an invoice entered into FINET for the face value of the check plus a NSF fee consistent with the amount reflected in the current approved Fee Schedule within 5 business days of receiving the check.
- A NSF notice will be mailed to the issuer within 5 business days of receiving the check.

OVERPAYMENTS

- Any overpayment received for payment of goods, services, licenses, etc. will be deposited to the appropriate program to allow funding availability to reimburse customers, if appropriate. Each reimbursement shall be approved by the Division Director.

DEPARTMENT OF AGRICULTURE AND FOOD	
01.02 CASH RECEIPTS AND MAIL	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: OUTLINES THE MAIL HANDLING PROCEDURES, INCLUDING CHECKS, CASH, AND APPLICATIONS.	

ALL MAIL WILL BE OPENED

- All mail will be opened, except for mail addressed directly to the Commissioner or Deputy Commissioner.¹
- For more information on State mail policy, please see the State Mail and Distribution Services Mail User Guide via the link below:

<https://purchasing.utah.gov/wp-content/uploads/2020-Mail-Services-Guide-web-version-final.pdf>

- All checks shall be logged and batched by date. Brand report checks shall be logged separately, also batched by date, and kept with the corresponding report until processed..
- All checks will remain within Administrative Services. Other mail, without checks, will be distributed to the proper Divisions.

RECONCILIATION/DEPOSITS

- Each day’s check log will be reconciled within 24 hours of receipt. Cash received will be processed for deposit within three business days of receipt. Deposits will be posted using the appropriate accounting codes based on the type of receipt.

APPLICATIONS

- Each Division will be responsible to accept or reject applications. The monies for all applications will be deposited into the proper account. If an application is rejected and it is determined that the monies should be refunded, a refund form will be processed by the appropriate Division and submitted to Administrative Services for processing..

BRAND INSPECTION

- The Brand Inspection certificate will serve as the cash receipt for monies collected by the Brand Inspector. Brand Inspectors shall mail all cash receipts

¹ This policy is based on an audit decision in 2017 in which it was decided that State employees cannot use State offices to send or receive personal mail. If individuals request that personal mail not be opened, the request may be honored.

collected, along with the brand inspection certificates, to Administrative Services on a biweekly basis.

GRAIN INSPECTION

- All monies received at the Ogden Grain Lab for grain inspection services will be submitted daily to the Division of Administrative Services for deposit.
- When money is received, receipted, and posted to the Central Office Accounts Receivable System, photocopies of receipt documents shall be sent biweekly to the Grain Inspection Office in Ogden for use in updating the Grain System in preparation for printing the next monthly statements.
- Money will be collected and a temporary receipt issued at the time of Grain Inspection Service for ALL clients without an Open Approval Account.
- The cash receipt process shall follow all policy related to [FIACCT 13-00.00](#).

DEPARTMENT OF AGRICULTURE AND FOOD	
01.03 DEBT COLLECTION	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE PURPOSE OF UDAF'S DEBT COLLECTION POLICY IS TO CARRY OUT LEGISLATIVE INTENT IN SERVING AS STEWARDS OF THE PUBLIC'S MONIES.	

DEBT COLLECTION-GENERAL INFORMATION

- The Office of State Debt Collection (OSDC) is the statutory entity responsible for collecting on debts owed to the State of Utah. [UCA Subsection 63A-3-501](#) *et seq.* Examples of debts are unpaid fees, licenses, taxes, loans, overpayments, fines, forfeitures, surcharges, costs, contracts, interest penalties and other claims against the State. UCA Subsection [63A-3-501\(1\)\(b\)](#).
- The Department is required by statute and rule to coordinate with the OSDC in collecting debts. Utah Administrative Code Section [R21-1-1](#) *et seq.* sets forth the specific requirements for Agency compliance, including the requirement that debts be transferred to the OSDC within a set time frame after the initial debt is incurred (Note: this is generally the date of the original action leading to a citation or the date the citation was originally sent to the individual or entity in default).

DEPARTMENT PROCEDURES-ISSUING CITATIONS

- Each Division Director will work with their staff to establish a procedure for issuing citations and recording all debts due to the Department, including delinquent licensing, citations, and any other debts as defined by UCA Subsection [63A-3-501\(1\)\(b\)](#).

DEPARTMENT PROCEDURES-CITATION/DEBT TRACKING

- Each Division Director will work with their staff to establish a tracking system for citations or other debts due to the Department. Each Division Director may use the citation system currently in place at UDAF or may choose to establish an independent system, provided that any independent system has the capacity to track debt amounts and other sufficient information as required by the OSDC (such as tax ID information, address etc.). Specific requirements are set forth in Utah Administrative Code [Rule R21](#), including that debts must be submitted to OSDC through FINET unless alternative arrangements are agreed upon with the OSDC.
 - The current tracking system for citations provides multiple notifications regarding the citation and whether it has been paid or remains in default. It also provides a standard notification that a debt has not been paid for 45+ days on day 45 (calculated by the date the original citation was sent).

- Independently created tracking systems should also track unpaid citations/debts and provide the number of days unpaid since the issuance of the original citation.
- Each Division Director will work with their staff to establish a tracking system for citations or other debts due to the Department.

DEPARTMENT PROCEDURES-COLLECTIONS

- Each Division Director may either submit a debt to the OSDC to be pursued through that office or coordinate with the AAGs assigned to the Agency to pursue debt collection efforts independent of the OSDC.
- Debts submitted to the OSDC should comply with submission requirements in Utah Administrative Code [Rule R21](#).
- Debts submitted to the assigned AAGs should include a copy of the case file for AAG review.
 - Once referred to the assigned AAG, the AAG will discuss the possible ways to move forward with the collection efforts and the Division Director will determine the appropriate procedure moving forward.

DEPARTMENT PROCEDURES-RESOLUTIONS

- Once a matter is referred to the OSDC, OSDC becomes the primary entity responsible for collecting on the debt. Questions or concerns regarding collection efforts should be directed to the OSDC directly.
- Conversely, once a matter is referred to the assistant AAG, follow up will be between the Division Director and the AAG, unless the matter is later referred to the OSDC for collection.

DEPARTMENT PROCEDURES-COMMUNICATION WITH EXECUTIVE OFFICE

- The Executive Office shall be kept apprised of any routine debt collection efforts by a monthly or quarterly report, including amounts outstanding and amounts received.
- Debt collection efforts that present unique situations, have the potential to affect the Department, or any other debts which exceed \$10,000 shall be reported immediately.
 - Any concerns regarding collection on the debt by the Executive Office shall be reported to the Division Director expeditiously.
 - The Commissioner is the ultimate decision-maker with respect to debt collection efforts and may direct a course of action contrary to policy for good cause.

DEPARTMENT OF AGRICULTURE AND FOOD	
01.04 FEDERAL GRANTS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THIS POLICY SETS FORTH THE PROCEDURES FOR REQUESTING FEDERAL GRANT ASSISTANCE.	

REQUESTS

- All requests for Federal grants will be initiated by the Division Director who is typically the authorizing agent and designated as the Principle Investigator. The Commissioner or the Commissioner’s designee are signing officials on all grant applications and reports. Program managers may be delegated responsibilities in managing Federal grants as well. The financial information and online submissions, including [SF-424](#) documents, will be processed through the Administrative Services Division for proper tracking and assistance in the [Executive Order 12372](#) or A95 process when required.
- Grant financial managers in the Administrative Services Division may assist employees in completing the financial portions of the Application for Federal Assistance ([Standard Form 424](#)). The grant financial manager will also process all grants requests through the grants.utah.gov website (GOMB) and grants.gov (Federal).

DEPARTMENT OF AGRICULTURE AND FOOD	
01.05 SUBRECIPIENT REQUIREMENTS TRAINING POLICY AND PROCEDURES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE FOLLOWING POLICIES AND PROCEDURES ENACT OMB FEDERAL REQUIREMENTS FOR SUBRECIPIENT CONTRACTORS.	

BACKGROUND

- The Federal Office of Management and Budget (OMB) Uniform Guidance: Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR 200](#)) was officially implemented in December 2014. The Uniform Guidance—a “government-wide framework for grants management”—is an authoritative set of rules and requirements for Federal awards that synthesizes and supersedes guidance from earlier OMB circulars. The Uniform Guidance includes requirements regarding Subrecipient Contractors.
- *Subrecipient* means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding Agency.

POLICY

- Each Department employee who is involved in writing and/or implementing contracts or grants involving Federal funds will be trained on the OMB [2 CFR 200](#) Uniform Guidance requirements. Any Contractor/Grantee receiving Federal funds through UDAF and determined to be classified as a Subrecipient will also be required to follow requirements under OMB [2 CFR 200](#) Uniform Guidance. Language referencing these requirements will be included in all Subrecipient grants/contracts.

DEPARTMENT OF AGRICULTURE AND FOOD	
01.06 FIXED ASSETS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE ACQUISITION, TRANSFER, AND STORAGE OF FIXED ASSETS. ALL FIXED ASSET POLICIES SHOULD ALIGN WITH STATE FINANCE POLICY FIACCT 09-00.00.	

ADMINISTRATIVE SERVICES DIVISION RESPONSIBILITIES

Procedures for Acquisition of Assets

- Fixed assets are items that cost \$5,000 or more, with a useful life of one year or longer.
- Fixed asset purchases are required to follow State Procurement Code and Policy: Coordination with the Administrative Services Division is critical and required.

Managing Fixed Assets

- Once the item is received, the assigned employee shall place an inventory tag on the equipment. This tag number shall be submitted to the Fixed Asset Coordinator in Administrative Services, who will enter the fixed asset information in FINET. These FINET records will be maintained and updated on a monthly basis.
- Each Division will be given an Asset Control Record and asset tags to be used to maintain inventory control. The Division’s responsible party will submit the Asset Control Record to the Fixed Asset Coordinator on a quarterly basis to assist in the maintenance of fixed asset inventory.
- The Division of Administrative Service oversees an annual physical inventory of Department fixed assets in compliance with State rules. The Fixed Asset Coordinator will send a copy of the fixed asset record to each Division’s Director annually. Instructions will be included with this record.
- Division Directors will ensure the physical inventory for their Division is completed and results submitted to the Fixed Asset Coordinator.

Procedures for Transfer of Fixed Assets

- The Division of Administrative Services shall Provide Fixed Asset Request to Transfer forms to each Division and shall provide a replacement copy when the Division’s master copy has been lost or destroyed.
- The Division of Administrative Services shall receive Fixed Asset Request for Transfer forms from Divisions and update FINET fixed asset system with changes.

Procedures for Surplus of Fixed Assets

- Each Division will provide the surplus item to the Division of Administrative Services to be surplus.
- Administrative Services will complete form [SP-1](#) for the item to be surplus, using the Surplus Property website. Items to be auctioned will be entered on the website and placed for bid. Items that are damaged and not appropriate for auction (receiving an [SP-1](#)) will be destroyed or discarded using the approved method of disposal.
- FINET shall be updated to remove Fixed Asset items.

DIVISION'S RESPONSIBILITY

Procedures for Assignment of Fixed Asset Clerk

- Assign a fixed asset clerk for the Division.
- Inform the Department Fixed Asset Coordinator of all fixed assets clerks for each Division.
- Inform Divisions of changes to the Administrative Services Division's Fixed Asset Coordinator as they occur.

DEPARTMENT OF AGRICULTURE AND FOOD 01.07 PURCHASING CARDS (P-CARDS)	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
<p>SUMMARY: THE FOLLOWING POLICIES AND PROCEDURES ARE APPLICABLE TO UDAF IN THE USE OF THE STATE OF UTAH PURCHASING CARD PROGRAM. THESE ARE PROCEDURES TO BE USED IN ADDITION TO THE REQUIRED STATE PURCHASING CARD PROGRAM POLICIES AND PROCEDURES.</p> <p style="text-align: center;">UDAF POLICY ALIGNS WITH FIACCT 05-15.00</p>	

PURPOSE

This policy outlines general policies and procedures that govern the use of the State Purchasing Card (P-Card). Cardholders are expected to comply with these policies and procedures, State Purchasing policies, the Utah Procurement Code, and Utah Administrative Code Rule [R33](#). Use of a State Purchasing Card is a privilege, and non-compliance or abuse of P-card privileges may result in severe consequences, including termination of P-Card privileges or discipline up to and including termination.

PROCEDURES FOR THE USE OF P-CARDS

- The Department may request P-cards for employees to use on State business.
- Process for an employee to get a P-card: Notify the Division of Administrative Services, complete (and pass) purchasing training, and complete an application. The Division of Administrative Services will submit documents to the proper State contacts.
- All Purchases must be in compliance with the State of Utah Purchasing guidelines. Employees should be cognizant of anything purchased over \$1,000.
- P-cards are issued in the name of the employee, with no fee charged to the State or the employee, and should be used for the payment of all OFFICIAL STATE BUSINESS, travel, and other acceptable expenses. These cards should NOT be used for paying personal non-official expenses.
- The monthly statement for the P-card is sent to the employee (or Division secretary) for distribution by the 15th of each month. It is the employee’s responsibility to complete a reconciliation by completing a log (with all coding filled in), reconciling the log to the statement, and providing receipts and other necessary paperwork justifying the expenses. These reconciliations are to be completed by the end of the month and returned to the Division of Administrative Services to process. State policy allows a 30-day turnaround time for submission of P-card reconciliations. If reconciliations are not completed timely, the employee may lose P-card privileges.

- Lost or stolen cards should be reported immediately to the Division of Administrative Services.
- Upon termination of employment, an employee must return the P-Card to the Department. The Department will destroy the card and notify the Division of State Finance. During this period, the State is only liable for the official travel expenses that have not been reimbursed. The employee will reconcile the final statement or provide all documentation to their supervisor before leaving.
- Upon termination of the P-Card privileges of an employee, the Department will notify the appropriate State contact that the card is no longer needed, obtain the card from the employee, and destroy it. The employee will reconcile the final statement and provide all documentation to their supervisor prior to returning the card.
- If an employee needs a different authorized amount on their P-card they should notify the Division of Administrative Services, and the Division will request the increased authorization limit from the State contact.
- Each employee will need to sign a new Purchasing Card Agreement to renew their P-Card.

REVIEWS

- The Administrative Services Division will review monthly reports for employee compliance with this policy. This will include a review of any past due amounts. Any non-compliance will be reported to the proper Division Director.
- For more information regarding P-cards, processes, required documentation, and what can be purchased please refer to:
<http://apps.finance.utah.gov/nxt/gateway.dll?f=templates&fn=default.htm&vid=nxtpub:app1>

DEPARTMENT OF AGRICULTURE AND FOOD	
01.08 LEAVE ALLOCATION POLICY AND PROCEDURES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE FOLLOWING POLICIES AND PROCEDURES ARE APPLICABLE TO UDAF IN ALLOCATING PAYROLL LEAVE CHARGES TO BENEFITING PROGRAMS.	

PURPOSE

- The purpose of the payroll leave allocation procedure is to accurately allocate the cost of leave to the benefiting programs. When individual Department employees charge work hours to more than a single program, including any Federally funded program(s), leave charges will be proportionally distributed. The Division of Administrative Services administers the payroll leave allocation procedures.

PROCEDURE

- Each quarter, payroll leave charged will be allocated to benefiting programs when more than a single program is directly and correctly charged by an employee based on the number of hours worked and charged to each program as allowable to Federal, local, or State programs.

DEPARTMENT OF AGRICULTURE AND FOOD	
02.01 ACCIDENTS AND INJURIES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROCEDURES FOR DOCUMENTING INJURIES AND ILLNESSES, AS WELL AS OBTAINING WORKER’S COMPENSATION.	

WORK-RELATED ACCIDENTS AND INJURIES

- An injury or illness is considered work related if it occurs in any area on the Department’s premises. The work environment surrounds the worker wherever they are on official travel, in dispersed operations, or along regular inspection routes.
- All work related fatalities and work related injuries resulting in an inpatient hospitalization, amputation, or loss of an eye, must be immediately reported to the Human Resources Specialist and the Commissioner. All diagnosed work related illnesses must be reported.
- In order for an employee to obtain Workers Compensation, [Form 122](#), First Report of Injury, must be submitted by an employee’s supervisor. The supervisor will submit the report to the Human Resources Specialist to be reviewed for completeness and submitted online. Worker’s Compensation will email a confirmation of the claim received with an attachment of the completed [Form 122](#) for filing. The Human Resource office will send a copy of the submitted claim to the employee and the Worker’s Compensation Fund of Utah.

TRAFFIC ACCIDENTS

Please refer to 08.05 Appropriate Vehicle Use.

DEPARTMENT OF AGRICULTURE AND FOOD	
02.02 DRESS CODE AND PERSONAL HYGIENE POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THIS POLICY SETS FORTH GUIDELINES TO CONVEY THE RESPECTABLE AND PROFESSIONAL APPEARANCE OF THE DEPARTMENT.	

The Department requires that all employees present themselves in a professional manner, with respect to clothing, personal hygiene, and appearance.

GUIDELINES

- Employees are expected to follow good hygiene practices to ensure they are presenting themselves to guests appropriately and that the Department is professionally represented. The following hygiene requirements are applicable to all employees:
 - Maintain personal cleanliness by bathing regularly.
 - Oral hygiene (brushing of teeth) required.
 - Use deodorant/antiperspirant to minimize body odors.
 - Do not use heavily scented perfumes, colognes, or lotions. These can cause allergic reactions, migraines and respiratory difficulty for other employees and guests.

- The following minimum guidelines pertaining to appearance must be adhered to by every employee regardless of the location of their employment:
 - Clothing must be clean, in good condition, and fit appropriately.
 - Hair must be neat and groomed.
 - Long hair must be tied back and away from the face if the employee is operating equipment or working with food or beverages.
 - Clothing must not interfere with the operation of equipment.
 - Commonly accepted body piercings are allowable, but acceptance is at the discretion of an employee’s Division Director.
 - Tattoos that are perceived as offensive, hostile, or that diminish the effectiveness of the employee’s professionalism must be covered and not visible.

- The following items are not permitted to be worn by employees:
 - Pants that expose the midriff or underwear
 - Low-cut tops
 - Halter tops
 - Spaghetti strap tops

- Tops that expose the midriff or underwear
 - Any form of clothing that is mesh, sheer, see-through, torn or otherwise revealing
 - Any form of clothing that is generally offensive, controversial, disruptive or otherwise distracting.
 - Any form of clothing that is overtly commercial, or contains political, personal or offensive messages.
-
- Some Divisions have established their own dress code for inspectors, which may or may not include some form of identifiable uniform or insignia.
 - It is within the Department's discretion, in consultation with Human Resources, to send an employee home on their own time to change if they arrive to work in what is deemed to be inappropriate attire.

DEPARTMENT OF AGRICULTURE AND FOOD	
02.03 STANDARDS OF CONDUCT	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
<p>SUMMARY: THE PURPOSE OF THIS POLICY IS TO IDENTIFY AND DEFINE STANDARDS OF CONDUCT FOR DEPARTMENT EMPLOYEES. THE DEPARTMENT STRIVES TO ACHIEVE ITS MISSION AND VISION BY FOSTERING GOOD CUSTOMER RELATIONS AND PUBLIC TRUST, MAINTAINING APPROPRIATE RELATIONSHIPS WITH CO-WORKERS, AND ESTABLISHING HIGHLY PROFESSIONAL, RESPECTABLE STANDARDS AND WORK ETHICS. THESE STANDARDS ARE COMMENSURATE WITH EXECUTIVE ORDER EO 002 2014: ESTABLISHING AN ETHICS POLICY FOR EXECUTIVE BRANCH AGENCIES AND EMPLOYEES.</p>	

RELATIONSHIPS WITH CUSTOMERS AND THE PUBLIC

- Employees shall avoid relationships or commitments that would be detrimental to the interests of the State.
- Employees shall not use their positions, or information acquired through their positions, to coerce or otherwise influence customers or other employees for personal gain.

MANAGING RECORDS AND INFORMATION

- Employees shall respect and protect the confidentiality of information, and shall not use information contained in a private, controlled, or protected record for personal purposes.
- Employees shall take reasonable steps to secure confidential information wherever it is maintained. Employees shall not access, use, or reproduce confidential information for any purpose other than the performance of their duties.
- Employees shall, upon request or prior to termination of their relationship with the Department, deliver or grant access to the Department any documents, materials, and equipment received from the Department or originating from their activities for the Department.
- Employees shall not tape or record any activities except as permitted by law or policy and approved by the Commissioner.
- Employees shall follow established GRAMA and Verification of Employment business practices.

- Employees shall not falsify or wrongfully destroy any record, report, or claim, or knowingly enter, or cause to be entered, any false or improper information, into Department records.
- Employees shall not disclose or improperly use controlled, private, or protected information acquired by reason of their official position or in the course of their official duties, and shall exercise appropriate judgment to prevent disclosure to others.

WORKING RELATIONSHIPS WITH OTHER EMPLOYEES

- Employees shall treat each other respectfully and professionally.
- Employees shall not harass or discriminate against another employee.
- Employees shall refrain from using abusive or profane language, including language that is demeaning, belittling, or knowingly offensive to other employees.
- Employees shall not intimidate, use physical harm or threats of physical harm against other employees, customers, management, or the public.
- Employees shall not be insubordinate, disloyal, or disrespectful to appropriate orders or requests of a supervisor.
- Employees may seek assistance from the Commissioner or Human Resources Director if they believe an inappropriate order or request was given.
- Employees shall report any instance of questionable or unethical behavior to their Division Director, the Commissioner, or Human Resources.

SUPERVISORY RELATIONSHIPS

- Supervisors and other administrators shall treat subordinates respectfully and professionally.
- Supervisors and other administrators shall encourage and facilitate the professional development of employees in fulfilling their job duties within reasonably available resources.

- Supervisors and other administrators shall not exploit any subordinate for personal favors or personal gain.
- Supervisors and other administrators shall not use their position of authority to unlawfully harass, discriminate against, or become involved in sexual relationships with any subordinate.
- Supervisors shall take reasonable steps to maintain an environment free of unlawful harassment by setting an example of appropriate behavior and by taking appropriate action in a timely manner when informed of allegations of inappropriate behavior.

PROFESSIONAL CONDUCT

- Employees shall abide by all laws, regulations, rules, and policies governing their work and professional activities.
- Employees shall truthfully represent to the Department, customers, and prospective customers, their professional credentials, licensure, education, training, and experience.
- Employees shall support a work environment that is safe from all forms of violence, including domestic violence perpetrated within the workplace.
- Employees shall not engage in unprofessional conduct on or off the job that compromises the ability of the employee, the Department, or the State to fulfill its responsibilities; including but not limited to engaging in any off-duty illegal drug related activity or other conduct unbecoming to the public reputation of the Department.
- Employees with access to the BCI database as part of their job shall inform their supervisor of any personal arrest within 10 calendar days of the arrest.
- Employees shall inform their supervisor within 10 calendar days if they are convicted of or have entered a plea of guilty, no contest, or a plea in abeyance to a misdemeanor or felony.
- Employees shall not willfully cause damage to public property or waste public resources, nor use public property for personal gain.

- Employees shall not use State-owned equipment, devices, or services in violation of the Department of Technology’s Acceptable Use of Information Technology Resources (Utah Administrative Code Rule [R895-7](#)).
- Employees shall promptly report to a manager or Human Resource Director when they encounter a situation where they have unintentionally violated Utah Administrative Code Rule [R895-7](#) (such as receiving a sexually explicit email or accidentally visiting the wrong website).

