Utah Department of Agriculture and Food

Policies and Procedures

June 15, 2023

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:** November 22, 2022
Summary: Departmental Vision, Mission, and Core Values.	

Vision:

The vision of the Utah Department of Agriculture and Food is to lead Utah towards self-reliance by promoting, preserving, and protecting all forms of agricultural production and processing to ensure a safe and abundant supply of locally produced food for all Utahns.

Mission:

The mission of the Utah Department of Agriculture and Food is to support the development of Utah's agriculture and food industries, serve as a steward of our natural resources, safeguard public health, protect consumers, and ensure a quality food supply.

Values:

Accountability: We value the fulfillment of our statutory duties as a service-based agency with regulatory responsibilities.

Customer Service: We value the continual improvement of our services through processes and technologies that are innovative and practical, as well as employees who are committed resources for those we serve.

Guardianship: We value our role in consumer protection, safeguarding public health, and the development and effective distribution of a safe, abundant, and secure food supply.

Leadership: We value an organizational system with leaders who coach, motivate, and support a work environment where employees can develop and achieve their highest potential by setting clear expectations, supporting employees in accomplishing their objectives, and recognizing their unique strengths.

Professionalism: We value employees who maintain high professional and ethical standards and who are accountable for their actions.

Relationships: We value healthy working relationships with local, state, and federal governments agencies, stakeholders, and all customers and industries we serve.

Stewardship: We value the conservation, protection, and enhancement of Utah's lands and natural resources.

Department of Agriculture and Food 01.01 Accounts Receivable	
Effective Date: September 1, 2020	**Revision Date:** November 22, 2022
Summary: This Policy Sets Forth the Policies and Procedures Regarding Accounts Receivable for the Department.	

References

FIACCT 06-00.01, Definition and Recognition of Receivables
FIACCT 06-00.00, Receivables, Overview
FIACCT 06-01.13, Past Due Receivables
FIACCT 06-01.12, Non-Sufficient Funds Checks

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, attaching appropriate supporting documentation.

- Division personnel will ensure invoices are printed on at least a monthly basis and mailed to customers for payment.

- Administrative Services will review and approve all RE transactions in FINET.

Receiving Payment

- The Division of Administrative Services receives payment and ties to RE if information is provided.

- Aging RE transactions are reviewed 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:** November 22, 2022
SUMMARY: OUTLINES THE MAIL HANDLING PROCEDURES, INCLUDING CHECKS, CASH, AND APPLICATIONS.	

REFERENCES

State Mail User Guide
FIACCT 13-00.00, Cash Receipts-Handling, Depositing, and Recording

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.

- All checks will remain within Administrative Services. Other mail, without checks, will be distributed to the proper Divisions.

RECONCILIATION/DEPOSITS

- When possible, payments will be received online through the department's electronic payment systems. Reconciliations of online payments will occur weekly when possible, but monthly at a minimum.
- 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. Check logs will be reconciled with the daily deposit.

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.

[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.

Brand Inspection

- The Brand Inspection certificate will serve as the cash receipt for monies collected by the Brand Inspector. Brand Inspectors shall deposit all cash received into the statewide bank account on a weekly basis. The State Treasurer has approved a variance for the Brand Inspectors to make deposits into a qualified depository within five banking days from their receipt.
- Brand Inspections cash receipts will be reconciled to the electronic brand system to ensure all expected payments are received on a timely basis. Occasions may occur when a customer under pays or over pays in small increments for various reasons. Due to the costs to process refunds or recoup underpaid fees, a maximum of $25 variance per Brand Inspector per month will be absorbed.

Grain Inspection

- All monies received at the Ogden Grain Lab for grain inspection services will be deposited by a Grain Lab employee within three business days of receipt. A copy of the deposit slip and receipt shall be submitted to the Division of Administrative Services for deposit on the day of 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 policies 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.	

References

UCA Section 63A-3-501, Office of State Debt Collection, Definitions
Utah Administrative Code Rule R21-1, Transfer of Collection Responsibility to State Agencies

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:** November 22, 2022
Summary: This Policy Sets Forth the Procedures for Requesting Federal Grant Assistance.	

References

Executive Order 12372, Intergovernmental Review of Federal Programs
2 CFR 200 Office of Management and Budget Guidance for Grants and Agreements

Definitions

- 2 CFR 200 - Uniform Guidance: Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Procedures

- All federal grants applied for and received by the department shall follow federal guidance according to 2 CFR 200.

- The Division of Administrative Services shall provide a training manual to all department employees who manage a federal program, or have responsibilities that require them to understand federal grant requirements. Division Directors shall determine which employees meet this criteria.

- The Division of Administrative Services shall provide federal grant training at least annually.

- Department employees who manage a federal program, or have responsibilities that require them to understand federal grant requirements shall attend the federal grant at least once, and more if needed. Division Directors shall determine which employees are required to attend the training.

DEPARTMENT OF AGRICULTURE AND FOOD 01.05 ASSETS	
EFFECTIVE DATE: September 1, 2020	**REVISION DATE:** January 18, 2022
SUMMARY: THE ACQUISITION, TRANSFER, AND STORAGE OF FIXED ASSETS. ALL FIXED ASSET POLICIES SHOULD ALIGN WITH STATE FINANCE POLICY FIACCT 09-00.00.	

REFERENCES

FIACCT 09-00.00, Fixed Assets Definitions, Policy, Overview

POLICY DEFINITIONS

- "Current Assets" means any asset not considered a fixed asset, which includes small equipment having a value of less than $5,000 and/or useful life of less than one year.
- "Fixed Assets" means assets acquired for use in operations with a value of at least $5,000 and a useful life of greater than one year.

PROCEDURES

Procedures for Acquisition of Assets

- All asset purchases are required to follow State Procurement Code and Division of Finance Policy.

- Coordination of fixed asset purchases with the Administrative Services Division is critical and required.

MANAGING FIXED ASSETS

- Each division shall assign a fixed asset clerk and inform the Administrative Services Division Fixed Asset Coordinator.

- Each division shall maintain separation of duties. Divisions shall separate responsibilities with assistance from another division's fixed asset clerk for performing inventory, at a minimum. No person shall perform more than two of the following functions:
    - Purchasing
    - Record Keeping
    - Custodianship
    - Inventory

- Once the item is received, the assigned division fixed asset clerk 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 Fixed Asset Control Record Template shall be used. The Division's fixed asset clerk shall submit the Asset Control Record to the Fixed Asset Coordinator on a quarterly basis to assist in the maintenance of fixed asset inventory.

- In compliance with State rules, the Division of Administrative Service shall oversee an annual physical inventory of Department fixed assets. The Fixed Asset Coordinator shall send a copy of the fixed asset record to each Division's Director annually. Instructions shall be included with this record.

- Division Directors shall ensure the physical inventory for their Division is completed annually by another Division's fixed asset clerk and that results are submitted to the Fixed Asset Coordinator.

- Divisions shall inform the Administrative Services Division's Fixed Asset Coordinator of changes to fixed assets as they occur.

- At the end of employment, all assets assigned to the employee shall be returned and accounted for.

Procedures for Transfer of Fixed Assets Between Divisions

- The Division shall inform the Administrative Services Fixed Asset Coordinator via email of the new Unit and location/building of a fixed asset that is being transferred.
- The Division of Administrative Services shall update the FINET fixed asset system with changes.

Managing Current Assets

- The following current assets are required to be tracked by each division with the completion of a documented annual inventory:
    - Physical assets that are easily pilferable with a value between $1,000 and $5,000. Examples include electronic equipment, cameras, radios, and data processing equipment.
    - All teleworking equipment used at an employee's home, including monitors and printers/scanners.
    - Firearms
    - Ipads

- Administrative Services Division is responsible for tracking cellular phones and ipads with cellular plans.

- DTS is responsible for tracking desktop and laptop computers.

- Each Division is responsible for keeping updated records of current assets that must be tracked, including the employee they are assigned to.

- Current assets can be tracked either using asset tags or referencing unique asset identification information, such as serial numbers.

Procedures for Surplus of Assets

- Each Division shall work with the Administrative Services Fixed Asset Coordinator to determine how to surplus assets with an original purchase price over $100.

- Each Division shall provide the surplus item to the Division of Administrative Services to be surplused.

- Administrative Services shall complete form SP-1 for the item to be surplused, 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.

Department of Agriculture and Food 01.06 Purchasing Policy	
Effective Date: September 1, 2020	**Revision Date:** March 1, 2023
Summary: These are Procedures to be used in Addition to the Required State Purchasing and Purchasing Card Program Policies and Procedures, including Procedures Governing Emergency Purchases.	

References

FIACCT 05-15.00, Purchasing Card Policy
FIACCT 04 Purchasing Policy
Utah Administrative Code Title R33, Government Operations,, Purchasing and General Services
Utah Code 63G-6a-803 Emergency Procurement

Purpose

This policy outlines general policies and procedures that govern the purchasing of items using state funds. This includes the use of the State Purchasing Card (P-Card) and emergency purchases. All employees are expected to comply with these policies and procedures, state purchasing policies, the Utah Procurement Code, and Utah Administrative Code Title R33. Use of state funds for purchasing is a privilege, and non-compliance or abuse of the privilege may result in severe consequences, including termination of P-Card and/or purchasing privileges or discipline up to and including termination.

Large Purchases

- Department employees will follow the guidelines set forth in Utah Administrative Code Title R33 and the Utah Division of Finance policies FIACCT 04-04.
- Additionally, any purchases over $5,000 shall be approved in writing by the Commissioner or Deputy Commissioner and any purchases over $2,500 shall be approved in writing by a Division Director.

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 $5,000.

- 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 OFFICIAL STATE BUSINESS, travel (with the exception of meals), and other acceptable expenses. These cards should NOT be used for paying personal non-official expenses. In the event a cardholder accidently uses a P-card for personal use, the director of Administrative Services shall be notified immediately and a plan for repayment can be made.

- The monthly statement for the P-card is sent to the employee (or Division secretary) and the employee's supervisor 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. The cardholder's manager or designee shall review and reconcile the P-card log to the original receipts and to the monthly credit card account statement that was sent by the Administrative Services Division to the manager independently (NOT from the cardholder). This review shall be documented by a signature and date on the log. These reconciliations are to be completed by the end of the month and returned to the Division of Administrative Services to process. State policy requires P-card reconciliations and approvals to be finalized within 30-days of the statement date. 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.

Emergency Purchases

- Emergency procurement may only be used when circumstances create harm or risk of harm to public health, welfare, safety, or property.

- Prior to initiating procurement, the following should first be reviewed and shall be complied with:
  - Utah Code 63G-6a-803 Emergency Procurement
  - Utah Administrative Code Title R33-8-401 Emergency Procurement
  - FIACCT 04-10 Emergency Purchases

- The Commissioner serves as the designee of the state's Chief Procurement Officer for emergency procurements. The Commissioner is authorized to designate others to make decisions regarding emergency procurement. All division directors are authorized as a designee of the Commissioner to make emergency procurement decisions.

- Within 12 days of the emergency procurement, the Commissioner or the Commissioner's designee shall prepare and submit documentation to the state's Division of Purchasing:
  - describing the specific emergency that necessitated the emergency procurement;
  - documenting the basis for the selection of the procurement item;
  - declaring the name of the highest-ranking government official that approved the emergency procurement; and
  - providing each written contract related to the emergency procurement.

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.

Department of Agriculture and Food 01.07 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 01.08 General Grant and License Awards	
Effective Date: December 4, 2020	**Revision Date:** December 4, 2020
Summary: The Purpose of this Policy is to Set Forth the Policies and Procedures for Fair and Impartial Award of Grants and Licenses by the Department.	

References

UCA Title 63G, Chapter 4, Utah Administrative Procedures Act

Policy

The Department is committed to evaluating and awarding grants and licenses through a process which is conducted impartially and fairly, and to ensure that state monies are expended in a non-discriminatory manner. Principles of economy, efficiency and transparency shall govern each grant and license awarded.

Procedures

The department currently issues licenses and processes and administers grants through each of its Divisions. The procedures for issuing licenses and grants shall be determined by state and federal code, Departmental rules and stated Departmental policy. Deviations from policy may only be permitted through prior approval from the Commissioner with written justification and provided that any such deviation does not violate state or federal law or the Department's rules.

General Principles

The following general principles shall govern licenses and grants administered through the Department. Program specific rules, where permitted by statute, shall set forth the qualifications and process to obtain a license or grant from the Department. Grants awarded by federal entities and administered or disbursed through the Department shall also follow all applicable federal rules and regulations.

- The awarding of licenses and grants shall be conducted impartially, fairly and in a non-discriminatory manner.
- The Department shall institute, where practicable, a blind process for awarding licenses and grants. If such a process if not possible given the statutory requirements or based on the nature of the license/grant to be awarded, the Department shall make every effort to institute a system of checks and balances, such as a tiered system, to ensure fairness during the entirety of the process. Individuals involved in awarding licenses and grants shall be trained on the

specific requirements for each license/grant, including but not limited to, best practices, declaring conflicts, maintaining confidentiality, providing an appropriate level of transparency, records retention requirements, and conducting public hearings.

- The Department shall develop a standardized license application process and grant forms, in consultation with the AGO and other state entities.
    - Nothing in this policy is intended to supersede state or federal laws or Department rules in awarding licenses and grants.
    - This policy is not intended to prevent the Department from establishing different processes for each grant program or awarding of a license, provided those processes are otherwise compliant with applicable statutory provisions, state and federal code and Departmental rules.
    - Further, the decision to award a license or grant, unless otherwise required by statute or rule, is wholly discretionary and does not, by itself, create a vested right, property interest or other cause of action against the Department.
    - Finally, nothing in this policy is intended to prevent the Department from revoking a license, terminating/modifying a grant or otherwise denying a license or grant application for good cause shown and where specified, for any of the reasons cited in statute, rule or policy.

Appeals

Individuals or entities who believe a license or grant was improperly denied or not funded by the Department may appeal the Department's decision when allowed under Utah Code Title 63G, Chapter 4, Utah's Administrative Procedures Act (UAPA) or through another form of action as allowed by statute.

- The Department is not required to consider an appeal where a right of appeal does not exist in statute.
- The Department is similarly not required to consider an appeal if the appellant fails to comply with Departmental deadlines or other requirements set forth in statute or rule.

DEPARTMENT OF AGRICULTURE AND FOOD 01.09 USE OF PERSONAL PROPERTY FOR WORK RELATED ACTIVITIES	
EFFECTIVE DATE: August 16, 2021	**REVISION DATE:** August 16, 2021
SUMMARY: THE PURPOSE OF THIS POLICY IS TO ESTABLISH A CONSISTENT POLICY, PROCEDURE, FEE SCHEDULE, AND APPROACH FOR THE DEPARTMENT'S USE OF AN EMPLOYEE'S PERSONAL PROPERTY FOR OFFICIAL DEPARTMENT BUSINESS AND TO ESTABLISH A PROCEDURE TO ADDRESS SITUATIONS WHERE AN EMPLOYEE'S PERSONAL PROPERTY IS DAMAGED DURING DEPARTMENT USE.	

REFERENCES

State Purchasing Policies

Utah Division of Finance Policies

Utah Code, Title 67, Chapter 16, Utah Public Employees Ethics Act

POLICY

The Department strongly recommends the use of Department owned property or rental items over the use of an employee's personal property. Personal property of Department employees should not be used unless absolutely necessary.

If deemed necessary, Department use of an employee's personal property may occur through one of two scenarios: (1) the Department rents the property from the employee and the Department compensates the employee for that use; or (2) the employee donates use of the property to the Department and the property is used at no charge. Personal property used by the Department must be maintained in the Department's care, custody, and control, and must be used for a business purpose.

This policy is intended to guide the Department and its employees in situations not otherwise governed by protocols established in State Purchasing Guidelines and Division of Finance Policies. Any property rental or donation shall follow the guidelines of the Utah Public Employee Ethics Act, Utah Code Title 67, Chapter 16. The Department shall not solicit donations from individuals. They must be freely offered and disclosed on the employee's annual conflict of interest disclosure.

DEFINITIONS

- Actual days of use means the number of days the personal property is used on a project.
- Personal property use event means the time period when the Department is in possession of the personal property.
- Personal property refers to equipment i.e. livestock trailers, UTV's, ATV's, horses, or other items used by the Department and owned by an employee.

PROCEDURES

Rental/Donation Agreement Standards

- If the Department wishes to use the personal property of a Department employee pursuant to this Policy, the Department employee using the personal property is responsible for ensuring that the owner of the personal property and the Department execute the "Use of Personal Property Agreement" attached to this Policy.
- If a Department employee wishes to rent or donate use of a piece of personal property they own, the "Use of Personal Property Agreement" must be signed prior to the personal property use event.
- Personal property shall be rented at a rate consistent with the fee schedule.
- Total reimbursement for any personal property use event is calculated based on the number of actual days of use of the property. There will be no reimbursement for personal property use if the use is donated by the Department employee.
- The Utah Division of Risk Management may provide liability coverage in the event of damage or loss to personal property when it is rented by or donated to the department. The Division's coverage agreements and statutes will control in regard to the requirements for and extent of this coverage.
- The Department may provide liability coverage in addition to that coverage provided by the Division of Risk Management or in the event that the Division of Risk Management declines coverage.
- Department liability for rented or donated use of personal property shall be the lesser of the "maximum Department liability" listed below or the fair market value of the item. If the use of an item is donated by a Department employee, the Department's liability would, at most, extend to damage to the item.
- The Department will not be liable for damages to personal property donated or rented to the Department under this policy unless a "Use of Personal Property Agreement" is completed and signed by all parties prior to the person use event.
- Department use of personal ATVs, snowmobiles, and other motorized equipment (excluding boats) must be approved in writing by the Program Manager prior to the personal property use event.
- The Department may not rent personal property from another entity

if a state-owned item will serve the Department's needs and is reasonably available.

- The owner of the personal property shall comply with all applicable federal, state and local laws, ordinances and regulations while in the performance of this agreement. A Federal Tax form 1099 will be issued to them if personal property rental exceeds $600 per calendar year.
- Long term use (longer than 30 days) of personal property or uses of highly valuable items (worth more than $30,000) of personal property must be handled through a separate contractual agreement and not pursuant to this policy. Such agreements shall be approved in advance by a Department Director and the Commissioner or their designee.

Use of Personal Property Agreement Form

- An agreement form must be completed each time personal property is used.
- The agreement form must be signed and dated by the program manager.

Personal Insurance

- The Department recommends that employees secure private insurance coverage for their personal property used under this policy. Upon request, a copy of the private insurance policy for the employee's personal property shall be provided to the Department. A Department employee may not be reimbursed by the state and a private insurance company for the same damage to their personal property.
- Department employees should be aware that standard private insurance policies may not provide insurance coverage for personal property in situations where a state-owned vehicle is towing personal property.
- The Department encourages owners of personal property used under this policy to consult with their private insurer to evaluate coverage options.

DEPARTMENT FEE SCHEDULE

Item	Rental Rate (per day)	Max. Department Liability
Horse (rate and liability includes tack, feed, trailers)	$40	$4,000
ATVs	$50	Fair Market Value up to $15,000
UTV	$125	Fair Market Value up to $30,000
Other*	TBD	Fair Market Value

*Rental rate for any other item must be approved in writing by a Division Director prior to the personal property use event.

The Department may consider the following in determining fair market value:

For a vehicle

- the value of several comparable vehicles;
- the Kelly Blue Book Value of the vehicle;
- a valuation provided by the employee's insurance company; or
- the replacement cost of the vehicle, whether new or used

For a horse

- the cost of the horse, based on the horse's age, record, training level, auction price; and
- other factors as determined by the Department in its sole discretion

In the event of injury to a horse, the Department shall not be liable for veterinary bills or loss of breeding capabilities or revenue greater than the Max Department Liability.

- In calculating the Department's liability for damage to personal property, the Department will establish the fair market value of the personal property in question, determine the depreciation to the property caused by the damage or the estimated costs to repair the damage, and consider any compensation the owner of the personal property has received from third parties, including private insurers, and from the Division of Risk Management, if applicable.
- In any event, the Department's liability for damage to personal property shall not exceed the figures provided above under "Max. Division Liability" or Fair Market Value as established by the Division Director.

DEPARTMENT OF AGRICULTURE AND FOOD 01.10 ACCEPTING CREDIT CARD PAYMENTS	
EFFECTIVE DATE: March 1, 2022	**REVISION DATE:** March 1, 2022
SUMMARY: THE PURPOSE OF THIS POLICY IS TO ESTABLISH PROCEDURES FOR ACCEPTING CREDITS CARDS FOR PAYMENT OF FEES, SERVICES, AND PRODUCTS IN COMPLIANCE WITH PAYMENT CARD INDUSTRY STANDARDS	

REFERENCES
FIACCT 07.08, Division of Finance Credit Cards Policy

DEFINITIONS
PCI means Payment Card Industry security standards.
Mobile Device means any device using cellular data or wifi that accepts credit card payments via mobile payment applications.

POLICY

Procedures for Accepting Credit Card Payments

- The Department must comply with Division of Finance Policy FIACCT 07.08-00 (Credit Card Payments), for accepting credit card payments.
- The Department must contact the State Division of Finance to set up new credit card merchant numbers (if new) and arrange for purchase of equipment.
- The Department must complete a background check, through Human Resources, for each user of card swipe and PCI computers.
- The Department must document data security roles for each user.
- The Department will provide annual PCI security training to each user, with instruction on reporting suspicious behavior.
- Each user must have a unique USER ID and password.
- Receipts, reports, or any other documentation with masked or truncated account data (no more than the last four digits visible), will be stored in a secure area.
- The Department will keep an updated list of all devices; including serial number, make, model, and location.
- Credit card numbers will be masked or truncated (no more than either the first 5 or the last four digits visible), when displayed.
- Credit card numbers will not be written down.
- CVC or security code will not be stored after authorization
- Swipe card machines will be in full view of employees at all times.
- Machines will be settled automatically on a daily basis.
- Swipe card machines will be periodically inspected for tampering or substitution.

- ID will be verified for any repairman, prior to granting access to swipe card machine or PCI computer.
- This policy will be reviewed annually, and any needed updates will be made.
- The Department will comply with the Acceptable Use of Card Technologies policy.

Procedures for Accepting Credit Card payments via mobile payment applications

- The Department must comply with the Division of Finance Policy FIACCT 07.08.01 Credit Cards Mobile Payment Applications, for accepting credit card payments via mobile payment applications.
- The Department must complete the Division of Finance Credit Card Implementation Checklist for State agencies.
- Mobile swiping devices must be used only with State owned phones or tablets, with DTS-provided MDM.
- No more than five people can access one device.
- Employees using a device must be trained on the policies and procedures for the device and complete PCI compliance training, prior to use.
- While a device is not in use, it will be stored in a locked location.
- A usage log will be maintained at all times, for every device.
- The Department will have a PCI incident response plan in place. Incidents will be documented with: date, time, type, action taken, and resolution.
- The Department will submit a PCI Self-Assessment Questionnaire annually, to the State Division of Finance, for review and approval.

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 Workers 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:** December 8, 2022
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.	

References

Executive Order EO 002 2014, Establishing an Ethics Policy for Executive Branch Agencies and Employees
UCA Section 67-21-3, Utah Protection of Public Employees Act
Utah Administrative Code Rule 895-7, Acceptable Use of Information Technology Resources
Utah Administrative Code Rule R477-8, Working Conditions
UCA Section 58-37-2, Definitions, Utah Controlled Substances Act
UCA Title 26, Chapter 61A, Medical Cannabis Act
Utah Administrative Code Rule R477-10, Employee Development
Utah Administrative Code Rule R477-11, Discipline
UCA Title 63G, Chapter 7, Governmental Immunity Act
DTS Policy 5000-0002.1, Enterprise Information Security Policy
UCA Section 63F-1-103, Department of Technology Services
UCA Section 63I-5, Utah Internal Audit Act
UDAF Internal Audit Charter

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.

UDAF Office of Internal Audit Hotline

- The Office of Internal Audit (OIA) is an independent, objective entity that operates within the Office of the Commissioner at the Department. The OIA reports directly to the Commissioner and upholds the highest standards of ethics.
- The OIA hotline is a confidential method to report potential fraud, abuse, and other inappropriate behaviors at the Department. Suspected or known fraud or abuse should first be reported to an immediate supervisor or an appropriate member of management. If a person feels unable to communicate concerns directly to their supervisor or another member of management, the OIA hotline is available.
- All information received by the OIA through its hotline is kept confidential. Allegations reported through the hotline are only shared with the Commissioner when the OIA determines an investigation is required.
- The vast majority of frauds are initially detected by tips. Tips may come from employees, customers, citizens, contractors, or vendors. It is critical that employees who become aware of known or potential misconduct report it. Fraud, abuse, or misconduct in its various forms can result in a significant loss of the Department's public trust, which is critical to the success of the Department.

Therefore, it is vital that employees report known or potentially improper behavior.

- Employees who are witnesses or observers to any of the following actions may report their concerns and issues to the OIA hotline:
    - Gross mismanagement
    - Abuse of authority
    - Unethical conduct
    - Violations of UDAF policies or state or federal law, rule, or regulation
    - Other significantly inappropriate behaviors or actions
- Pursuant to Section 67-21-3, the Department shall not take adverse action against employees who make a report related to the issues described above in good faith. The Department will also not take adverse action against an employee because the employee participates or gives information in an investigation or any other form of administrative review held by the public body.
- The OIA hotline can be reached by phone at 801-982-2332, email at udaf-audithotline@utah.gov, or by submitting an online form (link). All submissions will be confidential and anonymous unless there is a legal or professional obligation to disclose any of the information.
- Hotline submissions should not include employee complaints that can be resolved through the regular feedback process and chain of command.

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 through the OIA hotline or to theirDivision 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 follow the requirements of DHRM Rule Section R477-8-4 related to overtime. An employee may not work overtime without prior documented approval from their supervisor or Division Director. If employees work overtime on a regular basis, approval may be documented via a memo maintained by their Division Director.
    - When considering the approval of overtime, the supervisor or director shall ensure that the division or program has sufficient resources available.
    - Employees shall document overtime in ESS comments or on their paper time sheet that provides a reason for the overtime.
    - If an employee works 10 or more hours of overtime in a pay period, they shall get approval from their supervisor or division director via email prior to working the overtime.
- 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.

Working with Auditors

- Internal and external auditors have statutory authority to speak to any personnel and review the data, documents, procedures, etc. employees use to perform their jobs.
- When employees are engaged by an internal or external auditor, they have the right to respectfully request identification if they are not familiar with the auditor.
- Each division shall notify the employees expected to be involved in an audit and handle the clearance process with the auditors to make sure they comply with department rules for data security, etc.
- Employees do not need to seek permission from management to speak to auditors. They shall assist the auditors in fulfilling their roles and responsibilities within the audit.
- Employees shall promptly respond to an auditor's request for information. Auditors are authorized to have full access to the information needed to

effectively perform their audits, including confidential information when considered necessary.

- Auditors are accountable for confidentiality and safeguarding of records and information. However, employees shall also work with auditors to ensure that any requested confidential information or records are protected and secured.
- An employee must consult with the Attorney General's Office before releasing any information to an external auditor that would not normally be available to that auditor through a GRAMA request.
- If information is subject to attorney client privilege an employee may not waive privilege or release the information to an external auditor without first consulting with the Attorney General's Office.

- Employees shall be honest when responding to auditor questions and provide auditors with accurate and complete information to the best of their knowledge. If they do not have the answer to a question, they can explain that they do not know. Employees should never speculate about information that is outside of their responsibility.
- If employees have concerns about an auditor's request or were not anticipating the auditor to contact them, they may request additional information about the audit directly from their supervisor, the auditor, or the auditor's supervisor.

Procedures for Reporting Violations and Policy Enforcement

- Employees shall immediately report suspected violations of the Code of Conduct to the OIA hotline or to their immediate supervisor based on the potential severity of the concern. 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 Additional Employee Benefits	
Effective Date: August 18, 2021	**Revision Date:** Mar 1, 2023
Summary: Establishes Parameters for the Use of Additional Benefits that may be Available to Department Employees, Including Exercise Release Time, Educational Assistance, Transit Benefits, and Clothing Benefits	

References

Utah Administrative Code Rule R477-8, Working Conditions
FIACCT 05-03.06, Incentive Awards and Bonuses

Exercise Release Time

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.

Policy

- 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.

EDUCATIONAL ASSISTANCE

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 C.01) 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.

Transit Benefits

Purpose

In recognition of the benefits that use of public transit can have on the environment and in reducing traffic congestion, the Utah Department of Administrative Services (DAS) has contracted with the Utah Transit Authority (UTA) to allow state agencies to purchase eco-passes (economical transit passes) for their employees. The contract ends at the end of each fiscal year. The contract may be terminated or terms changed at any time, at the discretion of the Governor's office.

Eco-Pass Program

- Depending on availability of funds, the Department may purchase eco-passes under the contract to allow employees to use local buses, express buses, TRAX light rail, Streetcar light rail, bus rapid transit, or FrontRunner commuter rail at little or no cost to the employee.
- Passes may be paid for entirely by the Department or the cost may be split between the Department and the employee.
- If purchased, the Department will issue electronic fare cards embedded with

microchips that are individually numbered on the outside with a unique internal identification number and signature strip for use as passes. Passes are not transferable and shall only be issued to authorized employee users.

- If an employee loses a pass, the Department is responsible for replacing the pass using the 'replace card' functionality on UTA's partner website at: https://www.tap2rideuta.com/Account/Login?ReturnUrl=%2F
- The Department may charge a fee for the replacement of the pass, up to the fee charged by DAS, if any.
- Under the terms of the contract, UTA will provide a guaranteed ride home for authorized eco-pass users should they not be able to take a customary scheduled transit trip or other reasonably scheduled transit trip from work to home because of an emergency. Users are entitled to up to six guaranteed rides home in any calendar year.

Pass Usage

- The Department will run utilization reports each month to verify usage of employees that are issued eco-passes.
- If a pass is not used for 3 months, it will be rescinded by the Department. Issuance of a new eco-pass will be considered on a case-by-case basis.

Apparel or Similar Items Benefits

Policy

- At their discretion and as a non-cash incentive award, Department Division Directors or the Commissioner may purchase apparel or similar items containing a Department logo for Department employees based on division budget availability.
- Non-cash awards such as Clothing and similar items shall not exceed a value of $99 per occurrence and cumulative annual value of $396 each fiscal year, as considered to be considered de minimis by the IRS.
- If the clothing is specifically required as a condition of employment as specified in FIACCT 05-03_09, the purchase would not be taxable.

Department of Agriculture and Food 02.05 Incentive Award Policy	
Effective Date: September 1, 2020	**Revision Date:** May 10, 2022
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.	

References

Utah Administrative Code Rule R477-6, Compensation
Utah Administrative Code Rule R477-7, Leave
FIACCT 05-03.07, Service/Retirement Cash Awards
FIACCT 05-03.06, Incentive Awards and Bonuses

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).

- Per the requirements of Utah Administrative Code Subsection R477-6-7(1)(b),individual awards may not exceed $4,000 per pay period and $8,000 in a fiscal year, except when approved by DHRM and the governor.

- Cash incentive awards must be approved in writing by Division Directors. Any award over $500 must be approved in writing by the Commissioner.

- When a cash incentive award is approved, the Division Director or Program Manager shall give documentation to the recipient.

- Cash incentive awards, including a detailed justification shall be documented in an employee's personnel file.

- Documentation of the justification for the award should also be maintained by the Division Director.

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) and Policy 02.06.

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.

EMPLOYEE REFERRAL BONUS INCENTIVE

- To encourage employee referrals for hard-to-fill career-service positions, the Department may grant an Employee Referral Incentive to a Department employee pursuant to Utah Administrative Code Subsection R477-6-5(4), Market Based Bonuses.
- A Department employee who refers a candidate to fill an eligible position may receive a $500.00 Employee Referral Bonus (ERB), when the candidate has successfully been hired and has worked for the Department for 30 days.
- The Employee Referral Bonus (ERB) process shall be implemented as follows:
    - The Department shall identify recruitments for positions having a referral incentive in the recruitment announcement sent by email to Department employees.
    - Recruitment announcements for positions having a referral incentive shall include questions asking the candidate if they were referred by a current Department employee; and If so, by whom.
    - For an employee to be eligible for this incentive, the referred candidate must provide the name of the Department employee who made the referral.

- The Department employee who refers a candidate must notify the HR Representative responsible for the recruitment via email that they have referred a candidate who has applied for employment and include the following:
- Candidate's name, and
- Position for which the candidate applied.
- Once notified, DHRM shall track the status of the referred candidate and determine if the referred candidate has been hired.
- If the referred candidate is hired and has worked for the Department for 30 days, DHRM shall:
    - Prepare an ERB incentive award letter for the Commissioner's signature if the candidate is hired,
    - Initiate payment to the referring employee when the referred employee has successfully been hired in the eligible position, and
    - Place copies of the incentive award documentation in the referring employee's personnel file.
- ERB payments shall be processed through payroll to be included on the referring employee's paycheck.
- All ERB payments are pre-tax and are treated as taxable income by the IRS.
- The time sheet records that include the ERB amount must include a reference to this policy and Utah Administrative Code Subsection R477-6-5(4).
- The referring employee must still be employed by the Department at the time they become eligible for the respective incentive in order to receive an ERB.
- An employee may not receive an incentive for referring a candidate currently working in a career-service position or temporary capacity for the Department.
- A hiring official who was involved with a specific hiring decision may not receive an incentive for referring the hired candidate.
- Employee Referral Bonuses shall be subject to the availability of funds.
- An employee may not receive employee referral bonuses totaling more than $1,000 in any fiscal year.
- A Division Director may not receive an ERB for referring people within their own division.

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.	

References

FIACCT 05-03.07, Service/Retirement Cash Awards
FIACCT 05-03.08, Service Retire Non-Cash Awards and Recognition

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

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.	

REFERENCES

FIACCT 05-03.03, Relocation Reimbursement
Utah Administrative Code, Rule R477-6, Compensation

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 POLICY	
EFFECTIVE DATE: September 1, 2020	**REVISION DATE:** November 22, 2022
SUMMARY: GENERAL SICK LEAVE REQUIREMENTS AND PROCEDURES FOR DONATING HOURS TO THE SICK LEAVE ASSISTANCE PROGRAM, REQUESTING SICK LEAVE AND PROCESSING SUCH REQUESTS.	