PERFORMANCE OF DUTIES

- Employees shall work assigned schedules as approved by Department management and observe lunch, break, and exercise release periods in accordance with Utah Administrative Code Section [R477-8-3](#).
- Employees shall not engage in any activity that could be considered a dereliction of duty, including but not limited to: unauthorized absence without leave, unauthorized use of leave, willful delays or neglect to perform assigned duties and/or responsibilities, inattention to duty, or leaving the work area inappropriately attended.
- Employees shall not participate in, condone, conceal, or be associated with dishonesty, fraud, misrepresentation, or theft.
- Employees shall not consume or use alcohol or illegal substances, or be under the influence of alcohol or illegal substances while on compensated work time, on State property, or while operating any vehicle on duty.
- Employees shall not consume any controlled substance, as defined in [UCA Subsection 58-37-2\(1\)\(f\)](#), that impairs the employee’s ability to safely perform his or her duties during compensated work time, while on-call, while on State property, or while operating a State vehicle. An employee desiring an exception to this policy shall submit a written request for approval to his or her immediate supervisor with an explanation as to how the duties may be temporarily changed or limited to ensure the employee’s safety and the safety of others and to ensure an acceptable level of production.
- Employees shall not unlawfully manufacture, dispense, possess, or distribute any controlled substance or alcohol during work hours, on State property, or while operating any State vehicles, unless doing so is part of their official duties.

- Under the [Utah Medical Cannabis Act, Title 26, Chapter 61A](#), State and political subdivision employees cannot be discriminated against on the basis of their use of medical cannabis, as long as they are otherwise in compliance with the law. The State shall treat use of medical cannabis in the same way the State treats an employees' prescribed use of any controlled substance.
- Employees shall not sell or promote products or services for personal gain in the workplace when doing so interferes with Agency operations or the employee's efficient performance of the employee's State position, or when the activities could result in criticism or suspicion of conflicting interests. Any promotion by a Department employee of products from an industry regulated by the Department is inappropriate.
- Employees shall not solicit political contributions during their hours of employment. Employees shall be familiar with and follow State and Department policies, administrative rules, statutory law and the Governor's Executive Orders.
- Personal conduct outside of the scope of work that brings discredit to the Department is prohibited.

PROCEDURES FOR REPORTING VIOLATIONS AND POLICY ENFORCEMENT

- Employees shall immediately report suspected violations of the Code of Conduct to their immediate supervisor. If for any reason that is not possible or appropriate, employees shall immediately report to the appropriate Division Director, Human Resources Director or to the Commissioner.
- Depending on the circumstances, the nature of the violation, and the degree of the employee's culpability, the Department may take one or more actions consistent with Utah Administrative Code Rule [R477-10](#) or [R477-11](#).
- Department management, in consultation with the Department of Human Resources and the Attorney General's office if needed, shall determine the most appropriate action to take in response to an employee's violation of the Code of Conduct.
- Employees subject to a lawsuit resulting from violations of the Code of Conduct or other acts that are illegal, outside the scope of State employment duties, or not

under color of authority may not be indemnified under [Title 63G, Chapter 7, the Governmental Immunity Act of Utah](#).

INFORMATION SECURITY

- Employees should be aware that the Department follows the State Enterprise Information Security Policy from the Department of Technology Services (DTS) that can be found at: [DTS Policy 5000-0002.1](#).
- This policy was developed in response to a comprehensive external audit involving all executive branch agencies and the enterprise network. The authority for the policy can be found in [UCA Section 63F-1-103](#); Utah Administrative Code Rule [R895-7](#) (Acceptable Use of Information Technology Resources); and Utah Administrative Code Rule [R477-11](#) (Discipline).
- The policy includes essential and proper controls to minimize security risk, meet due diligence requirements pursuant to applicable State and Federal regulations, enforce contractual obligations, and protect the State's electronic information and information technology assets.
- Any Division of the Department or employee desiring exceptions to the policy must ask for specific variations in writing and any exceptions must be approved in writing by the Commissioner. All requests must include the following information:
 - Reason for the variation request.
 - Additional security strategies that will be implemented to mitigate any increased risk created by the variation.
 - A cost-benefit analysis of the proposed variation compared to the existing policy.
- Each Department employee is required to complete security awareness training on an annual basis.

DEPARTMENT OF AGRICULTURE AND FOOD	
02.04 EXERCISE RELEASE TIME	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: ESTABLISHES PARAMETERS FOR THE USE OF EXERCISE RELEASE TIME AND SUPPORTS EMPLOYEE EFFORTS TO STAY HEALTHY THROUGH PHYSICAL EXERCISE.	

GUIDING PRINCIPLES

- The Department supports efforts to promote a healthy workforce. Exercise release time should be used to improve and/or maintain physical health and should not significantly interfere with Department operations.

GENERAL PROVISIONS

- Exercise release time shall follow Utah Administrative Code Section [R477-8-3](#).
- Exercise release time shall be limited to 30 minutes per day up to 3 days per week as established in Rule.
- Unused exercise release time is not cumulative and may not be carried forward.
- Although the Department is supportive of exercise release time, it is neither an employee right nor a guaranteed benefit.

ELIGIBILITY

- All Department employees, both career service and career service exempt, if eligible for benefits, are eligible to use exercise release time.
- Employees must obtain approval from their supervisors in order to be eligible to use exercise release time, even if otherwise eligible.

PROCEDURE

- An employee shall obtain approval from their direct supervisor.
- The direct supervisor shall determine if exercise release time is feasible.
- If the direct supervisor determines the request is feasible (e.g., does not significantly interfere with Department operations and/or office coverage), the

direct supervisor approves the request by assigning an exercise release time or approving an exercise release schedule for the employee: The supervisor may specify additional conditions for exercise release time in a written agreement.

- Authorization to use exercise release time may be revoked or modified at any time if the employee is not following the agreement, there are problems with job performance, it interferes with Department operations, or for other good cause shown.

DEPARTMENT OF AGRICULTURE AND FOOD 02.05 INCENTIVE AWARD POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE PURPOSE OF THIS PROGRAM IS TO RECOGNIZE EMPLOYEES WHO MAKE SIGNIFICANT CONTRIBUTIONS TO DEPARTMENT OPERATIONS, ENHANCED CUSTOMER SERVICE, COST SAVINGS, OR REVENUE INCREASES.	

GUIDING PRINCIPLES

The Department acknowledges incentive awards and bonuses as one of many effective tools for employee recognition. The Department encourages the appropriate, applicable, and judicious use of all forms of incentive awards as established in Utah Administrative Code Section [R477-6-7](#) and Subsection [R477-7-7\(1\)\(c\)](#). Awards are dependent upon the availability of financial and other resources and are awarded in the sole discretion of the Department..

GENERAL PROVISIONS

- Incentive awards may be given for many reasons, including:
 - Providing exceptional customer service;
 - Improving efficiency of services to customers or stakeholders;
 - Efforts resulting in cost savings or revenue increases; or
 - Assuming additional duties or responsibilities.
- All incentive awards shall be administered in compliance with Utah Administrative Code Section [R477-6-7](#) and Subsection [R477-7-7\(1\)\(c\)](#).
- The Department shall develop an internal process to determine how incentive awards shall be awarded and whether an award is warranted for a nominee.

CASH INCENTIVE AWARDS

- Cash incentive awards may be granted to an employee or group of employees that demonstrate(s) exceptional effort or accomplishment beyond what is normally expected on the job for a unique event, over a sustained period of time, or for any other reason allowed under Utah Administrative Code Subsection [R477-6-7\(2\)\(a\)\(i\)](#).
- Cash incentive awards must be approved in writing by Division Directors.

- When a cash incentive award is approved, the Division Director or Program Manager shall give documentation to the recipient of the award and provide a copy to the Payroll Department supervisor for processing.
- Cash incentive awards shall be documented in an employee's personnel file.

RETIREMENT AND SERVICE AWARDS

- Retirement awards shall be administered via the payroll system on an employee's final paycheck, and service awards for five-year increments of State service shall be administered with an employee's regular payroll check in compliance with the Division of Finance Policy governing Service/Retirement Cash Awards ([FIACCT 05-03.07](#)).

NON-CASH INCENTIVE AWARDS

- Any Department employee may recommend a non-cash incentive award for another employee.
- Non-cash incentive awards shall be administered in compliance with the Division of Finance Policy [FIACCT 05-03.06](#) governing Incentive Awards and Bonuses.

ADMINISTRATIVE LEAVE

- Administrative leave and administrative leave in lieu of cash awards may be granted from the HR Director, Commissioner, or Division Director level for incentive, recognition, and other purposes in accordance with Utah Administrative Code Section [R477-7-7](#).
- The HR Director, Commissioner, or Division Director shall issue a written certificate of administrative leave to the receiving employee that includes:
 - The number of hours of administrative leave being granted;
 - The deadline or expiration date to use the leave, if earlier than the end of the fiscal year; and
 - The reason or justification for issuing the leave in lieu of cash award.
- Administrative leave in lieu of cash awards in excess of one business day requires the Commissioner's written approval.
- The cumulative total of administrative leave in lieu of cash awarded to an employee shall not exceed 40 hours in a fiscal year.

- Employees shall record hours used from administrative leave granted in lieu of cash using the OR (Other Reward) code in the payroll system.
- Supervisors shall ensure the OR code is used in the payroll system when approving timesheets in payroll for administrative leave in lieu of cash.

DEPARTMENT OF AGRICULTURE AND FOOD	
02.06 SERVICE/RETIREMENT CASH AWARDS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE PROCESS AND POLICIES REGARDING CHECK AWARDS AND CASH EQUIVALENTS PAID TO EMPLOYEES FOR YEARS OF SERVICE OR RETIREMENT.	

POLICY-SERVICE AWARDS

In accordance with the policy issued by the Department of Human Resource Management, the Department may use checks or cash equivalents to recognize years of service. Cash equivalents include gift certificates and savings bonds.

- If the service award item is purchased by the employee, who is then reimbursed by the State, the reimbursement is considered a cash award by the IRS, and it is taxable to the employee.
- The purchase price of a savings bond is half its face value. For example, \$25.00 will purchase a \$50.00 savings bond.
- These awards may not exceed the maximum amounts allowed. The allowable maximum expenditures (excluding the employer's matching share of FICA) are as follows:
 - 5 years of service-up to \$50
 - 10 years of service-up to \$100
 - 15 years of service-up to \$150
 - 20 years of service-up to \$200
 - 25 years of service-up to \$250
 - 30 years of service-up to \$300
 - 35 years of service-up to \$350
 - 40 years of service-up to \$400

SEE [FIACCT 05-03.07-2017](#). FOR POLICY ON NON-CASH AWARDS SEE [FIACCT 05-03.08](#).

DEPARTMENT OF AGRICULTURE AND FOOD	
02.07 RELOCATION BONUS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: DEPARTMENT PROCEDURES FOR RELOCATION BONUS.	

This policy has been established to ensure consistency throughout State Departments and Agencies in providing an equitable reimbursement for State of Utah employees who are required to relocate due to their employment. (See [FIACCT 05-03.03](#)). These bonuses are considered market based incentives and require DHRM approval in addition to Agency approval.

APPROVAL

- All relocation moves require prior written approval of the Division Director or Commissioner and must be in the best interest of the State. The written approval must accompany the Employee Reimbursement/Earnings Request form.

CURRENT EMPLOYEES

- DHRM Rule [R477-6-3 \(b\)](#) authorizes the Agency to award a bonus to a current employee who must relocate to accept a position in a different commuting area.
- Reimbursement costs detailed in this policy will be granted to Department employees who are required to move as a result of their employment and may be granted at the discretion of the Commissioner to employees who move to accept another position within the State.

NEW EMPLOYEES

- DHRM Rule [R477-6-3](#) authorizes the Agency to award a bonus to a qualified job candidate to incentivize the candidate to work for the State.
- Relocation costs identified in this policy may be paid to new employees who are required to move to accept employment with the Department. The amount of relocation costs reimbursed will be a matter of negotiation between the Department and the employee but will not exceed those costs identified as reimbursable by this policy.

NOTE: THE EMPLOYEE MUST AGREE IN WRITING TO REPAY ANY RELOCATION EXPENSE IF, WITHIN ONE YEAR FOLLOWING THE RELOCATION, THE EMPLOYEE TERMINATES EMPLOYMENT WITH THE STATE OR TRANSFERS TO ANOTHER DEPARTMENT.

DEPARTMENT OF AGRICULTURE AND FOOD	
02.08 SICK LEAVE ASSISTANCE POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROCEDURES FOR DONATING HOURS TO THE SICK LEAVE ASSISTANCE PROGRAM, REQUESTING SICK LEAVE AND PROCESSING SUCH REQUESTS.	

PURPOSE

- The Sick Leave Assistance Program is designed to provide benefited employees with uninterrupted health care benefits when employees or immediate family members have experienced a catastrophic accident or illness requiring a prolonged absence from work, and when their own accrued leave balances have been or will be exhausted.

DEFINITIONS

For purposes of this policy only:

- “Catastrophic accident or illness” means an accident, illness, or physical condition that is life threatening or incapacitating and for which involuntary extensive medical treatment and a prolonged absence from work are necessary.
- “Immediate family member” means an employee’s spouse, child, or parent living in the employee’s home, or a parent living outside an employee’s home if approved for Family and Medical Leave to care for the parent.
- “Prolonged absence” means being off the job for more than one consecutive work week or the equivalent number of consecutive work hours.

POLICY

- This policy provides for a general leave bank only. Donations to the general leave bank come from Department employees’ unused accrued hours of annual leave in excess of 320 hours which are forfeited during year-end processing for each calendar year.
- Forfeited annual leave hours which are swept into the Department’s general leave bank are non-tax deductible contributions.
- Employees desiring leave bank assistance must also apply for leave under the Family Medical Leave Act (FMLA). If an employee is not eligible for FMLA, the

employee must provide comparable medical certification to the Department HR Director before the Department can determine if the employee is eligible to receive donated leave.

- Sick leave assistance may only be approved for employees who are eligible for leave accrual as described in Utah Administrative Code Rule [R477-7](#).
- Eligibility for leave accrual does not guarantee approval to receive paid leave through the Sick Leave Assistance Program.
- Sick leave assistance may be granted only to employees who have used their leave according to Utah Administrative Code Rule [R477-7](#). Sick leave assistance is not an employee right and approval shall be granted at the Commissioner's discretion after reviewing the recommendations of the Division Director and the Human Resources Director.

LEAVE BANK HOURS

- Up to 40 hours per pay period may be granted to employees from the general leave bank.
- The maximum amount of time an employee may be on approved sick leave assistance is 12 weeks (240 hours) in one calendar year.
- The number of hours granted is contingent on management's discretion and the number of hours available in the general leave bank.
- In no case shall the number of general leave bank hours granted exceed an employee's regularly scheduled work hours per week.
- A request for sick leave assistance shall be made prior to an employee going into a leave-without-pay status, whenever possible.
- Approved sick leave assistance terminates upon the employee's return to work, or when the conditions of the original leave request are no longer applicable.
- Use of approved general leave bank hours may not begin until all other forms of an employee's accrued leave hours are exhausted. Any accrued annual or sick leave resulting from the use of sick leave assistance must be used prior to the use of additional sick leave assistance.

- Employees receiving any type of income maintenance, such as Short Term Disability, Long Term Disability, or Workers' Compensation, etc., are not eligible for sick leave assistance.
- All use of the Sick Leave Assistance Program shall be subject to audit.
- Employees are not eligible for the Sick Leave Assistance Program if, in the 24 months prior to applying for sick leave assistance, they have been on a performance improvement plan for any reason, or have any form of documented leave abuse or misuse, or have received disciplinary action for any reason.
- Employees using donated sick leave assistance may not work a second job without written consent of the Commissioner, per Utah Administrative Code Section [R477-7-19](#).
- The Department does not accept Sick Leave Assistance donations from employees outside of the Department.
- After consultation with the Human Resources Office, management may extend the probationary periods of employees receiving donated sick leave assistance from an approved general leave bank.
- Exceptions to the Sick Leave Assistance Program policy and procedures shall be made at the discretion of the Commissioner.

PROCEDURE

Applying for Sick Leave Assistance

- A benefitted employee may apply for sick leave assistance by completing the following forms and submitting them as required:
 - HR 13, Sick Leave Assistance Request Form – to be completed by the employee or the employee's representative. If an employee is unable to complete the form and has no representative, the employee may ask their supervisor to complete the form.
 - FMLA Application and FMLA Certification – Employee Serious Health Condition; or
 - FMLA Application and FMLA Certification – Family Member's Serious Health Condition.

- The applicable certification form is to be completed by a licensed health care provider knowledgeable about the employee's medical condition or the employee's immediate family member's medical condition. If the employee is not eligible for FMLA, the employee may submit the Sick Leave Assistance Medical Verification instead of the forms listed above. The employee or the employee's representative is responsible to complete this form.

Processing Sick Leave Assistance Requests

- Sick Leave Assistance Request
 - The employee or the employee's representative shall submit the completed Sick Leave Assistance Request to the employee's supervisor for review.
 - The supervisor shall recommend approval or denial, then forward the request form to the Division Director for review.
 - The Division Director shall recommend approval or denial, then forward the form to the Human Resources Office for review.

FMLA Application and Certification Forms

- To maintain confidentiality regarding medical information:
 - The employee or employee's representative shall submit the completed FMLA paperwork to the Human Resources Office for review.
 - If the employee is not eligible for FMLA, the employee may submit the Sick Leave Assistance Medical Verification to the Human Resources Office for review.
- The Human Resources Office shall recommend approval or denial, then forward the Sick Leave Assistance Request to the Commissioner for review, and shall indicate on the form:
 - whether the medical documentation provided by the employee supports the request for sick leave assistance; and
 - the leave bank hours available for use based on the FMLA certification (or if not eligible for FMLA, the Sick Leave Assistance Medical Verification and the number of any general leave bank hours already used in the current calendar year.
- Upon final approval or denial by the Commissioner, the Division Director shall immediately notify the employee of the decision.

- Management and the Human Resources Office will maintain appropriate confidentiality about the employee's request and any related medical information.

Using General Leave Bank Hours

- General leave bank hours may not be granted to an employee until the request for sick leave assistance has been approved by the Commissioner.
- Once the request for sick leave assistance has been approved by the Commissioner, general leave bank hours may be applied back to the first day of leave-without-pay, according to the dates approved on the Sick Leave Assistance Request.
- If additional leave is required beyond the Sick Leave Assistance Request originally approved, a new Sick Leave Assistance Request detailing current conditions and FMLA paperwork (or if not eligible for FMLA, a Sick Leave Assistance Medical Verification shall be submitted for review and approval).

DEPARTMENT OF AGRICULTURE AND FOOD 02.09 ON-CALL POLICY	
EFFECTIVE DATE: SEPTEMBER 1, 2020	REVISION DATE: SEPTEMBER 1, 2020
SUMMARY: ESTABLISHES DEPARTMENTAL POLICIES FOR COMPENSATING EMPLOYEES PLACED ON “ON CALL” STATUS. THIS POLICY ALSO ENSURES COMPLIANCE WITH FAIR LABOR STANDARDS ACT, UTAH CODE 67-19-6.7 , AND STATE OF UTAH HUMAN RESOURCE MANAGEMENT RULES.	

DEFINITION:

- Pursuant to Utah Administrative Code Section [R477-8-10](#), employee time is considered “on-call time” only when an employee is required by management to be available for a call to duty.
 - Being available means an employee is required by management to be reachable to work during a specified time frame of coverage for work beyond an employee’s regular work schedule.
 - This requirement is to be stipulated in writing prior to being considered on “on-call” status consistent with procedures for “on-call time.”

COMPENSATION TERM:

- Pursuant to Utah Administrative Code Section [R477-8-10](#), employees required by management to be available for “on-call time” will be compensated at a rate of one hour for every twelve hours the employee is “on-call.”

REPORTING ON-CALL TIME:

- Employees record “on-call” time as “on-call paid” and not as “hours worked” on their timesheet.
- On-call” time reported is to be paid out the following pay period.

ACTUAL HOURS WORKED:

- Actual hours worked shall be reported as set forth in Utah Administrative Code Section [R477-8-10](#).

DEPARTMENT OF AGRICULTURE AND FOOD	
02.10 TELEWORK POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROVIDES GUIDELINES FOR DEPARTMENT EMPLOYEES WHO TELEWORK, CONSISTENT WITH DHRM POLICY.	

PURPOSE

- This policy provides direction for implementing telework at the Department including various types of alternative work arrangements supported by the Department as well as the requirements for each arrangement. It is designed to provide the structure needed for effective implementation and operation of alternative workplace strategies across agencies. This policy is designed to comply with DHRM’s telework rule (Utah Administrative Code Section [R477-8-2](#)). In case of conflict, the Department’s individualized telework/remote work agreement with each employee shall take precedence over this policy.

POLICY OBJECTIVES

- The intent of this policy is to increase productivity, decrease commute emissions, increase employee morale and retention, and reduce costs associated with office space.

POLICY DESCRIPTION

- The telework policy is designed to better enable work and maximize the use of the Department’s assets through a complementary set of alternative workplace strategies. The program leverages the Department’s capacity for mobile work, as enabled by job functions, mobile technologies, and alternative space options such as free addressing, to enable a wider range of work arrangements for qualified Department employees. Chief among these work arrangements is Remote Work and Mobile Work (aka Telework).
- This policy address four types of work profiles:
 - Remote
 - Mobile
 - Adaptable
 - Resident

REMOTE WORK

- Remote work provides a qualified employee the opportunity to **work at a place other than a regularly assigned office location, such as the employee’s residence or an alternate location approved by the employee’s supervisor**. An employee using this arrangement will only be in the regularly assigned office on a schedule mutually agreed upon by the supervisor and the employee. On the days

the employee is not scheduled to work remotely, the employee will report to his or her regularly assigned office location. In most cases, the workspace the employee will work in will be an unassigned shared workspace (also known as Free Addressing) approved by the employee's supervisor. Remote workers' official work location will be either an assigned regular office location or their approved alternate location as agreed on in the Employee's Telework Agreement.

- Employees may be required to report to and work in the office location as requested by management.

MOBILE WORK

- Mobile work arrangements **provide flexibility of work locations for employees whose responsibilities require them to be away from the office for much or all of the regular workday due to community interaction or other job requirements.** A mobile worker **will be assigned to a regular office location but will likely not be assigned a permanent workspace.** Instead mobile workers will utilize the Free Addressing workspaces when reporting to the regularly assigned office location. The employee's official work station will remain as designated by the Department.
- Employees may be required to report to and work in the office location as requested by management.

ADAPTABLE WORK

- Adaptable workers are **employees whose primary place to conduct work is in a regularly assigned building, but who frequently collaborate with different groups or whose work functions require them to be mobile within their facility for the majority of their day.** Adaptable employees utilize Free Addressing workspaces as necessary.

RESIDENT WORK

- Resident workers are employees whose work is primarily conducted at a single space in a regularly assigned office location. Resident workers **infrequently collaborate with others, their job functions may require work to be done in a specific location, or they spend the majority of their time at their workspace.** Resident workers are assigned a primary workspace within their regularly assigned office, though they may use Free Addressing spaces when in other Department buildings.