REFERENCES

Utah Administrative Code Rule R477-7, Leave

The Department will adhere to the requirements of Rule Rule R477-7 with regard to employee use of sick leave and the sick leave assistance program. Pursuant to the requirements of Section R477-7-4, use of sick leave for greater than 3 consecutive working days shall require administratively acceptable evidence documenting the need for the leave.

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.	

References

UCA Section 67-19-6.7, Utah State Personnel Management Act
Utah Administrative Code Rule R477-8, Working Conditions

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.	

References

Utah Administrative Code Rule R477-8, Working Conditions
Utah Work Training for Supervisors
DTS Policy, Acceptable use of IT Resources
Utah Works Training for Employees

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 B.03).

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 Employee Acknowledgement and Remote Work Agreement form (See Appendix B.01);
- 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.	

References

UCA Section 49-11-1302, Phased Retirement-Voluntary Participation-Employer Duties
Utah Administrative Code Rule R477-7, Leave
Utah Administrative Code Rule R477-4, Filling Positions
UCA Section 49-11-1304, Phased Retirement Agreements

- 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 with 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 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 02.13 Employee Grievances	
Effective Date: December 4, 2020	**Revision Date:** December 4, 2020
Summary: The Purpose of this Policy is to Set Forth the Options for Employees and Customers to File Grievances or Address Concerns with Agency or State Actions.	

References

UCA, Title 63G, Chapter 4, Administrative Procedures Act
UCA, Title 67, Chapter 19A, Grievance Procedures
UCA, Title 67, Chapter 19, Utah State Personnel Management Act
UCA, Title 67, Chapter 21, Utah Protection of Public Employees Act

Policy

It is the policy of the state of Utah to provide and maintain a work environment free from abusive conduct and to ensure employees are comfortable reporting issues in the workplace without fear of retaliation or reprisal.

Procedure

The procedure for filing a grievance against another state employee or entity depends on the type of grievance alleged. For example, a grievance regarding alleged discrimination against a co-worker or a grievance filed under the Americans with Disability Act (ADA) may be handled differently than a grievance regarding alleged misuse of governmental funds.

Ideally, an employee who believes that a grievance is appropriate should first contact their immediate supervisor to discuss the issue. If the employee feels uncomfortable doing so, the employee should discuss the issue with the next individual in the chain of command.

Once raised, generally employee grievances are addressed by the Department of Human Resource Management (DHRM), the Career Service Office , or the governmental entity where the aggrieved employee is employed. Jurisdiction is based on the type of grievance alleged and must comply with the relevant code provision related to the type of grievance. For example, Title 63G, Chapter 4 (the Administrative Procedures Act), Title 67, Chapter 19a (Grievance Procedures) and Title 67, Chapter 19 (Utah State Personnel Management Act).

Grievances regarding individuals or governmental entities may also be filed through the constituent services resources maintained by the Utah Attorney General's Office and the Governor's office through the following links:
https://attorneygeneral.utah.gov/wp-content/uploads/2020/05/2020-AG-Complaint-Form-fillable.pdf) (Complaint Form-Utah Attorney General's Office) and
https://servicecloudtrial-155c0807bf-158b6dc6793.force.com/governor/s/comments
(Complaint Form-Governor's Office of Constituent Services)

Further, an employee may report any conduct which falls under Subsection 67-21-3(1)(a) (for example, gross mismanagement, abuse of authority or unethical conduct) to any of the individuals or entities identified in subsection (b)(1) of that Act (for example, to the state auditor, legislative leadership, or state court administrator) in addition to reporting the concerns to DHRM. Once a grievance is filed, DHRM or the appropriate individual based on the grievance type, will discuss the employee's options, the steps involved in investigating the grievance and the expected timeframe for issuing the initial decision regarding the merits of the grievance.

Privacy

When reporting a grievance, the employee should inquire whether the grievance will be confidential, meaning with whom the information must or may be shared and who makes that determination.

Retaliation

Often referred to as "Whistleblower Protection," employees who file grievances in good faith (that are not malicious, false or frivolous) are protected from retaliatory action (as defined in UCA Subsection 67-19a-101(11) under Utah's Protection of Public Employees Act Section 67-21-1 *et seq*.). Some examples of retaliatory action would be termination, reduction in compensation, failure to promote an employee, or threatening an employee with any retaliatory action. A supervisor or member of the Executive Office may not require the employee to withdraw the grievance or issue any statements preventing employees from reporting future claims. Retaliatory actions themselves may also form the basis of a separate grievance from the underlying grievance which precipitated the employee's initial report.

Appeals

The rights of an employee to appeal a decision on a filed grievance will depend on the nature of the grievance. The employee should receive notification of the time frame and individual to whom a grievance may be appealed. In order to protect this right of appeal, the employee should independently verify this information upon receipt of the initial

decision regarding the filed grievance. As with filing an initial grievance, an employee may not be subjected to retaliation if an appeal is filed.

Department of Agriculture and Food 02.14 Employee Classifications and Hiring of Time Limited Employees	
Effective Date: December 4, 2020	**Revision Date:** December 4, 2020
Summary: This Policy Sets Forth the Policy Regarding Employee Classification and the Hiring of Time Limited Employees for Department Positions.	

References

UCA Section 67-19-15, Career Service, Exempt Positions, Schedules for Civil Service Positions, Coverage of Career Service Positions
Utah Administrative Code, Rule R477-4, Filling Positions

Purpose

- The State of Utah operates under a career service employment system established in UCA Section 67-19-15. This is a merit system designed to ensure fair and open recruitment, competition, and employment practices free of political influence or other non-merit factors. As such, all positions being filled shall go through a competitive recruitment process in accordance with Department of Human Resource Management (DHRM) Rule R477-4, unless otherwise exempt.

Policy

- It is the policy of the Department Agriculture and Food to recruit and hire the best qualified applicants to fill vacant career service positions while complying with the rules and procedures established by DHRM.

Classifications

Generally, UDAF employees fall under three categories:

  - Schedule A employees are those who are appointed and may be removed from that position as deemed appropriate by the appointing official without regard to tenure.
  - Schedule B employees fall under the career service schedule, must be hired through the competitive selection process, and may only be removed from employment through an administrative process in consultation with DHRM.
  - Schedule AR and AD employees are appointed positions, limited to directors, deputy directors, and others who report directly to a department head, deputy director, or those positions whose appointment requires the governor's approval.

- The Department shall follow all state approved processes for hiring or appointing

employees that fall under these categories in accordance with DHRM rules and regulations.

Time Limited Employees

- Time limited employees are appointed employees who are career service exempt. They fall into two categories:
    - Schedule IN employees, who are hired to work part time indefinitely and work less than 1560 hours per fiscal year; or
    - Schedule TL employees who are hired to work on a time limited basis, such as seasonal employees, interns, or employees hired for a specific grant or other program that has a predicted end date.
- It is the Department's preference and policy to hire individuals through the competitive recruitment process in accordance with DHRM Rule R477-4. IN or TL hires that fall outside of that process must be approved by the Commissioner.
- When an IN or TL hire is desired, the Division head shall prepare a proposal for the Executive Office to obtain approval to hire such employees and to ensure that the proposed hires are properly classified. The Department shall also coordinate with DHRM to ensure that IN or TL employees are being hired appropriately.
- The Department shall consider the following factors in hiring IN or TL employees:
    - The source and duration of funding for the position;
    - The expected duration of the project or program for which the employees are being considered;
    - The justification for hiring employees outside of the career service process;
    - A cost/benefit analysis of hiring employees on a temporary basis;
    - The specific skill set needed for the project or program;
    - The public or Departmental benefit of hiring the employee (if applicable); and
        - For example, hiring interns may provide a significant benefit to the public as it provides opportunities for individuals to work on agricultural-related projects in furtherance of the Department's mission to expand agricultural education and encourage individuals to pursue careers in that field.
    - Any other factors the Department determines relevant.

The hiring of IN or TL employees shall not be used as a "run-around" or attempt to circumvent the career service hiring process.

Retention/Change of Employee Designation

- Employees hired outside of the career service hiring process may, in some circumstances, be retained past their initial term or may transition into other employment designations.
- The Division head shall consult the Executive Office in making this request and the Department shall coordinate with DHRM to determine if this is appropriate on an individual basis.

Termination

Termination of employees, regardless of their employment category, shall be in accordance with state of Utah and DHRM policies and procedures.

Exceptions to Policy

The Commissioner, in coordination with DHRM, may make exceptions to this policy, provided that the exceptions do not otherwise conflict with state law.

- Exceptions to policy shall be documented by the Executive Office and retained by the Executive Office with a copy kept in the individual's personnel file, along with a justification outlining the need for the exception and considering the factors set forth in this policy.

DEPARTMENT OF AGRICULTURE AND FOOD 02.15 RETURNSHIPS	
EFFECTIVE DATE: June 28, 2021	**REVISION DATE:** June 28, 2021
SUMMARY: THIS POLICY SETS FORTH THE POLICY REGARDING DEPARTMENT RETURNSHIPS, PURSUANT TO EXECUTIVE ORDER 2021-8	

REFERENCES

Executive Order 2021-8

DEFINITIONS

Eligible Individual: Someone who has had a career break for at least two years, is looking to get back into the workforce, and is looking to get reacquainted with the workplace and improve any professional-level skills that may have become rusty or require updating in a given industry.

Experience Only Returnship:A returnship that will not provide an offer of employment at its conclusion, that is temporary, and that typically would not provide state benefits to the returner.

Intent to Hire Returnship:A returnship that may provide an offer of employment for the returner at its conclusion, provided that this is a good fit for the Department and the returner. This returnship will require that a Full Time Equivalent (FTE) position is available and would provide state benefits to the returner.

Returner: An eligible individual who is participating in a returnship.

Returnship: Internship for adults looking to re-enter the workforce after an extended absence. They are designed as a back-to-work program that provides the experience, training, skills, and mentoring that an individual needs to return to the workforce without starting from the bottom of the career ladder.

PURPOSE

- Consistent with Utah Executive Order 2021-8, the Department recognizes that diversity and life experience are valuable to the state of Utah and should be relevant to pay and opportunity in the workplace.
- The Department is interested in helping all Utahns have economic opportunity in professions and is willing to find ways to optimize Department resources to assist and connect Utah citizens to meaningful skills, training, employment, and work-based learning opportunities.
- The Department believes that it is in the public benefit to assist those individuals who have left the labor force and now desire to return to work.

- The Department recognizes that a high number of individuals seeking to return to work in the State of Utah are seeking training and educational opportunities.
- The Department is willing to provide opportunities, including returnships, to help those looking to return to work.

POLICY

- It is the policy of the Department to:
    - Identify new ways to provide meaningful returnship opportunities to those individuals returning to the labor force;
    - Remove any impediments that would currently exist to providing these opportunities; and
    - Provide return to work and returnship opportunities whenever appropriate.

UDAF RETURNSHIP PROGRAM

- The Commissioner will assign a member of the Executive Office team to be the Department Returnship Coordinator who will manage the Department returnship program and serve as the primary contact to returnship supervisors, the Department of Human Resource Management (DHRM), and the Governor's Office of Planning and Budget (GOPB).
- The Department will work with the DHRM and GOPB to provide returnships to eligible candidates on an ongoing basis.
- The Department will seek to provide at least one returnship in each returnship cohort organized by DHRM and GOPB.
- The length of each returnship may vary but typically will last from 12-16 weeks.
- Returnships may be part-time or full-time depending on Department and returner needs.
- The Department may offer experience focused or intent to hire returnships depending on Department needs and funding availability.
- Returners will be paid at least as much as department interns would be paid, as determined by the Division Director in consultation with DHRM. The Department will consider each returner's overall experience level in determining their pay rate.
- The Department will ensure that each returner's supervisor understands the goals of the returnship program and is committed to providing the returner with meaningful work, training, and mentorship opportunities.

- Department returners will participate in training sessions or other returnship activities organized by the GOPB and/or DHRM for their cohort.

- Intent to hire returnship participants may be hired by the Department for full or part-time positions following their returnship if the candidate is a good fit for and remains interested in the position.

- Intent to hire returners may be hired as a time limited employee and then be converted to a career service employee if they accept a position with the Department following the conclusion of their returnship. The returnship application process may serve as their competitive recruitment.

Beginning October 1, 2021, the Department shall report to the GOPB on a semi-annual basis how many Department returnships have been filled.

Department of Agriculture and Food 02.16 Pay for Performance	
Effective Date: July 1, 2023	**Revision Date:** July 1, 2023
Summary: This policy establishes guidelines and criteria for the Department to award pay for performance.	

References

Utah Code 63A-17-106
Utah Code 63A-17-112
DHRM Rule R477-10

Definitions

"Behavioral expectation" means expectations of the day-to-day manner of performance with which an employee produces results.

"Employee" means a Department employee in a position that is designated under any schedule, except AB.

"Manager" means a supervisor who supervises another supervisor.

"Pay for performance" means a plan providing financial incentives to an employee for meeting or exceeding production or performance goals.

"Performance standard" means expectations of task completion that are tied to the duties and responsibilities of the employee.

"Supervisor" means an employee who provides regular supervision and performance evaluation of an employee.

Vision

The Department values its employees and desires to enhance their pay for meeting or exceeding performance standards, behavioral expectations, and goals.

No provision of this policy shall be construed as a contract, a promise, or an employment agreement. The Commissioner can make exceptions to this policy as allowed by applicable law and rules.

POLICY

General Provisions

- The Department will implement a performance management system using pay for performance according to this policy.
- The performance management system will include establishing a performance plan for each employee at the beginning of each review period, monitoring progress throughout the review period, assessing outcomes at the end of the review period, assigning appraisal ratings to each evaluated employee, and, based upon budget, administering pay based on an employee's performance.
- Performance evaluations will be performed by an employee's primary supervisor.

Supervisor Responsibilities:

- Manage each employee's performance.
- Ensure that each employee they supervise has an annual performance plan that includes specific goals and targets for the employee, including measurement procedures. For new hires, supervisors shall complete their first performance plans within 60 days of the date of hire.
- Meet with each employee they supervise at the beginning of each evaluation period and work with the employee to set the employee's goals and communicate performance standards and behavioral expectations.
    - Performance standards include a focus on task completion tied to job duties and responsibilities with a standard baseline performance expressed in terms of quantity, quality, time, cost, effect, manner of performance, or method of doing (such as SMART - Specific, Measurable, Achievable, Relevant, Time-bound). Examples: "Respond to public or stakeholder inquiries within 24 hours," "keep commitments,","complete work within established time standards."
    - Behavioral expectations include the observable behavior to be performed, the conditions in which the behavior should be performed, and the minimal acceptable level of performance. Examples: "Working assigned schedule," "Arrive to work/meetings prepared and on time," "Taking responsibility for your results without blaming others," "Treat others with respect and dignity."
    - Stretch Goals are measures that require an employee to surpass the baseline standard. They can be expressed in similar language to standards, but *should require some level of stretch* to achieve.

Achieving standards equals successful performance while achieving ambitious goals exceeds standards. Therefore, stretch goal measures may be tied to ratings that exceed successful ratings.

- Monitor each employee's progress throughout each evaluation period.
- Provide each employee with regular verbal and written feedback on the standards, expectations, and goals outlined in the annual performance plan.
- At least once per quarter, conduct a verbal evaluation and provide written documentation of each employee's progress in meeting the performance standards, behavioral expectations, and stretch goals contained in the employee's performance plan.
    - Document verbal feedback provided to the employee during the quarterly evaluation period.
    - Explain the basis for the quarterly evaluation to the employee.
    - Provide the employee an opportunity to review and provide feedback related to the quarterly evaluation.
    - Appropriately file and store feedback and employee feedback. This can be done in the Utah Performance Management System or through another method that is accessible upon request.
    - Quarterly evaluations should not include performance ratings.
- Conduct annual performance evaluations.
    - During each fiscal year, complete an annual written performance evaluation of each employee's progress in meeting the performance standards, behavioral expectations, and stretch goals during the evaluation period.
    - Assign a rating to each employee they supervise at the end of each evaluation period.
    - The rating scale is:
        - <u>Unsuccessful:</u> Unsuccessful means the employee did not meet the critical standards or expectations in the performance plan.
        - <u>Needs Improvement:</u> Needs Improvement means the employee's performance may not have met some of the critical standards in the performance plan while others were met or may have approached not meeting the standards or expectations in the performance plan. The employee met some standards, but did not meet an overall level to be considered successful.

        - Successful: Successful means the employee met the standards or expectations in the performance plan.
            - If an employee was successful overall but fell short in some areas this will be clearly documented along with expected areas of improvement.
        - Exceptional: Exceptional means the employee met all baseline standards or expectations in the plan plus achieved at least 50% of stretch goals defined in the plan.
- Consult with their manager for feedback as needed during the drafting of each employee's annual performance evaluation.
- Conduct an annual performance evaluation meeting with each employee.
    - Review the employee's performance during the preceding year and discuss the employee's overall performance rating and the basis for the rating.
    - Provide each employee an opportunity to provide written comments pertaining to their performance evaluation.
    - Finalize each employee's annual evaluation within 30 days of the end of the performance plan**.**

Employee responsibilities:

- Meet with their supervisor to set performance goals and discuss performance standards and behavioral expectations.
- Throughout each evaluation period, work to meet the standards, expectations, and goals contained in their performance plan.
- Notify their supervisor of their progress in meeting the standards, behavioral expectations, and goals.
- Attend and participate in quarterly evaluation meetings with their supervisor.
- Attend and participate in annual evaluation meetings with their supervisor.
- Take all actions necessary to assist their supervisor in finalizing each year's annual performance evaluation.