FLEXIBLE RESIDENT WORK

- If approved by management, a flexible resident worker may work intermittently at an alternate location as needed, but the primary work location will be the regularly assigned office location. This arrangement allows a resident worker to work at an alternate location on such days as bad air or snow days. The expectation is that the worker will be in the office at least 90% of the time.

FREE ADDRESSING WORKSPACES

- Free Addressing includes a range of unassigned workspaces that are shared and available for use by any Department workers. Free Addressing workspaces can be accessed on a first-come first-served basis or reserved based on the Department's specific needs. They may be allocated into neighborhoods (e.g. near Divisions), though pooling them across groups, and potentially across Divisions, will ensure greater availability. When the Department's telework policy is fully implemented, it should include sufficient Free Addressing workspaces to accommodate the number of Remote, Mobile and Adaptable workers that may use them on any given day.

REMOTE WORK ARRANGEMENTS

- The Department shall consider Remote work for all possible job classifications which would lead to efficiencies and effectiveness in daily operations. However, all job classifications may not be appropriate for Remote work. Each Division shall identify job classifications eligible for Remote work and shall consider the following factors when determining which positions may be eligible for Remote work: Remote work should only be considered if it would be mutually beneficial for the Agency and the employee. Positions that are suitable for Remote work typically have the following characteristics:
 - A high percentage of work can be conducted individually
 - Collaboration and communication with colleagues can be conducted virtually
 - Work does not require frequent in-person or *ad hoc* collaboration
 - Work output and quality is not impacted by location (e.g. quality of customer services)
 - Work is not dependent on specialty equipment, tools/materials and settings (e.g. laboratory) that cannot be reasonably accommodated remotely
 - Work does not depend on frequent handling of secure materials

ELIGIBILITY

- Not every employee will be eligible to participate in a Remote working arrangement and many employees will continue to report to their regularly assigned office location during traditional office hours.
- Remote work shall be considered an option, not a universal employee benefit or right per DHRM's telework rule (Utah Administrative Code Section [R477-8-2](#)).
- Department management reserves the right to initiate, terminate or suspend a Remote work arrangement at any time.
- Management shall utilize the following criteria to evaluate employee eligibility for Remote work. An employee may **not** be eligible to participate in Remote work (pursuant to Department discretion) if:

- The employee is subject to official discipline for performance or conduct, including suspension, demotion, or recommendation for termination;
- The employee has a documented violation of the Employee Code of Conduct;
- The employee has demonstrated diminished individual or organizational performance; or
- The employee has violated the terms of the Telework Program Agreement.

SUPERVISOR'S RESPONSIBILITIES

- A Remote worker's supervisor has certain responsibilities which include, but are not limited to, the following:
 - Setting forth appropriate measures to protect confidential information;
 - Ensuring that customer service is not adversely affected by the telework arrangement;
 - Undertaking the necessary risk assessments of the office design and working practices;
 - Clearly defining and setting forth the employee's responsibilities;
 - Setting baseline measurements before employee begins a telework arrangement and creating measurable and definable ongoing performance metrics which are reported quarterly in Utah Performance Management (UPM);
 - Maintaining frequent and effective communication with Remote employees;
 - Ensuring there is not a hardship or burden placed on other employees (additional work, etc.);
 - Maintaining responsibility and accountability for treating all Remote and non-Remote employees similarly in acts involving managerial discretion, including but not limited to: distribution of assignments among employees in the work unit, use of appropriate tracking and communication tools, performance management, both informal and formal feedback, performance coaching, learning and development, reassignment, promotion, retention, and discipline;
 - 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); and
 - Completing [Utah Works Training for Supervisors](#) and annually signing an Employee Telework Agreement form (See Appendix C.04).

EMPLOYEE'S RESPONSIBILITIES

- An employee utilizing a Remote work arrangement has certain responsibilities depending upon which arrangement is utilized, including, but not limited to, the following:

- Maintaining established performance standards;
- 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;
- Remote workers are responsible to establish and provide 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 service 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. If a Remote worker is not able to complete work assignments due to internet issues, they must report to their regularly assigned office location within one hour of discovering an issue;
- 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 equipment is always subject to [DTS security and acceptable use standards](#);
- Remote workers are responsible for office equipment (desk/chair) at the work location that is conducive to a safe work environment. Remote workers whose alternative work site is their primary work location may request an ergonomic evaluation of the work site which will be requested through the ergonomic evaluation point of contact and in accordance with existing Department policy;
- Maintaining flexibility and responsiveness to the needs of the supervisor, work team, and Department (communication and collaboration);
- Reporting to the regularly assigned office location, pursuant to Department needs, for all or part of a workday during which they would otherwise be engaged in a Remote arrangement;
- Management may require a Remote worker to attend meetings, conferences, or other activities away from the Remote worker's primary work location. Mileage to and from the required activity will be reimbursed according to Department policy. Travel to the assigned office location, even during remote work time, shall not be reimbursed;
- Documenting Remote work time in accordance with established Department of Human Resource Management (DHRM) time and attendance policies;
- Complying with DHRM and Department 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 Acknowledgement and Remote Work Agreement form (See Appendix C.04);

- Remote work employees must comply with all applicable Federal, State, and municipal laws as well as State and DHRM rules and Department policies, including those dealing with time reporting and overtime;
- Maintaining effective communication with supervisors and other employees with whom communication is essential for successfully implementing the arrangement;
- Being considerate of employees sharing Free Address workspace, and maintaining a clean workspace at all times;
- Using a Free Address workspace only so long as needed;
- Confidentiality of work-related information must be maintained in the Remote work environment in accordance with Federal, State, and municipal laws and DHRM rules and Agency policies. Unauthorized disclosure may subject the employee to penalties provided by law, as well as disciplinary action initiated by the Department, up to and including termination of employment;
 - Security of digital information must comply with DTS standards.
 - Printed information must be returned to the Department or destroyed based on applicable records retention schedules and practices.
- Remote workers are required to adhere to the [DTS Information Technology \(IT\) Resources Acceptable Use Policy](#);
- Maintaining a high level of customer service at all times;
- Completing [Utah Works Training for Employees](#) and annually signing an Employee's Acknowledgement and Remote work Agreement form;
- All terms and conditions of employment not specifically addressed in this policy remain in effect as if the employee were not teleworking, including but not limited to salary, benefits, leave use, etc; and
- Agreement that any exceptions made to this policy must be approved by the Commissioner, Division Director, or designee.

REMOTE WORK PLAN PARTICIPATION

- Participation in a Remote work arrangement is based on an employee's job responsibilities as determined by the Department. If an employee's productivity decreases or other performance or conduct issues arise, the supervisor shall treat the Remote employee no differently than an employee working in the regularly assigned office location.
- Employees who participate in a Remote work arrangement are considered to be in an official duty status during their designated work hours. Routinely providing dependent or adult care while in official duty status is prohibited and not the intent of this program.
- Rules regarding overtime, compensable hours, work-related travel, acceptable use of IT resources, and all other employment-related policies and rules apply to

employees regardless of their assigned work location. For questions please contact the DHRM staff assigned to the Department.

- Supervisors retain the authority to disapprove an employee's selection of a particular alternative worksite arrangement if, in the supervisor's opinion, the worksite is not business appropriate, fails to provide a working environment compliant with this policy, or both.
- In cases where the Department has defined a clear business objective to support adopting a telework policy, the Department has discretion to expand some of the incentives allowable in Finance policy, rules and code. For instance, the Department may choose to reimburse a portion of the telework costs for an employee.

CLEAR-DESK PROTOCOLS/MAINTAINING SANITARY FREE ADDRESS WORKSPACE

- Employees authorized to use Free Address workspaces at the Department must follow "clear-desk protocols."
- All work and personal items must be cleared from the workspace after use so that the Department can continue to provide an accommodating workspace for all users, and reduce the threat of confidentiality and data security breaches.
- The Department shall take reasonable measures to maintain a sanitary workspace, such as providing anti-bacterial wipes and hand sanitizer to be used on Free Address telephones and other such equipment used by multiple employees.
 - Employees should disinfect work areas on a regular basis to assist in reducing the spread of contagions and promoting the overall health of the workforce.

INCLEMENT WEATHER

- If Department offices in a county are closed, employees *including those in a remote work arrangement who were regularly scheduled to be at the designated office location that is being closed* may be granted discretionary leave with pay.
 - However, if an employee is participating in a Remote work arrangement and is scheduled to work remotely the day the office is closed, the employee may be required to work that day or take annual leave.
 - If unsure of the appropriate course of action during inclement weather, the employee shall seek guidance from his or her supervisor or the Division Director.

DEPARTMENT OF AGRICULTURE AND FOOD	
02.11 PHASED RETIREMENT POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: DEPARTMENT POLICY OUTLINING THE CONDITIONS UNDER WHICH AN EMPLOYEE CAN EXTEND THEIR EMPLOYMENT ON A HALF-TIME BASIS AFTER THEIR RETIREMENT DATE.	

- Phased retirement is a program within the Utah Retirement System (URS) that allows employment of an employee on a half-time basis with the same Agency immediately following the employee’s retirement date. While in phased retirement, the employee will receive 50% of his monthly retirement allowance, while working no more than half-time for the Agency. Halftime is defined as normally 20 hours per week or not to exceed 40 hours per pay period. The employee may not work as a volunteer in the same retirement position. Following the discontinuation of phased retirement, the employee’s monthly retirement allowance will return to 100%.
- Under UCA [Section 49-11-1302](#), the Department may offer phased retirement for a retiree who has not completed a one-year employment separation. The statute requires the participating Department to establish a written policy and procedure for phased retirement. The written policy must include provisions for the following, each addressed below:

GRANTING AND DENYING A REQUEST FOR PHASED RETIREMENT

- Phased retirement is offered at the Department’s sole discretion based on the employee’s eligibility to participate in phased retirement. Phased retirement is not a benefit and the employee is neither entitled to nor guaranteed phased retirement. The employee must request phased retirement from the Commissioner in writing and the Commissioner may approve or deny the request.
- Generally, an employee’s request for phased retirement will be granted if the employee:
 - Is eligible to retire;
 - Has worked for the State of Utah for at least four years and the Department for at least one year; and
 - A business need exists to offer phased retirement, as conveyed by the Commissioner in the business plan addressed below.

NEEDED APPROVALS WITHIN PARTICIPATING EMPLOYER

- Following approval of the employee’s request for phased retirement, the Commissioner must notify their HR office of their intent to offer phased retirement. The Commissioner must provide a business reason supporting phased retirement via business plan to their HR office. The plan must identify the

business need for offering phased retirement and cite costs and benefits associated with offering phased retirement.

- As an example, the business plan may address the employee's history with the Department and provide examples of their job duties and responsibilities. The plan can address the employee's recent projects and the need for phased retirement in terms of providing for continuity of operations for the Department, orderly conclusion of assignments, and shifting of responsibilities to other employees.
- The Commissioner must also submit the employee's phased retirement agreements to the Department of Human Resource Management (DHRM) and URS.

TIME LIMITS OR OTHER RESTRICTIONS

- Phased retirement may begin no later than 120 days after the employee's retirement date.
- The employee must notify URS at least five business days prior to their effective retirement date.
- The employee may work no more than 20 hours a week and hours cannot flex between weeks.
- Pre-2006 Program I sick leave must be used to purchase medical insurance for the duration of the phased retirement. The Department may offer dental, vision, and life insurance at their discretion. If Program I sick leave is not available, the Department may offer medical insurance for the employee at their discretion.
- If the employee receives benefits, reinstatement of Program III sick leave will occur for the duration of the phased retirement. The employee will accrue annual leave, but not retirement.
- With respect to non-retirement, medical, and leave benefits, the employee shall be treated in the same manner as other part-time employees working in a similar position and number of hours for the Department.
- Benefits provided to employees while employed in phased retirement shall end on the last day worked. Accrued leave earned in phased retirement shall be paid out under the existing policy.
- Under Utah administrative Code Section [R477-7-5](#), upon retirement, Program I converted sick leave hours may not be suspended or deferred for future use.

- Under Utah Administrative Code Section [R477-4-6](#), employees rehired under the phased retirement program shall be classified as time-limited for the duration of the phased retirement employment period and placed at or below the employee's wage at the time of retirement. Employees cannot be placed below the minimum of the established salary range for the job.
- Phased retirement is typically 3-6 months in length. However, if agreed upon by all parties, extension is possible. The Commissioner must share the intent to continue with DHRM. While phased retirement agreements may be renewed for additional periods at the Department's discretion, in no event may the employee work in phased retirement for more than one year.
- When phased retirement is ending, the employee must contact and notify URS on or before the date that work ends.
- URS will move the phased retiree to normal retirement status one month following receipt of the notice and termination date.
- Per UCA [Section 49-11-1304](#), the phased retirement agreement shall specify the period of the phased retirement and, at the discretion of the agreeing parties, address hours of work, job duties, and other arrangements related to employment.

DEPARTMENT OF AGRICULTURE AND FOOD 02.12 EDUCATIONAL ASSISTANCE POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THIS POLICY ESTABLISHES AN EDUCATION ASSISTANCE PROGRAM AND THE PROCEDURES FOR UTILIZING EDUCATION ASSISTANCE BY EMPLOYEES. THE DEPARTMENT OF AGRICULTURE AND FOOD'S EDUCATION ASSISTANCE PROGRAM IS CONSISTENT WITH THE STATE OF UTAH'S DEPARTMENT OF HUMAN RESOURCE MANAGEMENT RULES.	

DEFINITIONS

- **Passing Grade:** A letter grade of C- or better, "pass" in a pass/fail grading system, or other official written documentation from the school or educational entity showing the employee's successful completion of coursework.
- **Probationary Employee:** An employee hired into a career service position who has not completed the required probationary period for that position.
- **Eligible Employee:** An employee who the Department has determined, in its sole discretion, has met the qualifications for the Program. Time-limited employees are generally not considered “eligible” for the Program.

POLICY

- UDAF is supportive of employees improving their education and training by attending courses offered by accredited colleges/universities and other educational entities.
- As such, UDAF may permit eligible employees to enter into Education Assistance Contracts to assist with the costs of eligible educational expenses.

QUALIFICATIONS/APPROVED EXPENSES

- The Education Assistance Program allows eligible employees to request approval for reimbursement of education expenses for coursework which will satisfy development needs of the employee and which will benefit UDAF and the State.

- Generally, this Program is not available to time-limited employees, although exceptions may be made to this policy by the Commissioner for good cause shown and taking into account all of the other factors listed in this policy.
- An Education Assistance Contract is required to participate in the program.
- Reimbursable education expenses include tuition, books, and fees only.
- Education assistance may be approved at the Commissioner's discretion. It is neither an employee right nor a guaranteed benefit.
- When an employee is directed by a supervisor to participate in an educational program, UDAF shall pay the reasonable costs of the Program. Supervisor directed participation in educational programs are not considered part of the Education Assistance Program.
- Education assistance approval considerations by the Commissioner may include the:
 - availability of funds;
 - number of employees requesting education assistance;
 - employee's position schedule (career service or career service exempt);
 - employee's workload;
 - employee's work performance status;
 - job relevance and benefits of the coursework to the employee and UDAF; and
 - any other factors the Commissioner deems relevant.
- An employee may receive education expense reimbursement for up to 75% of the qualifying employee paid education expenses per course (up to a maximum of \$5,250 per calendar year). Reimbursement shall be limited to the same calendar year in which the coursework was completed.
- An employee approved for education assistance shall disclose all scholarships, subsidies, and grant monies, etc., provided to the employee for the education coursework or program.

- Only education expenses that must actually be paid by the employee, minus any scholarships, subsidies, or grant monies, etc., are eligible for reimbursement by UDAF.
- Reimbursement will only be provided for coursework successfully completed with a passing grade, per the Education Assistance Contract.
- An Education Assistance Contract may be terminated by either party by submitting a termination notice in writing. Termination of the Educational Assistance Contract by the Department shall be at the Commissioner's sole discretion, taking into account any of the factors listed *supra* or breach of the Education Assistance Contract (See Appendix D.04) by employee.
- If the employee voluntarily terminates employment with UDAF within one year of the completion date of the coursework, the employee shall be required to repay 100% of any education assistance received.
- If the employee voluntarily terminates employment with UDAF within two years of the completion date of the coursework, the employee shall be required to repay 50% of any education assistance received.
- The Commissioner may make exceptions to this policy upon review of a written exception request by the employee, the employee's supervisor or the employee's Division Director.

PROCEDURES

- An eligible employee requesting education assistance shall complete page one of the Education Assistance Contract and submit the entire contract to the employee's supervisor and Division Director for review and approval.
- If there is a request for a policy exception, the Education Assistance Contract shall be submitted to the Commissioner for review and approval.
- Within 60 calendar days after the completion date of the coursework, the employee shall submit the following documentation to the employee's supervisor in order to be reimbursed for the approved education expenses. Failure to timely submit the documentation will result in a voided contract and non-reimbursement of the expenses.
 - A copy of the Education Assistance Contract, including all signatures;
 - A completed [Division of Finance form FI-48](#), Employee Reimbursement/Earnings Request;

- Official receipts showing the employee paid the tuition, books, and fees for the course; and
- A report card, transcript, or other official documentation showing the employee successfully completed the course with a passing grade.

DEPARTMENT OF AGRICULTURE AND FOOD	
02.13 SOCIAL MEDIA POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THIS POLICY PROVIDES GUIDANCE FOR EMPLOYEE USE AND DEPARTMENT MANAGEMENT OF SOCIAL MEDIA, WHICH SHOULD BE BROADLY UNDERSTOOD TO INCLUDE BLOGS, WIKIS, MICROBLOGS, MESSAGE SITES AND SERVICES THAT PERMIT USERS TO SHARE INFORMATION CONTEMPORANEOUSLY WITH OTHERS.	

EMPLOYEE USE OF SOCIAL MEDIA ON BEHALF OF THE DEPARTMENT

- It is the Department employee’s duty to know and adhere to the UDAF Policy and Procedures Manual, and other Department policies when using the Department’s social media accounts.
 - If an employee is directed to post information that the employee believes may be in violation of these policies, the employee may seek clarification of the policy from a supervisor.

- Employees should refrain from attributing positions on current events and other issues to the Department without approval from the Commissioner, especially with respect to issues over which the Department has jurisdiction and/or regulatory responsibilities.

- Department employees are not to publish, post, or release any information that is considered confidential, private, or otherwise protected. If there are questions about what is considered public information, employees should check with their supervisor or the Department’s human resources representative.

- Social media networks, blogs, and other online content sometimes generate press and media attention or legal questions. Employees should refer inquiries to authorized Department spokespersons, consistent with the Department Media Relations Policy, currently section 03.03 of this Manual.

- If an employee encounters a situation while posting on the Department’s social media that threatens to become antagonistic, the employee should disengage from the dialogue in a polite manner and seek the advice of a supervisor.

- Employees should get permission before they refer to, or post images of, current or former employees, members, vendors or suppliers. Employees should get permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
- Content that violates the Department's Standards of Conduct Policy, 02.03, or any other Department policy may subject an employee to disciplinary action or termination.

PERSONAL SOCIAL MEDIA PLATFORMS

- If Department employees publish content on personal social media that involves an area regulated by the Department, employees are encouraged to use a disclaimer, such as: "The postings on this site are my own and may not represent the Utah Department of Agriculture and Food's positions, strategies, or opinions."
- Department maintained social media accounts shall be separate from an employee's personal accounts

PUBLIC COMMENTS ON DEPARTMENT SOCIAL MEDIA PLATFORMS

- The Department welcomes the public's participation and engagement on official Department social media platforms as long as commenters use family-friendly content and civil tone, and comply with the terms and conditions of posting on each site.
- The Department does not discriminate on the basis of identity or anonymity of the commenter, or the commenter's viewpoint. Comments that express disagreement with a particular position generally will not be removed, so long as the comments do not otherwise violate Department policy.
- The Department may, in its sole discretion, moderate or remove comments on its maintained sites if they contain, constitute, or link to:
 - Off-topic discussions unrelated to Department programs, services, projects, issues, events, or activities;
 - Content encouraging illegal activity or violence;
 - Content that promotes, fosters, or perpetuates discrimination against protected classes;
 - Content that violates a legal ownership interest of any other party, such as copyright or trademark infringement;
 - Content containing improperly disclosed private, protected, or confidential information as defined by State law;

- Content that may tend to compromise the safety or security of the public or public systems;
- Profanity, nudity, indecency, or obscenity;
- “Spam,” advertisements, promotions, solicitations of commerce or products; or links to promote a candidate;
- Content which could be considered sexual harassment under State law;
- Slanderous or defamatory attacks, or personal harassment of another poster;
- Disruptively repetitive content; or
- Content which the Department in its sole discretion considers inappropriate..

ENFORCEMENT

- When there may be a violation of the policy standards, the Department may take any legal steps to resolve the violation, including, but not limited to, inviting the commenter to engage in a more productive manner, requesting the commenter to voluntarily remove the improper content, or capturing the content to create a record and removing the content immediately.
 - The content may be re-posted at the Department’s discretion or if successfully appealed to the Commissioner.
 - Multiple violations of Department policy may result in an employee being prohibited from future postings on the Department’s accounts.
- Although the Department generally attempts to resolve these issues amicably, UDAF reserves the right to forward or report to the social media platform any content that may violate the terms of service of the provider.
- The Department may also forward content that may violate State or Federal law to an appropriate law enforcement agency for further action.

DEPARTMENT OF AGRICULTURE AND FOOD	
03.01 CONFLICT OF INTEREST	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: DEPARTMENTAL POLICY TO PREVENT EMPLOYEES FROM ENGAGING IN SECONDARY EMPLOYMENT OR OUTSIDE ACTIVITIES THAT MAY HINDER THE EMPLOYEE FROM EFFECTIVELY PERFORMING THEIR DEPARTMENT ASSIGNED DUTIES OR CREATE, HAVE A POTENTIAL TO CREATE, OR BE PERCEIVED BY THE PUBLIC AND/OR THE DEPARTMENT’S CUSTOMERS AS HAVING A POTENTIAL FOR CREATING A CONFLICT OF INTEREST.	

- Employment with the Department shall be the principal vocation of full time employees. Full time employees shall not accept employment of any kind which could result in a direct conflict of interest. (Utah Administrative Code Rule [R477-9](#) and [UCA Section 67-16-1 et. seq.](#)).
- In addition, employees must be in compliance with Utah’s Ethics Act, the Governor’s Executive Order Establishing an Ethics Policy for Executive Branch Agencies and Executive Branch Employees ([EO 002 2014](#)), and current DHRM policies at all times. Copies of these policies may be obtained by request from the Department.

GUIDELINES

- There are several factors which determine if there is a conflict of interest. Any one of these factors by itself may constitute a conflict. This list is non-exhaustive.
 - Being engaged in work for an outside employer during the same hours one is scheduled to be working for the Department.
 - Disclosing information acquired by reason of Department position for personal or another's private gain or benefit.
 - Using, or attempting to use, Department position to secure special privileges or exemptions for self or others.
 - Accepting employment which would impair independence of judgment in the performance of public duties in a Department position.
 - Engaging in a business venture or working for an organization that is conducting business with the Department or State.
 - Finding oneself incapable of performing at full capacity in a Department position because of fatigue, anxiety, or other impairments caused by outside employment.
 - Using a State position or any influence of power, authority or confidential information they receive in their position, or State time, equipment, property, or supplies for private gain.
- Employees shall not receive outside compensation for their performance of State duties except in cases of:

- Awards for meritorious public contribution.
 - Receipt of expenses paid for papers, speeches, demonstrations, or appearances made on the employee's own time with the approval of the Department, that are not compensated by the State or prohibited by rule.
 - Usual social amenities, ceremonial gifts, or insubstantial advertising gifts.
- Employees shall declare a potential conflict of interest when they are required to do or decide something that could be interpreted as a conflict of interest. The Department shall then excuse the employee from making decisions, taking actions that may cause a conflict of interest, or may take any other action the Department feels appropriate to minimize or eliminate the conflict.
 - Employees shall notify the Department and request approval to participate in outside activities if:
 - Outside employment has potential negative effects on employee work, work conduct, or productivity.
 - Outside employment has the potential or appears to be in conflict with [UCA Section 67-16-1](#) *et. seq.*
 - The Department may deny employees permission to engage in outside employment or to receive payment if the Department determines the outside activity causes a real or potential conflict of interest.
 - Employees may file a grievance or appeal this decision to an immediate supervisor or the Commissioner.
 - Failure to notify the Department and to gain approval for outside employment is grounds for disciplinary action if the secondary employment is found to be a conflict of interest.

PROCEDURES

- As part of the hiring process, potential employees shall complete a conflict of interest/disclosure form as required by DHRM policy. (Appendix D.03).
- In addition, once hired, Department employees shall complete form D.01 and submit it to their supervisor for review. If the employee does not have any conflicts to disclose, the employee may state "No current conflicts," and sign the form. If the employee has outside employment the supervisor should send it to the Division Director for approval. The Division Director may consult with the Commissioner as needed when there may be a potential conflict. This form, or an electronic form, shall be maintained by the Department in the employee's personnel file. It is the employee's duty to advise the Department within ten (10)

days if outside employment or conflicts arise after the date of hire and forms D.03 and D.01 have been submitted.

- Any time there is a change in employment status an employee shall submit a new conflict of interest form.
- In addition to forms D.03 and D.01, an employee who has any conflict (including, but not limited to outside employment, business interests, board membership, receipt of gifts) shall complete form D.02 for the Department's review at the time the potential conflict arises, and yearly thereafter. These forms will be filed with the Department and the Attorney General's office, per State law.

DEPARTMENT OF AGRICULTURE AND FOOD	
03.02 IDENTIFICATION CARDS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROCEDURES FOR OBTAINING THE MANDATORY STATE IDENTIFICATION CARD FOR EMPLOYEES.	

All State employees will carry a State Identification card when in the performance of their job. Procedures for obtaining this card are as follows:

- The Division Director or administrative assistant for each Division will work with new employees to take their picture and issue them a State Identification card that will allow them to access the building as required for their position.
- Upon terminating State employment, the employee must return their ID card to the Department. Failure to do so will result in the withholding of the employee's final paycheck until the card is returned.

DEPARTMENT OF AGRICULTURE AND FOOD	
03.03 MEDIA RELATIONS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: UDAF IS A PUBLIC AGENCY SERVING THE AGRICULTURAL COMMUNITY AS WELL AS THE PUBLIC. THE DEPARTMENT'S GOAL IS TO PROVIDE TIMELY INFORMATION THAT CAN ENHANCE AGRICULTURAL PRODUCTION AND INFORM THE PUBLIC ABOUT WHAT WE DO. THE PURPOSE OF UDAF'S MEDIA POLICY IS TO COORDINATE COMMUNICATION AND ASSURE CONSISTENCY THROUGHOUT THE DEPARTMENT.	

RELEASING INFORMATION

- Reporters contacting the Department should first be directed to the Public Information Office for help. Media representatives shall be provided with requested information in a timely and thorough manner consistent with the Government Records Access and Management Act (GRAMA). The UDAF will try to return all media calls within 20 minutes or less, even if only to acknowledge an inquiry and explain that we are collecting information.
- Exceptions to the general release of information include confidential materials regarding individual employees, customers, or regulated entities, and any other information declared confidential by State or Federal law.

SPOKESPERSON

Department

- The Commissioner is the Department spokesperson. The Public Information Officer (PIO) is the Department media contact and is responsible for formulating Department media strategy in consultation with the Commissioner or Division Directors. The PIO will coordinate the release of information with the Commissioner, Deputy Commissioner or appropriate Division Directors. In the Commissioner's absence, the Deputy Commissioner, appropriate Division spokesperson, or the Public Information Officer will act as Department spokesperson.

Division

- Each Division or designated representative may act as spokesperson for their Division in coordination with the PIO. In the Director's or designated representative's absence, or if they elect not to be interviewed, the information officer may act as Division spokesperson.

Specific Issues

- The PIO and Division Director will designate spokespersons as needed on specific issues. Such spokesperson will be designated based upon their knowledge and ability to communicate effectively.

Answering Reporters

- Reporters often seek background information about a specific subject rather than the Department's position on a particular issue. Division employees should assist reporters in this area. Factual questions should be answered promptly and policy questions referred to the Division Director or designee. Notify the PIO after answering media questions so that it can be determined if the reporter needs additional information.

MEDIA CONTACTS

- When media representatives contact the Public Information Officer, employees shall refer them to the appropriate spokesperson or answer the question themselves.
- The PIO shall be notified of all media contacts as soon as reasonably possible. If you are contacted by the press over the weekend and need assistance, call the PIO at the emergency number provided to the Department.

NEWS RELEASES

- News releases shall be prepared, reviewed, and distributed through the PIO. The PIO and appropriate Division Director will approve routine releases prior to distribution. More sensitive releases will be reviewed by the Commissioner, Deputy Commissioner, and Division Director.
- News conferences will be coordinated with the PIO.
- No outside entity or interest shall influence the wording, content or the Department's decision whether or not to issue a news release or public statement.

NEWSLETTERS

- Newsletters published by the Department or any Division shall be coordinated with the PIO. The Information Officer is available to offer editing and layout assistance. Such review allows for consistency and accuracy in publications and helps manage Departmental risk.

NOTIFICATION OF PUBLIC MEETINGS

- Each Division will be responsible for posting public meetings (through legal notices) as stipulated in [Title 52, Chapter 4](#), the Utah Open and Public Meetings Act.
- Each Division will notify the PIO of all open and public meetings. An agenda shall also be provided.
- Notification of all public meetings held at the Department will be posted at the reception desk. The Division holding the meeting will supply the receptionist with pertinent information.

DEPARTMENT OF AGRICULTURE AND FOOD	
03.04 GRAMA REQUESTS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: UDAF IS A PUBLIC AGENCY SERVING THE AGRICULTURAL COMMUNITY AS WELL AS THE PUBLIC. THE DEPARTMENT'S GOAL IS TO PROVIDE TIMELY INFORMATION THAT CAN ENHANCE AGRICULTURAL PRODUCTION AND INFORM THE PUBLIC ABOUT OUR SERVICES. THE PURPOSE OF UDAF'S GRAMA POLICY IS TO CARRY OUT THE LEGISLATIVE INTENT IN BALANCING PUBLIC AND PROTECTED INFORMATION.	

REQUEST SUBMISSION

- Individuals desiring a release of information under the Government Records Access and Management Act (GRAMA) should utilize the open records portal on the State of Utah archives website (<https://openrecords.utah.gov/>). Utilizing this portal will enable the Department to respond to your request in the fastest time frame.
- Individuals may also submit a written request to the Department directed to the Department's Public Information Officer/Attn: GRAMA. Any such request must meet the requirements of UCA [Section 63G-2-101](#) *et seq.*

RELEASE OF INFORMATION

- Each Division Director will work with his/her appointed Records Officer to conduct a due diligence search and gather any responsive records. Each Records Officer will also make a preliminary determination as to whether the records may be released or whether the records contain confidential, private, or protected information that must be reviewed individually to determine whether release is appropriate in the specific instance.
- The Attorney General's office may assist as requested.
- Once a determination has been made regarding releasable information, the Department will release information to the requestor during the statutory timeframe or otherwise respond as required under GRAMA.

SPECIAL CIRCUMSTANCES

- The Commissioner and Deputy Commissioner shall be kept apprised of any GRAMA requests that present unique situations or request sensitive information.

PERSONNEL/LICENSEE LISTS

- Certain records, including some records that include Departmental lists of employees, must be disclosed under GRAMA. [UCA Section 63G-2-301](#).
- If disclosure of a list of employees or licensees is requested, the request should be evaluated as one under GRAMA and treated accordingly. In addition to the

AAGs, the Utah State Records Committee has additional guidance on its website regarding the disclosure of personnel information, if needed. (see www.archives.utah.gov).

MEDIA CONTACTS

- When media representatives contact the Department's Public Information Officer regarding a GRAMA request, refer them to the appropriate Division Director/Records Officer and inform the Commissioner and Deputy Commissioner for direction.

DEPARTMENT OF AGRICULTURE AND FOOD	
03.05 PUBLIC MEETING COMPLIANCE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: UDAF IS A PUBLIC AGENCY SERVING THE AGRICULTURAL COMMUNITY AS WELL AS THE PUBLIC. THE DEPARTMENT’S GOAL IS TO PROVIDE GOVERNMENTAL TRANSPARENCY, TAKING ACTIONS AND CONDUCTING DELIBERATIONS OPENLY, WHILE PROTECTING PERSONAL, PROPERTY AND BUSINESS INTERESTS. UDAF’S POLICY IS TO FULLY COMPLY UNDER UTAH’S OPEN AND PUBLIC MEETINGS ACT (OPMA) .	

PUBLIC MEETINGS

- Each Division Director is ultimately responsible for ensuring that every board, commission or other entity that is subject to OPMA meets all requirements for each public meeting, including, but not limited to proper: notice, agenda format, presence of a quorum, minutes, voting record, electronic participation, appropriate conduct during the meeting and for closing meetings. However, the Division Director may designate an individual responsible for OPMA compliance in that Division, or the Department may designate a single individual responsible for OPMA compliance for the Department and its boards and commissions.

NOTIFICATION OF PUBLIC MEETINGS

- Each Division Director shall appoint an individual responsible for posting public meetings as stipulated in the Utah Open and Public Meetings Act in a timely manner. [UCA Section 52-4-202](#) *et al.*
- Each Division will notify the PIO of all open and public meetings. The PIO shall also subscribe to all public meetings listed on the Public Notice Website.
- Prior to posting, the meeting agenda should be approved by the Division Director with assistance from the Attorney General’s office, if requested. Meeting agendas must also comply with notice requirements, both for posting time and content.
- Notification of all public meetings held by the Utah Department of Agriculture and Food will be posted at the reception desk, as well as at the location of the meeting, if offsite. A copy of the approved agenda for the meeting fulfills this notification requirement.

TRAINING ON PUBLIC MEETINGS

- Each Division Director shall appoint an individual responsible for posting public meetings as stipulated in the Utah Open and Public Meetings Act in a timely manner. [UCA 52-4-202](#) *et al.*

- The Department will provide training on OPMA requirements every year for the Agency and its boards and commissions.

REPRESENTATION BY ATTORNEY GENERAL'S OFFICE

- In coordination with the Division Director, the Commissioner, and the Deputy Commissioner, any entity represented by the Attorney General's office may request assistance with legal issues, such as statutory compliance and rule changes.

DEPARTMENT OF AGRICULTURE AND FOOD	
3.06 OFFICE PROCEDURES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: GUIDELINES FOR THE RECEPTION AREA, VISITING, AND PERSONAL USE OF OFFICE TOOLS AND SUPPLIES.	

RECEPTION AREA

- This area is paramount in conveying the Department's image to the public. It is important that this area be maintained at a professional level. To achieve this the following procedures will be observed:
- Magazines, books, or newspapers shall not be read in this area by Department employees. Reading, other than work associated, should be confined to enclosed offices and lunchrooms during non-work periods.
- As a security measure, all visitors are required to sign in at the reception desk. To assure that all visitors sign in and are given appropriate direction, the reception desk shall have a receptionist present at all times.
- Visitors to the main office without a valid State Employee ID (or a valid Federal ID and recognizable by the receptionist) shall be required to sign in at the receptionist desk and obtain a visitor's pass from the receptionist.
- The primary function of the Department receptionist is to courteously direct incoming calls and visitors. As a rule, all calls should be routed directly to the employee being called. If the employee is not available, the call should be transferred to the appropriate secretary for proper handling. If the receptionist is unable to reach either of these individuals, a message, including a return number should be taken.
- The receptionist should not leave the reception desk to locate an individual, except in an emergency. If the individual cannot be located by phone or through the appropriate secretary, a message should be taken or the help of another employee enlisted.
- As time permits, the receptionist should make repeated attempts to notify employees for whom there is a message.
- For many people, the receptionist is the first contact with the Department. A courteous, helpful manner should be evident.
- Each Division should ensure they have proper coverage to serve the public from 8 to 5, including during the lunch hour.

OFFICE HOURS

- Office hours are 8 a.m. to 5 p.m. Monday through Friday. Employees may, with approval of their supervisor, select a daily starting time between 6:00 and 9:00 a.m. and a quitting time between 3:00 and 6:00 p.m., so long as a full work schedule is completed each scheduled work day.
- Each employee's workday shall include a minimum of 30 minutes for a lunch period and two 15-minute work break periods, one of which is in the morning and one in the afternoon. Lunch periods will normally be scheduled to begin between the hours of 11:00 a.m. and 1:00 p.m. for a regular day shift. Break periods are included in 8 productive work hours. These lunch and break periods may not be adjusted or accumulated to accommodate a shorter workday.

VISITING

- Excessive visiting at another's desk or in groups is strongly discouraged. Such visiting distracts others and decreases the overall efficiency of the office.

PERSONAL USE OF MACHINES AND MATERIALS

- Office machines may be used on a limited basis during the nonworking hours (before 8 or after 5) or during the lunch hour when not in use in carrying out Department business. However, all supplies used in operation must be furnished by the individual. Limited copies may be made on the copy machine if the individual provides the paper. No Department supplies are to be used for personal use. No Department equipment may be used for personal financial gain.

OFFICE SUPPLIES

- Each Division is responsible for obtaining supplies through an approved vendor.

DEPARTMENT OF AGRICULTURE AND FOOD 03.07 REGULATORY ENFORCEMENT PROCEDURES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THIS POLICY ESTABLISHES CONSISTENCY IN INSPECTION PROCEDURES AND COMPLIANCE.	

ENFORCEMENT

- Enforcement methods will be handled individually by each Division. The following is an overview of the process generally used by the Department. Notwithstanding this policy, the Department’s meat inspection program follows the USDA enforcement actions policy per contractual agreement.
- The Department has broad, sweeping authority to regulate the agricultural and food production industry at all levels. [UCA Section 4-1-101](#) *et seq.* In addition, many of the permits and licenses issued by the Department are issued upon the condition that the licensee permits scheduled or unscheduled Departmental inspections/investigations and sample collections as a requirement for issuance of a license or permit.

INSPECTIONS

When an inspection/investigation or evaluation is made of an establishment, device, animal, plant, or whole or processed agricultural product:

- An inspector shall present credentials and identify themselves, state the nature or reason for the inspection/investigation to management, and get permission to make the inspection/investigation.
 - Although inspectors should make every effort to explain their authority and obtain entrance for the purposes of inspection, if entry is denied, the inspector should speak with the Division Director/Program Manager about obtaining an *ex parte* warrant or pursuing enforcement using another tool, such as seeking injunctive relief. [UCA Section 4-1-105](#).
- Precise and complete records shall be kept outlining the facts and findings of each inspection/investigation. These records are official documents defining the conditions that existed at the time of the inspection/investigation. **In cases where there has been a violation, these records are the primary source of evidence for enforcement, appeals and other legal proceedings.** Please ensure they are complete, accurate, and legible.
 - Your personal notes are generally protected documents for GRAMA purposes, but they are important in refreshing your memory regarding the investigation and should be maintained in the file. Screenshots of text messages, emails or notes from phone calls should also be kept in the file

for reference.

- Notes from substantive phone calls should be as complete as possible, particularly if an offer of settlement or any other matters requiring customer or Agency action are discussed.

EMBARGOS/HOLD ORDERS/DESTRUCTION OF PRODUCT

- In addition to the guidance regarding inspections, if the inspection/investigation identifies violations that warrant immediate action, such as ones that pose health threats or suggest fraud, where there is a statutory mandate, or where the Department determines it is necessary or prudent, embargoes, hold orders, condemnation, or destruction may be warranted.
- Due to the economic hardship and impact on businesses, careful and complete records are necessary when considering one of these options.
 - An interview must be conducted with the Division Director or the Director's designee detailing the conditions noted on the inspection/investigation record.
 - If corrections or agreements are discussed or finalized during this interview, they must be noted on the record.
 - Receipts for samples or notices for holds or embargoes must be left during this interview and clearly identified with photographs and other documentation so that compliance with the Department's orders can be confirmed.

WARNINGS

- Warning letters/citations may be used by the Department depending on the severity of the violation, in conjunction with the enforcement matrix adopted by each Division Director.
- Warning letters/citations should clearly reference the violation(s), the specific steps required to resolve each violation, and the date and time for compliance to be complete.
 - Warnings may be contested through the same process as for citations, with the same time frames for requesting a hearing.
- When following up after a warning, care should be taken to ensure that all compliance measures are in effect and complete. If not, a citation or other action may be necessary.

MEDIATION/PRE-HEARING AND OTHER SETTLEMENT CONFERENCES

- Meetings, pre-hearing conferences, and settlement conferences are encouraged where the Department believes voluntary compliance or any other benefit could result.
 - Depending on the type of enforcement action, some settlement/mediation conferences are required by law. Please consult with

your AAG for specifics.

ADMINISTRATIVE PROCEEDINGS

- Hearings, requests for reconsideration and appeal procedures are addressed in Policy 5.08.
 - Departmental hearings are informal and governed by Utah's Administrative Procedures Act, [Title 63G, Chapter 4](#) of the Utah Code, and codified in the Department's administrative rules.
 - The Department shall designate a hearing officer or contract with an administrative law judge to conduct the hearing.
 - Motions for reconsideration by the Department, and appeals to other agencies or the Utah courts are also permitted in most cases under Title 4, and are governed by [Utah's Administrative Procedures Act](#).

DEPARTMENT OF AGRICULTURE AND FOOD	
03.08 TRAINING	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: INITIALIZING AND RECORDING TRAINING PROCEDURES FOR EMPLOYEES.	

REASON FOR TRAINING

- From time to time, the Department of Human Resources (DHRM) and other State training agencies send information about training opportunities for UDAF employees. All records of outside training given to UDAF employees will be kept by the Department.

PROCEDURES FOR TRAINING

- Employees will complete all State required training
- Divisions may require certified training for UDAF employees. Training documents shall be forwarded to UDAF Human Resources for entry into each employee's training record.
- All other training requested by UDAF employees shall be approved by the Division Director and coordinated with Finance.

DEPARTMENT OF AGRICULTURE AND FOOD	
03.09 WEAPONS POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THIS SECTION SETS FORTH DEPARTMENT POLICY FOR OWNING, CARRYING, AND USING FIREARMS AND OTHER WEAPONS.	

- Under the authority of Title 4 and [UCA Section 53-13-105](#) *et seq.*, the Department adopts this weapons policy as a directive for those individuals who are authorized by the Department to carry firearms or weapons of any type in connection with their employment.
- The use of weapons in Department-related employment is in place primarily for individual employee protection. It is normally not intended to be used as a show of force to achieve compliance with laws or regulations.
- Any individual within the Department who feels their job or job-related activities put them into a situation that would require protection, or who are statutorily empowered to carry a weapon during the course of their employment, must receive prior written authorization by the Commissioner and the employee's Division Director. Authorization is meant to govern policy during working hours while performing official duties. Nothing in this policy is intended to interfere with an employee's constitutional rights or responsibilities while not performing job-related activities for the State.
- Prior to Departmental authorization to carry a weapon, the employee must be Police Officer Standard Training (POST) certified as one of the four types of Public Safety Officers identified in [Title 53, Chapter 13](#) of the Utah Code. The employee must complete all weapons and other required training through POST, or by an entity similarly authorized under [Title 53](#). This includes, but is not limited to, successful completion of a weapon training course taught by any participating law enforcement agency. At the end of the training, each employee must demonstrate their ability to handle the weapon by qualifying under the State's present standard or be subject to a waiver recognized by the State. Weapons certification must be maintained by the employee, including yearly training requirements.
- Weapons will be maintained in a secure area within the individual's automobile (trunk or locked vehicle), readily accessible for use in emergency, and will normally be permitted to be carried on the individual person under any one of the following instances:
 - While performing vehicle stops.

- While involved in authorized roadblocks, whether they are being held alone or with other law enforcement personnel.
- While on duty at one of the State's ports of entries.
- While issuing subpoenas or search warrants.
- While making a felony arrest.
- While conducting certain types of investigations.
- While performing any other job-related duty in which it is determined that one's life may be in danger.

DEADLY FORCE

- Because it is not the intent of the Department to use a weapon as a tool to enforce laws and regulations, a weapon should only be drawn or fired at an individual when it is felt the life or personal welfare of the employee or another person they may be protecting is at stake. A Department investigation and review will be required on all weapons-related incidents. The discharge of any weapon not normally related to training, practice, or re-qualification must be reported immediately to the employee's Division Director and the Commissioner.

OWNERSHIP AND STORAGE

Weapons may be either Department owned or privately owned.

- Private owners employed by the State have the same duties and responsibilities of any POST officer and citizen with respect to gun registration, storage, maintenance, and safety.
- The serial number of each gun used in employment by the individual shall be on file with the Department at the time of employment and shall be updated yearly by the employee, regardless of whether it is privately or State owned.
- The Department shall provide a secure location to store all State-owned weapons, accessories, technology, and protective gear.
 - The secure location shall be maintained by the Director of the Division of Animal Industry or their designee. The Director shall create a protocol for weapons access, inventory, assigned weapons log, and security, that shall be reviewed yearly.
 - An inventory shall be conducted every 6 months and any discrepancies shall be reported to the Commissioner or law enforcement.
- When visiting the Department, employees may utilize a Department-provided secure weapons storage locker for the employee's personally owned weapon **AT THEIR OWN RISK**. By using the State's resources, the employee agrees to indemnify and hold harmless the State and its officers, employees, and agents for any alleged damage to weapons brought into the Department and/or stored.
- Each employee assigned a weapon will be responsible for the cleaning, care, and security of the weapon.

- If an employee ceases using a weapon in their duties for the State, the employee shall immediately inform the Director of the Division of Animal Industry.
- Any weapon, personal protective gear, or other law enforcement tool issued to an employee must be returned to the Department on termination or retirement of the employee.

VIOLATIONS

- Any violation of the Weapons Policy is reason for a review and possible discipline, up to and including termination of the employee.