Manager responsibilities:

- Ensure each supervisor they manage completes all mandatory training described in Utah Code 63A-17-106(7)(e) at least annually.
    - All new supervisors must complete the training within six months of being promoted or hired to the position of supervisor.

- Include the requirement to complete all mandatory training described in Utah Code 63A-17-106(7)(e) as a performance standard or behavioral expectation in each supervisor's annual performance plan.
- Include the supervisor's effective use of the training, information, and principles as a performance standard or behavioral expectation in each supervisor's annual performance evaluation.
- Review, provide feedback, and approve draft annual employee performance evaluations provided to them by the supervisors they supervise.

Pay for Performance

- There are many factors influencing how pay for performance compensation could be determined for a given year, such as, the amount of available funds and the distribution of employees in each rating category.
- In general, the following will guide the Commissioner's Office in their determination of how pay for performance compensation will be dispensed to employees.
- Subject to available funds:
    - An employee whose annual performance evaluation rating is "unsuccessful" or "needs improvement" will not receive pay for performance for that evaluation period.
    - An employee whose annual performance evaluation rating is "successful" will receive pay for performance for that evaluation period.
    - An employee whose annual performance evaluation rating is "exceptional" will receive pay for performance for that evaluation period. The pay for performance amount will exceed the amount given to employees with "successful" ratings.

Department of Agriculture and Food 03.01 Conflict of Interest	
Effective Date: September 1, 2020	**Revision Date:** June 27, 2022
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.	

References

Utah Administrative Code, Rule R477-9, Employee Conduct
UCA Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act
Executive Order EO 002 2014, Establishing an Ethics Policy for Executive Branch Employees

Policy

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 Chapter 67-16 *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 Chapter 67-16 *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 may complete a conflict of interest/disclosure form as required by DHRM policy.
- In addition, on an annual basis, Department employees shall complete a conflict of interest form. If the employee does not have any conflicts to disclose, the employee may so indicate and sign the form. If the employee has outside employment or any other conflict they should identify it on the form and the form should be signed by the employee's supervisor or Division Director. The Division

Director may consult with the Commissioner as needed when there may be a potential conflict. This form shall be maintained by the Department. It is the employee's duty to advise the Department within ten days if outside employment or conflicts arise after the date of hire and a conflict of interest form has been submitted.

- Any time there is a change in employment status an employee shall submit a new conflict of interest form.
- If a conflict is identified (including, but not limited to outside employment, business interests, board membership, receipt of gifts), a copy of the employee's conflict of interest form shall be filed with 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.	

References

UCA Title 52, Chapter 4, Open and Public Meetings Act
UCA Title 63G, Chapter 2, Government Records Access and Management Act

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 an employee is contacted by the press over the weekend and needs assistance, the employee shall 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.	

References

UCA Title 63G, Chapter 2, Government Records Access and Management Act
Opens Records Portal
Utah State Records Committee

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 requests 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-2-10 *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:** May 26, 2021
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).	

References

UCA, Title 52, Chapter 4, 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.

Notice and Minutes Requirements for Public Meetings

Notice Requirements

- Each Division Director shall appoint an individual responsible for providing notice of public meetings as stipulated in the Utah Open and Public Meetings Act, UCA Section 52-4-202.
    - All public meetings shall be noticed at least 24 hours in advance of the meeting, unless designated as an emergency meeting, as allowed by statute.
    - All notices shall include the meeting agenda, date, time, place, and shall comply with any other requirements under OPMA.

- Each Division will notify the Department's PIO or Marketing Division of all open and public meetings. The PIO shall also subscribe to all Department public meetings listed on the Public Notice Website.

- Before it is posted, the meeting agenda should be approved by the applicable 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 Department will be posted at the reception desk, as well as at the location of the meeting, if offsite.

Minutes Requirements

- Written minutes and a recording shall be kept of all Department open meetings.
- Written minutes shall include:
    - The date, time, and place of the meeting
    - The names of members present and absent
    - The substance of all matters discussed
    - A record, by individual member, of each vote taken
    - The name of each person who is not a member of the public body and provided testimony
    - A summary of the testimony provided by the public, and
    - Any other information that is a record of the proceedings that any member requests be entered in the minutes.
- A recording is not required for an open meeting that is a site visit or a traveling tour if no vote or action is taken.
- The requirement that minutes include the substance of matters discussed or testimony provided may be satisfied if the Department maintains a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is discussed or testimony provided.
- The recording shall:
    - Be a complete and unedited record of all open portions of the meeting.
    - Identify the date, time, and place of the meeting.
- Anyone who presents electronic information relating to an item on the agenda shall provide a copy for inclusion in the public record.
- A public body shall:
    - Make pending minutes available to the public within 30 days after holding the open meeting
    - Within three business days after approving written minutes of an open meeting:
        - Post a copy of the approved minutes and any public materials distributed at the meeting to the State Public Notice Website
        - Make the approved minutes and public materials available to the public at the UDAF office.
        - Post the approved online minutes (if provided) on the Department website
    - Within three business days of the meeting, post an audio recording or link to the record on the State Public Notice Website

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 Section 52-4-202.

- 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.	

REFERENCES

UCA Title 4, Chapter 1, Utah Agricultural Code, General Provisions
UCA Title 63G, Chapter 4, Administrative Procedures Act

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**. An inspector shall ensure the records are complete, accurate, and legible.
    - An inspector's personal notes are generally protected documents for

GRAMA purposes, but they are important in refreshing the inspector's 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 the assigned 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 , 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** April 15, 2021
Summary: This Section Sets Forth Department Policy for Owning, Carrying, and Using Firearms and Other Weapons.	

References

UCA Section 53-13-105, Special Function Officer

- 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, or if the employee changes positions within the Department and the use of a weapon is no longer required.

Sale of Weapons No longer Required by the Department

- Department owned weapons that are no longer being used by Department employees may be sold to a third party vendor or an individual in accordance with state and federal law.

- All sales shall be approved in advance by the Director of the Division of Animal Industry and the Commissioner and shall be documented in writing and on the weapons log maintained by the Director of the Division of Animal Industry.

- If a weapon is sold to an individual it is recommended the Department obtain a background check on the individual prior to the sale, however, current ATF guidance is that a background check is not legally required in the State of Utah.

- Funds received from the sale of weapons shall be deposited as dedicated credits for the division from which the weapons are sold.

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
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.	

References

Utah Administrative Code Section R477-9-7, Acceptable Use of Information Technology Resources
UCA Title 67, Chapter 16, The Utah Public Officers' and Employees' Ethics Act
UCA Section 67-19-19 ,Political Activity of Employees – Rules and Regulations – Highway patrol – Hatch Act
UCA Section 76-8-402, Misusing Public Money or Public Property
DTS Policy 5000-0002.1, Enterprise Information Security Policy (Statewide),
DTS Policy 5000-0003, Enterprise Mobile Device Policy (Statewide),
DTS Policy 5000-0004, Enterprise Web Filter Policy (Statewide)
Utah Administrative Code Rule R895-7, Acceptable Use of Information Technology Resources
FIACCT – O5-15.00, Purchasing Card
FIACCT– 10-01.00 – Travel – Personal Use of State Vehicles
Utah Administrative Code Rule R27-3, State Vehicle Use Standards,
Utah Administrative Code Rule R27-6, Fuel Dispensing Program,
Governor's Executive Order 002 2014, Establishing an Ethics Policy for Executive Branch Agencies and Employees

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.

Department of Agriculture and Food 03.11 Risk Management	
Effective Date: November 8, 2022	**Revision Date:** November 8, 2022
Summary: This Policy Sets Forth the Policies and Procedures Regarding Risk Management for the Department.	

References

Division of Finance Internal Control Questionnaire - Risk Assessment
UDAF Risk Management and Internal Control Framework

Definitions

- "Department" is the Utah Department of Agriculture and Food and all of its divisions and programs.
- "RICC" is the Risk and Internal Control Committee at the Department.
- "Directors" includes all division directors at the Department of Agriculture and Food.
- "Executive" includes the Commissioner and Deputy Commissioner of Agriculture and Food, and the Legislative Director.
- "Managers" includes all employees in a supervisory or decisionmaking role who are tasked with implementing the UDAF Risk Management Framework.
- "Strategic risks" arise when an organization's strategy fails to deliver expected outcomes.
- "Operational risks" arise from inadequate or failed internal procedures, employee errors, cybersecurity events, or external events.
- "Hazard risks" are the many things that could go wrong and are mostly external to the organization.

Management Responsibility

- Under the direction of the Executive and with their approval, the RICC will develop a risk appetite statement to guide the decision making process surrounding risks faced by the Department.
- The Executive, Directors, and Managers will attend a risk management training that describes the annual risk assessment process and the development of internal control activities on an annual basis. This training is provided by the Office of Internal Audit (OIA) and is facilitated by the Risk and Internal Control Committee (RICC).
- The RICC shall provide a risk management guidance handbook to the Executive, Directors, and Managers at the Department. This handbook contains the UDAF Risk Management and Internal Control Framework.

- Directors and Managers will refer to this handbook as they identify and respond to risks in their divisions and programs.

Overview of the Risk Assessment

- A Department-wide risk assessment is performed annually. The process is generally led by OIA and is facilitated through the RICC.
- Identified risks and their existing or proposed control activities are recorded in the Risk Register that is maintained by the RICC.
- At the conclusion of each annual risk assessment, the RICC compiles a report to summarize the highest priority risk items. This report is shared with the Executive and Directors.
- Additional procedures will be followed by the Executive, Directors, and Managers in accordance with the UDAF Risk Management and Internal Control Framework handbook.

Examples of Risks to Identify

- Strategic risks are the risks taken when making strategic decisions. They are typically mitigated through formal decision-making processes that vet the data involved in choices and that check for decision bias.
- Operational risks are the risks that arise due to an absence of or weakness in operational controls. As management sets up operations, there is an expectation that people with needed skills are involved, processes are efficient and effective, and technology is enabling and supportive. There is also an expectation that management has the oversight mechanisms needed to enable operational success and capacity growth over time.
- Hazard risks are controlled by management through funding functions (e.g., insurance, communication, information security, legal, safety, etc.).
- **Table 1** on the following page provides examples of risk by category and is not exhaustive. It serves as guidance to Directors and Managers as they work to identify risks in their divisions and programs.

Utilizing the Risk Assessment

- Management should utilize risk assessments to develop risk management strategies. OIA must use information gained during the process to develop an annual audit plan that requires approval from the Commissioner.

Table 1. Examples of Types of Risk

Strategic Risk	● Ethics, conflicts of interest, or bias in decision-making process ● Strategic decisions that are unclear or poorly communicated ● Introduction of new programs or services ● Changes in senior management ● Changes to customer demand or expectations ● Financial challenges (e.g., underfunded programs) ● Problems with suppliers, vendors, or other stakeholders
Operational Risk	● Weakness in governance and management oversight controls ● Unclear objectives and assignments ● Misalignment of people, processes, and technology ● Inadequate or failed internal processes ● Human error ● System downtime or failure ● Inadequately trained staff ● Breakdown of process controls
Hazard Risk	● Damage to the organization's credibility or reputation ● Noncompliance with laws, rules, or policies ● Information security incidents ● Human resource incidents (e.g., workplace harassment and employee discipline) ● Cybersecurity events (e.g., data breaches) ● Fraud ● External events (e.g., earthquakes or pandemics)

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.	

References

DTS Policy 5000-002.1, Enterprise Information Security Policy
DTS Policy 4000-002, Enterprise User Authentication Standards Policy
DTS Policy 5000-003 Enterprise Mobile Device Policy

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.	

REFERENCES

Utah Administrative Code Rule R895-7, Acceptable Use of Information Technology Resources
DTS Policy 5000-0002.1, Enterprise Information Security Policy
Utah Administrative Code Rule R477-11, Discipline

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 B.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 B.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.

- The Department also uses the ServiceNow process for deployment of equipment and account set up for new employees, including information security training.

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 the Agency, Division, a Department contact, and the assigned AAG.

- The AGO will contact the Department to advise 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 the 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.	

REFERENCES

UCA Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA)
UCA Section 63F-1-205, Approval of Acquisitions of Information Technology

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 aggrieved party 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.	

References

- Utah Administrative Code Rule R51-4, ADA Complaint Procedure
- UCA Section 4-2-103, Functions, powers, and duties of department--Fees for services--Marketing orders--Procedure-- Purchasing and auditing
- UCA Section 62A-5a-101, Coordinating Council for Persons with Disabilities
- UCA Section 67-19-32, Discriminatory/Prohibited Employment Practice Grievances-Procedures
- 28 CFR Subpart F, Nondiscrimination on the Basis of Disability in State and Local Government Services, Compliance Procedures
- 28 CFR Part 35.170, Nondiscrimination on the Basis of Disability in State and Local Government Services, Compliance Procedures

Purpose

- 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 F, 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.	

REFERENCES

UCA Section 63G-3-302, Public Hearings
Utah Administrative Code Rule R15-4, Administrative Rulemaking Procedures

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.	

References

- UCA Title 63G, Chapter 4 , Administrative Procedures Act
- UCA Title 4, Chapter 2, Utah Agricultural Code, Administration
- Utah Administrative Code Rule R51-2, Administrative Procedures for Informal Proceedings before the Utah Department of Agriculture and Food

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 05.09 PRIVACY PROTECTIONS	
EFFECTIVE DATE: June 28, 2021	**REVISION DATE:** May 16, 2022
SUMMARY: THIS POLICY SETS FORTH THE DEPARTMENT'S POLICY REGARDING THE HANDLING OF PERSONAL INFORMATION RECEIVED BY THE DEPARTMENT.	

REFERENCES

H.B. 243
Utah Code Title 67, Chapter 1
Utah Code, Title 67 Chapter 3
Utah Code, Title 63C, Chapter 23
Utah Code, Title 63G, Chapter 2, Government Records Access and Management Act
Utah Code, Title 52, Chapter 4, Open and Public Meetings Act

DEFINITIONS

Controlled Record: A record containing data on individuals that is controlled as provided by Section 63G-2-304.
Personal Data: Any information related to an identified or identifiable individual. Personal Data includes personally identifying information.
Personally Identifying Information (PII): Any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual.
Private Record: A record containing data on individuals that is private as provided by Section 63G-2-302.
Protected Record: A record that is classified protected as provided by Section 63G-2-305.

PURPOSE

- The purpose of this policy is to ensure compliance with the privacy protections codified by H.B. 243, passed by the Utah Legislative during the 2021 General Legislative Session which amends Utah Code Title 67, Chapter 1, Title 67, Chapter 3, and enacts additional sections in Title 63C, Chapter 23.
- This policy shall be modified as guidance is received by the government operations privacy officer, state auditor, and Personal Privacy Oversight Commission established under H.B. 243.

SCOPE

This policy applies to all Department employees and members of Department administered boards and commissions.

POLICY

- The Department follows all guidelines set forth under OPMA, GRAMA, and related federal and state laws regarding the use of personal data. All employees, boards and commissions under the Department receive training at least every two

years on OPMA, GRAMA, and ethics. Additional training on privacy concerns, such as private records access, retention, and destruction is provided, upon request, by the Utah State Archives or the Attorney General's Office.
- Pursuant to the requirements of GRAMA, private, controlled, and protected records are not public and the Department may not disclose them to any person except as allowed by statute, rule or Department policy.

Information Stored by the Department

- The Department, in the course of its business, may collect personal data or store documents that contain personal data.
- Storage of documents containing personal data shall be determined pursuant to the appropriate Utah Division of Archives or UDAF Retention Schedule.
- The Department shall classify each stored document as private, protected, or controlled under GRAMA.
- Credit card information collected by the Department shall not be stored following the completion of the credit card transaction. See Policy 1.11 for the Department credit card policy.
    - The Department will work with the Division of Finance to set up third party entities used for processing credit cards to ensure Payment Card Industry standards are followed.
- Department employees shall not download information that is accessed through a database maintained by a third-party entity unless they are the administrator of the database or authorized to do so.
    - Downloaded documents shall be stored in accordance with the retention schedule for the document.
    - Downloaded documents will maintain their GRAMA classification when downloaded.
- Department employees shall only store hard copies of documents containing personal data when necessary, as set forth in Department retention schedules.
- Personal data related to potential Department employees such as resumes or interview notes, shall be sent to DHRM following the conclusion of the hiring process. Department employees shall not keep copies.