DEPARTMENT OF AGRICULTURE AND FOOD	
03.10 AUTHORIZED PERSONAL USE OF PUBLIC PROPERTY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
<p>SUMMARY: THIS POLICY PROVIDES PUBLIC SERVANTS GUIDANCE AS TO AUTHORIZED PERSONAL USE OF PUBLIC PROPERTY, AS DEFINED IN UCA SUBSECTION 76-8-101(5), TO HELP THEM AVOID UNINTENTIONAL VIOLATIONS OF UCA SECTION 76-8-402 AND 404, OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT. CRIMINAL PENALTIES FOR VIOLATION OF UCA SECTION 76-8-402 RANGE FROM A CLASS C MISDEMEANOR TO A SECOND DEGREE FELONY.</p>	

PURPOSE

- This policy provides public servants guidance as to authorized personal use of public property to help them avoid unintentional violations of Utah law.
- A public servant is not guilty of a violation of [UCA Section 76-8-402](#) for authorized personal use of public property. “Public servant” means a public officer, an appointed official, employee, consultant, or independent contractor of a public entity, or a person hired or paid by a public entity to perform a government function. “Public property” means real or personal property that is owned, held, or managed by a public entity.
- This policy constitutes a “written policy of the public servant’s public entity” for purposes of UCA Subsection [76-8-402\(1\)\(a\)\(iii\)](#). For purposes of this policy, “public servants” will be referred to as “employees”.

POLICY

- Employees are responsible to protect and conserve government owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege to use public property for personal purposes may be limited or revoked at any time by an appropriate individual (e.g., a supervisor in the employee’s organizational chain of command).
- Employees do not have a right to, nor should they have an expectation of, privacy while using government resources at any time, including when they are accessing the internet, using email, instant messaging, or telephones. Employees who wish

for their personal activities to be private should not conduct such activities using public property.

- To help improve the effectiveness and efficiency of government services, incidental or *de minimis* personal use of public property is authorized under [UCA Section 76-8-402](#) and is further authorized under this policy. Incidental or *de minimis* personal use includes:
 - Use of public property for limited personal use when an employee is using the public property to perform their duties of office or employment; and
 - Use of public property of a personal nature when such use of the public property:
 - Is allowed to be used by the general public;
 - Is allowed for training or skill development;
 - Is provided or required to be provided to the employee as an employee benefit or convenience, such as lunchroom, fitness, or nursing room facilities;
 - Provides value to the Department that substantially outweighs the personal benefit received by the employee;
 - Is otherwise permitted by an employee's manager or supervisor (e.g., a supervisor in the employee's organizational chain of command) in writing prior to usage; or
 - Is otherwise permissible under State or Federal law, administrative rule or policy.
 - Notwithstanding the above, incidental or *de minimis* personal use does not include any use that:
 - Significantly interferes with the mission or operations of the Department;
 - Significantly interferes with the performance of the employee's or any other employee's official duties;
 - Significantly compromises the integrity of public property; or
 - Is for private financial gain, including conducting outside business, employment, or other income generating activities.
- This policy does not modify the requirements of laws, rules, or policies regulating State employees' use of public property, including the following:
 - Utah Administrative Code Section [R477-9-7](#), Acceptable Use of Information Technology Resources, <https://rules.utah.gov/publicat/code/r477/r477-009.htm>
 - The Utah Public Officers' and Employees' Ethics Act, https://le.utah.gov/xcode/Title67/Chapter16/67-16.html?v=C67-16_1800010118000101

- [UCA Section 67-19-19](https://le.utah.gov/xcode/Title67/Chapter19/67-19-S19.html?v=C67-19-S19_1800010118000101) – Political Activity of Employees – Rules and Regulations – Highway patrol – Hatch Act,
https://le.utah.gov/xcode/Title67/Chapter19/67-19-S19.html?v=C67-19-S19_1800010118000101
- DTS Policy 5000-0002.1 – Enterprise Information Security Policy (Statewide),
<https://dts.utah.gov/policies/enterprise-information-security-policy>
- DTS Policy 5000-0003 – Enterprise Mobile Device Policy (Statewide),
<https://dts.utah.gov/policies/enterprise-mobile-device-policy>
- DTS Policy 5000-0004 – Enterprise Web Filter Policy (Statewide),
<https://dts.utah.gov/policies/enterprise-web-filter-policy>
- Utah Administrative Code Rule R895-7, Acceptable Use of Information Technology Resources,
<https://rules.utah.gov/publicat/code/r895/r895-007.htm>
- Division of Finance Policies, including FIACCT – O5-15.00– Purchasing Card and FIACCT– 10-01.00 – Travel – Personal Use of State Vehicles,
http://apps.finance.utah.gov/nxt/gateway.dll?f=templates&fn=default.htm&q=05-15_00&x=advanced
- Utah Administrative Code Rule R27-3 –State Vehicle Use Standards,
<https://rules.utah.gov/publicat/code/r027/r027-003.htm>
- Utah Administrative Code Rule R27-6 –Fuel Dispensing Program,
<https://rules.utah.gov/publicat/code/r027/r027-006.htm>
- Governor’s Executive [Order 002 2014](#): Establishing an Ethics Policy for Executive Branch Agencies and Employees

DEPARTMENT OF AGRICULTURE AND FOOD	
04.01 ADOPTION OF DTS POLICIES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: STATEWIDE POLICIES WHICH HELP PROTECT THE CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY OF THE STATE'S INFORMATION AND INFORMATION SYSTEMS.	

BACKGROUND

- When the Utah Department of Technology Services (DTS) was formed it was given rulemaking authority for Information Technology as well as the ability to create Enterprise Information Technology Policies.

POLICY

- In addition to the Enterprise Information Security policy referenced in the Department Standards of Conduct Policy ([5000-0002.1](#); UDAF Policy 2.03), UDAF adopts the following Statewide DTS policies that DTS has implemented for all Executive Branch State employees served by DTS.

[4000-0002 Enterprise Password Standards Policy](#)

[5000-0003 Enterprise Mobile Device Policy](#)

DEPARTMENT OF AGRICULTURE AND FOOD	
04.02 ACCEPTABLE USE POLICY, INFORMATION TECHNOLOGY RESOURCES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: POLICY THAT IMPROVES THE EFFECTIVENESS OF INFORMATION RESOURCES AND ENSURES THAT THEY ARE USED IN A PROFESSIONAL, USEFUL, AND LEGAL MANNER.	

PURPOSE

- This policy defines the use of State-owned information technology (IT) resources.

BACKGROUND

- Information technology resources are provided to assist in the efficient day-to-day operations of State Agencies. The Utah Department of Technology Services (DTS) provides information technology resources such as computers, email, electronic voice and video communications, the Internet and other technologies to employees so they can support State Agencies in achieving their mission and goals, and to improve State government in general.

SCOPE

- This policy applies to all employees within UDAF.

EXCEPTIONS

- None.

POLICY

- UDAF employees shall regularly review, be familiar with, and follow the requirements of Utah Administrative Code [Rule R895-7](#) – Acceptable Use of Information Technology Resources. An employee who violates the provisions of Rule [R895-7](#) or [DTS Policy 5000-0002.1](#) may be disciplined pursuant to Utah Administrative Code Rule [R477-11](#) and DTS Human Resource guidelines.

GUIDELINES

- Managers should make certain that employees understand that providing IT resources to an employee does not imply an expectation of privacy. For more information see Policy 3.10, Authorized Personal Use of Public Property.

EMAIL & CORRESPONDENCE PHOTOS

- It is strongly recommended that Department employees display an appropriate, professional photo of themselves in email and correspondence applications at all times.

DEPARTMENT OF AGRICULTURE AND FOOD	
04.03 CELLULAR PHONES AND TABLETS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: POLICY REGARDING USE OF DEPARTMENT ISSUED CELL PHONES AND TABLETS.	

USE OF STATE-ISSUED DEVICES

- Department employees have no expectation of privacy when using State-issued cell phones, tablets, or other electronic devices (“State-issued devices”), regardless of the format (e.g., digital, video).
- All State-issued devices must be used primarily for business purposes and for incidental and occasional personal use only consistent with Policy 3.10.
- Information on State-issued devices is subject to the Government Records Access Management Act (GRAMA), discovery requests, and DHRM retention schedules. DHRM will search employee accounts and State-issued devices in response to a litigation request, a GRAMA request, or due to a business need, including internal, disciplinary, or other human resource investigations.
- All State-issued devices are considered State property.

STATE-ISSUED CELL PHONES

- The Department will purchase and issue cell phones including accessories and voice and data plans for employees who need phones to complete their assigned work tasks.
- Employees who receive a state-issued cell phone should submit a State Provided Cell Phone or Tablet Agreement (Appendix C.01). If an employee opts to use their own cell phone and be reimbursed by the Department, they should submit an Employee Provided Cell Phone Allowance Agreement (Appendix C.02).

PROCEDURE FOR DEPARTMENT-ISSUED CELL PHONES:

- A review of the Usage Detail Report for each Department-issued cell phone will be performed monthly. If an employee has incurred excessive fees, the Administrative Services Division will contact the employee and or supervisor for justification.

USE OF CELLULAR TELEPHONES WHILE OPERATING A MOTOR VEHICLE

- For the safety of UDAF employees and the citizens of the State of Utah, UDAF policy prohibits employees from using a cellular telephone while operating a motor vehicle. UDAF also discourages the use of hands-free cellular phone devices while operating a motor vehicle.

STATE-ISSUED TABLETS

- The Department will purchase and issue tablets and tablet accessories if an employee completes a “Justification for Cell Phone and Tablet Request” and the request is approved by the Commissioner.

DEPARTMENT OF AGRICULTURE AND FOOD	
04.04 COMPUTER HARDWARE AND SOFTWARE PURCHASE AND INSTALLATION	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: POLICY TO REGULATE THE PURCHASE OF COMPUTERS AND ACCOMPANYING ACCESSORIES.	

COMPUTER HARDWARE OR SOFTWARE PURCHASES:

- In 2013, the State of Utah’s Department of Technology Services (DTS) began moving its IT service management operations to ServiceNow. More recently, the Department added Asset Management to its ServiceNow deployment to gain better control over hardware devices, and to improve billing to the agencies that use those assets.

- Currently, all computers and software should be purchased through DTS utilizing the [ServiceNow process](#). Contact the Division of Administrative Services for technology purchases.

DEPARTMENT OF AGRICULTURE AND FOOD	
05.01 CLAIMS AGAINST THE STATE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: ALL CLAIMS, SUITS, OR SIMILAR PAPERS SERVED UPON AN ENTITY WILL BE PROCESSED AS FOLLOWS.	

NOTICES OF CLAIM

- All Notices of Claim received by a governmental entity (including UDAF) must be sent immediately to the Attorney General’s Office at the following address:
Office of the Attorney General
PO Box 142320
SLC UT 84114-2320
- Please include a cover sheet with the names and contact information for your Agency, Division, a Department contact, and your assigned AAG.
- The AGO will contact the Department to advise them how to proceed depending on the nature of the claim.
 - Generally, either the notice will be sent to the Litigation Division, which will forward a copy to the Risk Management Division or the original will be returned to the entity or Agency if not covered by the Risk Management Fund.

SUMMONS, COMPLAINTS, SERVICE OF PROCESS, SUBPOENAS, BANKRUPTCY NOTICES

- All summons, complaints, service of process, bankruptcy notices and/or subpoenas received by UDAF or received by any person in the Agency will be forwarded immediately to your assigned AAG.

TIME IS OF THE ESSENCE

- Because the timeframe to respond to these notices can be extremely short, TIME IS OF THE ESSENCE in ensuring the notices and claims are sent to the Attorney General’s Office and the AAGs immediately upon receipt.

DEPARTMENT OF AGRICULTURE AND FOOD	
05.02 COMMENTS ON FEDERAL LAWS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: DETAILS ON THE PROGRAM AND PROCEDURES TO HANDLE CORRESPONDENCE TO GOVERNMENT OFFICIALS.	

PUBLIC AND POLICY ISSUES

- The Governor has established the [Public Lands and Policy Coordinating Office \(PLPCO\)](#) to coordinate all correspondence, comments, and input on public land issues. The procedure in no way limits Department input on legislation or rules but rather coordinates the State’s effort.
- All comments, correspondence, and input on Federal issues must be coordinated through the Governor’s Office after first being raised with the Commissioner for a determination as to whether the matter is appropriate to forward to PLPCO.
- All comments regarding rules, laws or other issues must be channeled through the Division Directors to the Policy Analyst and then to the Commissioner.

CORRESPONDENCE PROCEDURES

- All correspondence to Federal personnel regarding laws or rules must be channeled through the Division Director to the Commissioner in coordination with the Governor’s Office. Any letters submitted shall be in final form and signed.

SIGNING

- A Division Director may sign correspondence if approved by the Commissioner. This decision should be based on the importance of the issues involved.

DEPARTMENT OF AGRICULTURE AND FOOD	
05.03 CONTRACT/GRANTS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROCEDURES FOR INITIATING, FULFILLING, AND RECORDING CONTRACT AND GRANTS.	

DEVELOPMENT

- The Division initiating the contract/grant should draft the initial document or coordinate with the assigned AAGs to do so with Division Director approval.
 - Templates for new grant programs shall be developed in coordination with the assigned AAGs in order to ensure the correct formatting is used, depending on the type of grant.
- Each Division Director shall develop an intra-Division system for contract/grant drafting and approvals, including ensuring that each contract/grant complies with all Federal and State laws, Department rules, and policies.
- Each Division Director shall also develop an internal process for obtaining the grantee/beneficiary’s signatures and ensuring the grant is complete.
- The Commissioner shall be made aware of the matter through regular reporting in a format to be determined by the Commissioner.

CONTRACT/GRANT SIGNATURES/APPROVALS

- Each contract/grant must have the following signatures and completed review prior to submitting the document for payment. The Commissioner, in consultation with the Division Directors, may modify this policy if review by a party is not warranted under special circumstances.
 - Grantee
 - AAG
 - Division Director
 - Finance Officer
 - Deputy Commissioner or Commissioner
 - Director of Finance (FI_Contract@utah.gov) (FINET)
- The grant/contract must be complete (including all attachments and information with the expectation that the information will not be modified and excepting signatures and signature dates) in order to begin the review process.

- If legal issues arise during the course of the grant/contract processing and review or if there are modifications made to the contract/grant after any stage of the review, the Division Director will be notified and a course of action determined in coordination with the AAG and any other individuals whose areas are potentially impacted by the modifications.

CONTRACT/GRANT REPORTING OBLIGATIONS

- In order to comply with GRAMA and other reporting requirements, a complete signed copy of the contract/grant shall be maintained by the Administrative Services Division and/or by the Division as the official Department copy. A copy of all documents affecting the contract/grant (quarterly reports, copies of warrants, billings, etc.) will be filed in the official Departmental file.
 - Electronic copies may be substituted for hard copies provided that the documents are contained in the same file as a complete set.
- Division Directors are ultimately responsible to follow through on the terms and conditions of the contract/grant, including verification of reporting requirements, final reports, invoicing and payments. However, those duties may be delegated as the Division/Department determines best suits its needs.

RENEWALS/EXPIRATIONS

- Divisions will be notified by a Departmental designee no less than two months in advance of any contract/grants which will expire and will be asked to indicate disposition (renew, cancel, etc.).
- Generally, renewals or amendments to existing contracts/grants shall follow the same process as for initial contracts/grants.

EXCEPTIONS

- IT acquisitions or maintenance contracts shall be processed through the DTS contracts office as per [UCA Section 63F-1-205](#).
- The Division Director, with approval from the Commissioner, may establish an alternative process for specific contracts/grants or programs for good cause.
 - In either case, the AAG shall be notified that internal UDAF AAG review is being waived by the Department.

DEPARTMENT OF AGRICULTURE AND FOOD	
05.04 CORRESPONDENCE WITH OTHER AGENCIES; REQUESTING ATTORNEY GENERAL'S OPINION	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: TO SET FORTH THE PROCEDURES IN PLACE FOR INTER-AGENCY COMMUNICATION AND AGO REQUESTS.	

CORRESPONDENCE WITH OTHER AGENCIES

- All correspondence to the Governor or his assistants, or correspondence with the head of any Federal Agency shall be approved by the Commissioner or the Executive Team.
 - This policy keeps the Commissioner apprised of happenings within the Department and allows the Commissioner to be informed on an issue should they be contacted directly.
 - In addition, please copy the Commissioner on the correspondence and keep the Commissioner continually apprised of the situation.

ATTORNEY GENERAL'S OPINION-FORMAL

- Requests for formal Attorney General's opinions must be made in writing by the Commissioner.
- A file of all requests for formal opinions and responses shall be kept by the Commissioner.

ATTORNEY GENERAL'S OPINION-INFORMAL

- Requests for verbal advice or written memorandums from the AAG or the AGO should be approved by the Division Director and/or the Commissioner.
- A file of all requests for informal opinions and responses shall be kept by the Commissioner.

DEPARTMENT OF AGRICULTURE AND FOOD	
05.05 GRIEVANCE POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: OFFICIAL PROCEDURES FOR ADDRESSING AND RESOLVING GRIEVANCES.	

POLICIES

- It is the policy of the State of Utah and the Department to provide a fair, formal, and prompt means of settling employment disputes without coercion, restraint, or reprisal. Every effort should be made to find an acceptable solution by informal means at the lowest possible level. Aggrieved employees shall first attempt to resolve a grievance through discussion with their immediate supervisor.
- Copies of the State Employee’s Grievance Procedure Bulletin can be obtained from the Human Resource Office or from the Career Review Service Office website <https://csro.utah.gov> that outlines the State grievance procedures.
- In keeping with the Department’s centralized personnel system, copies of all grievances should be sent to the Human Resource Management Department. The Human Resource Management Staff is assigned the responsibility of objectively informing both the grievant and supervisors on proper procedures of the grievance process.

DEPARTMENT OF AGRICULTURE AND FOOD 05.06 ADA AND CIVIL RIGHTS GRIEVANCE POLICY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THIS POLICY SETS FORTH THE GRIEVANCE PROCEDURE FOR ALLEGED VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT AND CIVIL RIGHTS GRIEVANCE PROCEDURES.	

AUTHORITY/PURPOSE

- This policy is authorized by Utah Administrative Code Section [R51-4-1](#) *et seq.*, [UCA Subsection 4-2-103\(1\)\(i\)](#) and to effectuate the State policies set forth in [UCA Section 62A-5a-101](#) and other Utah Code provisions protecting individual civil rights.
- The purpose of this rule is to provide for the prompt and equitable resolution of a complaint alleging any violation of the nondiscrimination provisions of [Title VI of the Civil Rights Act of 1964](#), [Title II of the Americans with Disabilities Act of 1990](#), [Section 504 of the Rehabilitation Act of 1973](#), or the [Age Discrimination Act of 1975](#), by an employee or customer of the Department.

COMPLAINTS/INVESTIGATIONS

- Any individual who believes they have been subject to discriminatory actions by the Department may file a complaint with the Department as set forth in Utah Administrative Code Rule [R51-4-3](#).
- Investigation of the complaints shall be performed in accordance with Utah Administrative Code Rule [R51-4-4](#) and a decision issued pursuant to the deadlines set forth in Utah Administrative Code Rule [R51-4-5](#).
- If an employee wishes to file a complaint or receives a discrimination complaint from a customer of the Department they should refer to the applicable Department coordinator using the contact information listed below.

RECOMMENDATION/DECISION

- The Department will issue a decision, including, if applicable, recommendations for preventing future similar issues.
- The Department will notify the complainant of that decision and take the steps it finds reasonable to implement any recommendations suggested by the Department Coordinator.

Appeals

- All appeals shall be conducted as set forth in Utah Administrative Code Rule [R51-4-7](#).

Conflict of Laws

- This rule does not prohibit or limit the use of remedies available to individuals under the Utah Anti-Discrimination Complaint Procedures [Section 67-19-32](#); the Federal ADA Complaint Procedures, [28 CFR Subpart E](#), beginning with [28 CFR Part 35.170](#), July 1, 1992 edition; or any other Utah State or Federal law that provides equal or greater protection for the rights of individuals with disabilities. [R51-4-8](#).

CONTACT INFORMATION (CURRENT AS OF AUGUST 2020)

Employee complaints contact (Employee ADA Coordinator):

Chris Kilpack, Human Resources Specialist

ckilpack@utah.gov

(385) 315-2834

Customer complaints contact (Customer ADA Coordinator):

Kelly Pehrson, Deputy Commissioner

kwpehrson@utah.gov

801-982-2202

DEPARTMENT OF AGRICULTURE AND FOOD	
05.07 LAWS AND RULES	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROCEDURES FOR ADOPTING DEPARTMENTAL RULES INCLUDING REQUESTS, HEARINGS, AND PUBLICATION.	

PROMULGATION

- All rules must be promulgated in accordance with the Administrative Rule-Making Act (UCA [Section 63G-3-302](#) *et seq.*) and its accompanying administrative rules (Utah Administrative Code Rule [R15-4](#)).

PROCEDURES FOR ADOPTING AN ADMINISTRATIVE RULE FOR THE DEPARTMENT

Origination

- Rules will originate at a Division level in coordination with the Department Administrative Rule Coordinator, and will follow the format set up by the Office of Administrative Rules (OAR). Rules cannot exceed the intent or language of the law, and must state the legal authority to promulgate rules on the covered subject matter.

Preparation

- Preparation should be done by the individual Divisions. All laws and rules now in use by the Department are available on the [OAR website](#). The rule coordinator will request the most current documents from OAR to make corrections, additions, etc.

Administrative Rules Hearings

- In compliance with [UCA Section 63G-3-302](#), and Department policy, agencies may hold hearings voluntarily on proposed rules before filing or during the comment period. The Utah Administrative Rulemaking Act only requires a hearing if ten persons, or an association with at least ten members, requests it in writing. If the Agency receives the request more than 15 days after publication of the proposed rule in the Bulletin, the hearing is not required, but if for no other reason than good public relations, the Agency may waive this limit. A requested hearing must be held no less than seven days after, and within 30 days of receipt of, the request. **The hearing must be held before the rule becomes effective.**
- Voluntary hearings are publicized by notice on the rule analysis form in the Bulletin, and on the Utah Public Notice website. A mandatory hearing will be properly noticed on the Utah Public Notice website..
- The Division Director shall preside at all hearings of rules.

- The Division Director shall be responsible for the following:
 - Setting the date and arranging the location for the hearing.
 - Giving notice as provided herein.
 - Providing a recorder for minute-taking.
 - Preparing a final draft of rules for submission to OAR.
 - Notifying the ADA Coordinator three days prior to the hearing of individuals needing special accommodations (including auxiliary communicative aids and services) that might be needed to be in compliance with the Americans with Disabilities Act.

Final Adoption

- Final adoption will be sent to OAR by the rule coordinator.

DEPARTMENT OF AGRICULTURE AND FOOD	
05.08 ADJUDICATIVE HEARINGS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE DEPARTMENT IS COMMITTED TO ENSURING DUE PROCESS AND THE RIGHT TO BE HEARD AND HEREBY ADOPTS THE FOLLOWING AGENCY POLICIES AND PROCEDURES FOR ADJUDICATIVE PROCEEDINGS.	

ADJUDICATIVE PROCEEDINGS

- This policy is governed by Utah’s Administrative Procedures Act, Title [63G, Chapter 4](#) of the Utah Code, Utah’s Agricultural Act, [Title 4, Chapter 2](#) of the UCA, and Utah Administrative Code Rule [R51-2](#).

REPRESENTATION

- The Attorney General is the legal advisor for the Department and shall defend the Department and the Department's representatives in all actions and proceedings brought against the Department pursuant to [UCA Section 4-2-301](#).

COMMENCEMENT

- A request or notice for an adjudicative hearing may be initiated by either an aggrieved party or the Department as set forth by [UCA Section 63G-4-201](#). The request or notice must contain all required statutory provisions.

HEARING DESIGNATION

- All hearings before the Department, including those regarding permits, licenses, and certifications, are designated informal, unless otherwise set forth in statute or rule under [UCA Subsection 63G-4-202\(1\)](#).

HEARING PROCEEDINGS

- Proceedings shall be governed by the procedures set forth in UCA [Section 63G-4-203](#).

REQUEST FOR RECONSIDERATION, AGENCY AND JUDICIAL REVIEW

- Where allowed by statute or rule, final decisions and orders issued after an adjudicative proceeding may be presented to the appropriate party at UDAF for reconsideration or Agency review pursuant to UCA [Section 63G-4-301](#).

- Unless prohibited by statute or rule, final decisions and orders may also be appealed to the district court pursuant to UCA [Section 63G-4-401](#).

EMERGENCY ORDERS

- Notwithstanding anything above, the Department may issue an emergency order where allowed by law, without complying with Utah Administrative Code Rule R51, so long as the requirements of UCA [Section 63G-4-502](#) are met.

DEPARTMENT OF AGRICULTURE AND FOOD	
06.01 ADVISORY BOARDS/COMMITTEES AND INTERNAL MEETINGS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: TO SET FORTH THE RESPONSIBILITIES FOR ADVISORY BOARD AND COMMITTEE MEETINGS AND ESTABLISH REGULAR INTRA-DEPARTMENTAL MEETINGS.	

DIVISION DIRECTOR RESPONSIBILITIES FOR ADVISORY BOARDS/COMMITTEES

- All advisory boards/committees are assigned to the Division Director whose Division is most affected by the board/committee or whose Division is designated in statute.
- The individual Division Director will ensure the following, either personally or by designation:
 - Compliance with requirements (minimum number of meetings, etc.) and duties assigned to the board or committee by law. This includes all notice and other OPMA, ethics, and GRAMA requirements;
 - Ensuring that a quorum will be present and confirming a quorum is present at the start of the meeting.
 - Preparing agendas for Director/AAG review and posting to the public notice website.
 - Maintenance of up-to-date records of board/committee members, including appointments and expiration dates.
 - Notifying the Commissioner and Executive Secretary for the Department or Division secretary 60 days in advance of all necessary changes or re-appointments of board/committee members.
 - Ensuring that all board members take the Oath of Office, if applicable.
 - Members who are to receive per diem and travel must be placed on payroll by the HR Analyst. A copy of the appointment letter and a completed W-4 form and I-9 documentation should be given to the personnel technician.
 - Communicate with the Governor’s office regarding the status of each Board/Commission and prepare all necessary reports to the Governor’s office as required by statute and by request.
 - Notify the board or committee chairman of necessary meetings.
 - In cases where the Commissioner is chairman, this should be done by writing a letter of notification of the meeting for the Commissioner’s signature. Members should receive notification of the meeting at least one week in advance.
 - Make all physical arrangements for the meeting, including conference room reservation, secretary, recorder, etc.
 - Prepare proper forms for reimbursement of board/committee members’ incurred expenses.

- E.g., travel reimbursement form, meeting attendance form, or FI 40B Private Vehicle Reimbursement.
- Take accurate minutes of meeting, send minutes to members and post them on the public notice website as soon as possible after meeting, and no later than the date allowed under OPMA.

STATE REFERENCES

- The following documents provide helpful information to support the Department's role in managing boards and commissions:

Handbook for Members of the State of Utah Boards and Commissions

<https://boards.utah.gov/Content/finalhandbook.pdf>

Oaths of Office Filing Instructions-Utah State Archives

<https://archives.utah.gov/opengovernment/oathsofoffice.html>

DIRECTOR'S MEETINGS/DIVISION MEETINGS

- Every week, or as needed, Division Directors will meet with the Commissioner to review Departmental issues, recent issues, and any other items of import or concern.
- Regular individual section and Division staff meetings are highly encouraged. As such, Division Directors shall establish a schedule for Division meetings and inform the Commissioner of the same.

DEPARTMENT OF AGRICULTURE AND FOOD	
06.02 BUILDING USE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROCEDURES FOR RESERVING AND USING BUILDINGS DURING WORK HOURS OR ON WEEKENDS.	

CONDITIONS

- Agricultural organizations using Department buildings during work hours or on weekends may do so under the following conditions:
 - All reservations for use of rooms in the building should be cleared through the Division of Administrative Services to assure availability of space.
 - An employee of the Department must be present to open the building, remain during the meeting, and be responsible for securing the building following the meeting.
 - If arrangements cannot be made to have an employee present, an employee of the building security force must open the building, remain during the meeting, and secure the building at the close of the meeting. **The group involved will be charged for all security service expenses.**
 - All users need to be responsible for the setup and cleanup of the conference rooms and equipment used.

OFF-HOUR USE OF MAIN OFFICE BUILDING

- When the front doors are open to the public, there shall be an employee at the front desk to check State Employee IDs, sign in visitors and issue visitor passes. A Division hosting off-hour meetings shall be responsible for building security, including obtaining appropriate approval for off-hour building access, providing an employee at the reception desk, monitoring the attendees, monitoring the areas accessible by attendees, and securing the building after the meeting.

OFF-HOUR MAIN OFFICE BUILDING ACCESS

- Employees who enter the building during off hours and expect to leave before normal work hours shall sign a log when they arrive and sign out on that log when they leave. This process will allow employees to know when another employee is in the building during off hours. Employees shall turn off the alarm when they arrive (if it is on).
- The last employee to leave the building on non-work days shall check the log to make sure no one else is in the building and then set the alarm.

MAIN OFFICE BUILDING ALARM ACCESS CODE

- The security access code for the building alarm shall be changed annually. The code shall only be given out by the employee's Director or those persons who are

authorized to issue badges. The code shall only be given out to those whose badge allows off hours access. The code shall be determined by the Commissioner.

DEPARTMENT OF AGRICULTURE AND FOOD	
06.03 CONFERENCE ROOM SCHEDULING	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROCEDURES FOR SCHEDULING AND PREPARING CONFERENCE ROOMS AND EQUIPMENT.	

SCHEDULING MAIN CONFERENCE ROOM

- When the main conference room is scheduled, either for a Department function or for one of the groups an employee is associated with, the involved Division employee should ensure that:
 - Use of the room is scheduled on the appropriate Google calendar and the Division Director is informed of the meeting. Please be sure to both include the conference room in your invite **and** schedule it on the Room’s calendar.
 - The conference room is equipped with some or all of the following equipment.
 - 35 MM slide projector
 - Podium/microphone
 - Sound system (with staff supervision)
 - Overhead projector
 - LCD Projector
 - DVD Player
 - A large projector screen is located in the room, as well as a whiteboard with markers.
 - The dividing partition should be closed if the entire room is not going to be used.
 - Please post “Conference in Session” signs next to/on each door.
 - Tables and chairs may be arranged as preferred. The entire room will seat approximately 90 people.
 - Smoking is not allowed in the building.
 - Users should come prepared with needed items and supplies such as handouts, pencils, etc. Building employees are not available to make copies or to provide supplies, services, etc. If copies are needed, machines are available for use. There may be a charge for the copies.
 - The lunchroom is available (located next to the conference room). This is equipped with vending machines. Consideration should be shown when using the facilities, such as cleaning up, etc.

- When the meeting is over, employees should make certain the room is cleared of all items from the meeting, such as handouts, trash/bottles, papers, brochures, etc.
- Agricultural affiliated organizations using the building after 5:00 p.m. must have a full-time employee on the premises, who will be responsible for those using the building.
- In compliance with the Americans with Disabilities Act (ADA), individuals needing special accommodations (including auxiliary communicative aids and services) during a meeting should notify the ADA Coordinator at least three working days prior to the meeting. See Policy 5.06 for contact information.
- UDAF meetings will take precedence over other scheduled meetings and may displace non-UDAF meetings if State requirements so dictate.

DEPARTMENT OF AGRICULTURE AND FOOD	
06.04 MEALS FOR DEPARTMENT MEETINGS	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: PROCEDURES FOR PROVIDING AND ORDERING MEALS FOR USE DURING DEPARTMENTAL MEETINGS.	

MEALS PROVIDED

- Meals may be provided for official Department meetings with prior approval when all of the following conditions exist:
 - The meeting is one of the official Department designated advisory or policy boards or committees; or the meeting is one called by the Commissioner where non-State employees are invited to review issues facing the Department with no per diem or compensation offered.
 - The meeting time schedule will span the lunch or dinner hour.
 - The majority of the individuals are non-State employees.
 - Meetings which do not meet all of the above criteria must be approved by the Commissioner prior to obtaining meals.

ORDERING MEALS

- In ordering meals, the procedures are:
 - Get prior approval where necessary (i.e. if it does not comply with the above).
 - Stay within per diem rates unless otherwise approved by the Commissioner or if they are exempt from this requirement.
 - Call an authorized establishment (or anyone else) who will invoice in advance and place an order if more than ten meals are to be ordered.
 - Sign for meals and bring the invoice back to the Department.
 - Have the appropriate Division Director approve the invoice, indicating unit and proper coding, and submit to the Accounts Payable Clerk for processing. If using a P-card to make purchases, ensure documentation is provided with the monthly P-card logs. It is important that ORIGINAL invoices be provided for payment.

DEPARTMENT OF AGRICULTURE AND FOOD	
06.05 SECURITY	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: BUILDING AND COMPUTER SECURITY AS APPLIES TO PERSONNEL AND VISITORS.	

BUILDING SECURITY

- The building will be locked from **5:00 P.M. until 8:00 A.M. (Mon-Fri.)** as well as on weekends and holidays.
- Division Directors will request permanent or temporary ID card access for those employees requiring building access during closed hours with approval by the Commissioner. **Authorization forms** can be obtained on the Department’s network drive.
- All visitors must sign in and out at the reception desk. The receptionist will contact the Division to let them know they have a visitor.
- Employees are encouraged to have their State I.D. cards visible at all times, especially when using the building after normal office hours.
- The Division of Facilities, Construction and Management Office (DFCM) will contract for all building security. Typically a security contractor provides security monitoring several times daily.

COMPUTER SECURITY

- Access to the Department LAN system requires approval by the Division Director. The DTS Staff will process the request once all proper signatures are acquired.
- Employees shall follow the policy and procedures for changing passwords as required.
- Access to other systems will require processing through the security designee in the Administrative Services Division.

DEPARTMENT OF AGRICULTURE AND FOOD 07.01 CONFERENCES - TRAVEL	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: TRAVEL CONFERENCES: REQUESTING AND RECEIVING APPROVAL, MONETARY REIMBURSEMENT, TIME COMPENSATION, TC.	

ARRANGING HOTELS AND BOOKING AIRFARE

- All air travel must be booked through the Department’s Travel Coordinator or the Division’s designated travel coordinator. All in-State hotels that are not within current State per diem amounts and all out of State hotels must be booked through these Travel Coordinators as well. State hotels that are within the per diem amounts may be booked by the traveler.

IN-STATE CONFERENCE APPROVAL

Registration Fee

- When an in-State conference has a registration fee attached to it, these registration fees can be reimbursed only with prior approval from the Division Director and must be supported by a proper receipt and agenda, and should be paid using a purchasing card or warrant issued through Administrative Services.

Helpful links

The [Find It Guide](#) - a portal with access to State travel policies

[State Fleet and Travel Website](#)

Utah Administrative Code Rule R27-3 [Fleet Vehicle Use Standards](#)

Utah Administrative Code Section R25-7-10 [Reimbursement for Transportation](#)

Reimbursement of Meals, Lodging, and Expenses

- Reimbursement shall be guided by State Finance Policy [FIACCT 10-02-03](#).

Group-Gatherings

- Please refer to State Finance Policy [FIACCT 10-04-00](#).

DEPARTMENT OF AGRICULTURE	
08.01 AUTHORIZED PASSENGERS AND VEHICLE OPERATORS	
EFFECTIVE DATE September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: DEFINITIONS AND GUIDELINES FOR AUTHORIZED PASSENGERS AND DRIVERS OF STATE VEHICLES.	

STATE TRAVEL POLICIES

- Department employees are required to comply with State travel and State fleet policies.

AUTHORIZED VEHICLE OPERATORS

- A Department employee may operate a State vehicle only when the employee has a valid driver license and a valid Operator ID.
- Once UDAF has been notified by the employee or by the Division of Fleet Operations that the employee's driver license is no longer valid, the Agency shall suspend the employee's authorization to operate a State vehicle.
- The employee may not drive a State vehicle until the employee's driver license and Operator ID are once again valid.

PRE-APPROVAL FOR WORK RELATED TRAVEL.

- All in-State travel for UDAF purposes outside of a 50 mile radius from the office of the employee must be requested in writing and receive supervisor approval no later than ten business days in advance. This control ensures employee accountability for time and expenditures during in-State travel and supervisory oversight of potential overnight stays.
- Division Directors may waive the ten day notice period for travel in emergency or exigent circumstances.

FLEET VEHICLE VS. RENTAL VEHICLE VS. PERSONAL VEHICLE.

- The Department leases vehicles from the State fleet for employee use. Whenever possible, Department fleet vehicles are the preferred mode of transportation for Department business.
- If a fleet vehicle is not available, use of personal vehicles for Department business is permitted when approved by a supervisor. Employees are not obligated to use personal vehicles for work assignments. Consistent with Risk Management guidelines, employees who choose to use personal vehicles for work assignments assume liability for the vehicle and are not insured by UDAF or the State.

- If no fleet vehicle is available and an employee chooses not to use a private vehicle, a supervisor may authorize a rental vehicle with the written approval of the Commissioner. Written rental approvals must include the minimum size automobile necessary for the specific assignment and anticipated mileage. Consistent with State rules, overnight home storage of fleet or rental vehicles is not permitted. UDAF does not pay for taxes, insurance, or additional fees beyond the daily rental rate. Department employees are required to fill the rental vehicle with fuel before returning it, and submit itemized rental documentation and gas receipts through ESS ([Employee Self-Service portal](#)) for reimbursement.
- Personal vehicle mileage reimbursement documentation and rental vehicle paperwork, including documented mileage and fuel reimbursement receipts, shall be submitted no later than the end of the pay period when the vehicle was used.
- Any exceptions to this policy section must be authorized by the Division Director.

DEPARTMENT OF AGRICULTURE	
08.02 COMMUTE POLICY AND PROCEDURE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
<p>SUMMARY: THE PURPOSE OF THIS RULE IS TO ESTABLISH CRITERIA BY WHICH AUTHORITY TO COMMUTE IN A STATE VEHICLE MAY BE AUTHORIZED. THE INTENT OF REQUIRING CERTAIN STATE EMPLOYEES TO COMMUTE IS TO CREATE A BENEFIT TO THE STATE, WHICH IS CLEARLY OF GREATER VALUE TO THE STATE THAN THE ASSOCIATED COST OF THE COMMUTE. COMMUTE AUTHORITY MAY NOT BE USED AS A MEANS OF PROVIDING A FRINGE BENEFIT TO EMPLOYEES, EXCEPT FOR SPECIFIC POSITIONS ENUMERATED IN SECTION 67-22-2.</p>	

POLICY AUTHORITY

- This rule is established pursuant to UCA [Subsection 41-10-1](#).

POLICY DEFINITIONS

- “Commute” means travel between an employee’s home and place of work more often than five times per month. Commute includes travel to any work site closer to an employee’s home than the principal place of assignment.
- “Department” means the Department of Administrative Services.
- “Employee” means any person who is paid on the State payroll system or is acting as an agent of the State in a volunteer position.
- “On call” –as designated by internal Department procedures and consistent with Utah Administrative Code Section [R477-8-10](#).

APPLICATION FOR COMMUTE

- Application for commute (MP-2 form) shall be submitted to the respective Division Director. After evaluating the request, if the Division Director believes that the commute falls within the standards of this policy, they will submit the request to the Commissioner. If the Commissioner approves the request, it will be forwarded to the Executive Director of the Department of Administrative Services on the specified form for approval. Approvals will be renewed on an annual basis. Forms may be obtained from the Director of the Department of Administrative Services.

APPROVAL FOR COMMUTE

Approval for commute must qualify under one or more of the following criteria:

- The commute is authorized by State statute as a form of compensation.
- The commute is for a public safety position, whose vehicle is specially equipped for that function, and who is designated as being “on-call” consistent with Section

[R477-8-10](#). Non-public safety personnel providing administrative oversight are not approved.

- The commute is for a non-public safety position designated as being “on call” according to Utah Administrative Code Section [R477-8-10](#), whose vehicle is specially equipped for that function, and where it can be clearly demonstrated that the nature of the potential emergency is such that the incremental response time, if a commute is not authorized, could endanger life or property of significant value.
- The commute is for an employee who works out of their vehicle most of the time and has Department approval to begin the day without reporting to a central office, and when denial of the approval would materially decrease the amount of time available for field work. In no circumstance shall an employee who lives near an office location, such as a regional office, be the sole justification for requiring the State to pay the costs of commuting.
- Paying mileage reimbursement for business use of a personal car (with reasonable modifications made to support communication and equipment storage) is not an approved alternative.
- Any exceptions to the above must be approved in writing by the Agency submitting the request and by the Executive Director of the Department of Administrative Services.

PENALTY FOR UNAUTHORIZED COMMUTE

- An employee found in violation of the commute policy will be subject to discipline under Utah Administrative Code Section [R47-11-1](#), up to and including termination of employment.

ACCOUNTING AND TAXATION

- As provided in IRS Code, commute approval is generally considered a taxable fringe benefit. The IRS-set value of the fringe benefit is stated in the Division of Finance policy. The only exceptions to the accounting and taxation requirements are to law enforcement officers who are:
 - “Responsible for the prevention or investigation of crime;”
 - “Authorized to carry firearms, execute search warrants, and make arrests;”
 - “Regularly carry firearms;” and
 - On 24-hour call.

SHELTER OF VEHICLE

- Where practical, off-street shelter security must be provided for the vehicle by the commuter.

DEPARTMENTAL DOCUMENTATION

- Commutes less than five times a month will not be required to submit an MP-2, DF-36 or DF-48 form. However, each Division will be responsible for documenting authorization of these commutes. Commutes of less than five times a month must still qualify under the guidelines of the policy outlined above and authorization must be verified by the employee.

DEPARTMENT OF AGRICULTURE	
08.03 EMPLOYEE RESPONSIBILITY FOR VEHICLE CARE AND MAINTENANCE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: REPORTING OF MAINTENANCE PROBLEMS, VEHICLE ABUSE, INSPECTION, REGISTRATION, AND IDENTIFICATION.	

VEHICLE ABUSE

- Drivers should note any maintenance problems and inform State Fleet Management as soon as possible. If a vehicle is damaged due to abuse, the appropriate Division will be charged for the amount of the repairs. If an employee neglects a vehicle, including not informing their immediate supervisor of possible damage due to a maintenance problem, that Division will be charged for the cost of repairs.

MAINTENANCE

- Divisions will ensure that oil and oil filter changes are performed according to factory specifications on all assigned vehicles and that other preventive maintenance functions are performed according to the service schedule included in the owner's manual or the service schedule provided by Fleet Management.

INSPECTION AND REGISTRATION

- Each Division is responsible for making sure that each vehicle receives an annual emissions inspection where required. Emissions inspections must be completed within the 90-day period before the expiration date on the registration.

VEHICLE IDENTIFICATION MARKING

- Vehicle identification and marking shall be consistent with Fleet Management rules and regulations.
 - See Utah Administrative Code Rule [R27-8](#). State Vehicle Maintenance Program.

DEPARTMENT OF AGRICULTURE	
08.04 MINIMUM REQUIREMENTS FOR OPERATION OF A VEHICLE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: REQUIREMENTS FOR EMPLOYEES DRIVING STATE VEHICLES, TO BE REVIEWED ANNUALLY AND FOR NEW HIRES.	

ANNUALLY REVIEWED REQUIREMENTS

- The following will be reviewed by the hiring official at the time of hire and then annually:
 - An appropriate and valid Utah operator’s license.
 - No more than two moving violations on the operator’s license within the past 24 months.
 - No more than one preventable accident in a State vehicle within the past 24 months.
 - No driving under the influence of alcohol (DUI/DWI) or controlled substance violations are allowed within the past three years on the operator’s record.

UNMET REQUIREMENTS

- If a prospective employee is required to drive a vehicle as part of the job and fails one or more of the above criteria they will not be considered for employment.
- The prospective employee must supply a legal driving record for a 24-month period prior to hire and their legal driving record showing no DUI/DWI or other similar violations for three years. If an employee has a DUI/DWI in a personal vehicle, the restrictions placed on that person for the operation of State equipment apply. If the person is unable to perform their work as a result of the DUI/DWI, they may be referred to the Employee Assistance Program and complete the requirements of the program. A **second** DUI/DWI within three years may result in termination.

NEW HIRES

- In addition, the following must be completed by new hires:
 - Defensive driving certification must be obtained within three months after hire and also recertify **every** two years.
 - To be eligible to drive a State vehicle, an employee must have Division Director approval and a signed copy of the Employee Statement on file.

DEPARTMENT OF AGRICULTURE 08.05 APPROPRIATE VEHICLE USE	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: TO PROVIDE GUIDELINES FOR DEPARTMENT STAFF REGARDING THE USE OF VEHICLES FOR BOTH STATE AND PERSONAL VEHICLES USED FOR STATE BUSINESS. THIS POLICY ALSO ESTABLISHES STANDARDS FOR THE DRIVER SAFETY COMMITTEE AS REQUIRED BY RULE R27-7-5 .	

BACKGROUND:

- This policy recognizes that it is in the best interest of the Department to comply with Utah Administrative Code Rule [R27-7](#) and to impose disciplinary action when appropriate. A Department-wide policy ensures uniform applicability and consistency.

SCOPE:

- This policy applies to all UDAF employees.

DEFINITIONS:

- The “Driver Safety Committee” is a committee that meets quarterly to review accidents in State Vehicles, Major Threshold Violations, and to determine appropriate disciplinary action, if any. The committee includes representatives from the Divisions, the Department’s Risk Manager, and a representative from The Department of Human Resources Management (DHRM), and must have a minimum of five voting members at each meeting.
- A “State Vehicle” is any motor vehicle owned, operated, or in possession of the Department, including but not limited to State Fleet vehicles and rentals.
- A “Major Threshold Violation” is a violation sufficiently serious to be brought before the Driver Safety Committee for review. A Major Threshold Violation may include one major violation, or multiple Minor Threshold Violations, as described below.
 - A “Minor Threshold Violation” is a violation which by itself is not sufficiently serious to be brought before the Driver Safety Committee for review.
 - A “Telematics Violation” is a violation of posted speed limits as recorded by Fleet global positioning systems (GPS). A major Telematics Violation is defined as driving more than 20 miles per hour above posted speed limits for more than 30 seconds or exceeding 90 miles per hour. A minor

Telematics Violation is defined as driving more than 10 miles per hour above posted speed limits for more than 30 seconds or driving without using seat belts.