Storage and Access

- Hard copies of documents that contain personal data shall be stored in a locked drawer or cabinet.
- It is preferred that documents that contain personal data are stored digitally on a password protected device or website.
    - Hard copies shall always be stored when required by an applicable retention schedule.
- Hard copies of documents containing personal data that are no longer needed shall be shredded.
- Electronic Storage

    - The Department's network drives or Google Drive are approved by the State as a secure place to store electronic documents containing personal data.
    - Access to drives shall be limited to those who need the information as part of their job duties.
    - The Department, through the Division of Administration, will review F drive and other network drives annually to ensure only appropriate employees have access to PII.
    - The owner or manager of documents that contain personal data stored in Google Drive shall also review access on an annual basis.
- Department employees shall not accept credit card information via text or email, per the requirements of the Department's Credit Card Payments Policy, 1.11.
- Personal data in email or text from a Department employee shall be redacted if the text or email is released pursuant to a GRAMA request or request from another governmental entity, unless otherwise required to be left intact by law.
- Department employees shall only have access to personal data as needed in performance of their job duties.
- The Department shall take steps to ensure that documents containing PII or other personal data are only viewed as needed by the appropriate party.

<u>Department Use of Personal Data</u>

- The Department may use email addresses, phone numbers, or addresses of department licensees or customers to disseminate information regarding Department programs or for other Department purposes.
- The Department shall not sell the personal data or any customer or licensee to a third party.
- Employees shall not take personal data of Department customers or licensees with them when they leave Department employment (See Existing Checklist, Appendix B.05).

Department of Agriculture and Food 05.10 Tribal Consultation Policy	
Effective Date: November 8, 2022	**Revision Date:** November 8, 2022
Summary: The purpose of this policy is for the Department to establish a process for regular and meaningful consultation with Indian Tribes to Comply with the Provisions of Executive Order EO/2014/005, Executive Agency Consultation with Federally-Recognized Indian Tribes	

References

Executive Order EO/2014/005

Title 9, Chapter 9, Utah Division of Indian Affairs Act

Definitions

"Consultation" means the process by which the state and the tribes may have the opportunity to exchange views and information, in writing or in person, regarding implementation of proposed state action that has, or may have, substantial tribal implications, such as the following:

- tribal cultural practices, tribal lands, tribal resources, or access to traditional areas of tribal cultural or religious importance;
- the ability of an Indian Tribe to govern or provide services to its members;
- an Indian Tribe's formal relationship with the state; or,
- the consideration of the state's responsibilities to Indian Tribes.

"Department Official(s)" means an individual or individuals designated and authorized to represent the Department for the purpose of Implementation of the Department's agency's tribal policy.

"Indian Tribe" means any federally recognized Indian Tribe listed in the Federally Recognized Indian Tribe List Act of 1994, 25 U.S,C. § 479a and located wholly or partially in Utah.

"State Action With Tribal Implications" refers to regulations, rulemaking, and other policy statements or actions that have substantial direct effect on one or more tribes, on the relationship between the state and a tribe, or on the distribution of power and responsibilities between the State and a tribe, or the status of a tribe as a sovereign or governmental entity.

"Tribal Official" means an elected or appointed tribal leader or individual designated by the tribe and authorized to represent the tribe in government-to-government consultations.

POLICY

In formulating or implementing state action with tribal implications, The Department shall be guided by the following fundamental principles:

- The state has a government-to-government relationship with the tribal governments as set forth in the Constitution of theUnited States, the Utah Constitution, treaties, statues, and court decisions.
- The state has recognized the right of the tribes to self-government. The state desires to work with the tribes on a government-to-government basis.
- When the Department intends to implement a state action with tribal implications, consultation should occur as part of a meaningful and comprehensive process that promotes effective communication between the tribe and the Department. The Department should make every effort to ensure that consultation with the tribe is conducted as early as possible, is carried out in good faith, and that honesty and integrity are maintained by the Department at all stages of the consultation process.

CONSULTATION PROCESS

Consultation consists of four phases: Identification, Notification, Input, and Follow-up:

Identification Phase: When contemplating a state action, the Department will identify whether such action may have tribal implications per the guidelines of Executive Order EO/2014/005 and requires consultation.

Notification Phase: If the Department determines a state action may have tribal implications and requires consultation, the Agency will notify the Tribe(s) to request consultation.

- Consultation should occur early in the decision-making process to allow tribes the opportunity to provide meaningful input and give the Department the opportunity to consider input by the tribe(s). Department officials will determine the best time to begin consultation.

- Notification can occur in a number of ways depending on the nature of the proposed state action and the number of tribes potentially affected. For example, the Department may meet face-to-face with one or more tribes, may contact tribal governments by phone, through written correspondence, or provide notice through other accepted means.

- Notification includes sufficient information for tribal officials to make an informed decision about whether to participate in consultation and how to provide informed input.

Input Phase: The Department will consider input received from tribal officials regarding the proposed action as part of its decision-making process. The Department may need to undertake subsequent rounds of consultation if there are significant changes in the originally proposed activity, or as new issues arise.

Follow-up Phase: After the Department consults with tribal officials regarding a proposed state action with tribal implications, and considers input received during the consultation process as part of its decision-making process, the Department will follow-up with all tribal officials who participated in the consultation process.

Tribal Consultation Reporting

The Department will track information about consultation activities, including, but not limited to: the number of consultations conducted, the tribe(s) which were consulted, tribal officials and Department officials or personnel who participated in the consultations, and the results of consultation efforts.

Miscellaneous

The Department will provide reasonable training opportunities for Department officials or employees authorized to implement any state action with tribal implications, per the requirements of Executive Order E0/005/2014.

Nothing in this policy is intended to prevent a tribe, the state, or the Department from taking action or adopting a policy that the entity believes is in its best interest.

This policy is not intended to unnecessarily delay an action or the adoption of a policy.

DEPARTMENT OF AGRICULTURE AND FOOD 06.01 ADVISORY BOARDS/COMMITTEES AND INTERNAL MEETINGS	
EFFECTIVE DATE: September 1, 2020	**REVISION DATE:** May 20, 2021
SUMMARY: TO SET FORTH THE RESPONSIBILITIES RELATED TO DEPARTMENT ADVISORY BOARDS AND COMMITTEES AND ESTABLISH REGULAR INTRA-DEPARTMENTAL MEETINGS.	

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

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 is responsible for the following, either personally or by designation:
    - Ensuring 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 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.
    - Maintaining 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.

- Communicating with the Governor's office regarding the status of each Board/Commission and preparing all necessary reports to the Governor's office as required by statute and by request.
- Notifying 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.
- Making all physical arrangements for the meeting, including conference room reservation, secretary, recorder, etc.
- Preparing proper forms for reimbursement of board/committee members' incurred expenses.
    - E.g., travel reimbursement form, meeting attendance form, or FI 40B Private Vehicle Reimbursement.
- Taking accurate minutes of meeting, sending minutes to members and posting them on the public notice website as soon as possible after meeting, and no later than the date allowed under OPMA.

Nominating Procedure for Commissioner Appointed Advisory Boards/Committees

***The guidelines set forth below constitute the preferred process (at the time this policy was drafted) to address vacancies on commissioner appointed boards or committees and is not required under state law or rule. This policy may be superseded by statutory requirements.**

- If there is a vacancy on a commissioner appointed board or committee, the Division Director assigned to that Board may review the criteria for the vacancy and will reach out to applicable groups and invite them to submit nominations of individuals to fill the position.
- Information regarding the vacancy and criteria may also be posted on the Department's website and social media pages along with an electronic application for the position that includes pertinent questions and explains the qualifications and background required.
- Each call for applications will include a deadline determined by the Division Director.
- Following the expiration of the deadline or the submission of nominations, a small selection committee, including the assigned Division Director, will choose qualified candidates to interview, if needed.
- Following the interview process, the committee will submit two names to the Commissioner for final selection.
- If only one individual has applied for the position one name may be submitted to the Commissioner for review.
- The individual selected shall be notified and provided with additional information regarding the requirements for the position, including training

on the requirements of UCA Title 52, Chapter 4, the Open and Public Meetings Act.

- The chair of the Board will be notified of the member selected to fill the vacancy.
- At the Commissioner's discretion, committee or board members may remain in their positions following the expiration of their term, to allow for their replacement to be selected.
- At the Commissioner's discretion, committee or board members may be appointed to an additional term upon expiration of their term, if serving an additional term is permitted by state statute and rule.

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 & ACCESS CARD SECURITY	
EFFECTIVE DATE: September 1, 2020	**REVISION DATE:** June 15, 2023
SUMMARY: PROCEDURES FOR ACCESSING AND USING TAYLORSVILLE STATE OFFICE BUILDING (TSOB)-SOUTH BUILDING AND ACCESS CARD SECURITY PROCEDURES	

Department employees are responsible for helping to maintain building security and safety. Department employees may reserve the TSOB South Building to conduct events or meetings as a Department or in collaboration with an agricultural organization. All users will be responsible for setting up and cleaning approved rooms, including common areas, conference rooms, and equipment. The common areas and conference rooms are reserved on a first-come, first-served basis.

USE OF TSOB SOUTH BUILDING

- Events or meetings conducted outside of business hours, including weekends, must receive written approval at least 30 days before the event or meeting from the Commissioner's office to ensure space availability. After receiving approval from the Commissioner's office, conference rooms must be reserved through a Department employee's Google calendar.
- A Department employee must use their assigned access card to enter the South building, remain during the event or meeting, and ensure the building is secure after the meeting and all individuals have left the building.
- A Department employee shall be near the front desk to check IDs, sign in and out non-UDAF employee attendees, and issue visitor passes.

TSOB SOUTH BUILDING ACCESS (EMPLOYEE ONLY)

- Employees must complete a TSOB Building access form as part of their new employee onboarding process and will receive an access card at that time.
- Employees must have a TSOB Photo ID in addition to their building access card. (See employee new hire checklist.)
- Employees are granted access to the TSOB South building from 5:00 am to 6:00 pm, Monday - Friday.
- Employees needing access outside regular business hours will notify their supervisor. If deemed necessary, the supervisor will complete an updated TSOB Building access form and submit it to DFCM.
- The TSOB building access form is available from each division's administrative assistant. Agriculture access is listed under Annex Second Floor on the TSOB building access form.

Access Card Security

- All Department employees are responsible for helping to maintain building security. It is understood that an employee's access card is only to be used by the holder and that they will not make it available to anyone else. Department employees may NOT loan out access cards or duplicate them; they cannot be transferred to others.
- Employees shall not unlock the TSOB South building for another individual unless they know the individual has a legitimate need to enter. The employee will be responsible for the individual and their actions inside the South building.
- Employees shall maintain a current TSOB access card per DFCM policy and will notify their supervisor if they need a TSOB access card. If an employee quits or is terminated, their access is revoked, and their access card must be given to their supervisor to deactivate the access for that employee. (See employee exit checklist.)
- Authorized access card holders are not allowed to let anyone into the building after or before regular business hours unless the individual participates in an approved after-hour meeting or event.
- Building access card logs are maintained through a confidential electronic file and may be reviewed by the Commissioner's Office and DFCM. Directors may designate an access card coordinator to collaborate with DFCM and supervisors.
- Unauthorized duplications or loaning of access cards by Department employees is grounds for corrective action, including verbal or written warnings, suspension without pay, or termination. Lost access cards are to be reported immediately to the employee's supervisor and DFCM. Lost access cards shall be deactivated.
- Department employees shall use their access card to enter state-owned buildings and areas to which they have received approved access from DFCM before entry.

Taylorsville State Office Building Use (DFCM Policy)

- See Policy 06.03 for additional information.
- The large conference rooms in the TSOB are currently unavailable for weekend use.

DEPARTMENT OF AGRICULTURE AND FOOD 06.03 CONFERENCE ROOM SCHEDULING	
EFFECTIVE DATE: September 1, 2020	**REVISION DATE:** June 15, 2023
SUMMARY: PROCEDURES FOR SCHEDULING AND PREPARING CONFERENCE ROOMS AND EQUIPMENT.	

Department employees may utilize conference rooms in the Taylorsville State Office Building (TSOB) South building, for Department formal and informal meetings or events. Agricultural organizations and stakeholders, in collaboration with a Department employee, may reserve conference rooms for meetings or events to conduct applicable meetings per statute, training, or discuss information related to the Department.

TSOB SOUTH BUILDING CONFERENCE ROOMS TERMS & CONDITIONS

- Conference rooms are reserved on a first-come, first-served basis and are booked through an employee's Google Calendar.
  - The event or meeting scheduler (usually the division admin assistant) will select the appropriate date by clicking on the requested date.
  - How to schedule an event using Google Calendar
  - While creating the event or meeting, the Google Calendar tab allows selecting a room in the TSOB South Building.
  - Available rooms will show a room#, TSOB_RM, Floor 2, for example, *2492 TSOB_RM, Floor 2.*

- The appropriate Director shall be informed of the meeting, if possible, before the meeting is scheduled. If a meeting or event is planned outside regular business hours, the Commissioner's Office approval is needed at least 30 days before the meeting. Meetings that have any portion of the time scheduled outside of regular business hours will require a Department employee to attend until the conclusion of the meeting. (See policy 06.02 for additional information.)

- Conference rooms are not stocked with standard office supplies, and meeting hosts should be prepared with necessary items such as handouts, pencils, etc. Department employees may be unable to make copies or provide supplies, services, etc. If copies are needed, machines are available for use. If an outside organization is using the building, the Department may charge a small fee for copies, at their discretion.

- All event or meeting hosts (employees and non-employees) agree to the following by reserving a conference room through Google Calendar:

- ☐ They will report any spills or damage in any conference room immediately to the Commissioner's Office.
- ☐ They assume responsibility for any damages to the conference room and AV equipment, which could result in the revocation of privileges or repair/replacement costs.
- ☐ They will ensure that all trash is put in the provided receptacles.
- ☐ They will ensure that meeting handouts and materials will be removed from the room after the event.
- ☐ They will ensure that food, beverages, and catering equipment will be removed from the room or area during the event or meeting.
- ☐ They will ensure that decorative material will be removed from the room.
- ☐ If an event or meeting is canceled, they will ensure that the created calendar item will be canceled asap to allow other employees access to the schedule for their event or meeting.
- ☐ Commissioner meetings take precedence in the Executive Conference room, *2492 TSOB_RM, Floor 2*.

- Department employees will be respectful if two meetings are scheduled in the same conference room with the understanding that the reserved room in Google Calendar will take precedence.
- 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 before the meeting. (See Policy 5.06 for contact information.)
- Smoking is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices.
- Department meetings will take precedence over other scheduled meetings and may displace other meetings.

TSOB Large Conference Room Scheduling Per DFCM Policy

The Taylorsville State Office Building (TSOB) has three large conference rooms – Tuacahn, Big Cottonwood, and Bonneville – with various configured options for hosting large meetings. These spaces provide the latest in audio-visual and engagement capabilities.

If a Department employee is interested in hosting a large meeting or event, they should consider taking advantage of TSOB conference spaces. State employees can book small and medium conference rooms in the TSOB through Google Calendar or the Robin scheduling system. Tuacahn, Big Cottonwood, and Bonneville conference room reservations must be approved.

TSOB conference rooms are reserved on a first-come, first-served basis. Department employees may book conference rooms six (6) months in advance. The large conference rooms are currently unavailable for weekend use.

Cancellations: For the Tuacahn, Big Cottonwood, and Bonneville conference rooms, cancellations must be made at least one week before the event. For all smaller conference rooms, if a meeting has no attendees by 15 minutes after the start, the reservation will be canceled to allow others to utilize the space.

To book a large conference room, Department employees may fill out the form linked below. DFCM will contact them shortly to confirm and schedule the room.

By filling out this form, Department employees agree to the following conditions:

- ☐ You will immediately report any spills or damage in any conference room to the Division of Facilities and Construction Management.
- ☐ Entities holding events assume responsibility for any damages to the conference room and AV equipment, which could result in the revocation of privileges or repair/replacement costs.
- ☐ You will ensure that all trash is put in the provided receptacles.
- ☐ You will remove all meeting handouts and materials from the room when the event ends.
- ☐ You will remove all food, beverages, and catering equipment from the room when the event ends.
- ☐ You will remove all decorative material from the room when the event is over.

***Note: The TSOB Lobby area is not considered part of the Tuacahn conference room.**

TSOB Room Scheduling Link

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 that 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 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 TRAVEL	
EFFECTIVE DATE: September 1, 2020	**REVISION DATE:** May 1, 2023
SUMMARY: DEPARTMENT TRAVEL POLICIES INCLUDING REQUESTING AND RECEIVING APPROVAL, BOOKING HOTELS AND TRANSPORTATION, REIMBURSEMENT ETC.	

REFERENCES

State Fleet Website
State Travel Website
FY 2023 State Travel Training
FIACCT 04-04.01, Purchases up to $5,000, without two Quotes

FIACCT 10-02, Travel Reimbursement
FIACCT 10-04.00, Group Gatherings

Utah Administrative Code Rule R27-3, Fleet Vehicle Use Standards
Utah Administrative Code Rule R25-7, Travel Related Reimbursement for State Employees

GENERAL POLICIES

APPROVAL

- All travel on state business, whether reimbursed by the State or not, must have prior approval by an appropriate authority. This includes non-state employees where the State is paying for travel expenses.
- Department employees must obtain prior approval from their Division Director. If traveling out of state, the employee must also obtain prior approval from the Commissioner or Designee.
- Division Directors shall obtain travel approval from the Deputy Commissioner.
- The Deputy Commissioner shall obtain travel approval from the Commissioner.
- The Commissioner shall obtain travel approval from the Governor's Chief of Staff.
- **The travel must be approved before any travel takes place and approval must be documented in writing. If possible, the travel authorization form or a detailed justification and explanation for the travel should be stored with the employee's travel record in Employee Self Service.**
- Travel that is in the normal course of an employee's duties is exempt from this policy provided that all other requirements of departmental and state laws are met.