- “Aggravating Factors” are factors of a driving violation that negatively affect the Committee’s evaluation of an employee’s driving performance. These factors include but are not limited to:
 - whether the violation caused bodily harm, or had a high likelihood of causing bodily harm;
 - whether the violation resulted in damage to the vehicle or property, or had a high likelihood of such damage; and
 - whether the violation damaged the reputation of the State or Department, or had a high likelihood of such damage.

- “Mitigating Factors” are factors of a driving violation that positively affect the Committee’s evaluation of an employee’s driving performance. These factors are likely to be rare but may include circumstances that explain the employee’s driving behavior. The Committee will make a reasonable attempt to verify the validity of any mitigating factors presented.

POLICY AND GUIDELINES:

- Employees must follow all applicable State laws, rules, and policies.
- Reimbursement for private vehicle use will be at the lower of the reimbursement rates authorized by State Finance policy.
- Any overnight use of a State vehicle must be pre-approved. See attached form.
- Employees will be subject to review by the Driver Safety Committee for any Major Threshold Violations and possible suspension of driving privileges as described in Utah Administrative Code Section [R27-7-5](#).
- Employees may also be subject to disciplinary action for inappropriate use of a State vehicle independent of actions taken by the Driver Safety Committee. Serious violations may result in corrective action, suspension, or termination of employment.
- Information reviewed by the Driver Safety Committee shall include: Drivers’ License information provided to the UDAF Risk Manager, telematics data collected by GPS systems, and reports of accidents and damage to State vehicles.
- No UDAF employee may operate a State vehicle without a valid driver license and Fleet Operator ID. If any Division is notified that the employee’s license is no longer valid, the Agency may not permit the employee to operate any vehicle on State business, until the employee’s license and Operator ID are reinstated.

- Any of the following is a Major Threshold Violation, and shall be reviewed by the Driver Safety Committee:
 - three preventable accidents within any 36-month period, as determined by the Committee;
 - three or more cited moving violations while driving a State vehicle in any 12-month period;
 - any citation for reckless, careless or negligent driving, including excessive speed violations;
 - any driving violation related to alcohol, or to drugs that are non-prescribed or taken contrary to medical instructions;
 - use of a State vehicle while impaired;
 - any driving violation resulting in injury or death;
 - any felony-related driving violation;
 - any hit and run violation;
 - operation of a moving State vehicle while using a handheld wireless communication device;
 - any other driving violation determined by the Committee to pose a significant risk to the safety or loss prevention of State vehicles, passengers, or the public;
 - abuse, neglect, misuse, or illegal operation of a State vehicle;
 - validated citizen complaints as determined by the Committee;
 - three Minor Telematics Threshold Violations within a 12-month period; or
 - one Major Telematics Threshold Violation as determined by the Committee, considering any aggravating or mitigating factors outlined in Utah Administrative Code Subsection [R27-7-5\(8\)](#).

- After the Committee determines an employee has committed a Major Threshold Violation, the employee's driving privileges will be suspended as soon as possible after the completion of the Committee's review. The length of the suspension will increase if the violation is determined by the Committee to involve Aggravating Factors. In the presence of valid Mitigating Factors, the Committee may vote to excuse a single violation.

- The first Major Threshold Violation shall result in suspension of driving privileges for no less than two work days, unless the Committee determines there are Aggravating Factors, in which case the suspension shall be no less than 14 calendar days.

- A second Major Threshold Violation within twelve months of the first shall result in suspension of driving privileges for a minimum of 14 calendar days, unless the Committee determines there are Aggravating Factors, in which case the suspension shall be no less than 30 calendar days.

- A third Major Threshold Violation within twelve months of the second shall result in suspension of driving privileges for a minimum of 30 calendar days, unless the Committee determines there are Aggravating Factors, in which case the suspension shall be no less than 60 calendar days.

- A fourth Major Threshold Violation within twelve months of the third shall result in suspension of driving privileges for a minimum of 60 calendar days, unless the Committee determines there are Aggravating Factors, in which case the suspension shall be no less than 120 calendar days.

- The Committee shall document its review, including explanation of any Aggravating or Mitigating Factors which influenced its determinations, and any loss of driving privileges determined by the Committee. The Committee's decisions are binding but may be appealed to the Driver Eligibility Board.

- The employing Division, in cooperation with DHRM, shall determine whether loss of driving privileges constitutes an employee's inability to perform their work. If driving is an essential function of their work, the employee may not be permitted to continue in that position. The employee may not be permitted to use a personal vehicle to perform their work during any suspension of driving privileges.

- In addition to any penalties imposed by the Department, the employee may be subject to additional disciplinary actions imposed by the State Driver Eligibility Board. Either the Committee or the Driver Eligibility Board may suspend the employee's driving privileges for up to three years.

DEPARTMENT OF AGRICULTURE	
08.06 TRANSPORTATION OF CANNABIS OR ALCOHOL	
EFFECTIVE DATE: September 1, 2020	REVISION DATE: September 1, 2020
SUMMARY: THE PURPOSE OF THIS POLICY IS TO SET FORTH THE POLICIES AND PROCEDURES FOR THE TRANSPORTATION OF ALCOHOL AND CANNABIS IN A STATE VEHICLE	

POLICY

No operator of a state vehicle shall transport alcohol or illegal drugs of any type in a state vehicle unless they are:

- Transporting samples of industrial hemp material to the Chemistry Laboratory for testing;
- Transporting samples of cannabis or cannabis products to the Chemistry Laboratory or a licensed 3rd-Party Laboratory for testing;
- Transporting industrial hemp material, cannabis, or cannabis products for destruction or approved educational events; or
- Transporting samples of alcoholic beverages or products for testing by the State lab.

PROCEDURE

- Only employees who have been trained by the cannabis program or in coordination with DABC as program specialists, inspectors, lab technicians, and sampling agents may occupy a transporting vehicle while carrying industrial hemp, cannabis, cannabis products or alcoholic beverages or products.
- The employee shall carry a Transportation Manifest generated through MJ Freeway when transporting cannabis or cannabis products.
- During transportation, the employee shall ensure the cannabis or alcoholic products are shielded from the public view, secured, and temperature controlled, if perishable.
- The employee shall contact the Cannabis Program Manager within 12 hours if a vehicle transporting cannabis is involved in an accident that involves product loss. All accidents shall also be reported as required in Section 8.05 of this manual.
- The employee shall deliver the industrial hemp material, cannabis, cannabis or alcoholic product to the Chemistry Laboratory, licensed 3rd-Party Laboratory or the destruction location as soon as reasonably possible.
- The employee should take the necessary steps to ensure that samples are not left unattended in the vehicle for short periods of time (such as while refilling the

gasoline tank or other necessary short stops), otherwise, the samples must be secured and out of view and the vehicle locked.

- The employee must remove industrial hemp, cannabis, cannabis product, or from the vehicle prior to leaving the vehicle for the evening or an extended period of time.
- After collection of the cannabis, cannabis product, or industrial hemp material, the employee should brush or shake clothing and clean equipment prior to returning to the vehicle in order to avoid bringing industrial hemp, cannabis, or cannabis product residue into the vehicle. If any such material is not contained during transport and there is a concern regarding contamination of the vehicle by the material, the employee shall coordinate with a supervisor to have the vehicle professionally cleaned or otherwise take steps to ensure that the contamination is contained.
 - If alcoholic products are spilled in the vehicle there is a concern regarding contamination of the vehicle by the material, the employee shall coordinate with a supervisor to have the vehicle professionally cleaned or otherwise take steps to ensure that the contamination is contained.

APPENDIX A.01
UTAH DEPARTMENT OF AGRICULTURE AND FOOD
AGREEMENT TO COMPLY WITH INFORMATION SECURITY POLICIES

A signed paper copy of this form must be submitted to DTS staff with all requests for authorization of a new user State computer account. The annual agreement to comply with UDAF information security policies may be a signed hardcopy of this form or electronic acceptance by the employee after they have authenticated themselves via a network or web site application. Submission of this agreement fulfills the requirement that the employee annually agrees to comply with UDAF information security policies and allows DTS staff to keep the employee's State computer accounts active.

Modifications to the terms and conditions of this agreement will not be accepted.

User Printed Name: _____

User Agency Name: _____

User Telephone Number: _____

User's Office Physical Address: _____

I, the user, agree to take all reasonable precautions to assure that State of Utah internal information, or information which has been entrusted to the State of Utah by third parties (such as clients, or vendors), will not be disclosed to unauthorized persons. At the end of my employment or contract/grant with the State of Utah, I agree to return to the State of Utah all information to which I have had access in order to do my job. I understand that I am not authorized to use this information for my own purposes, nor am I at liberty to provide this information to third parties without the express written consent of the internal State of Utah manager who is the designated information owner.

I have access to a copy of the State of Utah Information Security Policies and the Utah Department of Agriculture and Food Information Security Policies, I have read and understand these materials, and I understand how they impact my job. As a condition of continued employment at The State of Utah, I agree to abide by these information security policies. I understand that non-compliance will be cause for disciplinary action up to and including system privilege revocation, dismissal from The State of Utah, as well as criminal or civil penalties.

I agree to choose a difficult-to-guess password as described in the aforementioned Information Security policies, I agree not to share this password with others, and I agree not to write the password down for others to obtain unless it has been transformed in an unrecognizable way.

I also agree to promptly report all violations or suspected violations of information security policies to the Help Desk, Agriculture's DTS Director, or the Enterprise Information Security Office.

User Signature: _____ Date: _____

APPENDIX B.01

**UTAH DEPARTMENT OF AGRICULTURE & FOOD
FLEET EXPANSION REQUEST**

Date _____

Division _____

Organization Code _____

Position the Vehicle will be assigned to: _____

Type Vehicle Requested: _____

Initial Purchase Funded With (%): General Funds ___ Federal Funds ___ Restricted ___
Dedicated Credits ___ Other (Specify) _____

Anticipated Annual Mileage _____

Commute Requested? Yes ___ No ___

Workload Expansion Due To:

Reasons why the employee cannot use a personal vehicle with mileage reimbursement:

Justification:

DIVISION DIRECTOR _____ **COMMISSIONER** _____

APPENDIX B.02

**GUIDE FOR DRIVERS
INVOLVED IN MOTOR VEHICLE ACCIDENTS**

- 1) Exchange information with the other driver, including addresses, phone numbers, license plates and insurance companies. Don't rely on a police report. Police reports may be incomplete, inaccurate or even unwritten if the accident does not fall within prescribed police parameters.
- 2) Don't be in a hurry to leave the accident scene without the fullest possible information. Make every effort to have a police report filed. If police cannot come to the accident location, go to the nearest police station and file a desk or bench report.
- 3) Don't say too much. You will probably be under some emotional pressure and may say things which could be legally damaging.
- 4) Look around for witnesses. Ask: "Did you see this accident? Can I have your name and phone number?" Request a business card or other identification.
- 5) Make notes, draw diagrams but more importantly, photograph the scene, if possible.
- 6) Report the accident as soon as possible while all of the details are fresh in your mind.
- 7) Do not admit fault; do not sign any insurance company agreements or releases or make settlements on your own without consulting with the UDAF Safety Coordinator.

Tele-accident Taken By:

APPENDIX B.03

**UTAH DEPARTMENT OF AGRICULTURE & FOOD
REQUEST TO TRANSPORT
PASSENGERS**

Date Of Request:

Employees Name _____

Division _____

Names And Addresses of Non-State Employees Traveling In The State Vehicle:

1)

2)

3)

4)

5)

6)

Travel Itinerary:

Explanation Of Request For Non-State Employee As A Passenger In A State Vehicle:

Division Director Approval

Date

Commission Approval (Or Designee)

Date

Appendix B.04

**STATE VEHICLE TELE-ACCIDENT/INCIDENT REPORT
24 HOUR TURN AROUND**

1. Date/Time of Accident: _____

2. Location of Accident:
County _____ City _____

3. Vehicle/Driver Involved:
Division Name & Address _____
Year/Make of Vehicle _____
Vehicle Number _____
Vehicle License Number _____
Drivers Name _____
Drivers License Number _____

4. Was the Accident Investigated by Police? Yes__ No__
Which Police Department? _____
Was anyone charged with a violation? You__ Other Driver__ No Citation__
If applicable, what was the charge? _____
Person(s) injured and nature of injuries _____

5. Describe the nature and circumstances of the accident:

Appendix B.05

STATE MOTOR POOL VEHICLE

SPECIAL USE REQUEST

	Is hereby authorized to:
(Print Driver's Name)	

	Keep a state vehicle overnight on		, 20		. The vehicle is to
	be parked in close to the employee's home to accommodate early/late travel for a meeting or trip.				

	Use a State vehicle from		, 20	. to		, 20	.
	For a special work assignment as outlined below. The State vehicle must be parked off the street, as close to the employee's home as possible.						

Work Assignment:	

Supervisor Signature

Date

Commissioner (or designee's) Signature

Date

Submit completed form to the Division of Administrative Services for processing

Appendix C.02

Utah Department of Agriculture and Food Employee-Provided Cell Phone Allowance Agreement

EIN: [Click here to enter EIN.](#)

Effective Date: [Click here to enter Date.](#)
[here to enter FY.](#)

Fiscal Year: [Click](#)

The Department of Agriculture and Food has determined that [Click here to enter employee name.](#) (employee) must have cell phone service for the following business reasons:

- The Department needs to be able to contact the employee outside of normal business hours for business purposes.
- The Department requires that the employee be available to communicate with customers and Department management and respond to important emails while away from the office.

The Department has determined that the most cost-effective means of providing cell phone service to the employee is to allow the employee to use personal cell phone service for business purposes and to give the employee an ongoing allowance to cover the business use. This allowance is not taxable to the employee because the allowance is provided to the employee for valid business reasons, the allowance is calculated on the services needed for business purposes and does not include extra services needed for personal reasons, and the allowance does not exceed the cost of the service. The employee does not have to track personal usage and business usage.

Select allowance: [Click here and use drop down list to choose the allowance.](#)

The following conditions apply:

- The employee agrees to use a personal cell phone for the business purposes stated above.
- The employee is responsible for the purchase of and payment for all equipment, accessories, and service plans.
- The employee will retain cell phone service at the current level or better.
- The employee will notify the employer immediately if the monthly cell phone service cost decreases below the allowance amount, or if the service plan is reduced.
- Allowance paid under this agreement will be discontinued when the business need for cell phone service is no longer justified or the employee is no longer employed by the Department.
- This agreement may be discontinued upon 30—day notice by either party.
- The Department may garnish the employee's wages to recover ineligible allowances paid.
- The employee understands that personal data on the phone may be reviewed as part of a court action related to business data.
- This agreement will be reviewed, signed, and resubmitted at the start of each fiscal year.
- The employee will keep copies of monthly cell phone bills on file for at least one year for audit purposes.

Employee's Signature

Date

Supervisor's Signature

Date

Commissioner (or designee's) Signature

Date

Submit completed form to the Division of Administrative Services for processing

Appendix C.03

Utah Department of Agriculture and Food

Employee-Provided Internet Agreement

EIN: [Click here to enter EIN.](#)

Effective Date: [Click here to enter Date.](#)

Fiscal Year: [Click here](#)

to enter FY.

The Department of Agriculture and Food has determined that _____ (employee) must have internet service at an alternate office location for the following business reasons:

-
- (List Business Reasons here)

The Department has determined that the most cost-effective means of providing internet service is to give the employee a recurring allowance for using their personal home internet service periodically for business purposes. The allowance amount is based on the cost of services needed for business purposes, and doesn't include an allowance for extra services used only for personal reasons. The Department will not reimburse for any State tax, nor any add-ons to a basic internet package required to fulfill their duties. The employee must submit a detailed internet bill so the Department is able to calculate the monthly and per pay period amount for reimbursement.

**Reimbursement may not exceed a maximum of \$50 per month, or \$23 per pay period.

Allowance Calculation : (Monthly Bill amount - taxes and other deductions) * 12 months / 26 pay periods

$$\$50.99 - 2.78 \text{ (Tax)} = \$48.21 * 12\text{months} = \$578.52 / 26 = \$22.25$$

Select allowance: [Click here and use drop down list to choose the allowance.](#)

The following conditions apply:

- The employee agrees to use personal internet service for the business purposes stated above.
- The employee is responsible for the purchase of and payment for all equipment, accessories, and service plans.
- The employee will retain internet service at the current level or better.
- The employee will notify the employer immediately if the monthly internet service cost decreases below the allowance amount, or if the service plan is reduced.
- Allowance paid under this agreement will be discontinued when the business need for internet service is no longer justified or the employee is no longer employed by the Department.
- This agreement may be discontinued upon 30—day notice by either party.
- The Department may garnish the employee's wages to recover ineligible allowances paid.
- The employee understands that personal data on the computer may be reviewed as part of a court action related to business data.
- This agreement will be reviewed, signed, and resubmitted at the start of each fiscal year.
- The employee will keep copies of monthly internet service bills on file for at least one year for audit purposes.

Employee's Signature

Date

Supervisor's Signature

Date

Commissioner (or designee) Signature

Date

Submit completed form to the Division of Administrative Services (payroll@utah.gov) for processing.

Appendix C.04

**Utah Department of Agriculture and Food
Employee Acknowledgement and Remote Agreement**

Employee Name

Job Title _____

Employee Division

This document is a binding Agreement between the Agency and the employee, allowing the employee to work remotely (“Remote work arrangement”) from home or another alternative work location. On an ongoing basis, the employee shall work _____ business days per week in a building maintained by the Utah Department of Agriculture and Food (Department) and work _____ businesses days per week from home or another alternative work location.

The sole purpose of the agreement is to regulate the Remote work arrangement, and it does not constitute a contract of employment.

The employee may be required to work from the Department’s regular worksite on scheduled Remote work-days based on operational needs.

The employee’s alternative work location/s are located at the following address/es:

Changes to the alternative work location require prior written approval from the employee’s supervisor.

The employee understands that if they are using personally-supplied equipment or software, the Department and the State are released from any and all liability associated with use of those items for State business. The State of Utah or the Department is not liable for any damage to personal or real property while the employee is performing official duties at an alternative work location. The State of Utah is also not liable for any injuries to the employee that occur during the time they are working at the alternative work location, to the extent allowed by law.

The employee acknowledges that the Remote work agreement is subject to and requires the employee to comply with all applicable Federal, State, and municipal laws as well as

State administrative rules, and Agency policies including those dealing with time reporting and overtime, and can be modified at the discretion of Department management. The employee must accurately report time and get approval prior to working any overtime.

Commute time from the alternative work location to the Department’s regular worksite and from the Department’s regular work location to the alternative work location are not considered work hours and are not compensable under 5 C.F.R. § 551.422 and 5 C.F.R. § 550.112 (j)(2). An employee may be compensated for commute time if the employee is officially directed to perform work while commuting. However, an employee cannot be compensated for travel to and from their official duty station as a normal incident of employment.

Time spent traveling outside of regular work hours may only be compensated with prior approval.

As a condition of a Remote work arrangement, management may make arrangements to inspect the Remote work environment for various work-related issues, including safe working conditions, maintaining appropriate confidentiality, management reviews, and equipment security. Supervisors retain the authority to disapprove an employee’s selection of a particular alternative worksite arrangement if, in the supervisor’s opinion, the worksite is not business appropriate or fails to provide a working environment compliant with the Department’s Remote Work Policy.

The Remote work arrangement is voluntary and is not an employee right. The arrangement may be discontinued at any time for any reason.

1. I agree to follow the Department Policy and abide by all requirements set forth in this Agreement: **Y / N**

2. My weekly work schedule, if I will be working the same schedule each week:

[Exempt employee ____Non-exempt employee (30 minute lunch break must be scheduled)]	Alternate Work Schedule (hours)				
	Office		Remote Worksite		
Days	Begin	End	Begin	End	Total hours
Monday					

Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Total Hours					

3. If I will not be working the same schedule each week, my daily work schedule is explained in detail below:

4. My supervisor will maintain an official copy of my work schedule. I agree to make arrangements in writing to my supervisor if I need to deviate from this schedule.

5. I understand my employer or supervisor has the discretion to change my work schedule at any time.

6. I understand my employer or supervisor has the discretion to require me to change my regularly scheduled remote work day/s and work from another work location.

7. On the days I am scheduled to report to a workplace other than my home office or other approved remote work location, I will not begin performing work until I reach the assigned workplace unless such work is authorized by my supervisor.

8. I will follow DHRM and Department policy to request the use of leave and use appropriate leave as outlined in DHRM rule.

9. I acknowledge that I will comply with all Enterprise Information Security Policies outlined by the Department of Technology Services, Rule [R895-7](#), and the Department.

10. I acknowledge that I am required to attend in-person any in-office meetings or other activities as requested by my supervisor.

11. As part of this program, I will provide any information related to performance metrics, surveys, or other data that may be required.

12. I understand that my supervisor or other authorities at the State may monitor my work-related activities.
13. I acknowledge that I have the responsibility to maintain safe working conditions at my home or approved alternative work site. I will immediately report to my supervisor and my DHRM representative any accident or injury occurring at my alternative work site. **
14. I agree to proactively communicate frequently with my supervisor in the supervisor's preferred method of communication at a minimum of three times per week.
15. I will maintain contact with the work unit, as appropriate, to successfully perform assigned duties and responsibilities.
16. I will plan to do any photocopying, paper mailing, or other duties incurring a cost either at the office or with my supervisor's approval. I agree and understand that such costs, if incurred, may not be reimbursed unless I receive prior approval to incur costs from my supervisor.
17. At my normal worksite and alternative work location, I will use approved safeguards to protect State records from unauthorized disclosure, damage, or release of confidential business information and to comply with all requirements set forth by the Department and State laws, rules, policies, and regulations. I understand that Utah's Governmental Immunity Act may not provide protection if it is determined that confidential or otherwise protected information was improperly disclosed based on breach of this Agreement.
18. I will immediately inform my direct manager or supervisor any time there is an actual or suspected system security issue that arises.
19. I will provide a picture of my alternative site workspace and submit to my supervisor. That picture will be attached to this agreement and uploaded to my UPM.
20. I will notify my supervisor if the address of my alternative work site needs to change and understand the new site will need to be authorized in the same manner as the original site.
21. I agree that I will not conduct any unauthorized personal business including but not limited to dependent care, elderly care, home repairs, other business activities, while in official duty status. I will make arrangements for any necessary dependent care and other personal responsibilities so as to ensure that I can work without interruption. This requirement may be adjusted with prior written approval of my supervisor and the Commissioner. All modifications and approvals will be attached to this agreement.
22. I will complete any training required for participation in this program.
23. If I work at an alternative work location more than two days per week, I may relinquish an assigned working space in a Department building. Upon request, I will remove all personal belongings from my previously assigned space.
24. I understand that if I work at an alternative work location more than two days per week, when I work in a Department building, I may be working at a station not assigned to me but with the necessary plugins for me to do my work.
25. I understand that the State is not required to provide me with office supplies or State-owned equipment, regardless of my Remote work agreement schedule. If provided, I agree that I am responsible for the State-owned equipment housed in my alternative work site and that that equipment will be inventoried periodically. All State-owned

equipment that I intend to use at my alternative work site is listed on the attached addendum.

26. I understand that my performance will be evaluated by UPM performance plan and by the following performance metrics.

Performance Metric(s):

Performance Metric Baseline:

I have read and understand all the provisions of the agreement and I agree to abide by them. I understand that if I fail to comply with the terms of this agreement, I will be subject to disciplinary action and that my participation in this Remote work agreement may be revoked.