Travel Agency

- The State has contracted with an outside travel agency to provide travel services including but not limited to airline, rental car, hotel, rail and bus services.

- All travelers, state and non-state employees, are required to use this agency.
- Contact information and links to the Airportal and travel requests may all be found on the state travel website.

Travel Upgrades

- Without a specific exception, employees may not be reimbursed for upgrades to any travel accommodations.

Travel Via Neighboring States

- When traveling through a neighboring state where the route is the nearest or most practicable to reach a destination in Utah, the underlying travel is authorized as in-state travel.

Personal Time

- If an employee is including personal time when traveling, the personal portion must be reimbursed or remitted.
- Airfare is calculated by pricing what the fare would be if traveling for business only. Then the price with the personal portion is added. If the amount is higher with the personal portion, the traveler must reimburse the department for the difference.
- A copy of the itinerary as it would have been for business only, including the airfare, must be obtained from the State Travel Office and attached to the reimbursement request. This will be used to determine the allowable reimbursement rates for parking meals, taxi/shuttle and to determine if the traveler owes money to the Department for part of the airfare.

Travel Advances

- Travel advances are available for up to 90 percent of anticipated meals and incidentals. Up to 90 percent of anticipated lodging may be advanced if the traveler travels fewer than three times per year and does not have a purchasing card. Advances are not available for car rentals.
- Each traveler may have only one advance outstanding at any time.
- Advanced travel reimbursements should be submitted within 30 days after the anticipated completion of travel on the travel advance documentation.
- The traveler should submit form FI 48 for in-state travel and form FI 5 for out-of-state travel.

Meals

- State meal allowance rates are available in State Finance Policy FIACCT 10-02.03. These rates include tax, tips, etc. associated with the meals.
- The meal allowance the traveler is entitled to is determined by the time of day the traveler leaves and returns to their home base.

- For non-overnight trips, the traveler may be authorized to receive a taxable meal allowance when their farthest destination is at least 100 miles one way from their home base and they do not stay overnight.
    - Breakfast - The individual leaves their home base before 6:00 a.m.
    - Lunch - When meeting one of the following conditions:
        - The traveler leaves their home base before 10:00 a.m. and returns after 2:00 p.m.
        - Prior written approval based on unusual circumstances is provided
    - Dinner - When leaving their home base and returning at or after 6:00 p.m.
- Complimentary meals of a hotel, association, and meals included in a registration cost are deducted from the daily meal allowance.
    - For breakfast, if a hot food item is offered, it is considered a complimentary meal, no matter how it is categorized.
    - The meal is considered a continental breakfast if no hot food items are offered. Continental breakfasts will not reduce the meal allowance.

Lodging

- In-state travelers are only eligible for lodging if the destination is 50 miles or more from their home base unless pre-approved by their Division Director.
- Conference Hotels (a hotel that offers a special rate negotiated by the conference) may be booked by the traveler. Conference hotel documentation must be attached in ESS Travel with the travel reimbursement request.
- In-state lodging per diem limits are available in State Finance Policy FIACCT 10-02.04. Travelers may secure their own in-state lodging reservations as long as the rate is within the per diem limits. If the rate exceeds the per diem limit, the hotel must be booked by State Travel.
- Out-of-state non-conference hotels must be booked by State Travel.
- If the traveler has other lodging arrangements the traveler will be reimbursed $25.00 per night with no receipts required, or the actual cost up to $40.00 plus tax per night with a receipt from a facility such as a campground or trailer park.

Incidentals

- Original itemized receipts for each incidental item of $20 or more is required in the traveler's documentation for reimbursement
- Gratuities/Tips for various services such as assistance with baggage, maid service and bellman may be reimbursed up to a maximum of $5 per day.
- Gratuities/Tips for ground transportation will be reimbursed up to the greater of $5 or 20% for each ride. This must be shown on an original receipt.
- Airport parking is limited to the long-term parking rate at the airport the traveler is flying out of.

Transportation

- All air travel must be booked through the State Travel Office.

- If an employee wishes to drive a personal vehicle out-of-state rather than flying, a driving vs. flying comparison must be obtained from the State Travel Office. The Department shall consider the overall cost of driving, including per diem, lodging, and wages before approving a request.
- Use of a private vehicle must be approved prior to travel. Current reimbursement rates are available in State Finance Policy FIACCT 10-02.06.
- If a trip is estimated to average 100 miles or more per day, the traveler should rent a daily pool fleet vehicle or a rental vehicle if one is reasonably available.
- Use of a rental vehicle must be approved in writing in advance by the Commissioner or designee.
- Travelers must not accept the fuel purchase option. If accepted, the traveler will not be reimbursed. The traveler must pay for the fuel on their own and submit detailed receipts for reimbursement.

Registration Fees

- Registration fees can be reimbursed only with prior approval from the Division Director and must be supported by a proper receipt and agenda.
- Registration fees can be paid via state check, personal credit card, or a P-card.
- Registration fees exceeding $5,000, unless sponsored by a government agency or professional association, will require quotes or the completion of the Award of Contract without Engaging in a Standard Procurement Process request form.

Group Gatherings

- Group gatherings include state-sponsored conferences, training sessions, board meetings, management retreats, and service award gatherings.
- Accommodations may include meeting rooms, equipment rentals, sleeping rooms, and food.
- If the estimated cost of the group gathering is more than $1,000, a Group Gathering Authorization form FI 58 must be completed. The Division Director, Commissioner or Designee, and Finance Director must approve by signing the form FI 58.

Travel as part of an Employee's Job Duties

- All in-State travel for UDAF purposes outside of a 50-mile radius from the office of the employee that is outside of the normal course of an employee's duties (as determined by the Division Director) must be requested in writing and receive approval in advance. This control ensures employee accountability for time and expenditures during in-State travel and supervisory oversight of potential overnight stays.
- Division Directors whose employees (such as inspectors) routinely travel as a part of their duties for the Department may add additional Division specific

requirements regarding authorizations and permissions, provided they do not conflict with the Department's travel-related policies.

- If an employee regularly travels through an adjoining state using a state vehicle to perform their official state duties, a liability agreement with the Utah Division of Fleet Operations is required and a copy of a signed Out of State Vehicle Use Form should be maintained in each vehicle (See Appendix A.03)
- Employees that travel regularly as part of their official state duties should review and follow the policies in Section 8 of this manual related to travel and vehicle use.

Reimbursement Procedure

- Requests for reimbursement shall be completed, approved, and entered in FINET or ESS Travel within 45 days from the date of return of the trip. The Commissioner or designee must approve an exception to the 45 day limit.
- Any overpayment on a reimbursement will be collected by the Department from the traveler.
- Travelers on the State Payroll system should submit travel reimbursement through ESS Travel. If a traveler is not on the State Payroll system, then they should use the applicable Travel Reimbursement forms.
- Documentation should be attached to the completed Travel Reimbursement form or in ESS Travel. Documentation may include:
    - Hotel Bill
    - Agenda/Schedule of Events
    - Registration Receipt
    - Registration Materials if staying at a conference hotel
    - State Travel Itinerary
    - Parking Receipt
    - Ground Transportation Receipt
- If reimbursed by a third party, the maximum that the traveler may be reimbursed for meals is the federal meal and incidental per diem rate (M&IE). Travel expenses may be treated in one of the following ways:
    - The traveler may obtain a regular travel reimbursement, and the third party reimbursement would be deposited by the Department as a refund of expenditures.
    - The traveler may retain the amount reimbursed by the third party up to the amount allowed by state travel policy (including meals). The traveler would not submit a state reimbursement. If the amount reimbursed by the third party exceeds the amount allowed by state travel policy, the difference should be returned to the third party. If retained, the difference must be included as taxable income on the W-2 of the traveler.
    - Regardless of the method used, the traveler must submit a copy of the reimbursement check, itinerary, all receipts, and any reimbursement form required by the third party. The Department will then attach this documentation to the travel request in ESS Travel or the Out-of-State Travel Authorization FI 5.

Department of Agriculture and Food 08.01 Authorized Passengers and Vehicle Operators	
Effective Date: September 1, 2020	**Revision Date:** July 1, 2022
Summary: Definitions and Guidelines for Authorized Passengers and Drivers of State Vehicles.	

References

Utah Administrative Code Rule R27-3, Vehicle Use Standards
Policy 8.02, Commute Policy and Procedure

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. If an employee is a Utah resident and has a driver's license from a state other than Utah, they must obtain a Utah driver's license within 6 months of employment.
- 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.
- Pursuant to Utah Administrative Code Subsection R27-3-3(5), authorized drivers must complete all required training and safety programs as well as meet age requirements before they may operate a State vehicle.

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 unless the use has been approved in advance.
- If no fleet vehicle is available and an employee chooses not to use a private vehicle, a supervisor may authorize a rental vehicle. For out of state travel, rental vehicles also require the written approval of the Commissioner or designee. Written rental approvals must include the minimum size automobile necessary for the specific assignment and anticipated mileage.
- 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.
- **Consistent with State rules, overnight home storage of fleet or rental vehicles is not permitted**. See Policy 08.02 for potential exceptions to this rule.
- Any exceptions to this policy section must be authorized by the Division Director or Executive Office.

Department of Agriculture and Food 08.02 Commute and Take Home Use Policy and Procedure	
Effective Date: September 1, 2020	**Revision Date:** March 1, 2021
Summary: The Purpose of this Policy 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 Department Employees.**	

References

UCA Subsection 41-10-1, State Tax Commission Designated Vehicle Department
IRS Publication 15-B
Utah Administrative Code Rule R477-8, Working Conditions
Utah Administrative Code Rule R27-3 Vehicle Use Standards
Utah Division of Finance Policy 10.01-00, State Vehicle Usage
Utah Administrative Code Rule R477-11, Discipline
IRS Publication 15-B, Employer's Tax Guide to Fringe Benefits

Policy Authority

- This rule is established pursuant to UCA Subsection 41-10-1.

Policy Definitions

- "Commute" means travel in a state vehicle 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.Commute use of a state vehicle is considered a taxable fringe benefit unless an employee meets the IRS exempt requirements for take home use.

- "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.

- "Take Home Use" means the employee's commuting privileges in a state vehicle are approved as exempt according to IRS Publication 15-B and are not considered a taxable fringe benefit.

Application for Commute

- If an employee wishes to request authority to commute in a state vehicle or have take home use of a state vehicle, they shall make the request to their Division Director, providing specific justification as to why they qualify for commute or take home privileges under the criteria listed in this policy. After evaluating the request, if the Division Director believes that the commute or take home use falls within the standards of this policy, they shall add the employee information and the justification to the Department's Commute and Take Home Use Spreadsheet, a shared document maintained by the Director of the Administrative Services Division.
- If a Division Director or individual in the Executive Office wishes to request authority to commute or have take home use of a state vehicle, they shall make the request to their supervisor in the Executive Office, providing specific justification as to why they qualify. After evaluating the request, if the Executive Office believes that the commute or take home use falls within the standards of this policy, they shall add the employee information and the justification to the Commute and Take Home Use Spreadsheet.
- All commute and take home use shall be added to the Spreadsheet by December 1st of each year.
- The Director of the Administrative Services Division will review the Commute and Take Home Use Spreadsheet and submit it to the Commissioner for approval and signature.
- By December 31st of each year, the Director of the Administrative Services Division will submit the signed Spreadsheet to the Division of Fleet Operations. See Utah Administrative Code Subsection R27-3-6(1).
- Any employee, including Division Directors and members of the Executive Office may not approve their own Application for commute or take home use.

Approval for Commute or Take Home Huse

Approval for commute or take home use **must qualify under one or more of the following criteria**:

- The commute or take home use 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 or take home use 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.

- **On-call positions are not automatically approved to commute or have take home use privileges of a state vehicle and must meet one of the criteria in this section.**

- The commute or take home use 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 or take home use.

- Paying mileage reimbursement for business use of a personal car (with reasonable modifications made to support communication and equipment storage) is not an acceptable or approved alternative.

- Any exception to allow commute or take home use that does not qualify under one of the criteria listed above must be authorized in writing by the Commissioner and must include a justification under one of the criteria for allowing a commute as listed, *supra*. A copy of the authorization must be kept in the state vehicle at all times.

- If situations exist where an employee is not able to satisfy the requirements of their position efficiently without violating this policy, the employee may work with their Division Director to consider alternate approaches to effectively perform their State duties, such as staging vehicles on state property at various locations to save travel time and prevent unnecessary expenditures of state funds

    - Any alternatives proposed to remedy the employee's concerns shall be approved by the Commissioner prior to implementation.

- Commute or take home use authority may not be used as a means of providing a fringe benefit to Department Employees, including employees in the Executive Office.

Accounting and Taxation

- Commute approval is generally considered a taxable fringe benefit. Take home use is not a fringe benefit and is considered exempt from taxation if requirements are met under IRS Publication 15-B. This means that commuting employees are subject to payroll deductions consistent with the fringe benefit they receive. The IRS-set value of the fringe benefit is stated in the Division of Finance policy 10-01.00.
- Per Policy 10-01.00, Commuting between an employee's home and place of business in a Qualified Nonpersonal Use vehicle is not taxable as long as the requirements in IRS Publication 15-B are met. A Qualified Nonpersonal Use

Vehicle is defined by the IRS as a state vehicle that employees are not likely to use more than minimally for personal purposes because of its design. These state vehicles generally include police, fire, and public safety vehicles; unmarked vehicles used by law enforcement officers if the use is officially authorized and use is related to law enforcement functions, such as being able to report directly from home to an emergency situation; any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds, etc.

- ALL employees who have been approved to regularly commute with a State vehicle must be listed on the Commute and Take Home Use Spreadsheet that is submitted to the Division of Fleet Operations each year. The Director of the Administrative Services Division shall make updates to the Spreadsheet during the year as needed. The Division of Fleet Operations will submit required tax forms for each commuting employee.
- **All employees who are approved to take home a vehicle will be classified as commuting employees unless they meet one of the tax exemptions explicitly included in IRS Publication 15-B.**

Shelter of Vehicle

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

Penalty for Unauthorized Commute

- If an employee must violate the commute policy due to an emergency or extenuating circumstance, they should contact their Division Director or Executive Office to obtain approval for the commute. The approval and reasoning should be documented by the Division Director or the Executive Office.
- The Division of Administrative Services must also be apprised of the decision to ensure that any additional reporting requirements are met.
- An employee found in violation of the commute and take home use policy will be subject to discipline under Utah Administrative Code Section R477-11-1, up to and including termination of employment.

Departmental Documentation-Commutes less than Five Times a Month

- Commutes less than five times a month are considered a de minimis benefit and will not be required to be listed on the Commute and Take Home Use Spreadsheet. 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.	

References
Utah Administrative Code Rule R27-8, State Vehicle Maintenance Program

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:** March 1, 2022
SUMMARY: REQUIREMENTS FOR EMPLOYEES DRIVING STATE VEHICLES	

REFERENCES

Utah Administrative Code Rule R27-3, Vehicle Use Standards
Utah Code 53-3-202

POLICY AND GUIDELINES

- Prior to using a state-owned motor vehicle, an employee must:
  - Have a valid driver's license. The Division of Fleet Operations runs weekly reports to ensure that a license is valid and active.
  - Complete the Defensive Driver Training course located on the Utah Learning Portal prior to operating a state vehicle. Recertification of this training is required every two years.
  - Work with their Division Fleet Coordinator to obtain an Operator Identification Number and Gas Card PIN.
- Authorized, Unauthorized, and Personal Use of State Vehicles:
  - State vehicles shall only be used for official state business.
  - Drivers shall operate a state vehicle in accordance with the restrictions or limitations imposed on their respective driver's license.
  - Except in cases where it is customary to travel out of state in order to perform an employee's regular employment duties and responsibilities, the use of a state vehicle outside of the State of Utah shall require the approval of the Commissioner.
  - Unless otherwise authorized, the following are examples of the unauthorized use of a state vehicle:
    - Transporting family, friends, pets, associates or other persons who are not state employees or are not serving the interest of the state.
    - Driving under the influence of alcohol or drugs as defined by state law.
    - Operating a vehicle for personal use except for the purposes set forth in Section R27-3-5.
  - The unauthorized use of a state vehicle may result in the suspension or revocation of state driving privileges.
- If a prospective employee is required to drive a vehicle as part of their job responsibilities and fails one or more of the above criteria they will not be considered for employment.

Department of Agriculture 08.05 Appropriate Vehicle Use	
Effective Date: September 1, 2020	**Revision Date:** December 1, 2022
Summary: To Provide Guidelines for Department Staff Regarding the Use of Vehicles for both State and PersonalVehicles Used for State business. This Policy also Establishes Standards for the Driver Safety Committee as Required by Utah Administrative Code Section R27-7-5.	

References

Utah Administrative Code Rule R27-7, Safety and Loss Prevention of State Vehicles
FIACCT 10-02.06, Reimbursement-Transportation

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.
- Any employee who does not comply with this policy shall be subject to disciplinary action, up to and including termination of employment.
- References in this policy to the Commissioner shall mean the Commissioner or their designee.
- References in this policy to Division Director shall mean a Division Director or their designee.

Definitions:

- The "Driver Safety Committee," "DSC", or "Committee" is a Department committee that meets quarterly to review accidents in State Vehicles, Major Threshold Violations, and to recommend 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 three 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. Major threshold violations are outlined in Utah Administrative Code Section R27-7-3.

    - 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 or not using a seatbelt, as recorded by the Geotab program. A major Telematics Violation is defined as driving more than 20 miles per hour above posted speed limits for more than one minute or exceeding 90 miles per hour for more than thirty seconds. A minor Telematics Violation is defined as driving without using seat belts while traveling greater than 10 miles per hour for longer than one minute.
    - A "Telematics Threshold Violation" occurs when two major Telematics Violations occur over a one month period or at least one minor telematics violation occurs on two days or more over a one month period.
- "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, such as a possible concern with the data collected by the Geotab system, the requirements of a particular employee's job or program, and any Division policies that may allow behavior outside of what is typically expected. 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.
- Pursuant to Policy 08.01, if a state vehicle is not available, an employee may use a personal vehicle for Department business if the use is approved by a supervisor.
    - Members of Department sponsored Boards and Commissions are not subject to this requirement.
- Employees using a personal vehicle to conduct state business are not covered by the Utah Division of Risk Management.
- Reimbursement for private vehicle use will be at the lower of the reimbursement rates authorized by State Finance policy unless an exception is approved by the commissioner or designee, per the requirements of FIACCT 10-02.06.
- If a private vehicle is used instead of a state vehicle, a reimbursement request must be submitted within 60 days using the applicable Division of Finance form FI40A lower rate or FI40B higher rate, as approved, according to policy.

    - The form must include at a minimum, the date(s) traveled, From and To location(s), and miles driven, as well as Total Miles and Total Amount.
    - The form must be signed and dated by the employee requesting reimbursement.
    - The form must be reviewed and approved by the employee's supervisor or division director prior to submission for reimbursement.
- Any overnight use of a State vehicle must be pre-approved and documented by the division director.
- Each state vehicle shall have a paper log sheet in it that records, in real time:
    - in the case of a shared vehicle, who is driving the vehicle and when; and
    - in the case of a vehicle that has been assigned to a particular employee, who is driving the vehicle and when, **in the event that the driver is not the assigned employee.**
- If an employee completes a log sheet indicating that they are driving a vehicle during a particular time they are presumed to be the individual in control of the vehicle in the case that any issues arise. Conversely, if the assigned driver fails to ensure that a log is completed, that individual is presumed to be in control of the vehicle in the case that any issues arise.
- 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 the Geotab program, vehicle logs, and reports of accidents and damage to State vehicles.
- Telematics data collected by each State vehicle's Geotab system shall be reviewed by the Division Director or the employee's manager on at least a monthly basis. This responsibility cannot be delegated to another employee.
    - All Managers and Division Directors shall review vehicle usage for the employees that they supervise.
        - Geotab data shall be shared with the Members of the Driver's Safety Committee to determine if any Major Threshold Violations or other violations requiring DSC review or recommendation. The Manager or Division Director shall ensure that if any telematics violations have been recorded in the Geotab system that the correct employee is credited with committing the violations as indicated on the log sheet.
        - Data shall be reviewed to compare the number of miles driven by each employee with the amount that would be expected to be driven by that employee. Miles shown in the Geotab system shall

also be compared to the number of miles recorded by the vehicle itself.
        - At a minimum, a sampling of 10% of vehicle data shall be reviewed each month to determine if any discrepancies are present. At a minimum the data of every Department vehicle shall be reviewed at least once annually.
        - Monthly review of telematics data shall be documented on a self-certified memo maintained by each Division.
    - Any violations captured by the Geotab system should be checked for accuracy and discussed with the violating employee to allow the employee the opportunity to provide additional information or context to dispute the violation. Violating employees shall be made aware that excessive violations could lead to a suspension of their driving privileges which could affect their ability to perform their job.
    - All Telematics Violations and accidents shall be tracked. The tracking system shall note any possible justifications for the violation or accident.
    - If violations are verified, disciplinary action should be pursued consistent with this policy.
- No Department 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.
- All Department employees are required to report any accidents or moving violations to their supervisor immediately, whether they occur in a state vehicle or in their personal vehicle while it is being used for state business.
- For vehicle accidents, employees shall also submit an accident report to the Division of Risk Management via their online portal at: https://utah-risk.force.com/intakeportal/s/ The employee will need the FO # of the vehicle and the VIN to submit the report. Once a report is submitted employees may contact Cerena Withers with the Division of Risk Management at 385-831-3314 if they have any questions.
- The Commissioner's driving data may be reviewed by the Department's internal auditor.

Major Threshold Violations

- 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 Telematics Threshold Violations within a 12-month period; or
- one Telematics Threshold Violation as determined by the Committee, considering any aggravating factors outlined in Utah Administrative Code Subsection R27-7-5(8).
- In reviewing violations, the DSC shall also consider mitigating factors, including whether the action taken by the employee was reasonable considering their program, job responsibilities, and any applicable Department and Division policies.

Consequences of Major Threshold Violations

- After the Committee identifies an employee has committed a Major Threshold Violation, Committee Chair shall communicate the violation to the appropriate Division Director, Deputy Director, and the Commissioner. The employee's driving privileges will be suspended as soon as possible after the completion of the Committee's review as outlined below and in Section R27-7-5. The length of the suspension will increase if the violation is determined by the Committee to involve Aggravating Factors. 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 recommended 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.
- An employee may not operate a state vehicle if the employee has been ordered by the court to use an interlock device or imposed any other applicable driving restrictions.

DRIVER SAFETY COMMITTEE PROCEDURES:

- The Driver Safety Committee may review the shared tracking document maintained by managers and Division Directors.
- The Driver Safety Committee shall meet monthly when there are Major Threshold violations to review or a violation that may be considered a Major Threshold violation.
- Upon request, each Division Director shall provide members of the DSC a copy of all paper log sheets or give them access to any electronic log sheets.
- The DSC shall report all Major Threshold violations reviewed and the actions taken to the Division of Fleet Operations in accordance with Utah Administrative Code Rule R27-7 using the forms provided by Fleet Operations.
- The DSC shall notify the employing division of the required action to be taken after the review has been complete.

- The employing Division shall begin the required action within two weeks of notification from the DSC. The employing Division will provide an employee representative to participate on the DSC for all cases involving an employee of that Division.

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 Analytical 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 the Utah Department of Alcoholic Beverage Control (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.

SUMMARY: THE PURPOSE OF THIS POLICY IS TO SET FORTH THE POLICIES AND PROCEDURES FOR THE USE OF UAS (DRONES) BY DEPARTMENT EMPLOYEES.

REFERENCES

14 CFR Part 107, Small Unmanned Aircraft Systems
UCA Title 72, Chapter 14, Unmanned Aircraft--Drones
UCA Title 67, Chapter 19, Utah State Personnel Management Act
UCA Title 63G, Chapter 2, Government Records Access and Management Act

To minimize risks associated with the Department's use of drones, the following policy shall be followed when employees are using drones owned by the Department.

The Federal Aviation Administration (FAA) has control of all airspace from the ground up. To protect citizens and property it has established rules governing the use of drones in commercial, hobby, and public activities. The activities drive which regulations apply to using drones. The activities that the Department will use drones for align with the "commercial" types governed by the FAA's rules under 14 CFR Part 107. It is the policy of the Department that it will comply with 14 CFR Part 107 when using drones in its day to day work. In addition, any drone use by department employees shall comply with Utah Code Title 72, Chapter 14, Unmanned Aircraft—Drones.

DEFINITIONS

*Terms not included in this policy may be referenced in related documents.

AGL (Above Ground Level)

In aviation, AGL refers to the height or altitude of the drone as compared to the ground surface. If a drone is flying 250 feet above a 100-foot building, the AGL is 150 feet.

Altitude Hold function

In this flight mode, the drone maintains a consistent altitude through it's onboard barometric pressure sensor. However, the pilot can still control the roll, pitch, and yaw in this setting.

A Mode

Abbreviation for Atti or Attitude Mode, wherein the drone will maintain a consistent altitude.

ATC / ATM (Air Traffic Control or Management)

A service in which air traffic controllers on the ground direct traffic within controlled airspace, and advise those in non-controlled airspace. These individuals are trained and administered by the FAA.

Bind
The process of enabling the controller to communicate with the selected drone.

BVLOS (Beyond Visual Line of Sight)
Requiring a specific permit from the FAA, this is the ability to fly a drone beyond the pilot's line of sight.

CoAs (Certificate of Authorizations)
An authorization granted by the FAA that allows a public operator to perform a selected drone flight or activity. This process can take up to 60 days and undergo an operational review.

Collision/obstacle Avoidance
A feature built-in to some drones that allow the aircraft to sense and avoid obstacles, minimizing collisions.

Controlled Airspace
A type of airspace in which air traffic control services are offered depending on the defined dimensions and classification.

Department Employee
As defined in UCA Subsection 67-19-3(10), a Department employee is any individual in a paid status covered by the career service or classified service. Any other individual that does not fall under UCA Title 67, Chapter 19, Utah State Personnel Management Act, is considered a non-employee of the Department.

Daisy Chain
Visual observers assisting the pilot when the drone goes beyond visual line of sight.

Drone
Another term for "unmanned aerial vehicles" (UAVs) or "remotely piloted aircraft" (RPA), covering a wide range of functions.

FAA (Federal Aviation Administration)

Regulatory agency under the US Department of Transportation that enforces air safety, installs control facilities, and maintains proper air navigation.

Flight Controller
Device used to control how the drone moves, by receiving and processing information from the drone's sensors.

Fly Away
Accidental flight outside of the set boundaries of operation.

FOV (Field of View)
The "drone's-eye" view.

FPV (First Person View)
Piloting a drone in real-time through the drone's camera. Pilots often wear goggles with footage streamed inside.

Frequency
To maintain communication with the pilot and drone through FPV, both pieces of equipment will need to be on the same radio frequency.

GCS (Ground Control Station)
A command center on-the- ground that controls airborne drones.

Geofencing
A predefined set of virtual geographic boundaries that prevents drones from crossing into restricted areas.

Gimbal
A device that allows the drone's camera to remain stable while moving.

GLONASS (Global Navigation Satellite System)
An alternative to GPS technology that defines a drone's location.

GPS (Global Positioning System)
A satellite-based navigation system owned by the U.S. government.

Gyroscope

A circular device connected to the drone's flight controller that allows the drone to remain level.

IMU (Inertial Measurement Unit)
Measuring device that relies on accelerometers, gyroscopes, and magnetometers to report the drone's orientation.

INS (Inertial Navigation System)
Internal method by which a drone determines its own position.

LAANC system (Low Altitude Authorization and Notification Capability system)
A program offered by the FAA that facilitates controlled airspace access to drone pilots.

LiDAR (Light Detection and Ranging)
LiDAR is used for measuring distances by their light reflection with a laser.

LiPo (Lithium Polymer)
The type of battery most commonly found in drones.

LOS (Line of Sight)
An FAA requirement for drone operation, this states that the drone must be visible from the pilot's operating position at all times.

MSL(Mean Sea Level)
A drone's altitude/elevation in reference to the average height of the sea.

No Fly Zone
An FAA restricted area where drones are not allowed to fly. Above airports and government buildings are prime examples.

NOTAM (Notice to Airmen)
Information given to drone operators that warns them of immediate hazards or restrictions not yet published.

Orthomosaic
A drone map comprised of a collection of photos from the selected area that have been stitched together.

Part 107

FAA regulations that all drone operators must follow. Pilots can obtain a Part 107 license that demonstrates their knowledge in drone safety, FAA regulations, and operating procedures.

Payload
This is the capacity at which a drone can handle additional weight, such as cameras.

Photogrammetry
Drone photography that measures the distance between objects.

PIC (Pilot in Command)
The person responsible for all aspects of the planning, flight, and closure of a UAV flight.

Pitch
A term for moving the drone up or down.

P Mode (Positioning Mode)
The most popular flight mode, this activates all sensors to ensure stability while hovering.

POI (Point of Interest)
Available on most drone models, this flight mode keeps the drone's camera trained on an area or object.

PPK (Post-Processing Kinematic)
A satellite positioning technology similar to RTK.

Props (Propellers)
An essential component of a drone, featuring angled blades that allow it to fly.

Radio
This transmitter controls the drone's movements such as pitch, yaw, and roll.

R/C or RC (Radio Controlled)
Operating a drone via radio waves.

Receiver
In FPV, this is what links the drone camera's live stream to the goggles. Also called a "video receiver" (RX), "transmitter" (Tx) or "video transmitter" (VTX).

Roll
Moving the drone side to side laterally.

RPM (Revolutions Per Minute)
The unit of measurement used to determine the number of times the drone's motors turn in 1 minute.

RTH (Return to Home) or RTL (Return to Launch)
An automated drone feature that grounds the drone at the selected home point.

RTK (Real-Time Kinetics)
Satellite positioning technology that draws on GPS and GLONASS data to precisely pinpoint a drone's location.

Rudder
Another term for "yaw." This is rotating the drone clockwise or counterclockwise.

Rx (Receiver)
Component built-in to a drone that receives and interprets radio signals.

S Mode (Sport Mode)
Drone setting that allows the pilot to fly at the fastest speed possible for that model. Usually this mode is not stabilized.

Spotter
When flying in FPV, this person keeps the drone in their visual line of sight (VLOS).

sUAS (Small Unmanned Aircraft System)
The communications stream between a drone and its ground control system (GCS).

Telemetry
The communications stream between a drone and its ground control system (GCS).

TFR (Temporary Flight Restriction)
A notice given to drone pilots by the FAA that restricts airspace temporarily. This is commonly because of natural disasters or large events.

Throttle
This control gives the propellers and motor power.

Thrust
ThrustThe amount of force driven by the throttle that generates lift.

Tx (Transmitter)
In FPV, this is what links the drone camera's live stream to the goggles. Also called a "video transmitter" (VTX), "receiver" (RX), or "video receiver" (VRX).

sUAS – small Unmanned Aircraft System
A small drone that weighs less than 55 lbs. Can also be a micro-air vehicle.

UAS (Unmanned Aircraft System)
An FAA term for unmanned aircraft, operated by a pilot on the ground. This includes drones. Also called an "unmanned aerial vehicle" (UAV).

UAV (Unmanned Aerial Vehicle)
An FAA term for unmanned aircraft, operated by a pilot on the ground. This includes drones. Also called an "unmanned aircraft system" (UAS).

Uncontrolled Airspace
Term used by the FAA to indicate class F and G airspace, unregulated by air traffic control (ATC).

UTM (Unmanned Traffic Management)
An air traffic management system under development by NASA, the FAA, and other government agencies that will traffic low altitude drone flights.

VLOS (Visual Line of Sight)
An FAA requirement that the drone in operation remains visible by the pilot's naked eye, unaided by devices.

VO (Visual Observer)
An optional teammate that aids the pilot by scanning the airspace for hazards while the drone is in flight. Can also be called a "spotter."

Yaw
Rotating the drone clockwise or counterclockwise. Another term is "rudder."

Operations and Maintenance

Drones are a tool and like all tools require training on proper use and maintenance. This section of the UDAF UAS Policy will cover pilot certification and training, proper use of drone systems, and their maintenance, as well as associated reporting and recordkeeping requirements.

Pilots

FAA Certification: In order to fly a UDAF drone the pilot must have a current FAA sUAS Certificate (as described under 14 CFR Part 107) or be under the direct control of such. The certified pilot as defined by FAA is the sole person responsible for the flight. This includes pre-flight planning, actual flight, and post flight activities. The pilot must perform all of their duties according to Part 107 complying with all rules therein stated.

Certification and Training: The FAA Certification gives legal license to pilot a sUAV, but does not certify that the pilot has the skills needed to safely and efficiently fly a drone. UDAF requires that pilots have at least 5 hours of flight experience under the direction of a certified and component sUAV pilot. Where such mentoring is not available the Certified but experience lacking pilot may practice flying patterns in a confined area with geofencing active on the training drone. Before attempting to pilot any mission, the pilot must have authorization from their Division Director after demonstrating competence in piloting the sUAS. It is anticipated that pilots will need time to practice on a regular basis to maintain and develop their flight skills. It is suggested that whenever possible the pilots work in teams to help each other in training and practicing. Besides preliminary training UDAF will require that its pilots demonstrate their technical skill set by flying at least 30 minutes each month including manual take offs and landings, figure 8's, and inside and outside orbits. It is strongly recommended that pilots fly at least every other week. For beginning pilots training should start with the drone in beginner mode (limits speed, altitude, and distance from pilot). These requirements will be waived if weather conditions will not allow flight. In lieu of practicing outside flights in bad weather pilots my practice using flight simulators.

Private Property Guidance: Flying over private property can create conflicts. The following 8 recommended best practices drafted by stakeholders convened by the National Telecommunications and Information Administration will help alleviate some of the conflict:

UDAF pilots will strive to follow these guidelines. When flights are being conducted for regulatory actions, pilots will follow data gathering protocols required by law.