Beginning Date for Remote Work: _____

**An employee's injury may or may not be covered under the State Workers Compensation employee coverage.

Agency Specific Protocols for Remote Work Arrangements:

Performance expectations are documented, stored in the performance management system, and measures/reporting methods are clear.	Y / N
---	----------

Employee Name		EIN	
Employee Signature		Date	

Supervisor Approval		EIN	
Director Approval		Date	

Addendum: Utah Department of Agriculture and Food

Employee Acknowledgement and Remote Work Agreement

The following is an inventory of State-owned equipment that will be in the possession and use of _____ at their alternative work station.

I agree to immediately report to my supervisor the loss or damage of any State-owned equipment. Whenever possible, I agree to copy and print documents while I am working at my normal worksite in a Department building. I agree to not use State-owned equipment for my personal use.

Equipment	Yes	No	Serial or ID Number, if available
Desktop Computer			
Laptop Computer			
External Monitor			
Docking Station			
Power Cord			
Mouse			
Connection Cord			

Employee Name		EIN	
Employee Signature		Date	

Supervisor Approval		Date	
Director Approval		Date	

Appendix C.05

New Employee Checklist

Duties of the Hiring Manager/Direct Supervisor	Estimated time	Priority	Date	Initials
In preparation for Day 1				
<p>Hiring Manager sends out email welcoming employee Decide who will greet the new employee when they arrive & what training needs to be provided. Assign a mentor/guide who will be with the new employee during the training Hiring Manager/Supervisor/Mentor create a Training Plan for the first 2 weeks Schedule time with DTS for computer assignment if needed.. Set up a time for new employee to meet with Commissioner and Deputy Commissioner. Schedule time with Executive Secretary to create a badge. Schedule time with HR Identify what car will be assigned to the new employee and complete Fleet Operator ID Request form</p>				
Day 1				
Meet with DTS to perform desktop support	30 min	1		
Meet and greet with Commissioner and Division Director. Introduce new hire around the Division/Department (orient them to the building)	30 min	2		
Take picture for ID Badge (Executive Secretary)	5 min	2		
Ensure that onboarding process has been completed (I-9, W-2, benefits enrollment, etc.)	30 min	3		
Complete internal packet (i.e. Travel policy, UDAF Policies and Procedures (add link from UDAF web site), Division and First name phone directory, schedule of pay periods and holidays), Employee provided cell phone/internet allowance agreement), request for operator ID and PIN #, Mileage log, fill out Purchase Card application and Small Purchasing Training Certification (as needed). Conflict of Interest, Bus Pass (if requested).	15 min	4		
Assign vehicle, as necessary (show employee how and where to get fuel using PIN #). Review vehicle maintenance schedules. Provide training on recording mileage. Executive				

Secretary document vehicle ID # for new employee.
Review how to report an accident, where to park your State vehicle, travel policy with State vehicle.

Discuss work schedule and dress code
Teach them how to fill out an ESS Time Sheet, Tutorial is online on Employee Gateway. **15 min**
Complete Defensive Driving and be assigned an operator ID before new employee drives a State vehicle.

Later - As scheduled in 2 week training plan

Order business cards (once a phone # is obtained)

Provide Policies & Procedures, review travel and vehicle policies. **2 hrs** **5**

Supervisor should ensure that employee has completed training (Defensive Driving, Security Awareness training, Workplace Harassment & Abusive Conduct Prevention, Violence in the Workplace, Ethics) as necessary. Defensive Driving must be completed before driving a State vehicle. **2 hrs**

Provide training on how to use the Google calendar and Gmail (email). Training is online in Employee Gateway.
Create UPM document (for probation period). Review Triple AAA requirements (exercise release time, hours and days worked per week)

Give employee their first Performance Plan and review duties, goal and expectations

Make sure employee schedules calendar to attend Benefits in Brief training at the MASOB (contact ERIC to schedule)

[Set up MDM link to put on cell phone or ipad](https://dts.utah.gov/mdm-mobile-device-management)
<https://dts.utah.gov/mdm-mobile-device-management>

Appendix C.06

Exiting Employee Checklist

- When the employee turns in notice, let him or her know that they must work at least a little on their last day (their last day can't be annual or sick leave)
- Fill out the HR Employee Termination Checklist
- Get their phone and tablet
 - If an iPhone or iPad, make sure that they give you the password and, ideally, have them change the owner of the device from their name to either the supervisor or no one in iCloud
- Get their computer
 - Turn computer into the Administrative Services Division to ensure proper handling (securing files, reimaging before reassigning, etc.)
 - Make sure that you either get their PGP and Utah login passwords or get all of their files off the computer with them and put the files on a flash drive
 - Make sure to get the updated establishment lists
- Documents
 - Make sure you have all of their violation letters and other documentation about citations, stop sales, etc.
- P card
 - Make sure you get their P card and all receipts for the purchases of the current cycle
 - Have the employee fill out the P card log and sign it for their final purchases since the last cycle
- Vehicle
 - Make sure that the registration, gas card and vehicle ID card are all in the vehicle that was assigned to the employee
 - Get the keys for the vehicle
 - Have them make sure the car is clean and cleaned out of non-work tools, etc
- Security Badge

Appendix D.01

Utah Department of Agriculture and Food Conflict of Interest Form

NAME		DATE
EMPLOYEE STATEMENT		
1. CURRENT UDAF POSITION		
Position Title:		Division or Office:
Supervisor:		Hours worked per week:
Duties:		
2. OUTSIDE EMPLOYMENT OR ACTIVITY (If more space is needed for this section add an additional page)		
Name of Organization:		Position Title:
Duties:		
Employed Volunteer None		Work / Activity Schedule:
Expected duration of employment / volunteer activity / other:		
If you receive or have agreed to receive compensation from another person/business entity that may have a transaction(s) involving a Division of the Department of Agriculture and Food, you MUST also complete a Declaration of Outside Compensation form.	Relationship Disclosure	
	Name: Relationship:	
Other Disclosure:		

3. ACTIONS TAKEN TO ENSURE THAT CONFLICTS OR POTENTIAL CONFLICTS WILL NOT OCCUR

4. CERTIFICATION

I have read the UDAF Conflict of Interest policy and believe that: *(check one)*

My outside employment or activity does not constitute a conflict or potential conflict of interest.

My outside employment or activity may constitute a conflict or potential conflict, but I request review/approval.

None

Employee Signature

Date

DIVISION DIRECTOR ACTION

Approved Denied Referred

If "Referred" block is checked, outside employment or activity appears to meet requirements of the Department's Conflict-of-Interest policy which requires submission to the Commissioner for review.

Director Signature

Date

COMMISSIONER ACTION

Approved Denied Conditional Approval

If "Conditional Approval" block is checked, cite terms of approval on an additional page:

Commissioner/Deputy Commissioner Signature

Date

Appendix D.02

DISCLOSURE STATEMENT

Pursuant to the Utah Public Officers' and Employees' Ethics Act (Utah Code § 67-16)
[NOTE: File with AG's office, applicable Agency/political subdivision head(s) and, if applicable, employee's immediate supervisor]

I, _____, being first sworn, do hereby disclose as follows:

1. Address:

2. Job Title/Position:

3. Name of Agency:

4. Date Employed/Appointed:

5. [IF APPLICABLE *This section applies to: (1.) Any business entity which is subject to regulation by the Agency named above, or (2.) Transactions with any State entity in respect to which the officer or employee named above anticipates (a.) participating in his/her official capacity, or (b.) receiving compensation*] I am an officer, director, agent, employee, or owner of a substantial interest^[*] in the following business entity:

Name of entity:

Position Held:

Nature and value of interest held (must exceed \$2,000.00 in value): _____

[See Utah Code Ann. § 67-16-7 & 8]

6. [IF APPLICABLE] Either for myself or another, I have received, accepted, taken, sought, or solicited a gift, loan, or other economic benefit tantamount to a gift, the value of which exceeds \$50, from the following persons or business entities who in the past, now, or in the future may be directly affected by governmental action that I am involved in.

Name and address of person or business entity: _____

Brief description of the gift, loan, or other economic benefit tantamount to a gift: _____

Brief description of the governmental action: _____

[See Utah Code Ann. § 67-16-5]

7. [IF APPLICABLE] I anticipate that I will receive, or agreed (10 or less days ago) to receive, compensation for assisting a person or business entity in a transaction involving a State Agency:

Name of State Agency: _____

My Commission Expires:

* A substantial interest means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children of at least 10% of the outstanding capital stock of a corporation or a 10% interest in any other business entity. [See *Utah Code Ann. § 67-16-3(15)*]

Appendix D.03

State of Utah

Department of Human Resource Management

Disclosure Statements, Background Checks, and Reference Checks for Appointees

Status Effective Date: September 1, 2011

Revised Date: January 2, 2018

Approved By: Debbie Cragun, Executive Director, DHRM

I. PURPOSE/BACKGROUND

To provide guidelines for conducting reference checks, background checks, and guidelines for obtaining disclosure statements for current and future appointees. Criminal history information may assist in determining if new hires and current appointees should hold a position of trust. State agencies must employ qualified individuals whose past history will not adversely affect their ability to perform their work duties. Reference checks, background checks, and disclosure statements help the State obtain information to determine the overall employability of appointees, enhance the safety of customers and employees, State property, and the security of information for which the State of Utah is held responsible.

II. POLICY

A. Disclosure statements shall be obtained and reference and background checks shall be conducted for all schedule AB (Agency heads), AC (Governor's Office staff), AD (anyone reporting to an Agency head or Deputy Agency head), and AR (individual that have been approved as making Statewide policy) new hire appointees. Current schedule AB, AC, AD, and AR appointees shall update their disclosure statements.

1. All local background checks will be based on official records obtained from the Utah Bureau of Criminal Identification.
2. All out-of-State background checks will be conducted through a background check vendor in accordance with the DAS Division of Purchasing.
3. All fees associated with the criminal background check will be the responsibility of the appointing Agency.
4. For the purpose of this policy, an active State employee who transfers into, promotes into, or is reassigned to an appointed position is considered to be a new hire appointee and subject to reference and background checks.
5. Appointees shall inform their supervisor within 10 calendar days if they are arrested, or if they are convicted of or have entered a plea of guilty, no contest, or a plea in abeyance to a misdemeanor or felony.
6. Reference checks shall not be conducted without the written consent of the

- individual being investigated.
7. Failure to consent to reference checks or the disclosure statement may result in termination of the employment relationship with the State.
 8. If a background check is unable to be processed due to the existence of a warrant, management shall allow ten (10) business days to the appointee to satisfy the warrant in order for the background check to be processed. An appointee who refuses or fails to satisfy the warrant as described shall be subject to termination.
- Adverse information from the disclosure statement, reference check, and/or background check may result in termination of employment or the refusal to hire the appointee.
 1. An appointee may be separated from employment if the disclosure statement, reference check, and/or background check provides adverse information that, in the judgment of the appropriate Agency head or designee could compromise the individual's ability to be a successful employee or would violate the public trust.
 2. The appointing Agency head, in consultation with the Executive Director of DHRM, or designee, shall make the determination on whether the content in the disclosure statement, reference check, and/or results of the background check will preclude the appointee from continued employment with the State of Utah.
 3. The decision to separate an appointee will be based on the judgment of the appointing Agency head or designee who will ensure appropriate application of this policy.
 - All information obtained from a disclosure statement, reference check, and background check shall be classified as a protected record and is subject to GRAMA requirements.

DISCLOSURE STATEMENT Revised March 17, 2020

Date: _____

Name: _____

Employee ID #: _____

Schedule Code: _____

Position Title:

Department:

Please return the completed statement to the HR Director/Manager or designee.

HR Field Director or Designee Review for Completeness Only:

Signature:

Date: _____

Agency Head or Designee Signature:

Date:

Background Check Completion

Type of background check:

Applicant Background Check (ABC) Agency TAC Third Party Vendor

Right of Access (BCI) Local Only through ERIC Other

Completed By:

Completed Date: _____

Disclosure Documents Page 1 of 9 Revised 3/17/20

CONSENT AND CERTIFICATION

I consent to the release of information regarding my abilities to perform the duties of the position to which I may be appointed. This information may be obtained from current or former employers, schools, law enforcement agencies or other individuals or organizations and may be used by the Agency and the Department of Human Resource Management in determining my appointment. If appointment requires Senate consent, I also consent to the release of this information to the Senate and the Office of Legislative Research and General Counsel.

I, _____, certify that the information provided in this statement is to the best of my knowledge, true and accurate. I understand that any misstatements of material facts will subject me to disqualification or dismissal.

Signature: _____

Date: _____

PERSONAL INFORMATION

NAME:

Please attach a current resume.

RESIDENCES OUT OF THE STATE OF UTAH: In the past five years have you lived outside of the State of Utah? If yes, list the city and state(s) and dates you resided there.

EMPLOYMENT HISTORY: Beginning with your current employment list all periods of full-time, part-time, volunteer, military service, self-employment, and periods of unemployment in chronological order over the past ten years that are not included on your resume. Include the employer's name, address and telephone number, dates of employment, your title, and your duties.

Have you ever been discharged, asked to resign, furloughed, put on inactive status for cause, or been subject to disciplinary action while in any position of employment (except the military)?

If yes, explain:

Have you ever resigned after being told that your employer intended to discharge you for any reason?

If yes, explain:

MILITARY SERVICE: Have you served in the armed forces, National Guard, or military reserve of the United States?

Have you ever been the subject of any judicial or non-judicial disciplinary action or been given the option to resign in lieu of forced separation while in the military, National Guard, or military reserve?

If yes, explain:

CRIMINAL BACKGROUND: Have you ever been convicted of a criminal offense related to the area of responsibility to which you may be appointed?

If yes, explain:

SUBSTANCE ABUSE: Do you now use controlled substances illegally?

VEHICLE REGISTRATION: Are your personal motor vehicles registered in Utah?

Explain why any are registered in a state other than Utah:

PROFESSIONAL STATE LICENSES, REGISTRATIONS, and CERTIFICATES: List the names of any professional state licenses, registrations, and certificates you hold, including license numbers and expiration dates that are not listed on your resume:

ORGANIZATION AFFILIATIONS: List all local, state, and national civic, cultural, education, charitable, or work-related organizations you have been associated with in the past five years on the reverse side. Include any position held in the organization and the date of service. To your knowledge, are any of these organizations or any other organization to which you belong restricted on the basis of race, color, religion, sex, national origin, disability, marital status, arrest, or veteran status?

If yes, explain:

CONFLICT OF INTEREST

ETHICAL CONDUCT: Have you ever been cited for a breach of ethics for unprofessional conduct by, or been named in, a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group?

If yes, explain:

CIVIL LITIGATION/AGENCY PROCEEDINGS: Are you presently or have you ever been a party of interest in any civil litigation or agency proceeding that is related in any way to the position to which you may be appointed?

If yes, explain:

Has any business in which you, your spouse, immediate family member, or business associate are or were an officer, director, or partner been a party to any civil litigation or agency proceeding relevant to the position to which you may be appointed?

If yes, explain:

Is anyone currently threatening to sue you or any business in which you are an officer, director, or partner?

If yes, explain:

FAMILY RELATIONSHIPS: Are you, your spouse, or other immediate family members related to any state government official or employee?

If the nature of employment for your spouse or other immediate family member is related in any way to the position to which you may be appointed, please indicate the employer, the position, and the length of time it has been held:

COMPENSATION: During the past five years, have you, your spouse, or other immediate family member received any compensation or been involved in any financial transaction with the State of Utah or with any State government official?

If yes, explain:

BUSINESS RELATIONSHIPS: Describe any business relationship, dealing, or financial transaction that you had during the past five years, whether for yourself, on behalf of a client, or acting as an agent, that you believe may appear as or be an actual potential conflict of interest in the position to which you may be appointed:

LOBBYING ACTIVITIES: Have you participated in any compensated lobbying activity during the past five years in which you have engaged for the purpose of influencing the passage defeat, or modification of any legislative or administrative action?

If yes, explain:

Has your spouse or any immediate family member participated in any compensated lobbying activity during the past five years in which your spouse or immediate family member has engaged for the purpose of influencing the passage, defeat, or modification of any legislative or administrative action that is related in any way to the position to which you may be appointed?

If yes, explain:

REGULATED ACTIVITIES: During the past five years have you, your spouse, or any immediate family member been an officer, owner, director, trustee, or partner in any corporation, firm, partnership, other business enterprise, nonprofit organization, or other institution that is regulated by or receives direct financial benefits from any Department, Agency, or institution of the State of Utah?

If yes, explain:

OTHER ACTIVITIES: Are there any other matters that may be incompatible with the discharge of the duties of the position to which you may be appointed or that may impair or tend to impair your independence of judgment or action in the performance of the duties of that position?

If yes, explain:

FINANCIAL INFORMATION

GIFTS: Have you, your spouse, or your dependents received gifts from anyone who is related in any way to the position to which you may be appointed, exceeding \$500 per year within the last five years?

If yes, explain, including the nature and value of the gift and donor:

TAXES: Have you regularly filed State and Federal tax returns?

Have you ever been convicted of tax evasion, tax fraud, or similar crime or been the subject of a

tax audit or investigation that resulted in the assessment of a penalty? If yes, explain:

BANKRUPTCIES: Have you, your spouse or any corporation, firm, partnership, other business enterprise, nonprofit organization, or other institution in which you or your spouse have served as an officer, director, trustee, or partner: (a) filed a petition for bankruptcy under the U.S. Bankruptcy Code; (b) been adjudicated as bankrupt under the U.S. Bankruptcy Code; or (c) been the subject of a formal or informal receivership?

If yes, explain and include the type of bankruptcy, the court trustee, and the trustee's address:

DELINQUENCIES: Are you delinquent on any Federal, State, or local debt?

If yes, explain and include delinquencies for taxes, governmental loans, overpayment of benefits, required payments into or under governmental programs, and other debts or required payments to the government plus any defaults on or under loans that are or were guaranteed, insured, or subsidized by any unit of government.

EMPLOYMENT

FUTURE EMPLOYMENT INTENTIONS: Do you intend to sever all connections with your present employers, business firms, business associations, or business organizations if you are appointed?

If not, explain:

Do you intend to participate in compensated lobbying activities after you leave government service?

If yes, explain:

FRINGE BENEFITS: Are there any employee fringe benefits that you are now receiving and will continue to receive during your service with the State t?

If yes, explain:

OUTSIDE EMPLOYMENT: Do you have any commitments or agreements to pursue outside employment, with or without compensation, during your service with the State?

If yes, explain:

RESUMPTION OF EMPLOYMENT: Do you plan to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization after completing your service with the State?

If yes, explain:

Has anyone made an offer to employ you after you leave State service? If yes, explain:

LENGTH OF SERVICE: If appointed, do you expect to serve out your full term or until the next gubernatorial election?

If no, explain.

Appendix D.04

UDAF EDUCATION ASSISTANCE CONTRACT

Made and entered into between the Utah Department of Agriculture and Food, Hereafter referred to as UDAF, and Employee:

_____ EIN: _____, Hereafter referred to as EMPLOYEE.

Whereas, the EMPLOYEE requests education assistance from the UDAF Education Assistance Program, the EMPLOYEE and UDAF agree that UDAF will reimburse education costs as described in the contract for the course(s) listed below. (Attach documentation for any additional courses.)

Course title and number (if applicable) Undergraduate or graduate (if applicable)	School name or other entity Tax ID No:	Semester or other start and end dates	Details	Costs
			Amount billed	
			Minus funding from other sources	
			Amount paid by Employee	
			Amount submitted for reimbursement	
			Details	Costs
			Amount billed	
			Minus funding from other sources	
			Amount paid by Employee	
Amount submitted for reimbursement				

NOW THEREFORE, it is agreed by and on behalf of the parties hereto as follows:

1. All covenants and agreements herein contained shall be binding upon all parties hereto.
2. This contract may be terminated by either party by submitting a termination notice in writing. Termination of the Educational Assistance Contract by the Department shall be at the Commissioner's sole discretion, taking into account any of the factors listed in the Department's Educational Assistance Policy (currently section 2.12 of the UDAF Policy Manual) or breach of the Education Assistance Contract by employee.

UDAF certifies that:

1. It will reimburse the EMPLOYEE _____ % [up to 75%] which is \$ for the course(s) tuition, books, and fees agreed upon above. No reimbursement will be made without receipts showing the EMPLOYEE paid expenses, and documented proof of passing grades by the EMPLOYEE as defined in the UDAF Education Assistance Program policy.
2. The course(s) agreed upon above will satisfy development needs of the EMPLOYEE and will result in additional benefits to UDAF.
3. The education assistance authorized for the above-named EMPLOYEE does not exceed the \$5,250 maximum that may be allowed and reimbursed in the calendar year in which the coursework will be completed.

The EMPLOYEE, by signing this contract, agrees to the following:

1. That this Education Assistance Contract does not include nor obligate UDAF to provide a computer, computer related or other equipment, nor Internet service provider for the EMPLOYEE to complete educational course work at the EMPLOYEE's home-office or work location.
2. With written approval of agency management, the EMPLOYEE may use State equipment (computer, printer, Internet service, etc.) during non-work time of the EMPLOYEE, for the completion of course work. The EMPLOYEE is responsible to pay UDAF for any photo copies or printing done with State equipment.
3. By signing this contract, EMPLOYEE declares to UDAF management that EMPLOYEE is not receiving duplicate financial assistance (such as stipends or scholarships, etc.) at the time of application nor expects to receive such during the calendar year. Any duplicate financial assistance must be disclosed on this form and by entering into this Contract EMPLOYEE gives UDAF the right to contact the educational institutions listed herein to verify the information provided.
4. That the EMPLOYEE will successfully complete the course(s) agreed to above and will provide required documentation for proof of passing grade(s), which is at least a C- or "pass" in a pass/fail grading system, or other official written documentation from

the school or educational entity showing successful completion of the coursework by the EMPLOYEE.

5. The EMPLOYEE shall submit the required documentation for reimbursement within 60 calendar days after the completion date of the course(s) or the Education Assistance Contract will be voided and UDAF will not provide reimbursement.
6. That the EMPLOYEE will remain in the employment of UDAF for two (2) full years following the completion date of the above course(s).
7. If the EMPLOYEE voluntarily terminates employment with UDAF for any reason within one year of the course(s) completion date, the EMPLOYEE must repay 100% of the education assistance received. If the EMPLOYEE voluntarily terminates employment with UDAF within two years of the course(s) completion date, the EMPLOYEE must repay 50% of the education assistance received.
8. If the EMPLOYEE fails to repay the education assistance amount within the time determined by UDAF, the State of Utah is authorized to withhold from the EMPLOYEE'S paycheck the amount of education assistance to be repaid.
9. The EMPLOYEE will comply with the UDAF Education Assistance Program policy.

IN WITNESS WHEREOF, UDAF and the EMPLOYEE have caused this Education Assistance Contract to be signed by the proper officials thereunto duly authorized.

Employee	Date
Supervisor	Date
Division Director	Date
Administrative Services Director	Date
Commissioner	Date

Date reimbursement paid: _____

Amount paid: _____

Unit/org #: _____

Processed by: _____

UTAH DEPARTMENT OF AGRICULTURE AND FOOD
POLICIES AND PROCEDURES
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