- If possible, the pilot shall tell other people they will be taking pictures or video of them before taking the pictures or video.
- If the pilot thinks someone has a reasonable expectation of privacy, the pilot shall not violate that privacy by taking pictures, video, or otherwise gathering sensitive data
- The pilot shall not fly over other people's private property without permission if the pilot can easily avoid doing so.
- If the pilot keeps sensitive data about other people, it shall be secured against loss or theft.
- If someone asks the pilot to delete personal data about him or her that the pilot has gathered, the pilot shall make a note of that request, gather their contact information and politely let them know that their concerns will be passed on to the Department.
- If anyone raises privacy, security, or safety concerns with the pilot, the pilot shall try and listen to what the person has to say, as long as they're polite and reasonable.
- The pilot shall not harass people with drones.

UCA Title 63G, Chapter 2 ,the Government Records Access and Management Act generally considers evidence gathered via drone as a public record, which must be maintained by the Department according to its retention schedules and state law. Please do not destroy any information collected or recorded prior to consultation with the Department and legal counsel.

Pilot in Command: Pilots must accept the responsibility that the FAA gives to the "Pilot in Command" (PIC). This means that the PIC for a given flight accepts ALL responsibility for any and all parts of the flight. It needs to be understood by the crew that the PIC is in charge. This does not mean that the crew accepts blindly all commands from the pilot. When making decisions, a wise pilot gets as much information as possible about the situation from all sources, including his crew. When a decision is made the PIC is responsible for the results of the decision.

Indoor Flying: There is a huge temptation to fly indoors when weather does not allow outdoor flights. Indoor flights are very risky. The drone can instantaneously pick up random GPS signals which can cause the drone to suddenly flash across the room. Drones can damage items they collide with including people, pictures, and equipment.

The Department strongly discourages indoor flights and only sanctions them when a drone is able to fly in "atti" mode, which is done in large open structures such as gymnasiums or empty warehouses. Any indoor flight must be approved by the Division Director prior to the flight.

Mission Planning: The pilot must also have the skills needed for pre-mission planning which includes airspace authorization, understanding weather forecasts, camera options, best altitude, proper speed, possible risks associated with the flight area, time of day, and other risks that may need to be mitigated. Pilots must be able to use flight planning software such as LANCE systems, drone specific applications, tablet or phone options, online aviation weather services, and sectional charts. A PIC shall understand the emotional risks and health risks associated with each flight. Pilots shall plan every flight accounting for the above-mentioned issues. The use of mission planning checklists are required. The pilot will not commit to any flight mission until the mission planning has been completed. With such a plan, the actual mission costs can be estimated and potential to have a successful mission is ensured. All missions require the Division Director's approval. The Commissioner should be notified of anticipated flights in advance.

Pre-Flight Requirements: After mission planning and approval, the pilot shall use a pre-flight checklist to ensure that all necessary equipment is available and ready for use. Each piece of equipment shall be inspected and made ready before the pilot leaves the office. The pilot will ensure that proper authorizations have been obtained (ATC, property owner(s), local government) and that telephone numbers and radio frequencies are provided in the written mission plan with contact names where needed.

Pre-Flight Survey on Site: Upon arrival at the mission site the pilot shall study the flight area and identify any risks associated with the flight. It is again recommended that a checklist be used. The pilot shall meet with all personnel assisting with the flight and explain the flight plan and procedures for the mission. This includes all landing zones locations, emergency landing spots, emergency plans for sUAS failures, how the flights will be conducted and outline each person's duties. The pilot will also review all safety issues that may arise. If public bystanders are in the area or could come into the flight area a crewmember will be assigned to keep them safely from the flight area (both flight control area and area beneath a drone's flight path). This may require that barriers be put in place to ensure that the drone does not fly directly over people unless they can be under cover.

Safety Vest: All pilots and observers shall wear brightly colored vests. This issue was raised by the FAA on an InFO document dated 2/14/18. This is also recommended by the Utah Division of Risk Management.

Final Pre-Flight Checklist: The pilot will perform the final pre-flight check using a checklist and electronic startup protocol in the drone's flight application. This is required by 14 CFR Part 107. Special attention will be given to RTH altitude, maximum altitude and distance from controller, SD card installation, compass calibration, battery status of all hardware, and camera settings. The PIC will also inspect the drone ensuring props are not damaged and are securely attached, that there is no damage to the drone, that storage locks are removed, and that the drone is physically ready for flight. These items need to recorded on the checklist.

Flight: After this final review the pilot will launch the drone and fly the mission. Before starting the mission, the pilot will hover the drone at just above eye level and test all controls. If all controls function properly the mission can be started. During the flight, observers will keep the pilot / operator informed of the drone location and identify any issues that may pose a risk to life or property including the drone. Communication protocols will have been established in the crew's pre-flight meeting. The pilot shall ensure that the mission is being flown as planned. If any issue arises that may create a serious risk, the pilot will take over control of the drone and land the drone in a safe manner. The crew will maintain their positions to ensure crowd control to prevent a rush to the drone which may cause damage.

Post Flight: After the mission is completed the pilot will authorize crew to collect any hardware and inspect it before stowage. Before leaving the site it is helpful to upload imagery to a computer and review it. This can save a re-visit to the site. If the imagery looks good, then the mission can be completed and a checklist of all equipment is completed closing out the mission. If there are missing images and time permits, the mission can be re-flown to collect missing data.

Flight Logs / Checklists: UDAF will require that flight logs of each flight be maintained by all pilots. Most drones record flight logs with all control actions and movements. Besides these records, UDAF requires pilots to maintain flight planning, flight, and flight summary records in the form of a signed checklist. Minimum records required include:

- Date of Flight.
- Flight authorization statement and approval code if required.

- Weather conditions during flight (this can be obtained from the UAV Forecast App).
- Location of flight. A Google Earth image with the area of the flight marked with the latitude and longitude of the center of the image is adequate.
- Documentation of authorization to take off and land if on private property.
- Drone propeller condition (feel blades for cracks and wear).
- Drone motor condition (fly drone just above eye level, hold for a few seconds and listen for unusual sounds).
- Battery levels of drone battery, tablet, and controller.
- Make sure that an SD card is installed and has enough storage for recording imagery captured during the planned flight.
- Camera and gimbal mounting and function.
- Drone structural integrity.
- Drone Compass calibration
- Communication between drone and all peripheral devices.
- Notes on people present and other potential risks and action taken to reduce risks.
- List of observers and others acting as flight crew.
- Radio frequencies for flight area from sectional chart and air medical emergency frequency. UDAF will monitor these frequencies to avoid conflict with manned aircraft prior, during, and after flight.
- Classification of airspace from sectional chart for flight area (some smart phone apps will also provide this information).
- Planned maximum altitude (enter into flight app controller if applicable).
- Planned maximum range (enter into flight app controller if applicable).
- Description of flight and reason for flight.
- Person requesting flight.
- Inspection of all attachments, if used, for specific types of flights.

EQUIPMENT

Drones are a tool and require care and maintenance. They are complex with several components including, motors, propellers (blades), internal inertia systems, gps sensors, motor controllers, radios, batteries, cameras and camera controllers. Most of these internal systems require little maintenance and built-in system testing is initiated before each flight. However, blades, structural frame, motors, and connections require inspection before flying. Proper storage is also critical to keep the drone in proper operational status. Batteries are a vital part of the system supplying power to all other systems and require special attention.

Batteries: The drone's batteries are of the lithium ion class. These batteries can cause explosions when not cared for properly. All batteries will be handled according to manufacturer's instructions and warnings. Data sheets for each battery must be maintained recording all flights and charges (some drones do this automatically). The drone system internally checks battery status continually and has built in fail safe protocols in event of low battery power. However, if a battery totally fails, the drone will fall. Lithium ion batteries heat during charging and discharging. Batteries are to only be charged when someone is able to observe the process. They are not to be charged overnight. Charging can be done during travel or during flights using a vehicle's 12-volt power supply. Before charging make sure the batteries have cooled down from the most recent flight. Most charging systems monitor the battery temperature and will not charge until the battery is at the correct temperature. Batteries should be checked for bulges and "puffiness". If the battery has bulged or is puffy it should be disposed of. In the event of a battery fire, do not use water to extinguish the flame. It is best to put the burning battery in a fireproof container. It is recommended that a fire extinguisher be on hand during all flights. Make sure batteries are properly installed in the drone. Replacement batteries should be supplied by the manufacturer of the drone.

Propellers of Blades: Blades (propellers) provide the lift and other forces to direct the flight of the drone. They wear and need inspection before each flight. During inspection the pilot must **feel** the blades edges for cracks and dents. If any are found the blade must be removed and disposed of. It is recommended that an extra set of blades be available during every mission. Installation of blades is critical as there are right and left blades that must be placed on matching right and left motors. Some drones require that blades be removed for storage. Follow manufacturer's direction for storage of blades. Only original manufacturer's blades may be used.

Camera / Sensors: The whole purpose of the drone is to carry the camera(s) or sensor(s) and collect data from the sensor(s). Make sure all cameras and sensors are clean before each flight. Cameras and sensors must be handled very carefully as they are fragile. The lens can be cleaned with lens brushes or a lens cleaning microfiber cloth. Filters may be used over the lens to help capture better imagery. These need to be kept clean. They should be either attached to the camera or placed in their storage container. Never lay a filter down on anything. If the camera's gimbal needs to be cleaned do so carefully following the manufacturer's directions. The sensors and cameras record their data on micro sd cards or other electronic storage media. Before each flight ensure that the sd card has been formatted, installed, and has room for the anticipated flights imagery. Sd cards may not be reused, but must be kept and maintained so flight data is always

preserved. SD cards must also be cataloged using a number and reference sheet listing dates and flights recorded on the card.

Controllers: The controller is the pilot's control system for the drone. It needs to be treated with respect and cared for. The controller has lithium ion batteries so care needs to be taken when charging just like the drone's batteries. The controller should be fully charged at the start of each day. The controller's power level needs to be monitored through the day to ensure that communication with the drone is not at risk of being lost. The controller usually connects to a tablet or cellphone to assist with automated flight systems and provides a view of the drone's camera or sensor. These devices must be totally charged each day. If the tablet or phone battery level drops, the controller may start charging the tablet or phone, reducing its capacity.

Other peripherals: Landing pads are used to protect the drone and assist in automated flights. They can be tricky to fold so training and practice is suggested. They must be clean, dry, folded, and put in their container for storage. It is critical that if stakes are used to hold the landing pad in place that they be thoroughly cleaned before being put in storage container. If they get torn, they need to be replaced so the drones' blades do not get tangled in loose threads. Tablet hoods need to be kept clean and folded properly for storage. Targets need to be treated so that the special coatings are not disturbed. Scratches will affect how the target reflects light and can prevent accurate image color corrections. Targets should be stored in their cases when not in use.

Storage & Maintenance: All sUAS equipment shall be stored and maintained as per manufacturer's instructions. The manufacturers have supplied special containers and these need to be used to protect the drone and its components during storage. Storage areas should not have excessive heat or cold. This is especially true of batteries which are very sensitive to temperature extremes. It is best to store equipment in office or indoor temperature-controlled areas.

Other Policies

Incidents: All incidents shall be immediately reported to a supervisor. If serious injury or property damage greater than $500 dollars occurs, the PIC of the associated flight shall prepare a report and file it with the FAA within 10 days of the incident. A copy of the report will also be provided to the state's Risk Management Office.

Non-Job Related Use: To encourage skill development, the Department allows pilots to use the drone for non-job related uses as long as it is not used for personal gain, illegal

activities, or cause embarrassment to the Department. Any personal use shall be consistent with the guidelines outlined in UDAF Department Policy 03.10.

Specific SOPS for Complex Missions

Water Sampling: Department Drones may be used for water sampling as set forth in the following procedures. The drone must be registered with both the FAA and State of Utah Risk Management and the pilot must be Part 107 certified. For water sampling using a drone, a team of at least 2 people is required (a Part 107 certified pilot and a sampling technician / observer). More than 1 observer can be used. Because of the overhead risk of being hit with the bailer the pilot and sampling technician / observer(s) will all wear hardhats during the entire sampling process. The pilot will also wear a safety vest identifying them as the pilot in command.

Sampling must conform to Part 107 rule 107.49 (a-e), and with the following statement from FAA Fact Sheet – Small Unmanned Aircraft Systems (UAS) Regulations (Part 107) published October 6, 2020:

> "Your drone can carry an external load if it is securely attached and does not adversely affect the flight characteristics or controllability of the aircraft. You also may transport property for compensation or hire *within state boundaries* provided the drone (including its attached systems), payload, and cargo, weighs less than 55 pounds total and you obey the other flight rules. (Some exceptions apply to Hawaii and the District of Columbia.)"

As part of the required pre-flight check the pilot shall inspect the sampling equipment and make sure it is all operational. Towlines must not be frayed, all knots secure, linking hardware functioning and secure, bailers or sample containers securely attached to towlines, bailer sealing balls functional, and warning flags / banners securely attached. The towline emergency release mechanism on the drone must be tested before each sampling flight and ensure that the towline is secure but can be released with system activation.

During takeoff, the sampling technician shall maintain control of the bailer and keep the towline taunt, ensuring that the line does not get pulled into the drones propellers or landing gear. The bailer is to be handled with sanitary gloves and held above the ground to avoid contamination. Prior to connecting the bailer to the towline, the sampling technician shall rinse the bailer at least 3 times in the water body being sampled and ensure the ball valve seals. The bailer will be drained prior to connection of the towline.

Once the bailer is prepped and connected securely the sampling technician will inform the pilot that they can fly. The sampling technician will release the bailer after the drone has gained enough altitude that the bailer will not strike the ground or water surface. The pilot will raise the drone to a safe transport altitude and pilot the drone to the sample site. Following a successful launch, the sampling technician will observe the drone, towline, and bailer, communicating to the pilot any conflicts with the equipment and its surroundings. The sampling technician at this point becomes an observer for the pilot looking for boats, aircraft, and other objects that may be interfered with by the drone and its carriage system. The observer will communicate with the pilot any potential interference. During this time the pilot will need to be viewing the broadcast video of what the drone is seeing so the pilot can locate the sampling location. It may be advisable to pre-fly the water body looking for potential sample locations. When found, the pilot should hover the drone and, using the piloting application, record the location. Using this method will allow the drone to automatically fly to the sample site during a sampling mission.

When the drone is at the sample location the pilot will lower the drone until the bailer is submersed in the water. The pilot will trigger the drone camera to get a picture of the sight which will also record the GPS location of the sample site. The observer can assist the pilot in lowering the bailer. Once the bailer is full the pilot will raise the drone and the observer will ensure that the check ball has sealed the bailer. If no seal is obtained the pilot will again lower the bailer. With the bailer full and sealed the pilot will raise the bailer until it is in a safe altitude above the surface (usually a minimum of 20 feet between the bottom of the bailer and the surface). The pilot will fly the drone to the sample technician in a smooth steady flight to avoid the bailer from swinging erratically. When the bailer is overhead of the sampling technician, the pilot will descend the drone until the technician is able to catch the bailer. The technician will disconnect the bailer and tell the pilot to ascend, at which time, the pilot will raise the drone and move from the technician and then drop the towline. The towline is dropped to avoid being tangled in the drone. After the towline is dropped, the pilot will land the drone and close out the mission. If there are several sample sites the sampling technician may connect a new prepared bailer after removing the previous one and direct the pilot to fly to the next site. The pilot needs to ensure that there is enough battery to do additional sites.

At completion of the mission, the crew will clean and put away all equipment and properly store samples and equipment. The sampling technician will document required information about the sample(s) and prepare them for transport.

Compliance with Federal Law, State Law and Department Policy

All Department employees shall follow the guidelines and mandates set forth in this Policy without exception, regardless whether such guidelines arise under federal law, state law or Department policy. Any failure to do so may result in employee discipline, up to and including termination.

Individuals who are not Department employees are absolutely prohibited from handling, using or operating the drone or any of its components (including any Department property used in connection with the drone) absent express, written authority from the Department, Division Director requesting the drone use, and the Commissioner. Written authority shall specify the term, scope, and justification for use by a non-employee and shall include an acknowledgement by the non-employee that the non-employee is fully responsible for any damage to the drone (or any other state-owned equipment used in connection with the drone) and a statement that the non-employee will indemnify the state against any costs or liability arising from the non-employee's actions. This written authority shall be provided on a standardized form approved by the Commissioner and must be fully executed by all parties prior to drone use. This provision shall not prevent the Department from entering into reciprocal agreements with any federal, state or other governmental entity for use of the drone.

Guidelines for SOP's (outline for future sections)

- Mission Initiation: Process to accept request for drone acquired data. Include ALL details
- Fleet Logistics & Maintenance: Method to assign missions/flights right pilot, drone, and payload.
- Pilot Management: Process to assign pilots tasks, ensure training, & supervised.
- Compliance Management: Process to ensure all regulations are complied with on every flight.
- Mission Planning: Produce Checklist to ensure all aspects of flight / mission are considered.
- Data Collection: Define and prepare data collection methods (sensor, payload, software procedures.
- Data Storage: Define protocols for data storage, ensure security, accessibility, and volume.
- Logging Flights: Collect operational and telemetry data for all flights (Weather, authorizations, site risks / mitigation, and drone telemetry data).
- Data Analytics: Establish protocols for how each type of data will be processed and products derived (video, stills, mosaics, etc.).